

Additional Application Requirements: Part II, Safety Submissions

*****NOTE: WHERE ALL VEHICLES IN THE CARRIER FLEET HAVE A GVWR OF 10,000 POUNDS OR LESS - PROCEED TO PAGE 4 OF THIS DOCUMENT**

CARRIERS OPERATING ONE OR MORE VEHICLES WITH A GVWR OF 10,001 LBS. OR MORE

In conjunction with Part II, Item 13 of the Motor Carrier Application for MPSC Authority, the following documents are to be submitted with your application. Your application will not proceed to processing until all the following required documents have been received. Additional safety related documents may be requested while your safety review is in progress.

1. **Company Safety Policy – All Applicants**
2. **Copies of Driver Qualification Files – All Applicants**
3. **Drug and Alcohol Testing Policy - Required where: one or more of applicant's vehicles: (A) has a G.V.W.R. of 26,001 Pounds or more; or (B) of any size will be used to transport hazardous materials in a quantity which will require placarding**

The requirements of the Federal Motor Carrier Safety Regulations (FMCSR) were adopted by the Michigan Motor Carrier Safety Act and apply to all carriers conducting for-hire intrastate operations. Intrastate authority applicants must submit documentation, which demonstrates their establishment of the policies, driver qualification files, and programs which are required for compliance with the FMCSR.

Copies of the above documents will be required and reviewed with your application to determine compliance with FMCSR and Michigan safety requirements. Where our review results in question, identification of missing requirements, or the need for further clarification or documentation, personnel of the Safety and Compliance Unit will contact you, in writing, and request the additional materials.

Failure to submit the requested safety documents which comply with governing requirements will result in a recommendation of dismissal of the application to the commission based upon failure to meet required safety standards.

1. Company Safety Policy

While various publications, groups and web pages (i.e., Michigan Center for Truck Safety, Michigan Commercial Driver License Manual, etc.) may provide samples of Safety Policies, copies of these samples will not be accepted as the applicant's Safety Policy. The carrier safety policy must be published and make specific reference to the applicant operating name.

The written safety policy, published under the applicant's name, must set forth information of the applicant's rules and procedures of safety – how things will be done when working for the applicant. The policy must provide information of operations not only to the MPSC, but also to employees of the carrier. The safety policy must include (at a minimum) information relative to each of the following categories:

Vehicle Maintenance (Specific FMCSR Part 396): Establishment of the manner in which vehicles will be maintained through:

- Individual vehicle maintenance records;
- Daily Inspection – inspections of the vehicle performed at the end (post-trip) and beginning (pre-trip) of each day's work;
- Planned Maintenance – annual inspection of the vehicle, conducted once every 12 months; and

- What actions are to be taken following a Roadside Inspection by Enforcement Personnel.

Driver Qualifications (Specific FMCSR Part 391): This portion of your policy must set forth the requirements that apply to:

- Applicants for driver positions – what requirements must the applicant meet before being employed by your operation.

Establishment, Use and Retention of Driver Qualification Files (Specific FMCSR Part 391)

- Personnel employed as drivers - each carrier is required to establish a driver qualification (DQ) file for each driver employed. This DQ file must contain the documents required by Part 391. The DQ file is used by the carrier to support the carrier's decision that a driver is qualified to drive when first employed, and continues to be qualified through periodic carrier reviews required under Part 391. A Safety Policy must reference what documents are to be included in the DQ file and what periodic updates are required by Part 391. Each DQ file shall be retained for as long as a driver is employed by that motor carrier and for three years thereafter.

Driver Hours of Service (Specific FMCSR Part 395): Carrier policy requirements must set forth how the driver's hours of service will be controlled through:

- Maximum driving and on-duty time.
- Use, completion, review and retention of daily logs (logbook) where required; and
- A company system, including retention of accurate time records, to monitor those drivers involved in operations which are exempt from logbook maintenance.

Procedures to be Followed in Case of Accident: Your policy must set forth the actions to be taken at the time of the accident, including at the scene of the accident, as follow-up to the accident, and the manner in which an accident register (FMCSR Part 390.15(b)) will be maintained.

Each of these required areas must include information relative to:

1. What is to be done;
2. When (how often, what time frame, etc.);
3. How the requirement will be met (what has to be done, what forms have to be completed, etc.);
4. Where is the function to be performed;
5. Who is involved/responsible for the action;
6. Who will/is responsible for reviewing the completed action; and
7. Where and for how long will documentation be retained.

2. Copies of Driver Qualification Files

Drivers Listed on Application: Where less than three (3) drivers are to be employed by the carrier, copies of the following documents from each driver's qualification file is to be submitted. Where three (3) or more drivers are employed, three drivers are to be selected, and copies of the following documents from each driver's qualification file are to be submitted with the application. Additional drivers or documents from a driver qualification file may be requested at a later date by the Safety and Compliance Unit.

1. A readable copy of the driver's application for employment;
2. A readable copy of the driver's MVR;
3. A readable copy of the valid Medical Examiner's Certificate and/or Waiver; and
4. A readable copy of the driver's CDL.

3. **Drug and Alcohol Testing Policy - Required where: one or more of applicant's vehicles:**

- (A) *has a G.V.W.R. of 26,001 Pounds or more; or*
- (B) *of any size, will be used to transport hazardous materials in a quantity which will require placarding*

(Specific FMCSR: Parts 40 and 382)

Each carrier shall provide drivers with educational materials that explain the requirements of the FMCSR and the carrier's policies and procedures with respect to meeting these requirements. The drug and alcohol testing policy should state: how and when the required testing of drivers will be conducted in connection with pre-employment, random testing, reasonable cause testing, post-accident testing, return-to-duty testing, and follow-up drug and alcohol testing; the consequences for drivers engaged in substance use related conduct; the handling of test results, record retention and confidentiality.

The testing program may be administered by the carrier or may be completed under contract with a Consortium/Third Party Administrator (C/TPA). A carrier administering its testing program should be able to prove that it has contracted with a qualified drug and alcohol collection facility, a certified laboratory, medical review officer, and substance abuse professional. **Carrier operations with only one (1) driver and operating one (1) or more vehicles having a G.V.W. of 26,001 pounds or more MUST CONTRACT WITH A C/TPA** for administration of the drug and alcohol testing program. A carrier utilizing a C/TPA will have to prove that it has contracted with the C/TPA.

A Drug and Alcohol Testing Policy may be provided by a C/TPA which the carrier has joined. Its content should also be presented as a carrier policy, identifying the applicant and stating that the attached policy is incorporated and adopted by the applicant for use as its Drug and Alcohol Testing Policy.

Should you have question pertaining to the submission and compliance requirements of the safety review portion of the application for intrastate for-hire motor carrier operating authority, please contact a member of the Motor Carrier Division Safety and Compliance Unit at (517)241-4057.

Additional Application Requirements: Part II, Safety Submissions

CARRIER OPERATIONS WHERE ALL VEHICLES IN THE CARRIER FLEET HAVE A GVWR OF 10,000 POUNDS OR LESS

In conjunction with Part II, Item 16 of the Motor Carrier Application for MPSC Authority, the following documents are to be submitted with your application. Your application will not proceed to processing until all following required documents have been received. Additional safety related documents may be requested while your safety review is in progress.

- **Company Safety Policy – All Applicants**
- **Readable copy of the Chauffeur License issued to its driver(s).**

Where our review results in question, identification of missing requirements, or the need for further clarification or documentation, personnel of the Safety and Compliance Unit will contact you, in writing, and request the additional materials.

While various publications, groups and web pages (i.e., Michigan Center for Truck Safety, Michigan Commercial Driver License Manual, etc.) may provide samples of Safety Policies, copies of these samples will not be accepted as the carrier's Safety Policy. The carrier policy must be published and provided under the carrier operating name and make specific reference to the carrier.

Failure to submit the requested safety documents which comply with governing requirements will result in a recommendation of dismissal of the application to the Commission based upon failure to meet required safety standards.

Company Safety Policy

Each carrier is required to establish a written safety policy, published under the carrier's name, which sets forth information of the carrier's rules and procedures of safety – how things will be done when working for the carrier. The policy is used to provide information of operations to not only the MPSC, but also to employees of the carrier. This policy should set forth, **in each of the required areas**, the:

1. What is to be done;
2. When (how often, what time frame, etc.);
3. How the requirement will be met (what has to be done, what forms have to be completed, etc.);
4. Where is the function to be performed;
5. Who is involved/responsible for the action;
6. Who will/is responsible for reviewing the completed action.

The policy must address (at a minimum) the safety topics of:

- vehicle maintenance,
- driver qualifications,
- control of driver hours, and
- procedures to be follow in case of accident.

Should you have question pertaining to the submission and compliance requirements of the safety review portion of the application for intrastate for-hire motor carrier operating authority, please contact a member of the Motor Carrier Division Safety and Compliance Unit at (517)241-4057.