



**INVESTIGATION OF ACCIDENT  
Mexican Hat, Utah**

**Hwy-08-MH-012**

**Consolidated Safety Services Inspection Report  
Dated October 9, 2007**

**ATTACHMENT C  
(12 pages)**



# Consolidated Safety Services

Scientific Minds. Common Sense Solutions.

October 24, 2007

Inspection #: 2072161  
Inspection Date: 10/09/07

Busco, Inc.  
720 E. Norfolk Ave.  
Norfolk, NE 68701-5597

Attention: Jim Maly

Consolidated Safety Services, Inc. (CSS) is the safety inspection contractor for the Military Surface Deployment and Distribution Command (SDDC). CSS conducted a Facility, Terminal and Equipment (FTE) inspection of your operations on the date shown above. A copy of the inspection report is enclosed for your information.

The inspection primarily measures performance in maintaining compliance with the Military Bus Agreement (MBA) and its Addendum and the Federal Motor Carrier Safety Regulations (FMCSR). The Department of Defense (DOD) rates carriers on a scale from one (1) (satisfactory) to five (5) (unsatisfactory). Your rating for this inspection is a **ONE (1)**. On behalf of the Military Surface Deployment and Distribution Command, we encourage your continued support of the DOD's Quality Assurance Program.

If you have any questions regarding the inspection, please contact the undersigned. Questions regarding the Military Bus Program should be directed to Ms. Carol Mills of the Military Surface Deployment and Distribution Command at (703) 428-3015.

Sincerely,

*for* Steve Parker  
Assistant Project Manager  
CSS, Transportation Safety & Security Division

Enclosure

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### PASSENGER Motor Carrier Compliance Audit Report

<b>Date:</b> 10/9/2007		<b>Inspection No.:</b> 2072161	
<b>Carrier</b>	BUSCO, INC.	<b>Address</b>	
<b>DBA</b>	Arrow Stage Lines	720 E. Norfolk Ave	
<b>Trade</b>		Norfolk	NE 68701-5597
<b>Contact Name</b>	Jim Maly	<b>Phone</b>	(800)672-8302 (402)371-3850
		<b>Fax</b>	(402)371-3267
<b>Inspectors:</b> DEL HARRIS			
<b>SUMMARY</b>			
	<b>FACTOR</b>		<b>RATING</b>
1	General		1
2	Driver		1
3	Operational		1
4	Vehicle		2
5	Hazardous Materials		0
6	Accidents: Recordable Rate per Million Miles		2
7	SDDC/PASSENGER		1
<b>Equipment Rating: 0</b>			
<b>INSPECTION RATING</b>		<b>1</b>	<b>SATISFACTORY</b>

10301 Democracy Lane, Suite 300, Fairfax, VA 22030

## Executive Summary

CARRIER INFORMATION		Inspection No.: 2072161	
Carrier Name	BUSCO, INC.		
DBA	Arrow Stage Lines		
Trade Name			
SCAC Code	ARG	Units Inspected:	
DOT Number	433377	Current SDDC Inventory:	214

Busco, Inc is a large and well-managed carrier. They have a well-trained and efficient staff of management personnel, who are well versed in the Federal Motor Carrier Safety Regulations (FMCSR) and knowledgeable of the MBA requirements.

Since the last Facility, Terminal, and Equipment (FTE) inspection, they have added the operational areas of Pacifico Lines, through purchase of their equipment and facilities. This has enabled them to provide regular scheduled service from Denver, CO, to El Paso, TX.

Since the USDOT compliance review conducted on 01/19/06, the carrier has made a concerted effort to correct the areas of concern found. While greatly improved, violations were found in Factors Three and Four. All other areas were found to be in very good compliance.

In Factor Three (Operational), one missing record of duty status was discovered, and seven were found with incomplete information. In Factor Four (Vehicle), five instances of deferred maintenance were found. Also, drivers were found not to be signing the driver vehicle inspection reports as required. And lastly, it was found that four out of 178 vehicles were used without having undergone a periodic (annual) inspection. The carrier should have processes to ensure that vehicles are subject to periodic maintenance per their own schedule, and inspected at least annually. In addition, drivers and maintenance personnel must be trained in the proper use and signature requirements of the driver vehicle inspection report.

With the exception of the above-cited deficiencies, the management personnel of Busco, Inc., are experienced and dedicated employees; they have excellent knowledge of regulatory requirements and have developed good safety management skills. Policies and procedures are in place and all employees are required to abide by them. Employees, management, shop personnel and drivers, are required to participate in periodic training. This is one of the key elements in maintaining the high level of compliance that they have.

# Overall Results of Motor Carrier Compliance Audit Report

Citation	Violation and Comments
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## 1 ) General

Inspection No.: 2072161

*The carrier's knowledge of the regulations and its ability to properly instruct employees and drivers in their responsibilities is evaluated in this Factor. Also in this Factor, the carrier's authority to operate in INTERSTATE and/or INTRASTATE commerce is reviewed and identified. If applicable, Certificates of Registration for the transport of hazardous materials are evaluated, along with bonds required if the carrier also holds a Broker Authority. The carrier must also provide evidence of the required levels of financial responsibility.*

*In order to meet the Safety Fitness Standard as described in Section 385.5, the motor carrier must demonstrate that adequate safety management controls are in place and are functioning effectively to ensure acceptable levels of compliance and performance. These controls are defined in Section 385.3 as the systems, policies, programs, practices, and procedures used by the motor carrier to ensure compliance with all applicable regulations. Identification of a carrier's safety management controls and the evaluation of their effectiveness are a major component of this Factor.*

22/385.5(h)  
GENERAL

**Does the carrier review its compliance status regarding maintenance, inspection and repair?**

*gone  
Total  
JME  
to review  
PT/PT  
process*

No. The carrier does not periodically review management control procedures related to driver vehicle inspection reports (DVIR) for deficiencies. An important element to the safety of vehicles in operation is the quality of a driver's pre-trip and post-trip inspections. The DVIR, used in accordance with regulations, serves as an important communication tool between drivers and mechanics, ensuring the mechanical condition of the vehicle is safe to use and that it meets the standards imposed by regulations. Better oversight by the carrier may be necessary. Periodically reviewing control procedures for deficiencies should result in improvements where needed to ensure the safe operation of all vehicles.

## Overall Results of Motor Carrier Compliance Audit Report

**Citation****Violation and Comments****2 ) Driver**

Inspection No.: 2072161

*A motor carrier's policies, procedures and controls, as they relate to qualifying and hiring potential drivers, are evaluated in this Factor. An evaluation is also made of the process whereby data resulting from the carrier's program of testing for controlled substances and alcohol is collected, reviewed, and managed by the carrier.*

*An audit of selected driver qualification files is conducted in order to determine the effectiveness of the carrier's procedure. It is also a means of determining the extent of Management's knowledge of the regulations and how they apply to operations. The carrier has an excellent program for training and qualifying drivers; it far exceeds the requirements set forth in the FMCSRs.*

*There were no concerns found in this Factor. The files were complete and well organized. The hiring and qualification process is followed by all of the carrier's facilities and monitored at the corporate office in Norfolk, NE.*

*Areas of concern that were identified during a recent USDOT Compliance Review concerning controlled substance testing have been corrected and are no longer an issue.*

### Overall Results of Motor Carrier Compliance Audit Report

Citation	Violation and Comments
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#### 3 ) Operational

Inspection No.: 2072161

*In this Factor the motor carrier's management controls relating to drivers' hours-of-service are evaluated. The primary document used for recording time is the record of duty status (driver's log or RODS), as defined in Part 395 of the FMCSR. Part 390 addresses additional training and instructional requirements deemed the responsibility of the motor carrier.*

2/395.8(a)  
GENERAL

**Does the carrier require drivers to make records of duty status when required?**

No. The carrier's records indicate that not all drivers submit all records as required. It is incumbent upon the carrier to ensure that a driver submit a record of duty status when required. Without this information, which includes the total hours of on-duty time, the carrier cannot effectively determine a driver's available hours for dispatch.

Of 263 records checked, one was missing from the file. Driver failed to have a record on file for 09/24/07.

17/395.8(d)  
GENERAL

**Are drivers' records of duty status completed in the form and manner prescribed?**

Not in all cases. Drivers' RODS are required to be completed on a specific form and in a specified manner. The record of duty status is a legal document and it should be completed in the form and manner prescribed by regulation. The carrier's log audit program should detect these types of violations and require drivers to make corrections.

Under Section 390.3(e)(2) the motor carrier has the primary responsibility to instruct its drivers and employees of the regulations and ensure compliance. A well-executed audit program, coupled with progressive discipline, is viewed as an effective safety management control in maintaining and ensuring compliance. The carrier must set a policy of tolerance limits regarding repetitive violations and hold drivers accountable when violations are found. An accepted method of correction is to provide a copy of the incorrect record to a driver, require him/her to make a corrected record in the proper form and manner, and then attach the two records together and file accordingly.

*Rapid log would solve*

On 7 occasions drivers failed to enter a proper location of duty status change, either not showing a complete location (i.e. city and State) or not showing the State name. Driver failed to show the State name on 8/9 - 11 and 8/31/07.

*DMG log training would solve*

### Overall Results of Motor Carrier Compliance Audit Report

Citation Violation and Comments

#### 4 ) Vehicle

Inspection No.: 2072161

The motor carrier's policies, procedures and controls as they relate to vehicle maintenance, inspection and repair are evaluated in this Factor. Also, training, reporting, monitoring and maintenance of records for vehicle inspections, routine maintenance and repair of known defects are also evaluated. The primary documents reviewed are driver vehicle inspection reports (DVIR), roadside inspection reports, and vehicle maintenance files. Part 396 of the FMCSR defines the requirements for a systematic vehicle inspection, repair and maintenance program and what constitutes required records.

A critical performance element of this segment of the inspection is the carrier's roadside inspection performance for vehicles that have undergone inspection by various federal, state or local jurisdictions. A motor carrier's vehicle out-of-service rate is based on the number of vehicles that have been inspected and how many of those inspections resulted in either a vehicle or driver being placed out-of-service (OOS). A carrier's vehicle out-of-service rate relates to the effectiveness of the carrier's preventive maintenance program and the quality of the pre-trip and post-trip inspections performed by their drivers.

1/385.5(e)  
GENERAL

What is the carrier's OUT-OF-SERVICE rate percentage for the past twelve (12) months?

*well below standard ev. ! :)*

The carrier has had 179 vehicle inspections in the past 12 months, which resulted in five out-of-service conditions. There were no vehicles available for inspection during this FTE. The carrier therefore has an OOS rate of 2.8 percent.

*Web site ?*

9/395.3(a)  
GENERAL

Do maintenance records indicate a pattern of deferred maintenance?

Yes. Not all vehicles were inspected or underwent routine service at intervals prescribed by the carrier. When service intervals have been established, the motor carrier must ensure that those service intervals are closely adhered to. A certain amount of tolerance is allowed to those intervals; however, once a mileage interval extends beyond a predetermined interval, either by miles or time, the carrier runs the risk of using a vehicle that may not be safe and becomes exposed to increased liability should something go wrong that can be tied to maintenance, inspection or repair. There were five instances when the A inspection (6000 miles) was not recorded as having been done in the prescribed time. All other levels- the B (12000 miles) and C (24000 miles)- were recorded as done in a timely manner.

Vehicle 10231 - The A inspection was conducted on 05/19/07 at 770,864 miles, and the next A inspection recorded on 07/11/07 at 780,566 miles.

## Overall Results of Motor Carrier Compliance Audit Report

### Citation

### Violation and Comments

13/396.13  
GENERAL

**Are oncoming drivers certifying that they have reviewed the prior DVIR when required?**

*Needs to  
be trained  
& expected  
& reviewed.*

No. Not all drivers have certified that they have reviewed the prior DVIR when required. All drivers must review the prior DVIR as a part of their pre-trip inspection, required by 396.13. However, a driver must certify to his/her review when the prior DVIR has listed safety related defects AND the motor carrier has certified that those defects have either been repaired or need not be repaired for safe operation. A driver is prohibited from using the vehicle until it has been determined that all repairs were made and the carrier has so certified. This provides the carrier a signature trail of accountability and should be closely monitored to ensure the process functions as prescribed by regulations. If executed properly, it can prevent the use of a commercial motor vehicle with safety-related defects. A failure to promptly repair any safety-related defect listed on the DVIR can have serious consequences. This failure can have a significant impact on a carrier's safety performance rating as well as placing the carrier at risk for increased liability in the event of a serious accident.

20/396.17(a)  
GENERAL

**Has the carrier used a commercial motor vehicle not periodically inspected in accordance with minimum periodic inspection standards (Appendix G)?**

Yes. The carrier was unable to document that all vehicles used have undergone a periodic (annual) inspection. The carrier is precluded from using vehicles unless each vehicle has undergone an annual inspection according to Appendix G specifications. The carrier should have a process to ensure that vehicles are inspected at least annually. For carriers that are subject to mandatory State inspection programs that meet Federal requirements, it is not necessary to perform the annual inspection. States will provide documentation for the carrier as well as on the vehicle of their inspection. FMCSA periodically publishes a list of State programs that meet the periodic inspection requirement in the Federal Register (<http://www.gpoaccess.gov/fr/index.html>) or at CVSA's web site (<http://www.cvsa.org/inspections/inspections.htm>). Documentation must be retained in vehicle maintenance files as well as on the vehicle. Drivers should be instructed about this requirement.

Out of 178 inspection dates reviewed, four were found to be expired: Unit 704 is 35 days overdue, Unit 9501 is 36 days overdue, Unit 9503 is 36 days overdue and Unit 1554 is 111 days overdue for the periodic inspection that must be conducted with 12 months of the prior periodic inspection.

## Overall Results of Motor Carrier Compliance Audit Report

Citation	Violation and Comments
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### 5 ) Hazardous Materials

Inspection No.: 2072161

*This carrier does not transport hazardous materials.*

### Overall Results of Motor Carrier Compliance Audit Report

Citation	Violation and Comments
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**6 ) Accidents: Recordable Rate per Million Miles**

Inspection No.: 2072161

*This Factor addresses the carrier's rate of recordable accidents per million miles during the past 12 months. It is calculated by multiplying the number of accidents by one million then dividing that number by the number of miles traveled for the same period. It will be used only when a motor carrier incurs two or more recordable accidents within the 12 months prior to the inspection. All carriers, other than urban (100 air-mile radius) carriers, with a recordable accident rate greater than 1.5 will receive an unsatisfactory rating for this factor. Changes in the regulations effectively removed the determination of "preventability and/or non-preventability" from the rate determination process.*

*Recordable accident, as defined in 49 CFR 390.5, means an accident involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in a fatality, bodily injury to a person who as a result of the injury immediately receives medical treatment away from the scene of the accident; and/or one or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.*

1/385.5

GENERAL

**What is the carrier's recordable accident rate per million miles for the previous twelve (12) months?**

In the past 12 months the carrier has operated 9,178,221 miles and during that time has been involved in 3 recordable accidents. This gives them an accident rate of 0.33 per million miles operated.

## Overall Results of Motor Carrier Compliance Audit Report

Citation	Violation and Comments
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### 7 ) SDDC/PASSENGER

Inspection No.: 2072161

*Factor Seven is designed to evaluate the carrier's knowledge of and compliance with the guidelines outlined in the Military Bus Agreement (MBA) and other contractual issues required of the carrier to remain approved by the Military Surface Deployment and Distribution Command (SDDC). The MBA contains specific operational procedures, by which the carrier must abide. Failure to do so could risk disqualification for failing to honor the provisions of their agreement with SDDC.*

*The carrier is familiar with and abides by the requirements of the MBA. Upper management has insured all personnel that may become involved in the movement of U.S. military personnel have a working knowledge of the requirements.*

*There are no concerns in this factor. The company has provided excellent service to SDDC.*