


UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 74432	Legal: MARTEN TRANSPORT LTD Operating (DBA):		
MC/MX #: 103798		Federal Tax ID: 39-1140809 (EIN)		
Review Type: CR with SCR				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types				
Interstate		Intrastate		
Carrier:	HM	N/A	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: \$0.00	
Cargo Tank:	N/A		for year ending:	
Company Physical Address:				
129 MARTEN STREET MONDOVI, WI 54755				
Contact Name: Daniel Peterson				
Phone numbers: (1) 715- 926-4216		(2)	Fax	
E-Mail Address:				
Company Mailing Address:				
129 MARTEN ST MONDOVI, WI 54755				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Fresh Produce		Meat	Chemicals	
Hazardous Materials				
3 Flammable liquid	Carried	Non-Bulk	6.1 (Solids)	Carried
8 Corrosive material	Carried	Non-Bulk		Non-Bulk
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: 2674	
>= 100 Miles:	2674	0	CDL Drivers: 2674	
Equipment				
	Owned	Term Leased	Trip Leased	
Truck Tractor	2486	366	0	Trailer
				Owned Term Leased Trip Leased
				3293 0 0
Power units used in the U.S.:2852				
Percentage of time used in the U.S.:100				





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Review Date:
10/31/2006

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

567 D'Onofrio Drive, Suite 101, Highpoint Office Park
Madison, WI 53719-2844
Phone: (608)829-7530 Fax:(608)829-7540

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Daniel Peterson

Title: Director of Safety

Name: Don Hinson

Title: Vice President - Operations





Part B Violations

1 FEDERAL CRITICAL	Primary: 177.817(a)	Discovered 2	Checked 20	Drivers/Vehicles In Violation 2	Checked 20
Description Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper. Example Shipping papers do not contain packing group and hazard class . Shipping paper number 4503418089 dated August 10, 2006 contains the following description: phosphoric acid, solution UN1805, PG. The hazard class and packing group number are missing.					
2 FEDERAL	Primary: 395.3(a)(1)	Discovered 16	Checked 925	Drivers/Vehicles In Violation 6	Checked 29
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours Example On August 5, 2006 driver (b)(6); (b)(7)(C) drove 29.5 hours since his last ten consecutive hours off duty.					
3 FEDERAL	Primary: 395.3(a)(2)	Discovered 32	Checked 925	Drivers/Vehicles In Violation 11	Checked 29
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 On August 5, 2006 driver (b)(6); (b)(7)(C) drove 20.25 hours after having been on duty 14 hours.					
4 FEDERAL	Primary: 395.3(b)(2)	Discovered 29	Checked 722	Drivers/Vehicles In Violation 11	Checked 29
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days. Example From August 23 to 30, 2006 driver (b)(6); (b)(7)(C) drove 5 hours after having been on duty 70 hours in eight days.					
5 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 116	Checked 585	Drivers/Vehicles In Violation 20	Checked 29
Description False reports of records of duty status. Example Drivers' records of duty status do not accurately reflect the driver's true activity when compared to a supporting document with an accurate time and date. On July 4, 2006 driver (b)(6); (b)(7)(C) purchased fuel in Clayton, Indiana at 0107. According to his record of duty status he was in Clayton from 1200 - 1215.					



Part B Violations

6 FEDERAL	Primary: 395.8(e)	Discovered 72	Checked 585	Drivers/Vehicles In Violation 23	Checked 29																												
Description False reports of records of duty status. Drivers' records of duty status do not accurately reflect the driver's true activity when compared to supporting documents with an accurate time and date. The drivers are within 50 miles or one hour.																																	
7 FEDERAL	Primary: 395.8(f)	Discovered 17	Checked 925	Drivers/Vehicles In Violation 2	Checked 29																												
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Drivers are missing the location, missing the miles or miles are wrong, no signature, and no bill numbers.																																	
8 FEDERAL	Primary: 395.8(k)(1)	Discovered 7	Checked 925	Drivers/Vehicles In Violation 5	Checked 29																												
Description Failing to preserve driver's record of duty status for 6 months. Example No records of duty status for Loly L. Washington, July 29, 2006.																																	
9 FEDERAL	Primary: 395.8(k)(1)	Discovered 24	Checked 585	Drivers/Vehicles In Violation 10	Checked 29																												
Description Failing to preserve driver's records of duty status supporting documents for 6 months. Example (b)(6); (b)(7)(C), unit #7139 purchased fuel in Ripon, California. No receipt found.																																	
Safety Fitness Rating Information: Total Miles Operated 272,580,441 Recordable Accidents 141 Recordable Accidents/Million Miles 0.52			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 32 OOS Vehicle (MCMIS): 10 Number of Vehicles Inspected (MCMIS): 93																														
Your proposed safety rating is : CONDITIONAL			<table border="1"> <thead> <tr> <th>Rating Factors</th> <th></th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>U</td> <td>0</td> <td>2</td> </tr> <tr> <td>Factor 4:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 5:</td> <td>C</td> <td>0</td> <td>1</td> </tr> <tr> <td>Factor 6:</td> <td>S</td> <td>-</td> <td>-</td> </tr> </tbody> </table>			Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	S	0	0	Factor 3:	U	0	2	Factor 4:	S	0	0	Factor 5:	C	0	1	Factor 6:	S	-	-
Rating Factors		Acute	Critical																														
Factor 1:	S	0	0																														
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Factor 4:	S	0	0																														
Factor 5:	C	0	1																														
Factor 6:	S	-	-																														

This rating will become the final rating 45 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15



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Security Contact Q & A

B3



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Review Date:
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Security Contact Q & A
Sensitive Security Information

B3



Part B Requirements and/or Recommendations

1. If you have any questions regarding this Compliance Review or any other safety matter contact the Federal Motor Carrier Safety Administration, telephone (608) 829-7530. Or contact Barbara Koehler at (715) 342-5992. E-mail barbara.koehler@fmcsa.dot.gov. Check us out on the Internet at fmcsa.dot.gov.
2. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and / or your drivers.
3. A copy of the Midwestern Service Center's guidelines for filing a Request for Rating Change Based on Corrective Action and a copy of Part 385 were provided during this Compliance Review.
4. The violations discovered during this compliance review / safety audit may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review / inspection may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified to you by the investigator.

Attached to this report is a table of violations, which identifies all the documented violations which were discovered during the course of this compliance review. The witness statements is included in the number of pages under the recommendation section on the receipt for the review.
5. Ensure that all drivers' records of duty status (logs) are accurate. Check the logs against "supporting documents" to verify accuracy. Prohibit falsification by any driver and take appropriate action against drivers who falsify logs.



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Part C

Reason for Review: Priority List (including Safestat)
Planned Action: Prosecution WI-2006-0184-US0563
Safestat Category: B

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**

9/29/2005	2/8/2006
3/3/2005	10/22/2002
9/11/2003	

Unsat/Unfit Information

Does passenger vehicle transport more than 15 passengers, including driver?
Does carrier transport placardable quantities of hazardous materials? Yes - Interstate
Unsat/Unfit rule:45-Day - Interstate Placardable HM

Corporate Contact: Daniel Peterson
Corporate Contact Title: Director of Safety

Special Study Information:

Remarks:

Marten Transport is a for-hire carrier operating throughout the 48 contiguous United States and Canada. The company transports predominantly refrigerated foods and beverages, additionally commodities include general freight and hazardous materials. The principal place of business is located in Mondovi, Wisconsin. The company has terminals with maintenance facilities in Mondovi, Ontario, California, Forest Park, Georgia, Indianapolis, Indiana, and Wilsonville, Oregon.

This review was initiated because of the carrier's SafeStat score. Marten was a "B" carrier with high SEA values for driver OOS and Safety Management. This was also a follow up to a prosecution for violations of Part 382. The Compliance Review was conducted on September 11, 12, 13, 14, 18, 19, 20, 21, and October 31, 2006. During the review I was assisted by Roy Stacey. Several carrier profiles were obtained and the most recent profile was obtained on October 30, 2006.

During the Compliance Review all documents were obtained directly from the Director of Safety, Dan Peterson, and his assistant Diane Ashwell. Mike Walters, the Director of Maintenance, was involved in the review of the maintenance files and the ASPEN inspections conducted during the review. Don Hinson, the Vice President of Operations and Bob Smith, the Chief Operating Officer made appearances to be sure things were going smoothly.

The carrier was involved in 141 DOT recordable crashes. The following information is about the most serious crashes, including fatals and crashes that required post accident controlled substances and alcohol testing.

Fatal crashes:

1. On February 2, 2006 driver (b)(6); (b)(7)(C) was traveling south bound on I-25 near Bernal, New Mexico. Another vehicle crossed the median and struck the Marten tractor. The crash caused a fire which destroyed the Marten tractor. The other vehicle driver was killed. Post accident testing was conducted.
2. On June 10, 2006 driver (b)(6); (b)(7)(C) was parked at a Pilot Truck Stop in Birmingham, Alabama. An intoxicated female crawled under the trailer to elude police. The driver checked his vehicle, left the lot, and ran over the woman causing a fatal injury. The driver did not know he had run over the woman until he was 80 miles away. Post accident testing was conducted.
3. On June 18, 2006 driver (b)(6); (b)(7)(C) was on I-40 near Flagstaff, Arizona when a steer tire blew out. The driver lost control of the vehicle, crossed the median, and struck two vehicles. One of the drivers of the vehicles he struck died, there was one injury, and towing. The Marten driver was injured and burned in the crash, he was transported to the hospital and admitted. The Arizona authorities administered a controlled substances and alcohol test, but would not provide the results to the carrier.
4. On August 23, 2006 driver (b)(6); (b)(7)(C) was traveling on I-90 near Box Elder, South Dakota. The Marten vehicle ran off





Part C

the road, struck a bridge abutment, and fell about 50' to the rail road tracks below. The vehicles burned and the driver was killed.

Additional Crashes that required post accident testing:

1. On October 21, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in New Hampshire, Ohio. The Marten driver crossed the centerline and struck an on coming vehicle. The crash involved one injury and towing. The driver was cited, but not at the scene, therefore no post accident testing was conducted.
2. On November 9, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Las Vegas, Nevada. The Marten vehicle ran off the road, hit a sign, and a rock. The crash involved towing and the driver was cited. Post accident testing was conducted.
3. On November 19, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Brighton, Tennessee. The Marten vehicle rear-ended another vehicle. The crash involved two injuries and towing. Post accident testing was conducted.
4. On November 30, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Omaha, Nebraska. The Marten vehicle rear-ended a car and the crash involved towing. The driver called the crash in after hours and was cited later. The driver was removed from his driving position and his employment was terminated.
5. On December 2, 2006 driver (b)(6); (b)(7)(C) was involved in a crash in Breezewood, Pennsylvania. The driver overturned the vehicle. The crash involved two injuries. The driver was told he would be cited, but was not cited within 32 hours, therefore no post accident testing was conducted.
6. On December 8, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Memphis, Tennessee. The Marten vehicle ran a red light and struck another vehicle. The crash involved one injury and towing. Post accident testing was conducted.
7. On December 11, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Marion, Illinois. The driver overturned the vehicle, which was towed. The driver was cited. The post accident drug test was conducted with 32 hours. The post accident alcohol test was not conducted within 2 hours, because the driver was at the scene for more than two hours.
8. On December 14, 2005 driver William Turner was involved in a crash in Cartersville, Georgia. The Marten vehicle rear-ended another vehicle. The crash involved one injury, towing, and the driver was cited. Post accident testing was conducted.
9. On December 14, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Rock Springs, Wyoming. The driver overturned the vehicle. The crash involved one injury, towing, and the driver was cited. Post accident testing was conducted.
10. On December 17, 2005 driver (b)(6); (b)(7)(C) was involved in a crash in Horton, Illinois. The Marten vehicle made a lane change and forced another vehicle off the road. The crash involved one injury, towing, and the driver was cited. The carrier did not know the driver had been cited until December 19, 2005 when it was too late to conduct post accident testing.
11. On January 17, 2006 driver (b)(6); (b)(7)(C) was involved in a crash in Troy, Missouri. The Marten vehicle changed lanes and hit another vehicle. The crash involved one injury, towing, and the driver was cited. Post accident testing was conducted.
12. On January 18, 2006 driver (b)(6); (b)(7)(C) involved in a crash in Lynwood, Washington. The driver was making a left turn, failed to yield the right of way, and struck another vehicle. The crash involved towing and the driver was cited. Post accident testing was conducted.
13. On January 20, 2006 driver (b)(6); (b)(7)(C) was involved in a crash in Adair, Iowa. The driver overturned the vehicle in snowy conditions. The crash involved towing and the driver was cited. The roads were closed. The driver went to a hotel to wait for the post accident testing. The tester became stranded in the bad weather and did not arrive until the next day. The drug collection was within the 32 hours. The alcohol was beyond eight hours and therefore not performed.
14. On May 2, 2006 driver (b)(6); (b)(7)(C) was involved in a crash in Memphis, Tennessee. The driver was making a left turn, failed to yield, and struck an on coming vehicle. The crash involved one injury, towing, and the driver was cited. Post accident testing was conducted.
15. On May 12, 2006 driver (b)(6); (b)(7)(C) was involved in a crash in Milwaukee, Wisconsin. The driver was making a left turn, failed to yield the right of way, and struck an on coming vehicle. The crash involved towing and the driver was cited. Post accident testing was conducted.
16. On July 19, 2006 (b)(6); (b)(7)(C) involved in a crash in Fort Wayne, Indiana. The Marten vehicle struck another vehicle at night. The crash involved towing and the driver was cited. Post accident testing was conducted.

According to the Director of Safety about 3% of the carrier's freight is hazardous materials and about 1% is placardable. The carrier registered with PHMSA to transport hazardous materials. All drivers hired by the company receive hazardous materials training during their orientation, including the security training. Drivers then receive the recurrent training every three years. About 65% of the drivers have hazardous materials endorsements and another 10% had the endorsement and are currently in the credentialing process. There were some shipping paper violations (see Part B). The carrier has a security plan that includes all elements.





Part C

For calendar year 2005 the carrier meet the 50% requirement for controlled substances testing and the 10% for alcohol testing. There were sixteen positive drug tests and no positive alcohol tests. Any driver who tested positive had their employment terminated. The carrier conducted 2069 pre-employment controlled substances tests in calendar year 2005. There were 44 positive pre-employment tests and the drivers were not hired. The carrier does allow a driver who tested positive with another company, has been evaluated by a SAP, and has completed follow up testing or is in the process of completing follow up testing to work for Marten. All new hires had a pre-employment controlled substances test and the carrier received negative results prior to using the driver for the first time. Supervisors had been trained. The carrier had a written policy and the drivers signed a receipt for a copy.

Marten is self insured. A copy of the surety bond is attached to the Compliance Review.

Driver qualification files were complete. All drivers had a current medical examiner's certificate. All drivers had a valid CDL in the proper class, with the proper endorsements. The CDLIS check did not indicate any licensing issues.

The FOTM required a sample size of 27 for drivers records of duty status. Of the twenty seven drivers I choose there were two teams and one driver no longer with the company. I included the co-drivers in my sample and allowed the carrier a substitution of their choice for the driver who was no longer with the company. The total number of drivers checked for Part 395 was 29. The sample did include Juan Molina, who was the fatality in the crash on August 23, 2006. Mr. Molina was included because the driver had been placed OOS several days before the crash and this was a single vehicle crash that met the FMCSA internal reporting requirements.

Some 11, 14, 70 hour violations, missing records of duty status, and form and manner violations were discovered (see Part B). There were missing supporting documents (see Part B). The carrier had false and inaccurate records of duty status (see Part B). About 25% of the records of duty status checked were false. The number of records of duty status checked did not meet the requirements of the FOTM, because not enough supporting documents were available. In an effort to increase the sample size I choose more than one month of records of duty status for some of the drivers in the sample. The number of false records of duty status discovered would have been more than 10% even if I had reached the full sample size.

When the carrier realized the number of false records of duty status was more than 10% and would result in a conditional safety rating the Director of Safety brought more records of duty status for me to review. He brought nine sets of records of duty status from drivers of his choosing for me to add to the sample. He stated he wanted me to look at a total of twenty three more drivers records of duty status to bring my sample to 50. I told him I had already reviewed my sample and explained the FOTM and FMCSA sampling requirements. I spoke with my Division Administrator at that point to let him know I had refused the carrier's request. The Division Administrator concurred with my refusal.

All carrier documents are scanned. For each driver I requested records of duty status and supporting documents for I received the records of duty status, fuel receipts, fuel billing statements, toll receipts, scale receipts, repair receipts, trip reports and bills of lading. All documents were provided by Dan Peterson and Diane Ashwell. Documents were identified by driver number or unit number.

Maintenance files were complete, very detailed, and computerized. All vehicles had an annual vehicle inspection. All drivers completed the daily vehicle inspection. Inspector and brake inspector qualifications were on file. The carrier employed about 180 mechanics for the five maintenance locations. Drivers can bring vehicles into the shops from 0630 in the morning to 0230 the next day, seven days a week. MCSAP inspections were conducted during the Compliance Review. The OOS rate was 8%, ten of 125 inspections.

An enforcement case is being prepared for the false records of duty status. No enforcement is being taken for the shipping paper violations, because the percentage of hazardous materials loads was a small portion of the business.





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Part C

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

