

## INVESTIGATION OF ACCIDENT Mexican Hat, Utah

Hwy-08-MH-012

FMCSA Follow-up Compliance Review Report Dated August 18, 2008

**ATTACHMENT B-1** 

(12 pages)



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

KIMBALL KINNERSLEY
CORPORATE DIRECTOR OF SAFETY
BUSCO INC
ARROW STAGE LINES
720 E NORFOLK AVENUE
NORFOLK, NE 68701

1200 New Jersey Ave., S.E. Washington, DC 20590 August 28, 2008

In reply refer to: Your USDOT No.: 433377 Review No.: 654357/CR

Dear KIMBALL KINNERSLEY:

The motor carrier safety rating for your company is:

#### SATISFACTORY

This SATISFACTORY rating is the result of a review and evaluation of your safety fitness completed on August 18, 2008. A SATISFACTORY rating indicates that your company has adequate safety management controls in place to meet the safety fitness standard prescribed in 49 C.F.R. 385.5.

Please assure yourself that any specific deficiencies identified in the review report have been corrected. We appreciate your efforts toward promoting motor carrier safety throughout your company. If you have questions or require further information, please contact:

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FEDERAL BUILDING 100 CENTENNIAL MALL N., RM 220 LINCOLN, NE 68508-5146 Telephone No.: 402-437-5986

1.1:00. 1-

William A. Quade Associate Administrator for Enforcement and Program Delivery

#### UNITED STATES DEPARTMENT OF TRANSPORTATION





US DOT# 433377

Legal: BUSCO INC

Operating (DBA):ARROW STAGE LINES

MC/MX #: 232723

Federal Tax ID:

Review Type: Compliance Review (CR) - Receipt

Scope:

Principal Office

Location of Review/Audit: Company facility in the U.S.

Territory:

Operation Types Interstate Intrastate

Cargo Tank:

Carrier: Non-HM N/A Shipper:

N/A N/A

N/A

**Business:** Corporation

Gross Revenue:

for year ending: 12/31/2007

Company Physical Address

720 E NORFOLK AVENUE NORFOLK, NE 68701

Contact Name:

Kimball Kinnersley

Phone numbers: (1) 402-371-3850

Fax 402-731-1333

E-Mall Address:

kimball@arrowstagelines.com

Company Mailing Address

720 E NORFOLK AVENUE NORFOLK, NE 68701

Report Summary

Report

Part A - General

Part B - Violations

Part B - Recommendations

Review/Audit Receipt Page

**Total Pages** 

# of Pages

2

2

6

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document: My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

FMCSA 100 Centennial Mail North, Room 406

Lincoln, NE 68508-3851

Phone: (402)437-5986

Fax: (402)437-5837

. This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Kimball Kinnersley

Title: Corporate Director of Safety

Name:

Reported By:

Code: US0851

Date: 8/18/2008

Received By:

Title:

Georgi 6.6(3),1.

#### UNITED STATES DEPARTMENT OF TRANSPORTATION

US DOT# 433377 MC/MX #: 232723 Scope: Principal Office Carrier: Shipper: Cargo Tank: Company Physical Address NORFOLK, NE 68701

Legal: BUSCO INC

Operating (DBA):ARROW STAGE LINES

Federal Tax ID:

Review Type: Compliance Review (CR)

Location of Review/Audit: Company facility in the U.S.

Territory:

Operation Types Interstate Intrastate

Non-HM N/A

N/A N/A N/A

Business: Corporation Gross Revenue:

for year ending: 12/31/2007

720 E NORFOLK AVENUE

Contact Name:

Kimball Kinnersley

Phone numbers: (1) 402-371-3850

(2)

Fax 402-731-1333

E-Mail Address:

kimball@arrowstagelines.com

Company Mailing Address

720 E NORFOLK AVENUE NORFOLK, NE 68701

Carrier-Classification

Authorized for Hire

Cargo Classification

Passengers

Does carrier transport placardable quantities of HM? No

is an HM Permit required?

N/A

Driver Information

Inter

Average trip leased drivers/month: 0

Total Drivers: 415

< 100 Miles: >= 100 Miles:

415

CDL Drivers: 415

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Trailer	4	0	0	Motor Coach	178	. 0	C
School Bus, 16+	25	0	0	Minibus, 16+	11	0	0
Van, 1-8	2	0	0	Van, 9-15	20	0	0
ower units used in the U	J.S.:236						
ercentage of time used	in the U.S.:	99				E1 82	1



U.S. DOT#: 433377

Review Date: 08/18/2008

#### Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

FMCSA 100 Centennial Mall North, Room 406 Lincoln, NE 68508-3851 Phone: (402)437-5986 Fax:(402)437-5837

This report will be used to assess your safety compliance. ·

Person(s) Interviewed

Name: Kimball Kinnersley

Titie: Corporate Director of Safety

Name:

Title:



U.S. DOT #: 433377

Review Date: 08/18/2008

## Part B Violations

1 FEDERAL	Primary: 382.301(a)	Discovered	Checked 20	Drivers/\ In Violation	
Description Using a drive Example Driver	er before the motor carrier has received a ne	egative pre-employment contr	olled substan	ce test result.	
2 FEDERAL	Primary: 383.93	Discovered 7	Checked 68	Drivers/V In Violation	
Description Operating a d Example Driver	commercial motor vehicle without having the	proper endorsements on con	nmercial drive	or's license.	
3 FEDERAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 2	Checked 66	Drivers/Voin Violation	hicles Checked
Description Using a driver Example Driver	not medically examined and certified durin	g the preceding 24 months.		1.5	
STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 2	Checked 2	Drivers/Ve in Violation 2	hicles Checked 2
<b>Description</b> Using a driver Example Driver	not medically examined and certified during trip date 5/23/2008.	the preceding 24 months.			
EDERAL	Primary: 395.5(a)(1)	Discovered 9	Checked 577	Drivers/Ve In Violation 4	
Description Requiring or po Example Oriver	ermitting a passenger-carrying commercial in	notor vehicle driver to drive m	ore than 10 h	ours.	•
EDERAL-	Primary: 395.5(a)(2)	Discovered		Drivers/Vel In Violation_0	Checked
escription lequiring or pe example river	ermitting a passenger-carrying commercial n	notor vehicle driver to drive af	577 ter having be	9n on duty 15 ho	17 ours.



U.S. DOT #: 433377

Review Date: 08/18/2008

## Part B Violations

FEDERAL	Primary: 395.5(b)(2)	Di	scovered 24	Checked 461	Drivers/ In Violation 5	
	permitting a passenger-carrying commerc consecutive days.  Itrip date 6/23/2008.	ial motor vehicle driv	er to drive	after having b	een on duty m	ore than
8 FEDERAL	Primary: 395.8(e)	Dis	scovered 4	Checked 404	Drivers/V In Violation	
Description False reports Example Driver	of records of duty status.  Trip date 3/27/2008.	ining It	atus.	-		Mary My mary and a second
9 STATE CRITICAL	Primary: 396.17(a)  CFR Equivalent: 396.17(a)	Dis	covered	Checked 1	Drivers/V In Violation	
Description Using a comm Example Vehicle unit nu	ercial motor vehicle not periodically inspe mber V983,	cted.				
10 FEDERAL	Primary: 396.17(a)	Disc	covered 4	Checked 49	Drivers/Ve In Violation 4	
CRITICAL						
Description Using a comme	ercial motor vehicle not periodically inspec	cted.				
Description Using a comme Example Vehicle unit nu afety Fitness F Total Mile Recordab	mber V982, trip date 4/5/2008. Rating Information: S Operated 10,285,097 le Accidents 8 le Accidents/Million Miles 0.78	Numl	er of Vehic	OOS Vehicle cle Inspected S Vehicle (Me nspected (Me	(CR): 0 CMIS): 2	
Description Using a comme Example Vehicle unit nu afety Fitness F Total Mile Recordab	mber V982, trip date 4/5/2008. Rating Information: S Operated 10,285,097 le Accidents 8 le Accidents/Million Miles 0.78	Number of	oer of Vehic OO: Vehicles in	cle Inspected S Vehicle (Mo Inspected (Mo	(CR): 0 CMIS): 2	
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Description Using a comme Example Vehicle unit nu afety Fitness F Total Mile Recordab	mber V982, trip date 4/5/2008.  tating Information: s Operated 10,285,097 le Accidents 8 le Accidents/Million Miles 0.78  afety rating is:	Number of Rating Factor Factor 1: Factor-2:-	oer of Vehicles in	cle Inspected S Vehicle (M nspected (M Ac	I (CR): 0 CMIS): 2 CMIS): 50  ute Critical 0 0 0	
Description Using a comme Example Vehicle unit nu Safety Fitness F Total Mile Recordab	mber V982, trip date 4/5/2008. Rating Information: S Operated 10,285,097 le Accidents 8 le Accidents/Million Miles 0.78	Number of  Rating Factor Factor 1: Factor 2: Factor 3:	vehicles lands	cle Inspected S Vehicle (M nspected (M Ac	I (CR): 0 CMIS): 2 CMIS): 50  ute Critical 0 0 0 0	
Description Using a comme Example Vehicle unit nu Safety Fitness F Total Mile Recordab	mber V982, trip date 4/5/2008.  tating Information: s Operated 10,285,097 le Accidents 8 le Accidents/Million Miles 0.78  afety rating is:	Number of Rating Factor Factor 1: Factor-2:-	oer of Vehicles in	cle Inspected S Vehicle (M nspected (M Ac	I (CR): 0 CMIS): 2 CMIS): 50  ute Critical 0 0 0	



U.S. DOT #: 433377

Review Date: 08/18/2008

#### Part B Requirements and/or Recommendations

- This report contains citations of regulations that are deemed serious in nature and could result in penalties against
  your company and/or your drivers.
- 2. PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations or the Federal Motor Varrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified to you by the investigator. Attached to this report is Table 1, which identifies all documented violations discovered during this review.
- 3. Within 15 days, send a letter to the FMCSA describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations.
- 4. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
- 5. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.
- 6. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
- 7. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
- 8. Establish a system to control drivers' hours of service. Do not dispatch drivers who do not have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70 hour limits.
- 9. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
- 10. Ensure that all commercial motor vehicles are periodically inspection every 12 months. Do not operate vehicles without a current periodic inspection.



TABLE 1: VIOLATIONS DISCOVERED DURING REVIEW WINDS LE FIOR

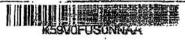
<u>Number</u>	r Violation Section identifying information:		<u> Frip-Date</u>
1 7	49 OFR§ 396.17(a)	·   ·   Limit 1.563 ·	. 2/9/2008
2	49 CFR§ 396.17(a).	Unit V982	4/5/2008
'3 .	4917 PRS 396.17(n)	Unit 1580 :	4/14/2008
4	49 CFR§ 396.17(a)	Unit V985	3/16/2008

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CO INC		•		

•	UNITED STA	TES DEPARTMENT	F OF TRANSPO	RTATION - N	LIDAM
US DOT#	Legal: BUSCO INC	2			
433377	Operating (DBA):ARF	OW STAGE LINES	<u> </u>		
MC/MX #: 232723		Federal Tax II	D:		
Review Type: Complian	ce Review (CR) - Receip	ot		E .	
Scope: Principal (		on of Review/Audi	it: Company faci	lity in the U.S.	Territory:
Operation Types Inters				*	
Carrier: Non- Shipper: N/A		Revenue:	64	for year andings 10	94/2007
Shipper: N/A Cargo Tank:	N/A Gross	Kevenue:		for year ending: 12/	31/2007
Company Physical Add		phinary and hardy with the series of Prince are seen figures as and	Lay and profit with a comment of the same and the same in the same of the same		Andrews of the state of the sta
720 E NORFOLK AVENU NORFOLK, NE 68701	**************************************				4
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	mball Kinnersley				8
Phone numbers: (1) 40 E-Mail Address: kin	02- 371-3850 (2) mball@arrowstagelines.c	com	Fax 402-731-1	333	
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NORFOLK, NE 68701		*		£1	
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	rt B - Violations		2		90
1000	rt B - Recommendations	9			<u> </u>
2	view/Audit Receipt Page		1	*	27
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41	Total Pages				
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the total number o	igning below, I acknowle of pages indicated (above review/audit, however to	e) for each docume	at: My eignature	does not imply agre	agree with ement with
	is report or the Federal To to the Federal Motor Car			laterials regulations.	
Lincoln, !	1,00 Centennial Mail Mort NE 68508-3851 102)437-5986 Fax:(4	h; Room 40 <del>5</del> 02)437-5837		2 °	
	. This report will b	e used to assess )	your safety con	pliance.	<del></del>
erson(s) Interviewed					
Name: Kimball Kinnersley	у .		Title: Corpora	ate Director of Safety	
Name:	a st	- 	Tiple:	T-/	
Reported By:		Title: Safety	Investig	All/Code: US0851	Date: 8/18/2008
Received By:	) A:	. , , ,	Itle: A . A . A .	at Con	

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Page 1 of 1



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UNITED STATES DEPARTMENT OF TRANSPORTATION US DOT# Legal: BUSCO INC 433377 Operating (DBA):ARROW STAGE LINES MC/MX #: 232723 Federal Tax ID: Review Type: Compliance Review (CR) Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: Operation Types Interstate Intrastate Business: Corporation Carrier: Non-HM N/A N/A · Gross Revenue: Shipper: N/A for year ending: 12/31/2007 Cargo Tank: N/A Company Physical Address 720 E NORFOLK AVENUE NORFOLK, NE 68701 Contact Name: Kimball Kinnersley Phone numbers: (1) 402-371-3850 Fax 402-731-1333 E-Mail Address: kimball@arrowstagelines.com Company Mailing Address 720 E NORFOLK AVENUE NORFOLK, NE 68701 Carrier Classification Authorized for Hire Cargo Classification Does carrier transport placardable quantities of HM? No is an HM Permit required? N/A Cover Information

	Inter	Intra	Average trip leased drivers/month:	0
< 100 Miles:			Total Drivers:	4

< 100 Miles: Total Drivers: 415 CDL Drivers: 415

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Trailer	4	0	0	Motor Coach	178	. 0	0
School Bus, 16+	25	. 0	0	Minibus, 16+	11	0	. 0
Van, 1-8	2	0	0	Van, 9-15	. 20	. 0	0
wer units used in the L	J.S.:236			### ##################################			
rcentage of time used	in the U.S.:	99					The state of the s



U.S. DOT #: 433377

Review Date: 08/18/2008

### **Part B Violations**

Safety Fitness Rating Information: Total Miles Operated 10,285,09 Recordable Accidents 8 Recordable Accidents/Million Miles 0.78		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 2 Number of Vehicles Inspected (MCMIS): 50				
our proposed safety rating is:	Rating Factors		Acute	Critical		
on proposed among real	Factor 1:	\$ .	0	0	pomuler	
	Factor 2:	s				
SATISFACTORY	. Factor 3:	S	0	0		
OATIOI ACTORT	Factor 4:	С	0	1		
	Factor 5:	N	0	0		
	Factor 6:	S	12	<u>~</u> 27		

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.

