



INVESTIGATION OF ACCIDENT
Mexican Hat, Utah

Hwy-08-MH-012

FMCSA Compliance Review Report
Dated January 19, 2006

ATTACHMENT B
(16 pages)



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

400 Seventh St., S.W.
Washington, D.C. 20590

February 3, 2006

In reply refer to:
Your USDOT No.: 433377
Review No.: 440549/CR

JANICE JOHNSON
HUMAN RESOURCES DIRE
BUSCO INC
ARROW STAGE LINES
720 E NORFOLK AVENUE
NORFOLK NE 68701

Dear JANICE JOHNSON:

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 February 1, 2006. 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

Charles A. Horan, III
Director, Office of Enforcement and
Compliance

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 433377	Legal: BUSCO INC Operating (DBA): ARROW STAGE LINES					
	MC/MX #: 232723	Federal Tax ID: [REDACTED] (EIN)					
Review Type: Compliance Review (CR)							
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S. Territory:					
Operation Types: Interstate <input type="checkbox"/> Intrastate <input type="checkbox"/>							
Carrier: Non-HM <input type="checkbox"/> Non-HM <input type="checkbox"/>		Business: Corporation					
Shipper: N/A <input type="checkbox"/> N/A <input type="checkbox"/>		Gross Revenue: [REDACTED] for year ending: 12/31/2005.					
Cargo Tank: N/A <input type="checkbox"/>							
Company Physical Address:							
720 E NORFOLK AVENUE NORFOLK, NE 68701							
Contact Name: Jim Maly							
Phone numbers: (1) [REDACTED] (2) [REDACTED]		Fax: [REDACTED]					
E-Mail Address:							
Company Mailing Address:							
720 E NORFOLK AVENUE NORFOLK, NE 68701							
Carrier Classification:							
Authorized for Hire <input type="checkbox"/>							
Cargo Classification:							
General Freight <input type="checkbox"/>		Passengers <input type="checkbox"/>					
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information:							
		Average trip leased drivers/month: 0					
< 100 Miles:		Total Drivers: 284					
>= 100 Miles: 284		CDL Drivers: 284					
Equipment:							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Motor Coach	139	0	0	School Bus, 16+	19	0	0
Minibus, 16+	11	0	0	Van, 9-15	18	0	0





ARROW STAGE LINES (BUSCO INC dba)

U.S. DOT #: 433377

Review Date:

01/19/2006

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: Jim Maly

Title: General Manager

Name: Janice Johnson

Title: Human Resources Director

Reported By: [Redacted]

Title:

Safety Investigator Code: US0540 Date: 1/19/2006

Received By: [Redacted]

Title:

H.R. Director





ARROW STAGE LINES (BUSCO INC dba)

U.S. DOT #: 433377

Review Date:

01/19/2006

Part B Violations

1 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 2	Checked 13	Drivers/Vehicles In Violation 2	Checked 13
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.					
Example [REDACTED] 9/7/05. No pre-employment controlled substance test results were received until 9/16/05.					
2 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 284	Drivers/Vehicles In Violation 1	Checked 284
Description Failing to ensure that each driver selected for random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.					
Example [REDACTED] 12/7/05. Was dropped from the random alcohol and controlled substance testing program 10/18/05.					
3 FEDERAL	Primary: 382.305(i)(3)	Discovered 34	Checked 183	Drivers/Vehicles In Violation 34	Checked 182
Description Failing to ensure that drivers are tested within the selection period.					
Example [REDACTED] 12/2/05. Selected for November 2005 testing and was not tested until 12/13/05.					
4 FEDERAL	Primary: 395.5(a)(1)	Discovered 4	Checked 549	Drivers/Vehicles In Violation 3	Checked 17
Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.					
Example [REDACTED] 9/16/05. Drove 8 hours after driver drove 10 hours.					
5 FEDERAL	Primary: 395.5(a)(2)	Discovered 5	Checked 549	Drivers/Vehicles In Violation 2	Checked 17
Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.					
Example [REDACTED] 9/16/05. Drove 8 hours after having been on duty 15 hours.					
6 FEDERAL	Primary: 395.5(b)(2)	Discovered 2	Checked 460	Drivers/Vehicles In Violation 1	Checked 17
Description 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.					
Example [REDACTED] 9/14-21/05. Driver drove 4 hours after having been on duty more than 70 hours in 8 consecutive days.					

	ARROW STAGE LINES (BUSCO INC dba)	Review Date:
	U.S. DOT #: 433377	01/19/2006

Part B Violations

7 FEDERAL	Primary: 395.8(e)	Discovered <i>8</i>	Checked 400	Drivers/Vehicles In Violation 3	Checked 17
Description False reports of records of duty status. Example [REDACTED] 10/21/05.					

8 FEDERAL	Primary: 395.8(e)	Discovered 4	Checked 400	Drivers/Vehicles In Violation 4	Checked 17
Description False reports of records of duty status. (Nominal) Example [REDACTED] 7/15/05.					

9 FEDERAL	Primary: 395.8(f)	Discovered 20	Checked 545	Drivers/Vehicles In Violation 7	Checked 17
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example [REDACTED] 9/2/05. Some records of duty status do not show changes of duty status. Some fuel stops not shown.					

10 FEDERAL	Primary: 395.8(i)	Discovered 3	Checked 552	Drivers/Vehicles In Violation 2	Checked 17
Description Failing to require driver to forward within 13 days of completion, the original of the record of duty status. Example [REDACTED] 9/10/05.					

11 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered 5	Checked 31	Drivers/Vehicles In Violation 5	Checked 31
Description Using a commercial motor vehicle not periodically inspected. Example [REDACTED] UNIT 10232, 9/30/05. Annual/periodic inspection lapsed 9/13/04. Next inspection was dated 10/26/05.					

12 STATE	Primary: 396.17(a) Secondary: 75-363 CFR Equivalent: 396.17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Using a commercial motor vehicle not periodically inspected. Example [REDACTED] UNIT #744, 7/14/05.					

Safety Fitness Rating Information: Total Miles Operated 8,113,852 Recordable Accidents 3 Recordable Accidents/Million Miles 0.370			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 2 Number of Vehicles Inspected (MCMIS): 32		
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ARROW STAGE LINES (BUSCO INC dba)

U.S. DOT #: 433377

Review Date:

01/19/2006

Part B Violations

Your proposed safety rating is :

SATISFACTORY

Rating Factors

Acute Critical

Factor 1:	S	0	0
Factor 2:	C	0	1
Factor 3:	S	0	0
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

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



ARROW STAGE LINES (BUSCO INC dba)

U.S. DOT #: 433377

Review Date:

01/19/2006

Part B Requirements and/or Recommendations

1. Ensure that a negative pre-employment controlled substance test result is obtained prior to allowing the driver to drive.
2. Ensure that each driver selected for random alcohol and/or controlled substance testing are tested during the selection period.
3. Ensure each driver has an equal chance of being tested each time selections are made.
4. **NOTICE:** On March 30, 2004, FMCSA published a final rule requiring employers to review a candidate's safety performance history data within 30 days of hiring a new driver. The final rule enables prospective employers to obtain and use more complete driver safety performance history during the hiring process. Prospective employers will be required to, at a minimum, investigate a driver's employment information, accident record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

All previous employers are required to respond to the investigating employer within 30 days of receiving the investigation request.

Even though the final rule is effective April 29, 2004, motor carriers are not required to comply with the new rule until October 29, 2004. This 6-month period will allow motor carriers ample time to develop procedures and systems to implement this rule.

For more information on these regulations, please access the FMCSA Web site at www.fmcsa.dot.gov.
5. 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.
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. Ensure supporting documents and fuel reports with times are used to detect falsification.
8. Ensure all commercial motor vehicles are periodically/annually inspected as per Part 396.17(a).
9. Do not schedule or require drivers to make trips requiring them to exceed posted speed limits in order to complete the run within the hours of service limits.
10. FMCSA has web sites on the internet which may be beneficial to you.
Home Page: www.fmcsa.dot.gov
Carrier Ratings or Biennial Update (MCS-150): <http://safer.fmcsa.dot.gov>
Do It Yourself Filings (for economic authority): www.diy.dot.gov
Carrier Data (SafeStat Ratings): www.ai.volpe.dot.gov
Educational Packet: www.fmcsa.dot.gov/factsfigs/eta
11. Safety belts work. The one or two seconds it takes to buckle up can mean the difference between life and death in a crash. Seat belts reduce the chance of injury or death in a crash by 45 percent. Think of it as the best "life insurance" you can have in force - and it's free. Make sure your employees understand the importance of buckling up every time they are in their vehicle. Click it...don't risk it.
12. Since 9/11/01, the role of the truck driver has become more important. Now more than ever, America depends on you to move freight safely and securely. You play a vital role in protecting your family, friends and fellow citizens. For more information on how to reduce your risk of hijacking, including information on what your company can do,

	ARROW STAGE LINES (BUSCO INC dba) U.S. DOT #: 433377	Review Date: 01/19/2006
Part B Requirements and/or Recommendations		

see www.fmcsa.dot.gov/security.

13. A copy of your carrier profile can be obtained for \$20 from the SAFER website (www.safersys.org) 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.
14. This review will result in a Safety Rating.
15. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
16. Failure to abate the cited violation could cause penalties to be increased in future enforcement actions. **RECURRING VIOLATIONS OF THE SAME OR RELATED ACUTE OR CRITICAL REGULATIONS (VIOLATIONS OF THE SAME PART IN TITLE 49 OF THE CODE OF FEDERAL REGULATIONS) THAT RESULT IN THREE ENFORCEMENT ACTONS WITHIN A 6-YEAR PERIOD WILL CAUSE THE MAXIMUM PENALTIES ALLOWED BY LAW TO BE ASSESSED FOR THE THIRD ENFORCEMENT ACITON.** See, 49 U.S.C. 5123, 49 U.S.C. Chapter 149, 49 CFR Part 386, Appendix A, and Section 222 of the Motor Carrier Safety Improvement Act of 1999.
17. **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/inspection 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 identified all the documented violations which were discovered during the course of this compliance review.
18. Within 15 work days, send a letter of our office describing what actions you have taken in response to this review to ensure you are complying with the Federal Motor Carrier Safety Regulations (FMCSR).
19. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, 100 Centennial Mall N., Room 406, Lincoln, NE 68508, Phone 402-437-5986.

TABLE 1: VIOLATIONS DISCOVERED DURING REVIEW/INSPECTION

NUMBER	VIOLATION	IDENTIFYING INFORMATION: DRIVER	DATE OF VIOLATION
1	49 C.F.R. §382.301(a)		9/07/05
2	49 C.F.R. §382.301(a)		7/26/05
3	49 C.F.R. §396.17(a)	Unit 10232	9/30/05
4	49 C.F.R. §396.17(a)	Unit 5041	11/10/05
5	49 C.F.R. §396.17(a)	Unit 1557	6/05/05
6	49 C.F.R. §396.17(a)	Unit 9535	6/10/05
7	49 C.F.R. §396.17(a)	Unit 1531	4/17/05

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT #	Legal: BUSCO INC
	433377	Operating (DBA): ARROW STAGE LINES

MC/MX #: 232723 Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory:

Operation Types		Interstate	Intrastate	Business: Corporation Gross Revenue: [REDACTED] for year ending: 12/31/2005.
Carrier:	Non-HM	Non-HM		
Shipper:	N/A	N/A		
Cargo Tank:	N/A			

Company Physical Address:

720 E NORFOLK AVENUE
NORFOLK, NE 68701

Contact Name: Jim Maly
Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED]
E-Mail Address:

Company Mailing Address:

720 E NORFOLK AVENUE
NORFOLK, NE 68701

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	3
Part B - Recommendations	2 + Table
Review/Audit Receipt Page	1
Total Pages	

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 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: Jim Maly	Title: General Manager
Name: Janice Johnson	Title: Human Resources Director

Reported By: [Signature] Title: Safety Investigator Code: US0540 Date: 1/19/2006.
Received By: [Signature] Title: HR Director



UNITED STATES DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration
Nebraska Division
Statement of Busco Inc. dba Arrow Stage Lines

Location: Norfolk, NE
Re: Pre-employment Controlled Substance Testing
Periodic/Annual Inspections

Date 1-19-06

I, Janice Johnson, Human Resources Director, make the following voluntary statement to Alma M. Vlasak, who has identified herself to me as a Safety Investigator for the United States Department of Transportation. No threats or promises have been made to me; nor have I been coerced in any way.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING:

Busco Inc. dba Arrow Stage Lines., having vehicles in excess of 26,000 GVWR, did not require all drivers to obtain a pre-employment controlled substance test as per Part 382.301(a) or did not meet the provisions of Part 382.301(b) and (c) of the Federal Motor Carrier Safety Regulations (FMCSR).

<u>Driver</u>	<u>PE Test Results</u>	<u>Trip Date</u>	<u>Charter #</u>	<u>Unit</u>
[REDACTED]	7/28/05	7/27/05	258327	9553
[REDACTED]	9/16/05	9/07/05	267747	9635

PERIODIC/ANNUAL INSPECTIONS:

<u>Unit #</u>	<u>Current Inspection</u>	<u>Previous Inspection</u>	<u>Trip Date</u>
10232	10/26/05	9/13/04	9/30/05
1557	6/9/05	6/01/04	6/05/05
5041	None 11/1/05	11/4/04	11/10/05
9535	6/30/05	6/03/04	6/01/05
1531	4/22/05	4/6/04	4/17/05

Under Title 18, U.S.C. Section 101, it is a criminal offense subject to a maximum fine of \$10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make any materially false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any executive agency of the government of the United States.

I have read the above statement on this and 2 other pages, each of which is signed and dated by me, and state it is true and correct to the best of my knowledge and belief.

By [Redacted Signature]

Date: 9-19-06

Safety Investigator [Redacted Signature]

Date: 9-19-06

February 7, 2006

Federal Motor Carrier Safety Administration
100 Centennial Mall N
Room 406
Lincoln, NE 68508

Re: US DOT #433377
Compliance Review Response

Dear Sir or Madam:

This letter is to serve as a written response to the compliance review audit which was completed on February 1, 2006.

I would like to address the violations in the order in which they are listed in the compliance review. Items one, two and three relate to the alcohol and controlled substance testing procedures. We have now established a communication procedure which will assist us in ensuring that no potential employee is placed into employment until the supervisor for that potential employee has been notified that a negative pre-employment controlled substance test result has been received by the company. As soon as the test results have been received, the supervisor will be notified that the employee has been cleared for work duties. If a supervisor has not been notified, he/she will need to contact the personnel department to see if the results have been received prior to employing the individual. Item two deals with the random alcohol and controlled substance testing pool and the deletion of one of the employees. The procedure will be changed to be deleted based on an employee's social security number rather than an employee's name to ensure that an employee is not removed in error due to having the same name. Thus, making it so that every employee has an equal chance of being selected each time selections are made. Supervisors have been reminded of the urgency to have those drivers who have been selected for the random alcohol and controlled substance testing done three to four days prior to the end of the month (depending upon the number of days in the month) to ensure that the test results are received prior to the end of the month in which they were selected.

Items four, five, six, seven, eight, nine and ten are all mainly related to the hours of service and log documentation regulations. This has brought to our attention the importance to incorporate more continuing education, not only to the drivers but supervisors as well, relating to the hours of service, proper log documentation procedures as well as the rules regarding when all documentation is due in to the employer.

Items eleven and twelve dealt with the timeliness of the annual federal inspections of our motorcoaches. While Busco, Inc. does require many different levels of scheduled maintenance for its own purposes, it realizes the importance of making sure that the federal annual inspections are done timely. Therefore, the maintenance department is going to implement a new procedure which will require all maintenance locations to forward a copy of all annual federal inspections

to our Omaha office where they can be filed, checked to make sure they have been entered into the computer system, and then a reminder or due date notification can be sent to the proper maintenance location listing which equipment is due for an annual inspection thirty to sixty days in advance of the inspection due date.

I hope I have addressed all of your concerns and have shown how we feel the new procedures we have or will be implementing, will correct these deficiencies.

Sincerely,

Sincerely,

James A. Maly
Safety Manager

*Janice Johnson
Human Resource*



US DOT #
433377

Legal: BUSCO INC
Operating (DBA): ARROW STAGE LINES

MC/MX #: 232723

Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office

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

Territory:

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

Business: Corporation.

Gross Revenue: [REDACTED] for year ending: 12/31/2005

720 E NORFOLK AVENUE
NORFOLK, NE 68701

Contact Name: Jim Maly

Phone numbers: (1) [REDACTED] (2) [REDACTED]

Fax [REDACTED]

E-Mail Address:

720 E NORFOLK AVENUE
NORFOLK, NE 68701

Report	# of Pages
Part A - General	<u>2</u>
Part B - Violations	<u>3</u>
Part B - Recommendations	<u>2</u>
Review/Audit Receipt Page	<u>1</u>
Total Pages	<u>8</u>

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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: Joe Reiffenrath

Title: Director of Operations

Name: Pat Myers

Title: Dispatcher

Reported By: [REDACTED] Title: Safety Investigator Code: US0540 Date: 2/1/2006

Received By: [REDACTED] Title: Regional Director

