


**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<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>																	
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"><b>Carrier:</b></td> <td style="width:15%;">Non-HM</td> <td style="width:15%;">N/A</td> </tr> <tr> <td><b>Shipper:</b></td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td><b>Cargo Tank:</b></td> <td colspan="2">N/A</td> </tr> </table>		<b>Carrier:</b>	Non-HM	N/A	<b>Shipper:</b>	N/A	N/A	<b>Cargo Tank:</b>	N/A		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><b>Business:</b> Corporation</td> </tr> <tr> <td><b>Gross Revenue:</b> \$27,000,000.00</td> </tr> <tr> <td style="text-align:right;"><b>for year ending:</b> 12/31/2010</td> </tr> </table>			<b>Business:</b> Corporation	<b>Gross Revenue:</b> \$27,000,000.00	<b>for year ending:</b> 12/31/2010	
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<b>Business:</b> Corporation																	
<b>Gross Revenue:</b> \$27,000,000.00																	
<b>for year ending:</b> 12/31/2010																	
<b>Company Physical Address:</b>																	
223 CHICKENHAWK LANE IGNACIO, CO 81137																	
<b>Contact Name:</b> Drew Standley																	
<b>Phone numbers:</b> (1) 970- 884-4869		<b>(2)</b>		<b>Fax</b> 970-403-1129													
<b>E-Mail Address:</b> drew@crossfire-llc.com																	
<b>Company Mailing Address:</b>																	
223 CHICKENHAWK LANE IGNACIO, CO 81137																	
<b>Carrier Classification</b>																	
Authorized for Hire																	
<b>Cargo Classification</b>																	
Machinery, Large Objects      Construction																	
<b>Does carrier transport placardable quantities of HM?</b> No																	
<b>Is an HM Permit required?</b> N/A																	
<b>Driver Information</b>																	
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align:center;"><b>Inter</b></td> <td style="width:15%; text-align:center;"><b>Intra</b></td> </tr> <tr> <td><b>&lt; 100 Miles:</b></td> <td></td> <td></td> </tr> <tr> <td><b>&gt;= 100 Miles:</b></td> <td style="text-align:center;">89</td> <td></td> </tr> </table>		<b>Inter</b>	<b>Intra</b>	<b>&lt; 100 Miles:</b>			<b>&gt;= 100 Miles:</b>	89		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><b>Average trip leased drivers/month:</b> 0</td> </tr> <tr> <td><b>Total Drivers:</b> 89</td> </tr> <tr> <td><b>CDL Drivers:</b> 64</td> </tr> </table>			<b>Average trip leased drivers/month:</b> 0	<b>Total Drivers:</b> 89	<b>CDL Drivers:</b> 64
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<b>&lt; 100 Miles:</b>																	
<b>&gt;= 100 Miles:</b>	89																
<b>Average trip leased drivers/month:</b> 0																	
<b>Total Drivers:</b> 89																	
<b>CDL Drivers:</b> 64																	
<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	69	0	0	Truck Tractor	13	0	0										
Trailer	29	0	0														
Power units used in the U.S.:82																	
Percentage of time used in the U.S.:100																	





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

Review Date:  
06/21/2011

**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:

12300 W. Dakota Avenue, Suite 130  
Lakewood, CO 80228  
Phone: (720)963-3130 Fax:(720)963-3131

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

**Person(s) Interviewed**

**Name:** Ezra Lee

**Title:** President

**Name:** Drew Standley

**Title:** Safety Officer





**Part B Violations**

1 FEDERAL	Primary: 391.23(a)	Discovered 7	Checked 13	Drivers/Vehicles In Violation	Checked 13
<p><b>Description</b> Failing to investigate driver's background.</p> <p><b>Example</b> Driver: (b)(6),(b)(7)(C) Trip date: 01/27/11 carrier failed to investigate driver's safety performance history with Department of Transportation regulated employers during the preceding three years.</p>					
2 FEDERAL	Primary: 391.51(b)(1)	Discovered 10	Checked 13	Drivers/Vehicles In Violation	Checked 13
<p><b>Description</b> Failing to maintain driver's employment application in driver's qualification file.</p> <p><b>Example</b> Driver: (b) (6), (b) (7)(C) Trip date: 02/14/11 Failing to maintain driver's employment application in driver's qualification file in accordance with 391.21.</p>					
3 FEDERAL	Primary: 391.51(b)(2)	Discovered 7	Checked 13	Drivers/Vehicles In Violation	Checked 13
<p><b>Description</b> Failing to maintain inquiries into driver's driving record in driver's qualification file.</p> <p><b>Example</b> Driver: (b) (6), (b) (7)(C) Trip date: 02/24/11 Carrier failed to maintain inquiries into driver's driving record in driver's qualification file (initial MVR).</p>					
4 FEDERAL	Primary: 391.51(b)(4)	Discovered 4	Checked 13	Drivers/Vehicles In Violation	Checked 13
<p><b>Description</b> Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).</p> <p><b>Example</b> Driver: (b) (6), (b) (7)(C) Trip date: 03/15/11 Carrier failed to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).</p>					
5 FEDERAL	Primary: 391.51(b)(5)	Discovered 3	Checked 13	Drivers/Vehicles In Violation	Checked 13
<p><b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p> <p><b>Example</b> Driver: (b) (6), (b) (7)(C) Trip date: 03/15/11 Carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p>					





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**Part B Violations**

6 FEDERAL	Primary: 391.51(b)(6)	<b>Discovered</b> 3	<b>Checked</b> 13	<b>Drivers/Vehicles In Violation</b> 3	<b>Checked</b> 13
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**Description**

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

**Example**

Driver: (b) (6), (b) (6)  
Trip date: 01/27/11

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

7 FEDERAL	Primary: 395.3(a)(2)	<b>Discovered</b> 2	<b>Checked</b> 312	<b>Drivers/Vehicles In Violation</b> 1	<b>Checked</b> 11
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**Description**

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

**Example**

Driver: (b) (6), (b) (6)  
Trip date: 06/10/11

On 06/10/11, (b) (6), (b) (6) drove 2.5 hours after being on duty 14 hours.

8 FEDERAL	Primary: 395.8(a)	<b>Discovered</b> 18	<b>Checked</b> 330	<b>Drivers/Vehicles In Violation</b> 7	<b>Checked</b> 11
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**Description**

Failing to require driver to make a record of duty status.

**Example**

Driver: (b) (6), (b) (6)  
Trip date: 02/08/11

Carrier failed to require driver to make a record of duty status.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
<b>Total Miles Operated</b>	3,285,602	<b>Number of Vehicle Inspected (CR): 0</b>	
<b>Recordable Accidents</b>	0	<b>OOS Vehicle (MCMIS): 0</b>	
		<b>Number of Vehicles Inspected (MCMIS): 0</b>	

Your proposed safety rating is :

**This Review is not Rated.**





## Safety Management Process Breakdowns and Remedies

### 1. 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.
- **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. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Steve Kleszczyski  
Division Administrator  
Federal Motor Carrier Safety Administration  
12300 West Dakota Avenue, Suite 130  
Lakewood, CO 80228

### 2. FATIGUE DRIVING (HOS) BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Crossfire LLC must continue training driver's and other staff regarding the requirements of Part 395.1(e), "Short Haul Operations".

#### BASIC SPECIFIC RECOMMENDED REMEDIES





## Safety Management Process Breakdowns and Remedies

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

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) 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 scheduling and HOS rules.
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's Fatigued Driving score to all staff, and explain to them individually what they can do to help the carrier improve the score.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.
- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.
- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, 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 Hours-of-Service (HOS) regulations and company policies and procedures.
- Reinforce training about Hours-of-Service (HOS) 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.

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.

### 3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Crossfire LLC must continue to train staff as to the requirements of Part 391 regarding required documents that must be maintained in the DQ file.

#### 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





## Safety Management Process Breakdowns and Remedies

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 score to all staff, and explain to them individually what they can do to help the carrier improve the score.
- 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.

### 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.

4. 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.distracted.gov>.





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

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06/21/2011

**Part C**

**Reason for Review:** CSA 100% States  
**Planned Action:** Compliance Monitoring

**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

**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?**

**Unsat/Unfit rule:** Not Applicable

**Corporate Contact:** Ezra Lee      **Special Study Information:**  
**Corporate Contact Title:** President

**Remarks:**

**REASON FOR INVESTIGATION:**

Carrier was list as "Mandatory" and assigned as an OnSite Focused Investigation. The investigation was focused on the Fatigue Driving and Driver Fitness BASICS.

**SCOPE OF INVESTIGATION:**

Review was conducted as originally assigned.

**CARRIER OPERATION DESCRIPTION:**

Crossfire LLC's principle place of business is located at 223 ChickenHawk Lane, Ignacio, CO 81137. The carrier is classified as authorized for hire; they transport machinery, large objects and construction material in both interstate and intrastate commerce with approximately 75% of the transportation being interstate due to the proximity of the New Mexico, Colorado boarder. Currently the carrier has sixty-nine straight trucks, thirteen truck tractors, twenty-nine tank trailers and eighty-nine company drivers operating under their authority

Crossfire LLC does not have any other terminals locations; all records, documents, and personnel files are maintained and managed at the carrier's Principal Place of Business (PPOB). However, the carrier will travel into other states and setup temporary work locations that can last up to a month.

Crossfire LLC's gross revenue for the calendar year of 2010 was \$27,000,000.00. This information was obtained from the President of the company, Ezra Lee.

Major assets for this company include numerous pieces of equipment and approximately 10 acres of land with 3 outbuildings.

The carrier has several employees responsible for safety and hiring. Drew Standley, the carrier's Safety Officer is responsible for the overall safety and compliance. Larry Rust, Truck Manager is responsible for the fleet and Carol Johnson who is the carrier's HR person is responsible for overseeing the hiring process, final hiring is up to Mr. Rust

There is no evidence that the carrier was involved in any emergency relief efforts or operating under terms of an exemption or waiver in the past 365 days.

**PRE-INVESTIGATION:**

Prior to contacting the carrier, I reviewed all available data pertaining to their operation. MCMIS shows the carrier had 1 previous intervention, which was a Safety Audit that was on conducted 04/08/10.







## Part C

I contacted the carrier by phone on June 8, 2010 and spoke with the Safety Officer, Drew Standley. I explained to Mr. Standley that the carrier was selected for a Focused Onsite intervention and what the intervention entailed. Mr. Standley was receptive to my call and willing to assist with the process.

I advised Mr. Standley that the carrier assigned to me because they were list as "Mandatory" in CSI. I advised Mr. Standley that in order to conduct my investigation I would be sending him a document request letter identifying the drivers selected for the investigation and list of documents I would need for review.

### Requested documents:

List of drivers used in the past 365 days including their date of hire, date of termination, copy of license

Driver records of duty status (logbooks and/or time cards).

Driver trip reports, expense records, toll receipts and bills of lading.

Driver Qualification file(s). Application for employment, copy of MVR (motor vehicle record) & annual review of MVR, list of traffic violations, previous employer check, certificate of road test and copy of medical cards.

Driver training records and certificates.

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 past 365 days.

The Onsite intervention was scheduled for June 20, 2011 at the carrier's PPOB.

### CDLIS (DRIVER LICENSE) CHECK:

CDLIS Check yields 20 of 20 drivers requiring CDL have valid CDLs

### RED FLAG DRIVERS:

No "Red Flag" drivers were identified by SMS as needing an investigation.

### DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

No Drug and Alcohol Review was performed, carrier did not the criteria.

### INVESTIGATION:

Bob Dodson who assisted me with the review and I arrived at the carrier's location on 06/20/11 and proceeded with the intervention as assigned.

A review of the requested documents revealed violations of the FMCSRs (see Part B of the investigation). I discussed the details of the investigation with Mr. Standley, the company's President, Ezra Lee, Mr. Clark and Ms. Johnson. We discussed the violations and how the violations contributed to the company being selected for the investigation. I then used the Safety Management Cycle and conducted an interview in order to review the carrier's Safety Management Processes.

As a result of the available data and interview, I identified a process breakdown within the carrier's Safety Management Process of "Training and Communication" (see process breakdown in the recommendation section of CAPRI). This process breakdown contributed to violations discovered during the review.

I discovered during the investigation, that the violations received by the carrier were due to the fact the carrier did not completely understand the requirements of Parts 391 and 395 as they applied to CMVs having a GVWR between 26,000 - 10,001 lbs. When the carrier received these violations they were not fully aware that the driver's of these CMVs and the CMVs themselves were subject to the regulations. As the carrier researched these violations, they became aware of the definition of a CMV in Part 390 and immediately took action to correct the issue.

As part of their corrective action, which they implemented in January of 2011, the carrier hired a new HR person, Carol Johnson to help comply with Part 391. The carrier also implemented the use of log books/time cards for CMVs having a GVWR between 26,000 - 10,001 lbs. The implementations of these corrective actions appear to be having a positive effect on the carrier's operation.

### FOLLOW-ON ACTION:





**CROSSFIRE LLC**  
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### Part C

Compliance monitoring is recommended due to the fact the carrier is taking the appropriate corrective actions.

During the closeout we discussed the violations discovered, the need for the carrier to have a healthy Safety Management Process in place and the necessary Safety Improvement Practices that will best help the carrier.

**DOCUMENTS PROVIDED TO CARRIER:**

Copy of the investigation was given to the President of the company, Ezra Lee.  
FMCSA Website

<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>

