


UNITED STATES DEPARTMENT OF TRANSPORTATION

		Legal: GRUPO BEHR DE BAJA CALIFORNIA SA DE CV					
		Operating (DBA):					
MC/MX #: 371235		RFC #: GBB971008165		Federal Tax ID:		Application Tracking #: 8244	
Review Type: Safety Audit - Pre-Authority (OP1)							
Scope: Entire Operation		Location of Review/Audit: Company facility in another country				Territory:	
Operation Types							
		Interstate		Intrastate			
Carrier: Non-HM		N/A		Business: Corporation			
Shipper: N/A		N/A		Gross Revenue: \$120,000.00		for year ending: 12/31/2006	
Cargo Tank: N/A							
Company Physical Address:							
BLVD BELLAS ARTES#17686 INTERIOR 116 TIJUANA, BN 22509 MEXICO							
Contact Name:							
Phone numbers: (1) 664- 647-5501		(2)		Fax			
E-Mail Address:							
Company Mailing Address:							
2498 ROLL DRIVE PMB 506 SAN DIEGO, CA 92154							
Process Agent Address:							
1535 Quiet Trail Dr Chula Vista, CA 91915							
Contact Name:							
Phone numbers: (1)		(2)		Fax			
E-Mail Address:							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
General Freight							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information							
		Inter		Intra		Average trip leased drivers/month: 0	
< 100 Miles:		2				Total Drivers: 2	
>= 100 Miles:						CDL Drivers: 2	
Equipment							
		Owned		Term Leased		Trip Leased	
Truck		3		0		0	
Trailer		1		0		5	
				Truck Tractor		1 0 0	
Power units used in the U.S.:4							
Percentage of time used in the U.S.:50							



Part B - Questions and Answers**Question** General # 1 - Section # 387.7(a) Acute

Does the carrier have the required minimum level of financial responsibility in effect?

Comments**Answer**

Yes

Question General # 2 - Section # 387.7(d) Critical

Does the carrier have required proof of financial responsibility?

Comments**Answer**

Yes

Question General # 3 - Section # 390.15(b)(1)

Can the carrier provide a complete accident register of recordable accidents?

Comments**Answer**

N/A

Question General # 4 - Section # 390.15(b)(2) Critical

Does the carrier have copies of all accident reports required by States or other government entities or insurers?

Comments**Answer**

N/A

Question General # 5 - Section # 390.3(e)

Is the carrier knowledgeable of the FMCSRs/HMRs?

Comments**Answer**

Yes

Question General # 6 - Section # 390.21

Does the carrier know the commercial motor vehicles marking requirements?

Comments**Answer**

Yes

Question Driver # 1 - Section # 391.51(a) Critical

Does the carrier maintain complete driver qualification files?

Comments

Carrier is missing Annual List/Certification of Violations of Motor Vehicle Laws
 Driver
 Interstate trip date: 10/10/07

Answer

No

Question Driver # 2 - Section # 391.11(b)(4) Acute

Is the carrier using physically qualified drivers?

Comments**Answer**

Yes

Question Driver # 3 - Section # 391.45(a), 391.45(b) Critical

Does available evidence indicate the motor carrier has used a driver without a medical certificate or with an expired medical certificate?

Comments**Answer**

No

Question Driver # 4 - Section # 391.15(a) Acute

Is the carrier using any disqualified drivers?

Comments**Answer**

No



Part B - Questions and Answers

Question Driver # 5 - Section # 391.51(b)(2) Critical

Does the carrier maintain driving and employment history inquiry data in driver qualification files?

Comments

Answer

Yes

Question Driver # 6 - Section # 382.115(a) Acute

Has the carrier implemented an alcohol and/or controlled substances testing program?

Comments

Answer

Yes

Question Driver # 7 - Section # 382.213(b) Acute

Has the carrier used drivers who have used controlled substances?

Comments

Answer

No

Question Driver # 8 - Section # 382.215 Acute

Has the carrier used a driver who has tested positive for a controlled substance?

Comments

Answer

No

Question Driver # 9 - Section # 382.201 Acute

Has the carrier used a driver known to have an alcohol concentration of 0.04 or greater?

Comments

Answer

No

Question Driver # 10 - Section # 382.505(a) Acute

Has the carrier used a driver found to have an alcohol concentration of .02 or greater but less than .04 within 24 hours of being tested?

Comments

Answer

No

Question Driver # 11 - Section # 382.301(a) Critical

Has the carrier ensured that drivers have undergone testing for controlled substances prior to performing a safety sensitive function?

Comments

Answer

Yes

Question Driver # 12 - Section # 382.303(a) Critical

Has the carrier conducted post accident testing on drivers for alcohol and/or controlled substances?

Comments

Answer

N/A

Question Driver # 13 - Section # 382.305 Acute

Has the carrier implemented random testing program?

Comments

Answer

Yes

Question Driver # 14 - Section # 382.305(b)(1) Critical

Has the carrier conducted random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions?

Comments

Answer

Yes



GRUPO BEHR DE BAJA CALIFORNIA SA DE CV

Application Tracking #:8244

RFC #: GBB971008165

Review Date:

11/07/2007

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:

2297 Niels Bohr Court, Suite 204
San Diego (Otay Mesa), CA 92154
Phone: (619)710-8400 Fax:(619)710-2804

This SAFETY AUDIT will be used to assess your safety compliance.

Person(s) Interviewed

Name: ARTURO PEREZ

Title: OWNER

Name: ROBERTO GARCIA DE LEON

Title: CO OWNER





Part B - Questions and Answers

Question Driver # 15 - Section # 382.305(b)(2) Critical

Has the carrier conducted controlled substance testing at an annual rate of not less than the applicable annual rate of the average number of driver positions?

Answer
Yes

Comments

Question Driver # 16 - Section # 40.305(a)

Has the carrier conducted the required return-to-duty tests on employees returning to safety-sensitive functions?

Answer
N/A

Comments

Question Driver # 17 - Section # 40.309(a)

Is the carrier conducting follow-up testing as directed by the Substance Abuse Professional?

Answer
N/A

Comments

Question Driver # 18 - Section # 382.211 Acute

Has the carrier used a driver who has refused to submit to an alcohol or controlled substances test required under Part 382?

Answer
N/A

Comments

Question Driver # 19 - Section # 382.503 Critical

Has the carrier used a Substance Abuse Professional as required by 49 CFR Part 40 Subpart O?

Answer
N/A

Comments

Question Driver # 21 - Section # 383.37(a) Acute

Has the motor carrier allowed it's drivers who's CDLs have been suspended, revoked or canceled by a state, have lost the right to operate a CMV in a State, or have been disqualified from operating a CMV to operate a commercial motor vehicle?

Answer
No

Comments

Question Driver # 22 - Section # 383.51(a) Acute

Has the motor carrier knowingly allowed, required, permitted, or authorized a driver to drive who is disqualified to drive a commercial motor vehicle?

Answer
No

Comments

Question Operation #1 - Section # 395.8(a) Critical

Does the carrier require drivers to make a record of duty status?

Answer
No

Comments

Time card shows driver ending day at 5pm, but Mexican customs docuements shows 19:01(7:01 pm).

Driver

Interst: /07





Part B - Questions and Answers

Question Operation #2 - Section # 395.8(i) Critical **Answer**
Does the carrier require drivers to submit records of duty status within 13 days? N/A

Question #1 above was answered "no".

Question Operation #3 - Section # 395.8(k)(1) Critical **Answer**
Can the carrier produce records of duty status and supporting documents for selected drivers? N/A

Question #1 above was answered "no".

Question Operation #4 - Section # 395.3(a)(1) Critical **Answer**
Has the carrier allowed driver(s) to exceed the 11-hour rule? (Property) No

Comments

Question Operation #5 - Section # 395.3(a)(2) Critical **Answer**
Has the carrier allowed driver(s) to exceed the 14-hour rule? (Property) No

Comments

Question Operation #6 - Section # 395.3(b)(1) Critical **Answer**
Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? No
(Property)

Comments

Question Operation #7 - Section # 395.3(b)(2) Critical **Answer**
Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? N/A
(Property)

Comments

Question Operation #8 - Section # 395.5(a)(1) Critical **Answer**
Has the carrier allowed driver(s) to exceed the 10 hour rule? (Passenger) N/A

Comments

Question Operation #9 - Section # 395.5(a)(2) Critical **Answer**
Has the carrier allowed driver(s) to exceed the 15 hour rule? (Passenger) N/A

Comments

Question Operation #10 - Section # 395.5(b)(1) Critical **Answer**
Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? N/A
(Passenger)

Comments

Question Operation #11 - Section # 395.5(b)(2) Critical **Answer**
Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? N/A
(Passenger)

Comments



**Part B - Questions and Answers****Question** Operation #12 - Section # 395.8(e) Critical

Does available evidence indicate a selected driver has prepared a false record of duty status?

Answer

N/A

Comments**Question** Operation #13 - Section #

Does the carrier adhere to a disciplinary policy for noncompliance with Part 395?

Answer

Yes

Comments**Question** Operation #14 - Section # 395.1(e)

Does the carrier have a system for recording hours of duty status on 100- mile radius drivers, and are they properly utilizing the 100 air-mile radius exemption?

Answer

No

Comments

Available evidence indicates any instances in which the motor carrier is not properly utilizing the 100 air-mile radius exemption. Time card shows driver ending day at 5pm, but Mexican customs documents shows 19:01(7:01 pm).

Driver

Interstate trip date: 9/12/07

Question Operation #15 - Section # 392.2 Critical

Does the motor carrier ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they are operating?

Answer

Yes

Comments**Question** Operation #16 - Section # 392.9(a)(1) Critical

Does the carrier ensure that drivers are not permitted to drive a vehicle without the cargo properly distributed and adequately secured?

Answer

Yes

Comments**Question** Operation #17 - Section # 392.4(b) Acute

Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, narcotic drugs, amphetamines, or any other substances capable of rendering the drivers incapable of safely operating motor vehicles?

Answer

No

Comments**Question** Operation #18 - Section # 392.5(b)(1) Acute

Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, intoxicating beverages?

Answer

No

Comments**Question** Operation #19 - Section # 392.5(b)(2) Acute

Have any drivers operated a commercial motor vehicle within 4 hours of having consumed intoxicating beverages?

Answer

No

Comments**Question** Maintenance # 1 - Section # 396.3(b) Critical

Can the carrier produce maintenance files for requested vehicle(s)?

Answer

Yes

Comments



Part B - Questions and Answers

Question Maintenance # 2 - Section # 396.17(a) Critical Can the motor carrier produce evidence of periodic (annual) inspections for selected vehicles? Comments	Answer Yes
Question Maintenance # 3 - Section # 396.11(a) Critical Does the motor carrier require drivers to complete vehicle inspection reports daily? Comments	Answer Yes
Question Maintenance # 4 - Section # 396.11(c) Acute Does the carrier ensure that out-of-service defects listed by the driver in the driver vehicle inspection reports are corrected before the vehicle is operated again? Comments	Answer Yes
Question Maintenance # 5 - Section # 396.9(c)(2) Acute Does the carrier ensure vehicles that have been declared "out-of-service" do not operate before repairs have been made? Comments	Answer Yes
Question Maintenance # 6 - Section # 396.19 Is the carrier using qualified inspectors (mechanic) and maintaining evidence of the inspector's qualifications? Comments Motor carrier uses an outside independent vendor to complete the periodic/annual inspections, or state certified periodic inspection program.	Answer N/A
Question Maintenance # 7 - Section # 396.3 Can the carrier explain its systematic, periodic maintenance program? Comments	Answer Yes
Question Other # 1 - Section # 375.211 Does the carrier participate in an Arbitration Program? Comments	Answer N/A
Question Other # 2 - Section # 13702 Does the carrier assess shipper freight charges based upon published tariffs? Comments	Answer N/A
Question Other # 3 - Section # 375.401(c) Does the carrier provide reasonably accurate estimates of moving charges? Comments	Answer N/A
Question Other # 4 - Section # 375.407(a), 375.703(b) Has the carrier avoided "hostage freight" or other predatory practices? Comments	Answer N/A





Part B - Questions and Answers

Question Other # 5 - Section # 387.301(a), 387.301(b)

Does the HHG carrier have sufficient levels of public liability and cargo insurance?

Answer

N/A

Comments

Question Other # 6 - Section # 13901

Is the motor carrier authorized to conduct interstate operations in the United States?

Answer

Yes

Comments

Note: No Hazardous Materials questions were asked because the carrier does not carry Hazardous Materials in Interstate Commerce.





Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
3. The Federal Motor Carrier Safety Administration has a Spanish language version of its website at: www.fmcsa.dot.gov/spanish/.
4. A complete Educational and Technical Assistance package entitled " A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfiqs/eta/index.html.
5. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
6. 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.
7. 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.

