



Federal Motor Carrier Safety Administration

Investigator Manual

eFOTM 2.4

Updated 7/28/2008

*Prepared by:
US Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590*

Table of Contents

Investigator Manual	1
1 Foreword	1
2 FOTM Introduction	1
3 Symbols	3
4 Compliance Manual	4
General Guidelines for Initiating an Investigation	5
When should an investigation be conducted?	5
Are we required to conduct investigations on carriers with a less than satisfactory safety rating?	7
Which types of carriers can I investigate?	8
How does an emergency condition requiring immediate response impact my review of a motor carrier?	8
What procedures should be taken to prepare for an investigation?	9
What should I do upon my arrival at the motor carrier's office?	13
What areas should I cover during the opening interview with the motor carrier?	14
After I've interviewed the carrier, how do I complete Part A of the investigation?	15
How will I ensure the carrier is in compliance with SAFETEA-LU Section 4114 (the Intrastate Operations of an Interstate Motor Carrier)?	19
Special Topic: Motor Carriers of Passengers	24
Special Topic: Starving Students	31
Special Topic: Controlled Substances Subpart O Enforcement Initiative	33
Special Procedures for Investigations	45
Illustration G-1 Sample Contact Letter and Questionnaire	48
Part 382 - Controlled Substances/Alcohol Use and Testing	50
Part 382 - Investigative Procedures	51
Part 382 - CAPRI Procedures	58
Part 382 - Enforcement Procedures	62
Part 383 - Commercial Driver's License (CDL) Standards	64
Part 383 - Investigative Procedures	64
Part 383 - CAPRI Procedures	66
Part 383 - Enforcement Procedures	67
Part 387 - Insurance Requirements	69
Part 387 - Investigative Procedures	69
Part 387 - CAPRI Procedures	72
Part 387 - Enforcement Procedures	72
Part 390 - General Requirements	73
Part 390 - Investigative Procedures	74
Part 390 - CAPRI Procedures	77
Part 390 - Enforcement Procedures	78
Part 391 - Qualification of Drivers	79
Part 391 - Investigative Procedures	79
Part 391 - CAPRI Procedures	82
Part 391 - Enforcement Procedures	84
Part 392 - Driving of Motor Vehicles	86
Part 392 - Investigative Procedures	86

Part 392 -CAPRI Procedures.....	87
Part 392 - Enforcement Procedures	88
Parts 393 & 396 - Parts & Accessories, and Inspection, Repair & Maintenance	90
Part 393 & 396 - Investigative Procedures.....	90
Part 393 & 396 - CAPRI Procedures	97
Part 393 & 396 - Enforcement Procedures.....	98
Part 395 - Hours of Service of Drivers	100
Part 395 - Investigative Procedures.....	100
Part 395 - CAPRI Procedures.....	114
Part 395 - Enforcement Procedures	119
Compliance Reviews of HM Shippers	125
General.....	126
Part 107 – Registration of Persons Who Offer Hazardous Materials.....	129
CR of HM Shippers - Part 172 Hazard.....	132
Part 173 – Packaging.....	139
Illustration HM-1 - Agency Notification Letter	145
Illustration HM-2 - Emergency Response Telephone Questions.....	146
Illustration HM-3 - Properly Cite Violations	148
Illustration HM-4 - HM Package Inspection Questions	150
Illustration HM-5 - Exhibit - Abstract 107	153
Illustration HM-6 - Exhibit Abstract 172	153
Illustration HM-7 - Exhibit Abstract 173	154
Compliance Review of HM Carriers	155
CR of HM Carriers - General.....	156
Part 107 – Registration of Persons Who Offer or Transport.....	157
Part 130 - Oil Spill Prevention and Response Plans.....	160
Part 171 - Incident Reporting.....	160
Part 172 - Hazard.....	165
Part 173 – Packaging and Loading.....	171
Part 177 – Carrier Regulations	175
Part 180 – Carrier Regulations	179
Part 385 - Subpart E Hazardous Materials Safety Permit Program.....	184
Part 397 - Driving and Parking.....	192
Illustration HM-8 - Exhibit Abstract Part 107.....	196
Illustration HM-9 - Exhibit Abstract Part 171.....	197
Illustration HM-10 - RSPA's position.....	198
Illustration HM-11 - Exhibit Abstract Part 172.....	199
Illustration HM-12 - Exhibit Abstract Part 173.....	200
Illustration HM-13 - Exhibit Abstract Part 177.....	201
Illustration HM-14 - Exhibit Abstract Part 180.....	201
Illustration HM-15 - Exhibit Abstract Part 397.....	202
Cargo Tank Test and Inspection Facility Compliance Reviews	203
General Procedures.....	204
Cargo Tank Facility Reviews - Investigative Procedures General.....	207
Investigative Procedures Assembly, Repair and Manufacturing Facilities.....	214
Cargo Tank Facility Reviews - CAPRI Procedures.....	219
Cargo Tank Facility Reviews - Enforcement Procedures.....	228
Procedures for Re-testing Cargo Tanks.....	231
Suggested Recommendations for Cargo Tank Facilities.....	236
Information Collection for Structural Analysis.....	238
Illustration HM-16 - Exhibit Abstract for Part 107.....	239
Illustration HM-17 - Exhibit Abstract for Part 180.....	240
Illustration HM -18 - Sample Letter to Solicit Comments on Engineering Analysis.....	241

Security Assessments of HM Companies	242
HM Security - Investigative Procedures.....	242
Using HMPIP Software	248
HMPIP Policies and Procedures.....	248
Notification of Packaging Violations.....	249
HM Packaging Inspection Compliance Review	249
Illustration HM-18 - Assigning USDOT Numbers.....	250
Illustration HM-19 - Sample Letter.....	251
Household Goods (HHG)	252
Household Goods - Introduction	252
Part 365, 366, 387, & 392 - Licensing & Insurance Registration Requirements.....	259
Household Goods - Part 370 - Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims.....	263
Household Goods - Part 375.....	266
House Hold Goods - Recommendations	287
Household Goods Parts 366, 370, and 375 - Enforcement Procedures for Parts 366, 370, and 375.....	288
Illustration HHG-1	291
Part B - Recommendations/Requirements	292
Illustration RE-1	297
General Guidelines for Initiating an Enforcement Action	298
Introduction	299
Initiating an Enforcement Action.....	300
Nine Factors to Consider When Assessing Penalties	302
Understanding Your Evidence	303
Authentication	305
Hearsay and Proof.....	306
Conducting Interviews and Obtaining Witness Statements.....	307
What are the three principle techniques for questioning a witness?.....	308
Gathering Your Documents For The Enforcement Action	311
Preparation of the Enforcement Report.....	312
Uniform Fine Assessment (UFA).....	313
CaseRite.....	314
Notice of Claim.....	315
Notice To Abate.....	316
Statement Of Charges.....	316
Service List	316
Illustration E-1: Driver Penalty Assessment Worksheet.....	317
Illustration E-2: Safety Regulations Carrier CR/Roadside.....	319
Illustration E-3: Commercial Penalty Assessment Worksheet.....	322
Illustration E-4: Household Goods Penalty Assessment Worksheet.....	325
Illustration E-5: Most Commonly Cited Violations w/Enforcement.....	327
Illustration E-6: Photographic Declaration	329
Illustration E-7: Statement of Charges.....	329
Illustration E-8: Written Statement with Perjury Clause.....	336
Illustration E-9: Oral Interview Form	338
Conclusion of Investigation and Completion of Part C	339
Illustration CN-1	341
Illustration SACN-2	343
Illustration SACN-3	353
5 Safety Audit Manual.....	359
General Guidelines for Safety Audits	360
Operations Procedures for Safety Audits.....	360

What is a Safety Audit.....	360
What Procedures should be taken to prepare for a safety audit?.....	362
What Should I Do Upon My Arrival at the Motor Carrier's Office	365
What Areas Should I Cover During the Opening Interview with the Motor Carrier?	365
After I've interviewed the carrier, how do I complete Part A.....	366
Special Topic: Motor Carriers of Passengers.....	370
New Entrant Call Center Process.....	375
Special Procedures For Safety Audits.....	375
SA Illustration SA-1.....	377
SA Illustration SA-2.....	380
Safety Audit Part 387 - Insurance Requirements	381
SA Part 387 - Safety Audit Procedures	381
SA Part 387 - CAPRI Procedures.....	382
Safety Audit Part 390 - General Requirements	383
SA Part 390 - Safety Audit Procedures	383
SA Part 390 - CAPRI Procedures.....	385
Safety Audit Part 391 - Qualification of Drivers	387
SA Part 391 - Safety Audit Procedures	387
SA Part 391 - CAPRI Procedures.....	390
Safety Audit Part 382 - Controlled Substances/Alcohol Use and Testing	393
SA Part 382 - Safety Audit Procedures	393
SA Part 382 - CAPRI Procedures.....	399
Safety Audit Part 383 - Commercial Driver's License Standards	405
SA Part 383 - Safety Audit Procedures	405
SA Part 383 - CAPRI Procedures.....	409
Safety Audit Part 385 - Procedures	411
SA Procedures Under 385.325 and 385.327	412
Illustration 15-1 Pass SA Letter	415
Illustration 15-2 Corrective Action Hand Out	428
Illustration 15-3 Failed SA Letter.....	430
Illustration 15-4 Corrective Action Decision Memo.....	432
Illustration 15-5 Corrective Action Acceptable letter.....	433
Illustration 15-6 Corrective Action Unacceptable letter.....	434
Illustration 15-7 Sample Revocation Letter.....	436
Illustration 15-8 NE Good Faith Extension Letter.....	437
Illustration 15-9 Flow Charts	440
Safety Audit Part 395 - Hours of Service of Drivers	442
SA Part 395 - Safety Audit Procedures	442
SA Part 395 - CAPRI Procedures.....	449
Safety Audit Part 392 - Driving of Motor Vehicles	456
SA Part 392 - Safety Audit Procedures	456
SA Part 392 - CAPRI Procedures.....	457
Safety Audit Part 393 & 396 - Parts & Accessories, and Inspection, Repair & Maintenance	459
SA Part 393 & 396 - Safety Audit Procedures.....	459
SA Part 393 & 396 - CAPRI Procedures.....	465
Safety Audit Procedures for Hazardous Materials Carriers	469
SA HM Registration	469
SA HM Incident Reporting.....	471
SA HM Training.....	473
SA HM Shipping Papers and Segregation Safety Audit Procedures.....	474
SA HM Cargo Tanks.....	477
SA HM Driving and Parking.....	481
SA Conclusion of Investigation and Completion of Part C	484

SA Illustration SACN-1	486
SA Mexican Carrier	487
SA Mexican Carrier Registration FAQ	487
SA Mexican Carrier Safety FAQ	491
SA MX Monitoring SA and PASA.....	492
Mexican Licencia Federal - V2.....	495
SA Appendix SA-1	497
Safety Management Plan	498
6 Inspection Manual.....	503
Inspection Manual General	503
Roadside Inspections.....	504
Interviewing the Driver	505
Part 365 - Rules Governing Applications for Operating Authority	507
Part 368 - Applications for Certificates of Registration by Foreign Motor	511
Part 383 - Commercial Driver's License Standards	512
Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers	514
Part 390 - General Requirements	516
Part 391 - Qualification of Drivers	516
Part 392 2 Driving of Motor Vehicle	517
Part 395 - Hours of Service	519
Parts 393/396 - Parts, Accessories, Inspection, Repair, & Maintenance	520
Roadside Inspection Procedures and Guidelines for the Hazardous Materials	521
Conclusion of the Roadside Inspection	524
Closeout Session	524
Prompt Uploading	525
Inspection Manual - Mexican Registration	525
Inspection Manual - Mexican Safety FAQ	529
Illustration 51 - Unsafe Operations Under § 396.7	532
Illustration 52 - Hazardous Materials Violation Notification	533
Illustration 53 - Border Inspector Alert	533
7 Appendix	534
Appendix A - Acronyms	534
Appendix B	536
Compliance Review	536
08-21-07 Amendment to CDLIS Sampling Criteria	536
06-06-07 SAFETEA-LU Section 4114 Supplemental Policy on Intrastate Operations of Interstate Motor Carriers.....	538
05-01-07 Operations Directive: Significant Crash/Incident.....	541
04-26-07 SAFETEA-LU, Section 4138 Revised Policy on High-Risk Carrier Compliance Reviews.....	544
03-01-07 Revised Certification Cycle.....	547
02-21-07 National Initiative to Address Unrated and High Priority Motor Coach Operations	549
02-01-07 Automatic Rendering of CRs and SAs to EDMS	555
11-25-06 Mexican Licencia Federal Conductor.....	556
08-31-06 SAFETEA-LU Section 4114.....	561
06-29-06 SAFETEA-LU Section 4102 Policy on Increased Civil Penalties	563
06-27-06 Enforcement Policy; Auxiliary Lights Permitted under 49 CFR 393.11(d)	566
06-12-06 SAFETEA-LU Section 4138 Policy on High Risk Carrier Compliance Reviews.....	567
06-06-06 SAFETEA-LU Section 4147- Emergency Conditions.....	569
05-30-06 Interim Policy Security Plans	572

04-17-06 Minimum Training Requirements - Entry Level.....	575
11-10-05 Policy on Safety Performance History of New Drivers.....	576
10-13-05 Clarification of HOS.....	579
10-05-05 Proposed Changes to FMCSA Web Site Regarding the Hours-of-Service Rule.....	580
09-06-05 HOS Exemptions in Reauthorization Act.....	581
08-26-05 New Hours of Service Regulations.....	584
08-23-05 Detailed Procedural Guidance Starving Students.....	589
06-16-03 False Medical Certificate Violations.....	610
Enforcement.....	612
09-07-07 ASPEN Modifications for Implementation of the Cross Border Demonstration Project.....	612
06-06-07 SAFETEA-LU Section 4114 Supplemental Policy on Intrastate Operations of Interstate Motor Carriers.....	615
06-29-06 SAFETEA-LU Section 4102 Policy on Increased Civil Penalties.....	618
05-24-06 ACTION: Enforcement of Operating Authority and Insurance Status.....	621
02-16-06 Informal Hearing Procedures.....	627
11-28-05 Issuing a Notice of Violation.....	629
08-23-05 Revised Notice of Claim and Settlement Agreement.....	633
08-23-05 Detailed Procedural Guidance Starving Students.....	651
01-12-05 EDMS Memo.....	672
Hazardous Materials.....	673
05-18-06 Failure to Retain HM Shipping Papers.....	673
Household Goods.....	676
04-04-06 SAFETEA-LU Definitions for Household Goods Section 4202.....	676
04-04-2006 SAFETEA-LU Section 4205 - HHG Carrier Operations.....	677
04-04-06 Implementation SAFETEA-LU Section 4207 - Liability of Carriers Under Receipt.....	680
04-04-06 SAFETEA-LU Amendments Section 4208 - HHG Dispute Settlement Program.....	681
04-04-06 SAFETEA-LU Section 4209 - HHG Broker Civil Penalties.....	683
04-04-06 Implementation SAFETEA-LU Section 4210 - HHG Hostage Load Penalty.....	685
04-04-06 ACTION: SAFETEA-LU Sections 4130-4133 and 4146 - HOS Exemptions.....	687
Inspection.....	693
12-27-07 Requirements for Inspection of CMVs operated by Mexico-domiciled Carriers under the Cross-Border Demonstration Project.....	693
09-07-07 ASPEN Modifications for Implementation of the Cross Border Demonstration Project.....	701
07-20-07 English Language Proficiency.....	704
07-12-07 Requirements for Inspection of Mexico-domiciled Carriers Operating under the Cross-Border Demonstration Project.....	708
06-06-07 SAFETEA-LU Section 4114 Supplemental Policy on Intrastate Operations of Interstate Motor Carriers.....	715
03-01-07 Revised Certification Cycle.....	717
11-25-06 Mexican Licencia Federal Conductor.....	719
06-27-06 Enforcement Policy; Auxiliary Lights Permitted under 49 CFR 393.11(d).....	723
06-08-06 SAFETEA-LU Section 4143 Policy on Authority.....	725
01-30-06 Upload and Certification of Federal Inspections.....	728
10-13-05 Clarification of HOS.....	730
09-06-05 HOS Exemptions in Reauthorization Act.....	731
08-26-05 New Hours of Service Regulations.....	734

08-26-05 Self Cert of Compliance w Motor Vehicle Safety Standards.....	738
03-09-04 Qualification of Brake Inspectors.....	740
Safety Audit.....	742
08-21-07 Amendment to CDLIS Sampling Criteria.....	742
03-01-07 Revised Certification Cycle.....	745
02-01-07 Automatic Rendering of CRs and SAs to EDMS.....	746
11-25-06 Mexican Licencia Federal Conductor.....	748
06-27-06 Enforcement Policy Auxiliary Lights Permitted under 49 CFR 393.11(d).....	753
06-06-06 SAFETEA-LU Section 4147 - Emergency Conditions.....	754
05-30-06 Interim Policy Security Plans.....	757
04-17-06 Minimum Training Requirements - Entry Level.....	760
11-10-05 Policy on Safety Performance History of New Drivers.....	761
10-13-05 Clarification of HOS.....	764
09-06-05 HOS Exemptions in Reauthorization Act.....	765
08-26-05 Self Cert Compliance w Motor Vehicle Safety Standards.....	768
08-26-05 New Hours of Service Regulations.....	770
05-06-05 New Entrant Changes Memo.....	774
02-22-05 Nine Month Passenger Memo.....	776
Other.....	778
02-21-07 Conducting the Pre-Authorization Safety Audit.....	778
12-08-2005 Leasing between United States and Mexican Carriers.....	799
06-13-05 SDDC Memo.....	801
Appendix C - UFA Software Instructions.....	803
Appendix D - CaseRite Software Instructions.....	807
Appendix E - Plain Language Discussion.....	816
Appendix F - Hazardous Material Checklists/Worksheets.....	817
Appendix F - Hazardous Material Checklists/Worksheets.....	818
DOT - 406.....	819
DOT - 407.....	820
DOT - 412.....	822
MC - 306.....	824
MC - 307.....	826
MC - 312.....	828
MC - 331.....	829
Indicators of Hazardous Materials DOT 51 - Portable Tank Violations.....	831
Indicators of Hazardous Materials DOT 56/57 Portable Tank Violations.....	833
Indicators of Hazardous Materials IM 101 or IM 102 Portable Tank Violations.....	835
Indicators of Hazardous Materials - Violations for all Portable Tanks.....	837
Indicators of Hazardous Materials Shipment Violations - Cylinders.....	839
Indicators of Hazardous Materials Shipment Violations for Explosive Hazardous Materials.....	841
Indicators of Hazardous Materials Shipment Violations - Hazardous Materials.....	843
Indicators of Hazardous Materials Shipment Violations (Hazardous Wastes and Hazardous Substances).....	846
Indicators of Hazardous Materials Shipment Violations - Radioactive Materials.....	847
Important Features Common to Cylinders.....	850
Checklist For Identifying Additional Violations of The Hazardous Materials Regulations That Apply To Cylinders.....	851
Indicators of Hazardous Material Shipment Violations for Explosive Hazardous Materials.....	854
Indicators of Hazardous Materials Transportation Security - Violations.....	857
Indicators of Hazardous Materials - Shipment RM Violations.....	860

	Cylinders What You Need to Know.....	864
8	Revisions	865