


Federal Motor Carrier Safety Administration

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|---|--|---|---|-----------------------|
|  | US DOT # 75525 | Legal: DART TRANSIT COMPANY Operating (DBA): | | |
| MC/MX #: 114457 | | Federal Tax ID: 41-0213647 (EIN) | | |
| Review Type: Non-ratable Review - CSA | | Focused Investigation | | |
| Scope: Principal Office | Location of Review/Audit: Company facility in the U. S. | | Territory: D | |
| Operation Types | | Business: Corporation | | |
| Interstate | Intrastate | Gross Revenue: \$238,217,000.00 for year ending: 12/31/2016 | | |
| Carrier: HM | N/A | | | |
| Shipper: N/A | N/A | | | |
| Cargo Tank: | N/A | | | |
| Company Physical Address: | | | | |
| 800 LONE OAK ROAD EAGAN, MN 55121 | | | | |
| Contact Name: Randy Luckow | | | | |
| Phone numbers: (1) 651- 688-2000 | | (2) | Fax | |
| E-Mail Address: | | | | |
| Company Mailing Address: | | | | |
| 800 LONE OAK ROAD EAGAN, MN 55121 | | | | |
| Carrier Classification | | | | |
| Authorized for Hire | | | | |
| Cargo Classification | | | | |
| General Freight | | Building Materials | | Intermodal Containers |
| Beverages | | Paper Products | | |
| Hazardous Materials | | | | |
| 2.2 Nonflammable gas | Carried | Non-Bulk | 5.1 Oxidizer | Carried |
| 5.2 Organic peroxide | Carried | Non-Bulk | 8 Corrosive material | Carried |
| 9 Miscellaneous HM | Carried | Non-Bulk | | Non-Bulk |
| Equipment | | | | |
| | Owned | Term Leased | Trip Leased | |
| Truck Tractor | 2138 | 0 | 0 | Trailer |
| | Owned | Term Leased | Trip Leased | |
| | 7167 | 0 | 0 | |
| Power units used in the U.S.:2138 | | | | |
| Percentage of time used in the U.S.:100 | | | | |
| Does carrier transport placardable quantities of HM? | | Yes | | |
| Is an HM Permit required? | | N/A | | |
| Driver Information | | | | |
| | Inter | Intra | Average trip leased drivers/month: 0 | |
| < 100 Miles: | 0 | 0 | Total Drivers: 2809 | |
| >= 100 Miles: | 2809 | 0 | CDL Drivers: 2809 | |





DART TRANSIT COMPANY
U.S. DOT #: 75525

Review Date:
09/08/2017

Part A

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

380 Jackson St., Suite 500
St. Paul, MN 55101-2904
Phone: 651-291-6150

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Rick Luckow

Title: VP of Safety

Name:

Title:





Part B Violations

| 1 FEDERAL | Primary: 177.834(a) | Discovered 1 | Checked 5 | Drivers/Vehicles In Violation 1 | Checked 5 |
|--|---------------------|--|--------------|---------------------------------------|--------------|
| <p>Description Failing to brace containers of hazardous materials to prevent relative motion between containers.</p> <p>Example b6, b7C 9/12/16 Carrier was hauling new auto batteries. During roadside inspection, batteries were found strewn from the wrapped pallet and laying on the floor.</p> | | | | | |
| 2 FEDERAL | Primary: 392.2 | Discovered 1 | Checked 1 | Drivers/Vehicles In Violation 1 | Checked 1 |
| <p>Description Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Unsafe Driving.</p> <p>Example b6, b7C 0/28/17 Failure to obey traffic control device</p> | | | | | |
| 3 FEDERAL | Primary: 392.2 | Discovered 1 | Checked 1 | Drivers/Vehicles In Violation 1 | Checked 1 |
| <p>Description Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - HM Compliance</p> <p>Example b6, b7C 4/20/17 Package not secure</p> | | | | | |
| <p>Safety Fitness Rating Information:</p> <p>Total Miles Operated 230,000,000</p> <p>Recordable Accidents 0</p> | | <p>OOS Vehicle (CR): 0</p> <p>Number of Vehicle Inspected (CR): 0</p> <p>OOS Vehicle (MCMIS): 0</p> <p>Number of Vehicles Inspected (MCMIS): 0</p> | | | |

Your proposed safety rating is :

This Review is not Rated.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or





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Part B Violations

UNSATISFACTORY rating.





Safety Management Process Breakdowns and Remedies

1. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
2. The Federal Motor Carrier Safety Administration has a Spanish language version of its website at: www.fmcsa.dot.gov/spanish/.
3. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)
4. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Failing to obey state and federal regulations when operating a CMV.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.
 - Develop a policy stating that drivers are responsible for adhering to all safe-driving-related Federal, State, and local laws and ordinances, including the prohibition against using radar detectors and the wearing of seatbelts.
 - Develop a policy requiring drivers to submit copies of all roadside inspections and citations for moving violations to carrier management within 24 hours.
 - Develop a policy penalizing drivers for speeding even if a Federal or State citation is not issued on the road.
 - Establish a policy that prohibits dispatchers from assigning drivers a load that cannot be completed without speeding.
 - Develop a policy that prohibits passengers from being on board non-passenger vehicles without management approval.
 - Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows unsafe-driving violations.
HAZMAT Carrier Only:
 - Adopt standards for safely operating a vehicle in accordance with specific load and equipment requirements, roadway and weather conditions, and State and local regulations concerning HAZMAT-restricted routes.
 - Develop a policy that prohibits employees from smoking within 25 feet of the vehicle in accordance with 49 CFR Part 397.
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.
5. Ensure that all non-exempted shipments of hazardous materials are properly packaged, labeled, and marked with proper D.O.T. shipping name prior to moving in Interstate Commerce.
6. For all Investigations:
 - Understand why Compliance Saves Time and Money Compliance with MCSRs 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.





Safety Management Process Breakdowns and Remedies

- 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 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 391.21 requires prospective employers to at a minimum, investigate a driver 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 with violations recorded in Part B.

If you believe the violations recorded in Part B of this investigation were an error, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the most effective way to remove violations on the investigation report that did not affect your safety rating data. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.





Part C

Reason for Review: Focused CR
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 |
| | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | | | ✓ | ✓ | | ✓ | | |

| | | |
|-----------------------------|----------------------------------|------------------------------|
| <u>Prior Reviews</u> | <u>Prior Prosecutions</u> | Reason not Rated: CSA |
| 7/29/2009 | 2/27/2001 | |
| 3/4/1998 | 12/19/1996 | |
| 5/1/1996 | 12/11/1995 | |

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: Rick Luckow **Special Study Information:**
Corporate Contact Title: VP of Safety

Remarks:

INVESTIGATOR'S NAME/BADGE NUMBER: Scott Crow/MN0677

REASON FOR INVESTIGATION: The carrier exceeded the threshold in Unsafe Driving (73) and Hazardous Materials Compliance (98) at the time of assignment.

SCOPE OF INVESTIGATION: The carrier was selected for an on site focused review and was selected for a Controlled Substances and Alcohol Supplemental and Hazardous Materials Supplemental reviews. The review had a due date of 9/5/17.

DATES OF INVESTIGATION: On 8/9/17 and 8/11/17 an investigation was conducted at Dart Transit Company located 800 Lone Oak Rd, Eagan MN. Close-out of the investigation occurred on 08/16 and 09/08/2017.

CARRIER OPERATION DESCRIPTION:

The carrier is an interstate for-hire Hazmat motor carrier. The carrier operates throughout the lower 48 states. The carrier transports a variety of freight to include general freight, building materials, intermodal containers, paper products and some non bulk hazmat. The carrier has 2809 CDL drivers, 2138 truck tractors and 7167 trailers. The carrier has a large office type building with multiple offices in it. The carrier also has a back lot where the drivers park their vehicles overnight if needed. The carrier has their own in house mechanic that provides most of their vehicle maintenance. The carrier was not involved in emergency relief efforts or exemption or waiver programs. The carrier listed their mileage and gross income for 2016 as 230,000,000 miles and \$238,217,000. The carrier lists the following officers: David Oren - President, Scott Buchanan - Treasurer and Randy Luckow - Director of Safety. The NAS investigation revealed no issues.

The carrier has no busy or slow season. The carrier's work load stays steady all year long. The carrier was subject to prior reviews on 7/29/09, 3/4/98 and 5/1/96.

PRE-INVESTIGATION: On 8/1/17 an appointment was made via phone call with Randy Luckow. On the same day an appointment/document request letter was mailed to the carrier. A carrier safety profile was also obtained. The carrier last updated their MCS150 on 4/12/17.

INVESTIGATION: The carrier provided documents requested in the appointment/document request letter. The documents are maintained by Randy Luckow and Randy Besse. The files are kept electronically. The carrier printed out requested





Part C

copies.

CDLIS (DRIVER LICENSE) CHECK: CDLIS driver checks were performed for 125 drivers per FOTM. The drivers reviewed are highlighted on the driver's list.

AUTHORITY: No issues noted.

INSURANCE: The carrier has coverage with Great West Casualty in the amount of \$5 million. Policy number TEP00012M.

DRIVERS WITH RED FLAG VIOLATIONS: The carrier has 9 red flag drivers. The drivers include:

- b6, b7C Violation: 392.5(a) - Possession/use/under influence alcohol-4hrs prior to duty
- b6, b7C Violation: 383.23(a)(2) - Operating a CMV without a CDL for failure to wear corrective lenses.
- b6, b7C Violation: 383.23(a)(2) - Operating a CMV without a CDL
- b6, b7C -Violation: 383.23(a)(2) - Operating a CMV without a CDL
- b6, b7C -Violation: 383.51(a)-SOUT - Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the driver's license state of issuance.
- b6, b7C -Violation: 383.51(a)-SIN - Driving a CMV while CDL is suspended for a safety-related or unknown reason and in the state of driver's license issuance.
- b6, b7C -Violation: 383.23(a)(2) - Operating a CMV without a CDL
- b6, b7C -Violation: 383.51(a)-SOUT - Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the driver's license state of issuance.
- b6, b7C -Violation: 383.23(a)(2) - Operating a CMV without a CDL

The reasons for the suspended/downgraded CDLs ranged from failure to self certify, expired medical card and failure to pay fines/child support.

One red flag driver, b6, b7C received violations for 392.5(a) - possession of an intoxicating beverage and 392.5(a) - Operating a motor vehicle while under the influence of an intoxicant. b6, b7C was terminated and all procedures were followed.

Two of the red flag drivers had received their red flag status prior to working for DART. b6, b7C was working for Superway Logistics and b6, b7C was working for Greatwide American Trans-Freight. Both drivers had valid licenses and med cards and passed all background checks when they came to work for DART.

b6, b7C license was suspended on 1/19/17 for failure to pay child support. His CDL was reinstated the following day 1/20/17.

b6, b7C - was cited 383.23(a)(2) - for failing to wear corrective lenses as required by license and medical card. Driver had a valid CDL at the time but was cited for failure to wear his glasses.

For the rest of the drivers, the MVR was run on an annual basis as required. The carrier provided proof of the MVR. The carrier uses a service called "SuperVision" that alerts when a license has expired, been suspended or downgraded. The carrier was notified when the licenses were downgraded and the drivers were removed from duty until the valid med card was sent in and self certified. At the time the licenses were downgraded, each driver had a valid medical card, but failed to self-certify.

- UNSAFE DRIVING BASIC: The carrier was high in unsafe driving. Violations that contributed to the high score included:
- 6/28/17 - Failure to obey traffic device
 - 6/27/17 - Speeding 6-10 miles per hour of posted limit
 - 6/24/17 - Failure to maintain lane
 - 6/21/17 - Speeding 6-10 miles per hour over the posted limit
 - 6/13/17 - Lane restriction violation
 - 6/9/17 - Failure to use seatbelt

The carrier takes driver violations very seriously. They have a written driver policy that all drivers sign. The policy includes following all local and federal violations when operating a CMV. The carrier has a reward system in place as well as a disciplinary system. First offense can include a verbal warning. A second offense can include a written warning. A third





Part C

offense can include re-training, suspension and possible termination.

A violation was noted for 392.2 - Unsafe Driving.

HOURS OF SERVICE (HOS) COMPLIANCE BASIC: N/A

DRIVER FITNESS BASIC: The carrier uses a service by SuperVision to maintain their DQ Files. Per FOTM, a review of driver qualification regulations should be a consideration if there is evidence on the profile that might show a link between driver qualification issues and unsafe driving behaviors. The only file I felt there may be a link was for b6, b7C. I reviewed his file to make sure that the carrier followed all procedures to include background checks and alcohol/controlled substances history from all employers the driver worked for as per 391.23. No issues noted.

CONTROLLED SUBSTANCES AND ALCOHOL BASIC: The carrier was a supplemental review candidate. The carrier uses Compliance Safety Services to maintain their program. The carrier provided negative pre-employment tests for drivers hired in the past 365 days. Drivers are given a copy of the company Drug/Alcohol policy. All current drivers are in a random testing pool. No issues were noted.

VEHICLE MAINTENANCE BASIC: N/A

HAZARDOUS MATERIALS (HM) COMPLIANCE BASIC:

The carrier was high in Hazardous Material Compliance. The carrier does sometimes haul nonbulk hazmat. HazMat hauled can include:

- 2.2 non flammable gas
- 5.1 oxidizer
- 5.2 organic peroxide
- 8 corrosive
- 9 miscellaneous

Violations that contributed to the high score included:

- 4/28/17 - Package not secure
- 2/8/17 - Placard not reading horizontally
- 9/12/16 - Improper shipping name/ID on package and package not secure

Parts 172,173 and 177 were covered. The carrier provided shipping papers for review as well as training records. The carrier had roadside inspections with load securement violations. The carrier stated that they felt they should not be held responsible for the load securement violations. When Dart picks up a trailer, the trailer is locked and a seal attached. The shippers certify that everything was loaded correctly per regulations. The violations were not found until the roadside inspection was performed and the seals broke. The drivers have nothing to do with the loading and they don't observe the loading. I explained to the carrier that when they take control of a load, they are responsible for not only transporting the load, but for making sure that it has been loaded and secured correctly. I instructed the carrier that they need to have the shippers open the trailer so that the driver can inspect before leaving the terminal. For one roadside inspection on 9/12/16, I talked with the MN CVI that conducted the inspection. The CVI sent me pictures showing that car batteries being transported had come loose from the shrink wrapped pallet they were on and were strewn amongst the floor. Several of the batteries had leaked. Per the photos, it looked as if the structural integrity of the pallet load had failed, causing a collapse of some of the batteries. This is an example where if the driver had inspected the securement of the load prior to leaving the terminal, deficiencies in the loading and securement procedures may have been noticed and corrected.

Violations were noted for:
- 392.2 - HazMat compliance
- 177.834(a) - Load securement.

CRASH INDICATOR BASIC: N/A

FOLLOW-ON ACTION: Compliance monitoring

CLOSE-OUT BRIEFING: INVESTIGATIVE REPORT RECEIVED BY: A closing was held on 8/16/17 with Randy Luckow. The review and violations were discussed. Additional information was needed and a second closing was held on





DART TRANSIT COMPANY
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Part C

09/08/2017.

DOCUMENTS PROVIDED TO CARRIER: The carrier was provided with a copy of the report as well as a copy of the Minnesota Commercial Truck and Passenger Regulations. The carrier was also provided with information about the MN/DOT website and FMCSA.

DRIVERS & VEHICLES LISTS: Driver/vehicle lists are included with this report.

| | | | |
|---------------------------|------------|-----------|----------------------|
| Upload Authorized: | Yes | No | |
| Authorized by: | | | Date: |
| Uploaded: | Yes | No | Failure Code: |
| Verified by: | | | Date: |

