



**Motor Carrier Group Chairman Report**

Attachment G

**FMCSA Compliance Review**

**February 7, 2008**

(9 pages)

**MEXICAN HAT, UTAH**

**HWY-08-M-H012**

**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)

**Scope:** Principal Office

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

**Territory:**

**Operation Types**    **Interstate**    **Intrastate**

**Carrier:**    Non-HM    N/A  
**Shipper:**    N/A        N/A  
**Cargo Tank:**        N/A

**Business:** Corporation

**Gross Revenue:** -----        **for year ending:** 12/31/2007

**Company Physical Address:**

720 E NORFOLK AVENUE  
NORFOLK, NE 68701

**Contact Name:**        STEVE BUSSKOHL

**Phone numbers:** (1) -----        (2)

**Fax** 402-371-3267

**E-Mail Address:**

**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	Intra
< 100 Miles:		2
>= 100 Miles:	361	

**Average trip leased drivers/month:** 0  
**Total Drivers:** 363  
**CDL Drivers:** 361

**Equipment**

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Trailer	4	0	0	Motor Coach	179	0	0
School Bus, 16+	19	0	0	Minibus, 16+	14	0	0
Van, 9-15	20	0	0				

Power units used in the U.S.: 232

Percentage of time used in the U.S.: 99





**ARROW STAGE LINES (BUSCO INC dba)**  
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02/07/2008

**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 220  
Lincoln, NE 68508-3851  
Phone: (402)437-5986 Fax:(402)437-5146

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

**Person(s) Interviewed**

**Name:** Kimball Kinnersley

**Title:** Safety Director

**Name:** Steve Buszkohl

**Title:** Chief Executive Officer





**ARROW STAGE LINES (BUSCO INC dba)**  
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**Part B Violations**

1 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 26	Drivers/Vehicles In Violation 1	Checked 26
<b>Description</b> Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. <b>Example</b> Driver ----- trip date 9/14/2007.					
2 FEDERAL CRITICAL	Primary: 382.303(a)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to conduct post accident testing on driver for alcohol. <b>Example</b> Driver ----- accident date 11/18/2007.					
3 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Failing to conduct post accident testing on driver for controlled substances. <b>Exam----</b> Driver ----- accident date 11/18/2007.					
4 FEDERAL	Primary: 382.305(b)(2)	Discovered 7	Checked 177	Drivers/Vehicles In Violation 7	Checked 177
<b>Description</b> Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. <b>Example</b> Driver ----- trip date 11/30/2007.					
5 FEDERAL	Primary: 382.305(i)(3)	Discovered 9	Checked 220	Drivers/Vehicles In Violation 9	Checked 220
<b>Description</b> Failing to ensure that drivers are tested within the selection period. <b>Exam----</b> Driver ----- selected on 10/4/2007 not tested until 11/12/2007. next selection was made on 11/7/2007.					
6 FEDERAL	Primary: 382.307(c)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Conducting reasonable suspicion testing at the direction of an untrained supervisor or company official. <b>Example</b> Driver ----- reasonable suspicion test date 2/20/2007.					





**Part B Violations**

7 FEDERAL	Primary: 383.93	Discovered 1	Checked 65	Drivers/Vehicles In Violation 1	Checked 65
<b>Description</b> Operating a commercial motor vehicle without having the proper endorsements on commercial driver's license. <b>Example</b> Driver----- trip date 8/10/2007.					
8 FEDERAL	Primary: 390.15(b)(1)	Discovered 5	Checked 6	Drivers/Vehicles In Violation 5	Checked 6
<b>Description</b> Failing to keep an accident register in the form and manner prescribed. <b>Example</b> Driver ----- accident date 11/18/2007. accident register does not have nearest city or town, and state.					
9 FEDERAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 2	Checked 65	Drivers/Vehicles In Violation 2	Checked 65
<b>Description</b> Using a driver not medically examined and certified during the preceding 24 months. <b>Exam----</b> Driver ----- trip date 12/9/2007.					
10 FEDERAL	Primary: 395.5(a)(1)	Discovered 18	Checked 1154	Drivers/Vehicles In Violation 17	Checked 36
<b>Description</b> Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours. <b>Example</b> Driver ----- trip date 1/7/2008.					
11 FEDERAL	Primary: 395.5(a)(2)	Discovered 11	Checked 1154	Drivers/Vehicles In Violation 11	Checked 36
<b>Description</b> Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours. <b>Example</b> Driver ----- trip date 1/7/2008.					
12 FEDERAL	Primary: 395.5(b)(2)	Discovered 8	Checked 883	Drivers/Vehicles In Violation 1	Checked 36
<b>Description</b> Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days. <b>Example</b> Driver ----- trip date 9/16/2007.					





**Part B Violations**

13 FEDERAL CRITICAL	Primary: 395.8(e)	<b>Discovered</b> 112	<b>Checked</b> 683	<b>Drivers/Vehicles In Violation</b> 9	<b>Checked</b> 36
<b>Description</b> False reports of records of duty status. <b>Exam----</b> <b>Driver -----</b> trip date 1/7/2008.					
14 FEDERAL	Primary: 395.8(e)	<b>Discovered</b> 70	<b>Checked</b> 683	<b>Drivers/Vehicles In Violation</b> 15	<b>Checked</b> 36
<b>Description</b> False reports of records of duty status (non-critical). <b>Example</b> <b>Driver -----</b> trip date 12/1/2007.					
15 FEDERAL	Primary: 395.8(f)	<b>Discovered</b> 37	<b>Checked</b> 1154	<b>Drivers/Vehicles In Violation</b> 5	<b>Checked</b> 36
<b>Description</b> Failing to require driver to prepare record of duty status in form and manner prescribed. <b>Example</b> <b>Driver -----</b> trip date 12/12/2007.					
16 FEDERAL	Primary: 395.8(k)(1)	<b>Discovered</b> 14	<b>Checked</b> 1168	<b>Drivers/Vehicles In Violation</b> 7	<b>Checked</b> 36
<b>Description</b> Failing to preserve driver's record of duty status for 6 months. <b>Example</b> <b>Driver -----</b> trip date 8/8/2007.					
17 FEDERAL	Primary: 395.8(k)(1)	<b>Discovered</b> 15	<b>Checked</b> 2050	<b>Drivers/Vehicles In Violation</b> 2	<b>Checked</b> 36
<b>Description</b> Failing to preserve driver's records of duty status supporting documents for 6 months. <b>Example</b> <b>Driver -----</b> trip date 10/4/2007. Trip itineraries not maintained.					
18 FEDERAL CRITICAL	Primary: 396.17(a)	<b>Discovered</b> 10	<b>Checked</b> 50	<b>Drivers/Vehicles In Violation</b> 10	<b>Checked</b> 50
<b>Description</b> Using a commercial motor vehicle not periodically inspected. <b>Example</b> Vehicle unit number 1597, trip date 1/5/2008.					
<b>Safety Fitness Rating Information:</b>					
Total Miles Operated		10,333,556	OOS Vehicle (CR): 0		
Recordable Accidents		6	Number of Vehicle Inspected (CR): 0		
Recordable Accidents/Million Miles		0.58	OOS Vehicle (MCMIS): 2		
			Number of Vehicles Inspected (MCMIS): 50		





**ARROW STAGE LINES (BUSCO INC dba)**  
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**Part B Violations**

Your proposed safety rating is :

**CONDITIONAL**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	C	0	1
Factor 3:	U	0	2
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

This rating will become the final rating 45 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review of and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.





### Part B Requirements and/or Recommendations

1. 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 Carrier 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 I, which identifies all the documented violations which were discovered during the course of this compliance review.
3. **Notice:** recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action.
4. 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.
5. Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
6. 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.
7. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
8. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.
9. Ensure all drivers have a valid CDL with proper endorsements.
10. 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.
11. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
12. 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.
13. Establish a system to control drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70 hour limits.
14. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Maintain, and utilize time-dated fuel reports and toll receipts to verify the accuracy of logs. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.







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### Part B Requirements and/or Recommendations

15. Ensure that all vehicles are periodically inspected at least once every 12 months. Maintain the periodic inspection reports for 14 months.
16. Ensure that drivers do not record sleeper berth time on their records of duty status, unless the vehicle is equipped with an adequate sleeper berth that meets the requirements described in 393.76.
17. FMCSA has web sites on the internet which may be beneficial to you:
  - Home Page: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)
  - Carrier Ratings: [www.safersys.org](http://www.safersys.org)
  - Do It Yourself Filings (for economic authority): [www.diy.dot.gov](http://www.diy.dot.gov)
  - Carrier Data (SafeStat Ratings): [www.ai.volpe.dot.gov](http://www.ai.volpe.dot.gov)
  - Pipeline and Hazardous Material Safety Administration: [hazmat.dot.gov](http://hazmat.dot.gov)

