


**Colorado State Patrol - Motor Carrier Safety**

	<b>US DOT #</b> 1415308	<b>Legal:</b> CROSSFIRE LLC <b>Operating (DBA):</b>		
<b>MC/MX #:</b> 581492		<b>Federal Tax ID:</b> 04-3677582 (EIN)		
<b>Review Type:</b> Non-ratable Review - CSA				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>
<b>Operation Types</b>				
<b>Interstate</b>		<b>Intrastate</b>		
<b>Carrier:</b>	HM	N/A		
<b>Shipper:</b>	N/A	N/A		
<b>Cargo Tank:</b>	N/A			
		<b>Business:</b> Corporation		
		<b>Gross Revenue:</b> \$213,000,000.00 <b>for year ending:</b> 12/31/2014		
<b>Company Physical Address:</b>				
820 AIRPORT ROAD DURANGO, CO 81303-8854				
<b>Contact Name:</b> Seth Van Soelen				
<b>Phone numbers:</b> (1) 970- 884-4869		(2) 970-442-1809		<b>Fax</b> 970-403-1129
<b>E-Mail Address:</b> Seth @ crossfire-llc.com				
<b>Company Mailing Address:</b>				
820 AIRPORT ROAD DURANGO, CO 81303-8854				
<b>Carrier Classification</b>				
Authorized for Hire		Private Property		
<b>Cargo Classification</b>				
Liquids / Gases in Cargo Tanks		Oil Field Equipment		Construction
<b>Hazardous Materials</b>				
3 Flammable liquid		Carried	Bulk	3 Combustible liquid
				Carried
				Bulk
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Owned</b>
				<b>Term Leased</b>
				<b>Trip Leased</b>
Truck	449	0	0	Truck Tractor
Trailer	270	0	0	HM Cargo Tank Truck
				68
				14
				0
				0
Power units used in the U.S.:531				
Percentage of time used in the U.S.:100				
<b>Does carrier transport placardable quantities of HM?</b> Yes				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0	
<b>&lt; 100 Miles:</b>	164	25	<b>Total Drivers:</b> 385	
<b>&gt;= 100 Miles:</b>	196		<b>CDL Drivers:</b> 290	





**CROSSFIRE LLC**  
U.S. DOT #: 1415308

Review Date:  
03/10/2015

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

15075 South Golden Road  
Golden, CO 80401  
303-273-1875

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

**Person(s) Interviewed**

**Name:** Seth Van Soelen

**Title:** Truck Safety

**Name:** Linda Griffin

**Title:** HR Assistant





**CROSSFIRE LLC**  
U.S. DOT #: 1415308

Review Date:  
03/10/2015

**Part B Violations**

1 FEDERAL	Primary: 380.509(a)	Discovered 2	Checked 6	Drivers/Vehicles In Violation	Checked 6
<p><b>Description</b> Failing to maintain a copy of the driver's training certificate in the driver's personnel or qualification file.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7) Trip date: 11-06-14 from San Juan County, NM to Ignacio, CO.</p> <p>Carrier failed to ensure each entry-level driver who first began operating a CMV requiring a CDL in interstate commerce after July 20, 2003, receives training required by §380.503. Carrier could not provide training records.</p>					
2 FEDERAL	Primary: 383.23(a)	Discovered 1	Checked 50	Drivers/Vehicles In Violation	Checked 50
<p><b>Description</b> Operating a commercial motor vehicle without a valid commercial driver's license.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7)(C) Trip date: 03-04-14 from Barnhart, TX to Barnhart, TX.</p> <p>Carrier allowed a driver to drive a CDL required commercial motor vehicle without a valid commercial driver's license.</p>					
3 FEDERAL	Primary: 391.11(b)(8) Secondary: 391.11(a)	Discovered 14	Checked 30	Drivers/Vehicles In Violation	Checked 30
<p><b>Description</b> Using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7)(C) Trip date: 01-06-15 from Vernal, UT to Rangely, CO.</p> <p>Carrier used a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.</p>					
4 STATE	Primary: 391.11(b)(8) Secondary: 391.11(a) CFR Equivalent: 391.11(b)(8)	Discovered 11	Checked 20	Drivers/Vehicles In Violation	Checked 20
<p><b>Description</b> Using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7) Trip date: 02-25-15 from Ignacio, CO to Durango, CO.</p> <p>Carrier used a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.</p>					





**CROSSFIRE LLC**  
U.S. DOT #: 1415308

Review Date:  
03/10/2015

**Part B Violations**

5 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	<b>Discovered</b> 15	<b>Checked</b> 20	<b>Drivers/Vehicles</b> <b>In Violation</b> 15 <b>Checked</b> 20
<p><b>Description</b> Using a driver who has not completed and furnished an employment application.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7) Trip dte: 02-09-15 from Ignacio, CO to Ignacio, CO.</p> <p>Carrier used a driver who has not completed and furnished an employment application or furnished an application that was incomplete.</p>				
6 FEDERAL	Primary: 391.21(a)	<b>Discovered</b> 16	<b>Checked</b> 30	<b>Drivers/Vehicles</b> <b>In Violation</b> 16 <b>Checked</b> 30
<p><b>Description</b> Using a driver who has not completed and furnished an employment application.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7)(C) Trip date: 01-ely, CO to Monticello UT, to Durango, CO.</p> <p>Carrier used a driver who has not completed and furnished an employment application or furnished an application that was incomplete.</p>				
7 STATE	Primary: 391.23(a)(1) CFR Equivalent: 391.23(a)	<b>Discovered</b> 2	<b>Checked</b> 20	<b>Drivers/Vehicles</b> <b>In Violation</b> 2 <b>Checked</b> 20
<p><b>Description</b> Failing to investigate driver's background.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7)(C) Trip date: 05-12-14</p> <p>Carrier failed to inquire to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.</p>				
8 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	<b>Discovered</b> 6	<b>Checked</b> 9	<b>Drivers/Vehicles</b> <b>In Violation</b> 6 <b>Checked</b> 9
<p><b>Description</b> Failing to investigate driver's background.</p> <p><b>Example</b> Driver name: (b) (6), (b) (7)(C) Trip date: 12-19-14 from Midland, TX to Midland, TX.</p> <p>391.23(a)(2): Carrier failed to conduct an investigation of the driver's safety performance history with Department of Transportation regulated employers during the preceding three years.</p>				





**Part B Violations**

9 FEDERAL	Primary: 391.23(a)(2)	<b>Discovered</b> 6	<b>Checked</b> 19	<b>Drivers/Vehicles In Violation</b> 6	<b>Checked</b> 19
--------------	-----------------------	------------------------	----------------------	---	----------------------

**Description**

Failing to investigate driver's background.

Driver name: (b) (6), (b) (7)

Trip date: 05-27-14 from Midland, TX to Artesia, NM.

Carrier failed to conduct an investigation of the driver's safety performance history with Department of Transportation regulated employers during the preceding three years.

10 STATE	Primary: 391.25(b)  CFR Equivalent: 391.25(b)	<b>Discovered</b> 7	<b>Checked</b> 13	<b>Drivers/Vehicles In Violation</b> 7	<b>Checked</b> 13
-------------	---	------------------------	----------------------	---	----------------------

**Description**

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

**Example**

Driver name: (b) (6), (b) (7)(C)

Trip date: 07-03-14 from Aztec, NM to Aztec, NM.

Carrier failed to annually review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

11 FEDERAL	Primary: 391.25(b)	<b>Discovered</b> 11	<b>Checked</b> 22	<b>Drivers/Vehicles In Violation</b> 11	<b>Checked</b> 22
---------------	--------------------	-------------------------	----------------------	--	----------------------

**Description**

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

**Example**

Driver name: (b) (6), (b) (7)(C)

Trip date: 10-18-14 from Ignacio, CO to Roswell, NM.

Carrier failed to annually review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

12 FEDERAL	Primary: 391.27(a)	<b>Discovered</b> 11	<b>Checked</b> 22	<b>Drivers/Vehicles In Violation</b> 11	<b>Checked</b> 22
---------------	--------------------	-------------------------	----------------------	--	----------------------

**Description**

Carrier failed to require each driver it employs to prepare and furnish a list of all violations of motor vehicle traffic laws of which the driver has been convicted of during the preceding 12 months.

**Example**

Driver name: (b) (6), (b) (7)(C)

Trip date: 10-18-14 from Ignacio, CO to Roswell, NM.

Carrier failed to require each driver it employs to prepare and furnish a list of all violations of motor vehicle traffic laws of which the driver has been convicted of during the preceding 12 months.





**CROSSFIRE LLC**  
U.S. DOT #: 1415308

Review Date:  
03/10/2015

**Part B Violations**

13 FEDERAL	Primary: 391.45(a) Secondary: 391.11(a)	<b>Discovered</b> 1	<b>Checked</b> 30	<b>Drivers/Vehicles In Violation</b> 1	<b>Checked</b> 30
---------------	--	------------------------	----------------------	---	----------------------

**Description**

Using a driver not medically examined and certified.

**Example**

Driver name: (b) (6), (b) (7)(C)  
Trip date: 12-16-14 from Rock Springs, WY to Durango, CO.

Carrier used a driver who was not medically examined and certified.

14 STATE	Primary: 391.27(a)  CFR Equivalent: 391.51(b)(6)	<b>Discovered</b> 7	<b>Checked</b> 13	<b>Drivers/Vehicles In Violation</b> 7	<b>Checked</b> 13
-------------	--	------------------------	----------------------	---	----------------------

**Description**

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

**Example**

Driver name: (b) (6), (b) (7)  
Trip date: 07-03-14 from Aztec, NM to Aztec, NM.

Carrier failed to require each driver it employs to prepare and furnish a list of all violations of motor vehicle traffic laws of which the driver has been convicted of during the preceding 12 months.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
<b>Total Miles Operated</b>	12,151,809	<b>Number of Vehicle Inspected (CR): 0</b>	
<b>Recordable Accidents</b>	8	<b>OOS Vehicle (MCMIS): 11</b>	
		<b>Number of Vehicles Inspected (MCMIS): 22</b>	

Your proposed safety rating is :

**This Review is not Rated.**





## Safety Management Process Breakdowns and Remedies

### 1. DRIVER FITNESS BASIC PROCESS BREAKDOWN:

Training and Communication

#### DESCRIPTION OF PROCESS BREAKDOWN

Crossfire LLC must develop and implement a program to train supervisors and employees in the requirements of Part 391 and ensure compliance with these regulations.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to driver-fitness regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between driver requirements and current qualifications.
- Ensure that all driver-qualification data, including Motor Vehicle Record (MVR) results, inspections, changes in credentials, and driver-reported violations, are properly communicated to managers, supervisors, and dispatchers to enable them to make appropriate assessments about each driver's fitness.
- Ensure that managers and supervisors regularly communicate and demonstrate their commitment to using only fit and qualified drivers.
- Communicate the carrier's Driver Fitness percentile to all staff, and explain to them individually what they can do to help improve the percentile.
- Ensure that hiring officials and employees who are responsible for safety have current knowledge, training, and experience regarding driver fitness regulations (both interstate and intrastate where applicable) and interpretations. Train these individuals on successful compliance practices of other companies.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to driver fitness regulations and company policies and procedures.
- Train all staff who are required to monitor and track driver fitness compliance on the appropriate company policies, including those related to discipline and incentives.
- Reinforce training about driver-fitness policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

#### HAZMAT Carrier Only:

- Ensure that drivers, dispatchers, and managers understand which HAZMAT loads the company is qualified to haul; that drivers understand which loads they are qualified to transport; and that dispatchers know which drivers have the proper endorsements and training.

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 2. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Apply Adequate Resources:** Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in





## Safety Management Process Breakdowns and Remedies

this responsibility.

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.
- Driver distraction presents a serious and potentially deadly danger according to data compiled by the National Highway Traffic Safety Association (NHTSA). It's estimated that driving while distracted causes at least a quarter of all motor vehicle accidents. Distracted driving is any non-driving activity an individual engages in that distracts them from their primary task of driving. Distractions include texting, using a cell phone, eating and drinking, reading maps, changing radio station and using a PDA or navigation system. Taking personal responsibility for your actions is the key; for more information on distracted driving, please visit <http://www.distraction.gov>.







**CROSSFIRE LLC**  
U.S. DOT #: 1415308

Review Date:  
03/10/2015

**Part C**

**Reason for Review:** CSA 100% States  
**Planned Action:** Cooperative Safety Plan (CSP)

**Parts Reviewed Certification:**

325 382 383 387 390 391 392 393 395 396 397 398 399 171 172 173 177 178 180  
                   ✓          ✓          ✓          ✓

**Prior Reviews**      **Prior Prosecutions**      **Reason not Rated:** CSA  
6/21/2011

**Unsat/Unfit Information**

**Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?**

**Does carrier transport placardable quantities of hazardous materials?** Yes - Interstate  
**Unsat/Unfit rule:** Not Applicable

**Corporate Contact:** Seth Van Soelen      **Special Study Information:**  
**Corporate Contact Title:** Truck Safety

**Remarks:**  
REMARKS:

INVESTIGATIVE REPORT RECEIVED BY:  
Name: Seth Van Soelen  
Title: Truck Safety  
Carrier/Shipper Name: Crossfire LLC  
Date: March 09, 2015  
Investigator: Jordan/4728

REASON FOR INVESTIGATION:  
Following a review of available information, Crossfire LLC was selected for an On-site Focused Investigation for being in an alert status for the Driver Fitness BASIC. I was assigned this review on January 07, 2015 by Sgt. Todd James of the Colorado State Patrol Motor Carrier Safety Section.

SCOPE OF INVESTIGATION:  
An on-site focused investigation was conducted at the carrier's principal place of business located at 820 Airport Road, Durango, CO 81303. The investigation was conducted within the scope of this assignment.

CARRIER OPERATION DESCRIPTION:  
Crossfire LLC is headquartered at 820 Airport Road, Durango, CO 81303. The carrier has 10 additional terminals located in Pecos, TX, Carthage, TX, Ignacio, CO, Greely, CO, Nunn, CO, Kensington, OH, Tioga, PA, Aztec, NM, Midland, TX and Vernal, UT. Crossfire LLC operates as a for-hire and private property carrier that transports equipment and supplies related to the oilfield industry.

Crossfire LLC does transport hazardous materials. The carrier transports NA1993, Diesel Fuel, 3, PG III and RQ, UN1230, Methanol, 3, PG II.

Crossfire LLC has 385 drivers with 290 that require a CDL to drive and 95 that do not. The carrier has 360 interstate drivers and 196 of them have operated outside of a 100 mile radius in the previous year. The carrier has 25 intrastate only drivers and all of these drivers only drive within a 100 mile radius of their work reporting location. The carrier has 449 straight trucks, 68 truck tractors, 14 hazmat cargo tank straight trucks and 270 trailers. The carrier uses both CDL required and NON-CDL required vehicles and combinations.





## Part C

Crossfire LLC reports that its gross revenue for the fiscal year ending December 31, 2014 was \$213,000,000.00. This information was provided by the team participating in this review.

Seth Van Soelen-Truck Safety, Linda Griffin-Human Resources Assistant, Rachel Folmar-Human Resources Manager, Pamela Borden-Permits and Licensing, Derek Mohler-Regional Safety Manager, Zeph Lee-District Truck Manager and Raymond Fonseca-Corporate Safety Director were responsible for providing the information that I obtained for this review.

Crossfire LLC does not utilize an independent compliance agency to assist in its compliance.

### PRE-INVESTIGATION:

On February 17, 2015, I contacted Crossfire LLC and spoke to Pamela Borden. I explained that Crossfire LLC was assigned to me to complete an on-site focused investigation for Driver Fitness. I informed the carrier of what the on-site investigation process consisted of. The carrier was in the New Entrant Program and exited the program after successfully completing an audit on April 08, 2010. The carrier has had one prior compliance review in June of 2011 for Driver Fitness and Hours of Service. The carrier had 2 serious violations in Driver Fitness as a result of the 2011 review. The violations were for 391.23(a) Failing to investigate a driver's background and 391.51(b)(2) Failing to maintain inquiries into driver's driving record in driver's qualification file. The recommendation from that review was for compliance monitoring.

On February 17, 2015, I emailed a document request letter to Pamela Borden at Crossfire LLC as well as a company information questionnaire form for them to complete and return to me. The following documents were listed in the request letter:

### Driver Fitness

Driver Qualification file(s). Application for employment, copy of MVR (motor vehicle records for the last three years or ten years for CDL Drivers) & annual review of MVR, list of traffic violations, previous employer check, certificate of road test and copy of medical cards for each of the drivers listed below.

Driver Qualification update procedures.

File for tracking medical cards expiration dates.

Policy for drivers to report violations.

Copies of signed roadside inspection reports (Roadside violations).

Dispatch records for each of the drivers listed below for the 6 month period prior to the date of this review.

Shipping records/Bills of lading for each of the drivers listed below for the 6 month period prior to the date of this review.

Payroll documents for each of the drivers listed below for the 6 month period prior to the date of this review.

Driver training records and certificates for each of the drivers listed below (training classes, HM, etc).

Documents on entry level driver training as required by Part 380.503; include certification for 4 categories.

Copy of your MCS-90, endorsement for motor carrier policies of insurance for the current policy.

Motor vehicle accident files for the past 12 months (Accident register & reports).

Insurance claim information for the past 365 days.

Company gross revenue for the last full year.

Total fleet mileage for the last full year.

### CDLIS (DRIVER LICENSE) CHECK:

CCIC/NCIC/CDLIS checks were conducted for 50 of the carrier's drivers. All 50 of the carrier's drivers had valid driver's licenses.

### DRIVERS WITH RED FLAG VIOLATIONS:

At the time of assignment and investigation, the carrier had one driver that was identified as having a red flag violation. On 03-04-14, (b) (6), (b) (7)(C) was contacted in Texas while driving on an intrastate trip in the Barnhart, TX area (b) (6), (b) (7)(C) was driving a pickup (GVWR 16,500 lbs) and towing a trailer (GVWR 23,520 lbs) that had a combined GVWR of 40,020 lbs.

(b) (6), (b) (7)(C) held a regular adult Class D, New Mexico driver's license and not a Class A CDL as the combination required.

(b) (6), (b) (7)(C) was employed as a NON-CDL driver at that time and was mistakenly asked to drive the combination. The carrier took steps to prevent this activity in the future by issuing an email to supervisors reminding them of the sizes of vehicles and combinations that require a CDL to drive. There was no evidence that the carrier has allowed this violation since the time of this incident. (b) (6), (b) (7)(C) is still employed as a NON-CDL driver for the carrier.

In addition to (b) (6), (b) (7)(C) a second driver was identified during the investigation for having a red flag violation. During the process of conducting CDLIS checks on drivers as required by the CAIR process, it was discovered that (b) (6), (b) (7)(C)





**Part C**

(b) (6), (b) New Mexico CDL was suspended for an "FTA" from 07-21-14 to 08-01-14. (b) continued to drive for the carrier during this suspension period until she was made aware that the suspension had occurred. (b) (6) has a regular daily route with the carrier where she starts her trip in San Juan County, NM and travels to various locations in Colorado. (b) (6) CDL was reinstated on (b) (6). The carrier hired (b) on (b) (6), and obtained an MVR on that same date. The carrier also obtained an annual MVR for (b) on 12-29-14. The suspension and reinstatement took place between the dates that the two MVRs were obtained. The carrier was in compliance with the requirements for reviewing (b) (6) driving record and obtaining MVRs. There is no evidence to indicate the carrier knowingly allowed (b) to drive when her license was suspended.

**CONTROLLED SUBSTANCES AND ALCOHOL REVIEW:**

Crossfire LLC was not assigned for a tangent controlled substances and alcohol review.

**INVESTIGATION:**

On February 24, 2015, Trooper Darin Barnes and I went to the carrier's principal place of business to conduct the review. I confirmed that the carrier has completed an MCS-150 update within the previous 2 years. I also confirmed that the carrier operates as a for-hire and private property interstate carrier that does transport hazardous materials. The carrier provided a current MCS-90 with the proper amount of liability insurance. The carrier has been involved in eight commercial vehicle accidents but could not provide an accident register.

As part of the review I checked 13 drivers' medical cards with the drivers' medical examiner to confirm if they were valid.

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6),  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: G5021-TX  
Date of Issue for MEC: 09-12-13  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: 23756/CO  
Date of Issue for MEC: 04-28-14  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: MDE3687TX  
Date of Issue for MEC: 06-06-13  
Results: MEC Check-NO CONTACT

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: PA2005-0038/NM  
Date of Issue for MEC: 04-23-13  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: PA2005-0038/NM  
Date of Issue for MEC: 09-25-14  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)(C)





Part C

ME's License # and State: PA10004705/WA  
Date of Issue for MEC: 07-25-13  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6),  
Driver's License Number/State: (b) (6), (b) (7)(C)  
ME's License # and State: 4519/MT  
Date of Issue for MEC: 04-10-14  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b)  
Driver's DOB: (b) (6),  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: PA0504U/TX  
Date of Issue for MEC: 01-21-14  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)(C)  
ME's License # and State: 23756/CO  
Date of Issue for MEC: 07-03-13  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6),  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: 23756/CO  
Date of Issue for MEC: 12-30-13  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: PA2005-0038/NM  
Date of Issue for MEC: 01-20-14  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6),  
Driver's License Number/State: (b) (6), (b) (7)  
ME's License # and State: 24752/CO  
Date of Issue for MEC: 04-17-13  
Results: MEC Check-CONFIRMED

Driver's Name: (b) (6), (b) (7)(C)  
Driver's DOB: (b) (6), (b)  
Driver's License Number/State: (b) (6), (b) (7)(C)  
ME's License # and State: 6173/CO  
Date of Issue for MEC: 09-26-13  
Results: MEC Check-CONFIRMED

DRIVER FITNESS:

The sample size for this investigation was 50 driver's files. Of these 50 files, 30 were interstate drivers and 20 were intrastate drivers.

The carrier was missing or had accepted an incomplete application for employment for 16 of the 30 interstate drivers and 15 of the 20 intrastate drivers. The missing information that was most prevalent on the incomplete applications was not





### Part C

providing a complete employment history. The missing applications were generally the result of employees being hired as laborers and then moving into driving positions after the initial employment date. The carrier did not require these drivers to resubmit a driver's application. The carrier also said they were unaware of the requirements for NON-CDL drivers to comply with the regulations. The carrier said they believed the regulations only applied to CDL required drivers.

The carrier failed to obtain an initial MVR for 2 of the intrastate drivers. The carrier gets its MVRs from a vendor that they are contracted with to provide them. One of the drivers was not in the carrier's driver database and was identified because he was listed as a driver in the carrier's crashes in MCMIS. The carrier said this driver was not supposed to be driving and has been terminated from the company. The other driver was missing the initial MVR within 30 days of the date of hire but did have a subsequent MVR on file.

The carrier was able to provide an annual MVR for all 22 interstate drivers and 13 intrastate drivers in the sample that have been employed for more than 1 year. The carrier receives a notification from a contracted company every 11 months for each company employee and obtains a new MVR every year at that time. The carrier failed to require 11 of the 22 interstate and 7 of the 13 intrastate drivers to complete an annual list of violations of motor vehicle traffic laws of which the driver had been convicted during the preceding 12 months. The carrier also failed to review the driving record of each of these drivers to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive. Most of the missing annual reviews were attributed to drivers that were hired as laborers and had been moved up to driver status after their initial employment. The carrier did not require the drivers to complete new applications and the employees did not get put into the driver system.

The carrier failed to send previous employer inquiries for 6 of 19 interstate and 6 of 9 intrastate drivers that had previous experience and were subject to FMCSR regulations during their previous employment. Some of the files had forms completed but there was no record that the forms had been sent to the previous employer and there was no response in the file.

The carrier was unable to provide a road test certificate for 14 of the 30 interstate drivers and 11 of the 20 intrastate drivers. The missing road tests were primarily NON-CDL drivers that had been moved up from laborer positions and CDL drivers with tank endorsements. The carrier was not aware a road test was required for CDL drivers that drive tank vehicles.

The carrier was unable to provide a copy of one interstate driver's medical certificate. This driver was cited for the violation during a roadside inspection. There was no evidence that the driver has driven since the date of that inspection.

The carrier routinely hires employees as laborers and then promotes them to driver positions as they are needed and as they prove themselves as good employees. The carrier also helps driver's get a CDL if they don't already have one. The carrier was unable to provide proof of entry level driver training for 2 of its 6 entry level interstate drivers, in this sample, that obtained a CDL while working at the carrier.

The carrier's safety management staff has had a complete changeover in personnel since the time of the last compliance review. Most of the officials involved in this review have held their current positions for less than one year. While the carrier did make progress in the areas that were listed as serious violations from the previous review, the carrier and its new safety staff have more work to do. It did not appear that knowledge from past employees has been passed on to the newer staff and the carrier needs to implement processes to ensure driver fitness requirements are being met. The Safety Employees in the review were very open to any and all suggestions that were made to assist them in complying and were already making changes to internal processes while the review was going on.

#### PROCESS BREAKDOWN:

I believe the process breakdown for the carrier in the driver fitness BASIC is in training and communication. The employees understood that many of the violations found during the review could be prevented by having a better knowledge of the requirements and then having better processes to ensure the requirements are met. The carrier needs to communicate its expectations to supervisors and employees in other terminals and stress the importance of everyone doing their part to comply. Managers in the review said that a supervisor in another terminal may have an employee drive a commercial vehicle because they are shorthanded and they aren't aware of the problems that can occur from this practice. The carrier needs to make those supervisors aware that this is not an acceptable practice and then provide them with the resources or processes to assist them in getting their jobs done correctly and in compliance with the regulations.

#### FOLLOW-ON ACTION:

The previous review resulted in a recommendation for compliance monitoring. I am recommending the carrier complete a cooperative safety plan to address the most prevalent violations identified in this review. The carrier agreed to complete a





**CROSSFIRE LLC**  
 U.S. DOT #: 1415308

Review Date:  
 03/10/2015

**Part C**

cooperative safety plan to address the following violations:

391.21(a) Using a driver who has not completed and furnished an employment application or who has furnished an incomplete employment application.

391.25(b) Failing to review the driving record of each driver to determine whether that driver meets the minimum requirements for safe driving or is disqualified to drive.

391.27(a) Failing to require each driver it employs to prepare and furnish a list of all violations of motor vehicle traffic laws of which the driver has been convicted of during the preceding 12 months.

Violations found during the Investigation were documented in Part B. (See Part B.)

**DOCUMENTS PROVIDED TO CARRIER:**

1. Safety Management Cycle Handout for Driver Fitness
2. A Copy of the On-site Focused Compliance Review
3. ETA Packet
4. Record Retention Handout
5. Business Card

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>	
<b>Authorized by:</b>			<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>	<b>Failure Code:</b>
<b>Verified by:</b>			<b>Date:</b>

