




U.S. Department
of Transportation
Federal Motor Carrier
Safety Administration

Memorandum

Subject: **ACTION:** Vehicle Tracking Operational Plan

Date: FEB 21, 2008

From: 
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Associate Administrator for Field Operations

Reply to: MC-F

To: Field Administrator, Southern Service Center
Field Administrator, Western Service Center
Division Administrator, Arizona
Division Administrator, California
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This memorandum defines the Federal Motor Carrier Safety Administration (FMCSA) operational plan for the Border Demonstration Project vehicle tracking system.

All Mexico-domiciled motor carriers participating in the Border Demonstration Project will have their power units equipped with vehicle tracking devices. The FMCSA has contracted with Qualcomm for the purchase and installation of the tracking devices. The primary purpose of requiring the vehicle tracking devices is to enable FMCSA to monitor compliance with the hours of service regulations, cabotage regulations and other safety regulations.

Effective immediately, the following processes should be implemented and maintained to support the Agency's Border Demonstration Project. This direction relates to field support needed for the installation of the vehicle tracking system and monitoring of the vehicles equipped with the system.

Contacting Carriers:

The Service Center staff supporting the Border Demonstration Project will contact all Mexico-domiciled motor carriers that have not yet received the equipment to advise them of the vehicle tracking requirement. Bob Thomasson will contact all United States (U.S.) domiciled motor carriers participating in the project that have not yet received the tracking equipment. Staff will collect the information needed by Qualcomm, as noted below. This carrier contact information should be furnished to Qualcomm (mheil@qualcomm.com). Qualcomm will contact the carrier and arrange for installation at a location and on an agreed upon date.

Information needed by Qualcomm:

- Carrier contact and phone number
- Information on each vehicle to be equipped with vehicle tracking devices
 - o Vehicle Identification Number
 - o Make
 - o Model,
 - o Year,
 - o License Plate Number,
 - o Company Truck Identification number
- Digital photo of each power unit, (Photos of the rear/top of each vehicle type, taken from about 15 to 20 ft away)
- Type of trailer(s) to be used with this vehicle
- Motor Carrier Address
- Motor Carrier E-mail address
- Preference of location for installations
 - o Qualcomm Service Centers
 - o Border Crossings
 - Otay Mesa, CA
 - Nogales, AZ
 - El Paso, TX
 - Laredo, TX
 - Brownsville, TX
 - o Other agrees upon locations (for example, the motor carrier's facility in the U.S., truck stop, etc.)

Oversight of Installation of Vehicle Tracking Units

Qualcomm is installing the vehicle tracking units as soon as possible. The contract provided for installations at U.S. sites at or near the five largest southern border ports of entry, or other areas mutually agreed-upon by Qualcomm and FMCSA, provided that no additional costs are incurred by the contractor. The five largest border crossings include Otay Mesa, CA; Nogales, AZ; El Paso, TX; Laredo, TX; and Brownsville, TX.

Each border Division Administrator will assign a staff member to coordinate with the contractor on installations. This will include locating an appropriate location/site for the installations and addressing any other issues that arise concerning the installation of the vehicle tracking devices.

Qualcomm will provide the North American Borders Division (MC-ESB) with a weekly vehicle tracking installation status report until installations are complete.

Training of FMCSA Employees

The contract with Qualcomm provided for three training session. Two sessions have already been held. The third session will be held if needed.

Access to Vehicle Tracking Data

All FMCSA personnel who received training on the Qualcomm system are provided access to the system. This access allows the user to view real-time data and to generate data reports on the vehicle tracking. Additional accounts may be set up for FMCSA personnel upon request to MC-ESB. Access will not be granted to any non-government personnel.

Although every one with an active account has the ability to "ping" or manually update a vehicle position on a vehicle at any time, only MC-ESB is permitted to use this capability. Every time a vehicle is "pinged," FMCSA incurs a cost.

Division Office Monitoring of Vehicles

The southern border state Division Offices are responsible for monitoring the operation of Mexico-domiciled motor, analyzing the data collected as a result of the monitoring effort, identifying potential issues related to operations in the U.S., and taking appropriate follow-up action. Service Center and MC-ESB personnel will provide assistance and support to the Division Office personnel.

Monitoring

1. Each Division offices should assign responsibility for monitoring the tracking of Mexico-domiciled demonstration project vehicles to at least one individual.
2. At least once every week, the Division Office should run a report of all demonstration project vehicles for which the Division Office is responsible. The motor carriers can be identified in the tracking system by vehicle name in the vehicle directory of the tracking system. These reports should be maintained for the duration of the demonstration project.
3. The Division Office should also review the Commercial Vehicle Safety Alliance (CVSA) Decal Inspection Compliance Checks weekly to determine if the motor carrier is using different drivers or vehicles than those inspected/checked during the pre-authority safety audit (PASA.) Although there is no prohibition of using different vehicles or drivers, this may be an indicator that further follow-up with the carrier is needed.

Analysis of Information

1. The reports should be reviewed and analyzed to identify indications of hours of service, cabotage, or other violations while operating in the U.S.
2. A record, by motor carrier, should be maintained of each indication of a violation.

Identification of Potential Violations/Issues

1. Any potential violation of a Federal Motor Carrier Safety Regulation (FMCSR) should be documented. Potential violations include:

1. Hours of service violations: it appears the vehicle has been operating beyond the hours of service regulations while in the U.S.
2. Cabotage violations: it appears the carrier may be picking up cargo from a U.S. location and delivering the cargo to another U.S. location.
3. Any other violation that can be determined by the data provided.
2. Potential issues include:
 1. Use of a significant amount of drivers and vehicles that were not checked/inspected as part of the PASA. This can be determined by using the CVSA Decal Inspection Compliance Check.

Appropriate Follow-Up Action

1. The Division Office should consider conducting a compliance review of the motor carrier after discovering three potential violations or if the motor carrier is using a significant number of drivers or vehicles that were not checked/inspected as part of the PASA. The Division Office has the discretion to conduct a compliance review or take other action (letter to the carrier, phone call to the carrier) if less than three violations are discovered. Consideration should be given to the type of violation and the seriousness of the violation. With respect to using drivers or vehicles that were not checked/inspected as part of the PASA, the determination of significance will be up to the Division Office based on information they have on the motor carrier and its operations.

To obtain permanent operating authority, 49 CFR 385.103 requires the FMCSA to conduct a compliance review on a Mexico-domiciled carrier within 18 months after the FMCSA issues the carrier provisional operating authority. A motor carrier will meet that requirement by successfully undergoing a compliance review as a result of this monitoring effort.

2. Enforcement actions may include any actions as defined in E-FOTM including the suspension or revocation of the provisional operating authority.
3. Based on the results of the compliance review action will be initiated consistent with 49 CFR Part 385.
4. Future actions beyond the first compliance review based on the indicators of violations/issues will be at the Division Office discretion after discussions with the Service Centers and MC-ESB.

Reporting

1. The Division Office will report the following information to the Service Center weekly for the duration of the demonstration project:
 - a. A record of violation indicators from the vehicle tracking monitoring discovered for each Mexico-domiciled motor carrier in the demonstration program.
 - b. A list of Mexico-domiciled motor carriers that will undergo a compliance review as a result of discovering indications of violations or issues.
2. The Service Centers will aggregate the information and report it weekly to MC-ESB.

If you have any questions, or need additional information, please contact Leo Lopez at 202-366-3517.