



Federal Motor Carrier Safety Administration Offsite & Remote Onsite Investigations

June 2021

Objectives

- Changes to the FMCSA Investigative procedures due to COVID-19
- Recordkeeping and Documentation as the result of COVID-19
- Providing Documentation for Investigations

Changes to Investigative Procedures as a result of the COVID-19 Health Emergency



In May 2020, FMCSA released guidance allowing investigators to conduct Remote Onsite Investigations.



Remote Onsite Investigations generally follow the same process as Offsite Investigations



Carriers may be asked to provide more documents for a Remote Onsite Investigation depending on the carrier's size

Procedures for Carriers that Require Onsites During COVID-19

- **Some carriers still require Onsite Investigations**
 - **Moving Ahead for Progress in the 21st Century Act (MAP-21) Motorcoach**
 - **Military Bus Agreement Passenger Motor Carriers**
 - **Hazardous Materials Permit**
 - **Others as designated by mandate**
- Focused and Comprehensive Investigation will be conducted, but using remote functionality, but if a portion of the investigation has to be conducted onsite the investigator will let you know (for example, vehicle inspections)
- Only certain Onsite Comprehensive Investigations are being conducted
 - MAP-21 carriers that require a safety rating

Offsite Investigations are continuing to be conducted

- Policy has not altered on Offsite Investigations due to COVID-19
- Offsite Investigations are still recommended for carriers that meet the appropriate criteria
- Carriers will not receive a rating from an Offsite Investigation
 - However, Offsite Investigations may be converted to Onsite Remote Investigations under certain circumstances. Carriers with investigations that are converted Onsite may be issued a Safety Fitness Rating.

How does this impact FMCSA Safety Fitness Ratings?

- FMCSA will assign safety ratings even if the investigation did not include a visit to the carrier's place of business
- Offsite Investigations that would have resulted in an 'Unsatisfactory' safety rating will be converted to Remote Onsite Focused Investigations. Onsite procedures will apply for the issuance of safety ratings.

Overview of Investigation Process

1. Safety Investigator (SI) will conduct an **initial phone call** with the carrier to introduce themselves, and review the reason for the investigation and next steps
2. SI will email the carrier an **Initial Contact Letter** that will go over initial documents being requested
3. Carrier will **upload the initial documents** to the Safety Measurement System (SMS)
4. After SI receives the initial documents, they **may request additional documents** via a **Document Request Letter**
5. SI may contact the carrier via phone and email throughout the investigation
6. Once SI has completed the investigation, they will request a **closeout meeting** with the carrier, which can be done via phone, Microsoft Teams, Skype, or other platform
7. Carrier may receive a **Safety Rating** upon completion of the Remote Onsite Investigation

Safety Measurement System (SMS)

- SMS uses data from roadside inspections and crash reports from the last two years, and data from investigations to identify and intervene with motor carriers that pose the greatest risk to safety
- The **SMS Carrier Dashboard** allows carriers to track investigations and upload documents on their own time, as part of an Offsite or Remote Onsite Investigation
 - ✓ Track investigation progress in the blue box
 - ✓ Check due dates and required documents
 - ✓ View call-to-action reminders
 - ✓ Upload documentation
 - ✓ Learn to use data to increase safety performance

Recordkeeping and COVID

FMCSA COVID-19 Drug & Alcohol Testing

- [Notice of Enforcement Discretion Determination: Random Controlled Substance and Alcohol Testing \(July 6, 2020\)](#)
- [Waiver on Pre-Employment Testing If Not Working Up to 90 Days \(EXPIRED in September 2020\)](#)



To Summarize Random In 2020...

- Must continue to select drivers at the 50% rate for Controlled Substances and 10% for Alcohol.
 - If a driver in a random pool cannot take a test within the selection period due to COVID impacts, document the reason why, return driver to testing pool.
- If unable to ensure that the dates for testing are spread reasonably throughout the calendar year, document the specific reasons why.
- Try to make up percentages as the year and operations progress.
- **Employers who are capable of complying with 49 CFR 382.305(b) and 49 CFR 382.305(k) must continue to do so.**

Driver Qualification and Furlough

- Document employment gaps
 - Furlough vs. Termination
 - Document on Driver List dates furloughed or terminated.
 - Update employment application upon return.
 - Verify drivers haven't missed annual review and certification of qualification once they return.
- Background checks
 - Other employers during time laid-off
 - DACH
- Medical Expiration and DMV notification
 - COVID relief emergency declaration documentation

ELDs / Driver Logs and Furlough

- A driver is exempt from using an ELD if...
 - The driver complies with the short-haul provision.
 - The driver is not required to prepare a RODS no more than 8 days in a 30 day period.
 - On day 9, the driver must use an ELD.
 - May either enter previous days into the ELD or;
 - Provide the previous days logs by paper graph grid or logging software application.
- Motor Carrier may provide the driver's hours of service by whatever means it was recorded as required. (ELD record, paper log, logging app, 7-day prior sheet, time card, time sheet, etc.)

ELDs / Driver Logs and Furlough

- Off duty and Uncertified ELD driver logs.
 - Driver's may have long periods of days or months without operating due to COVID.
 - Full months of no operation – Document dates
 - Trips scattered throughout a 30 day period – enter missing data and certify RODS, off duty and those with on duty time.
 - Other suggestions for managing Uncertified Driver RODS
 - Driver certify every log. (keep in mind if they worked anywhere part time over the course of those multiple days, they do not need to certify it as off duty.)
 - Run a report for each driver and annotate/document all days were not required due to COVID furlough.
 - Let the logs stay uncertified and have the driver annotate the first log s/he is required to prepare as off duty for previous X-number of days due to COVID furlough.
 - Contact provider to see what they offer as a solution.

Level V Inspections

- **Facility Inspections**
- CVSA Operational Policy 4 allows for an inspector to conduct eight Level V Inspections in order to maintain certification in passenger carrier vehicle inspections.
- CVSA Operational Policy 13 requires that the vehicles being selected are on the “ready line awaiting dispatch” or “vehicles not slated for maintenance.”
- Ensure you have a proper system to identify these vehicles that have not been in service and ensure this information is conveyed to inspectors.

Electronic Signatures and Documents

- Documents to comply with FMCSA regulations may be stored electronically, so long as they can be produced as required.
 - Without risk of losing or altering data
 - Immediately or within the time frame specified
 - May be required to produce paper copies of electronically-stored records
- Scanned or other “image capture” records, which include a verifiable signature, would fulfill the requirements of § 390.31 and the original paper documents may be destroyed per § 390.31(c).

Electronic Signatures and Documents

- Establish a Quality Control Process
- Scanning and other “image capture” process
 - Remove staples
 - Remove post-it notes that may cover information
 - Ensure documents did not double feed
 - Visual inspection to ensure image is complete, clear and easy to read



Investigation Record Retention

- Electronic documentation uploaded to SMS at the request of an authorized safety official are governed by the Records Management Policies and Laws.
 - Includes use and destruction of Federal records
 - Record retention varies depending on investigation type, investigation outcome, enforcement action, etc.


Providing Documentation

Logging into SMS

ACCESS THE SMS WEBSITE

<https://ai.fmcsa.dot.gov/SMS>

Log in with your U.S. DOT # and FMCSA-issued U.S. DOT # PIN (NOT your Docket Number PIN) or your Portal credentials.



The screenshot displays two login panels side-by-side. The left panel, titled "U.S. DOT# & PIN", contains two input fields: "U.S. DOT#" and "U.S. DOT# PIN", with a "SUBMIT" button below them. The right panel, titled "FMCSA Portal Login", contains two input fields: "User ID:" and "Password:", with a "SUBMIT" button below them. A red arrow points from the text box on the left towards the "U.S. DOT# & PIN" login panel.

If you do not have a U.S. DOT PIN or don't know your PIN, you can request one here:
<https://safer.fmcsa.dot.gov/AutoPin/index.xhtml>

Viewing Document Request Notifications on SMS Dashboard

NAVIGATE TO DOCUMENT UPLOAD PAGE


In the blue box at the top of the screen, select **"Document Upload Required."**

OR

Click any of the notifications under **"Take Action."**

The screenshot displays the SMS (Safety Measurement System) dashboard. At the top, there is a navigation bar with the CSA logo and the slogan "Get Road Smart." Below this, a blue box contains the text: "Showcase your safety compliance early. Upload your company's documentation, and track your progress." Underneath this box, a notification card is visible with the following details: "Investigation", "Due Date: 1/19/2019", and "Document Upload Required". To the right of the main content area, there is a "Take Action" button with a notification icon. A red arrow points from the "Take Action" button back to the notification card. Another red arrow points from the notification card to the "Document Upload Required" text in the instructional box above.

Viewing Document Request Notifications on SMS Dashboard



Working Together for Safety.

SMS Safety Measurement System

A&I CSA SMS TOOLS HELP ADVANCED SEARCH

QUICK SEARCH
Enter Carrier Name or U.S. DOT#



[Carrier Home](#)

[SMS Details](#)

[Investigation](#)

[Upload Documents](#)
[Document History](#)

You still have documents that require your attention. Please continue to upload, fax, or indicate you don't have the documents. Once you reach 100% for all documents you will need to certify and submit to send the package to FMCSA for their review

Investigation: Offsite | Due Date: 7/22/2020

Status: You have 1 rejected files. Please upload new Files.
For a detailed history [click here](#).



CERTIFY AND SUBMIT

Getting started

- Document Upload Instructions

Watch Investigation Video

Review FMCSA Letter Requests

-Select-

Uploading Documents



If faxing:

- You must click the “fax” button and print a **customized cover sheet for each document requested**
- Cannot fax all documents under same cover sheet
- Description of the document will appear on the cover sheet

CHOOSE YOUR UPLOAD METHOD

Upload documents by selecting your preferred method of **fax** or **upload**. If you **do not have** a requested document, you can indicate you do not have it by selecting “Do Not Have” and providing a detailed explanation. If you are required to provide Records of Duty Status, an Electronic Logging Device or ELD button will appear.

Upload Documents

50% > 0% > 0%

HOURS-OF-SERVICE COMPLIANCE DRIVER FITNESS OTHER

Please note that these indicators show upload progress and do not indicate completion of FMCSA's review; you may be required to upload additional documents.

Hours-of-Service Compliance

Documents requested are listed below. Select your preferred method to submit or indicate you do not have it.

Driver Name #1

Document	Fax	Upload	Do Not Have
Fueling records with time/dates (11/21/2018-12/21/2018)			
	ELD		
Bills of Lading (11/21/2018-12/21/2018)			

NEXT: Driver Fitness

MONITOR YOUR PROGRESS
Once you have uploaded all the requested documents, the percentages marking your progress will appear at **100%**. This indicates you have uploaded the requested documents (or indicated those you do not have), but it **does not denote review or acceptance by FMCSA**; there may be additional documents requested in the future.

NAVIGATE PAGES
After you have completed the requested documents for one BASIC, simply click the “Next” button to move to the next BASIC page.

Sample Fax Cover Sheet

FAX

Number of Pages: _____
(including cover page)

Date: _____

Fax Number: _____

From: U.S. DOT#

Phone Number _____

Subject: Investigation Requirements, Fleet Mileage 2018

Note: _____



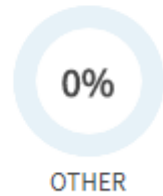
Instructions:

1. Documents must be faxed with the coversheet downloaded from your Safety Measurement System (SMS) account.
2. There is a unique coversheet for each requirement identified in your Investigation. These coversheets are bar coded to apply the document that is faxed with the coversheet to the specific Investigation requirement.
3. Only include one required submittal with each coversheet and send each via a separate fax transmittal.
4. If you use a coversheet for a document other than the one identified on the coversheet, your document will not be properly processed. The coversheet will include a description of the document that should accompany it.
5. You can verify receipt of the document through your SMS account immediately after faxing the document.

Confidentiality Statement: This message is intended for designated recipients only. If you have received this message in error, please delete the original and all copies, and notify the sender immediately. Disclosure or other use of this information is strictly prohibited.

Uploading Documents


Upload Documents



Please note that these indicators show upload progress and do not indicate compliance or FMCSA approval. Based on FMCSA's review, you may be required to upload additional documents.

Other

Documents requested are listed below. Select your preferred method to submit each document or indicate that you do not have it.

Accident Register	 Download Template	<input type="button" value="Fax"/>	<input type="button" value="Upload"/>	<input type="button" value="Do Not Have"/>
Driver List	 Download Template	<input type="button" value="Fax"/>	<input type="button" value="Upload"/>	<input type="button" value="Do Not Have"/>
Equipment List	 Download Template	<input type="button" value="Fax"/>	<input type="button" value="Upload"/>	<input type="button" value="Do Not Have"/>
Questionnaire	 Download Template	<input type="button" value="Fax"/>	<input type="button" value="Upload"/>	<input type="button" value="Do Not Have"/>

USE FMCSA TEMPLATES

If you are asked to provide an Accident Register, Driver List, Equipment List, or Questionnaire, please use one of FMCSA's templates by clicking the **"Download Template"** button.

Driver, Equipment, Crash List Excel Templates

- **Use of templates is not required**, but they can be helpful by ensuring that the carrier includes all requested information in each list




Troubleshooting Tips

- Follow the detailed instructions provided on a tab within each Excel template
- Format each cell data according to instructions; e.g., do not enter “part-time” in a date cell
- Do not rearrange/re-order cells

- If not using the templates provided, please upload your templates in original file format (i.e., don't convert an Excel file to a PDF to upload)

Excel Templates

	A	B	C	D	E	F	G	H	I
1	 U.S. Department of Transportation Federal Motor Carrier Safety Administration								
2									
3									
4	Vehicle/Equipment List								
5	Unit #	Vehicle Type	Year	Make	Model	Gross Vehicle Weight Rating (GVWR)	Vehicle ID Number (VIN)	Licence Plate #	License Plate State
6	111111	Straight Trucks	2011	Ford	Reefer	35,000	1ABCDEFGHI2	1234AB	MA
7	222222	Straight Trucks	2010	Chevrolet	Reefer	45,000	2CDG5374848	123ACB	MA
8	333333	Straight Trucks	2016	Volvo	Tandem	32,000	3DFGXXXX333	1234AD	MD
9	444444	Straight Trucks	2014	Ford	Reefer	42,000	4GHDXXX4443	1234CD	RI
10	555555	Truck Tractors	2010	Sterling	Tandem	31,000	6GHH1234567	1234FDF	VT
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									

Instructions

Vehicle Equipment List



Uploading Files from an Electronic Logging Device (ELD)

Transfer Records from an ELD

Transfer via ELD

If your device supports transferring ELD files via the **web services** or **Bluetooth™** methods, you can send this information to FMCSA by initiating a data transfer for the information requested and entering the code below when asked for the output file comment.

Enter output file comment: **INV--23318-1175-108-1**

Note: This code can only be used for sending files requested for this specific driver. You will need to enter a different code for each driver's files.

Manual Upload

If you cannot transfer ELD files using the method described above, you can also manually upload the ELD output file generated by your device by clicking on the "Upload" button and locating the file on your computer.

Documents requested are listed below. Select your preferred method to submit each document or indicate that you do not have it.

Document	Method
Records of Duty Status (RODS) (1/1/0001-1/1/0001)	ELD Fax Upload Do Not Have

Submitting Documents

CERTIFY AND SUBMIT

Once you have uploaded all requested documents or provided explanations for those you do not have, the **"Certify and Submit"** window will appear.



REVIEW/REPLACE

If you uploaded the wrong document, you can replace the documents as many times as you would like until your package is ready and you complete the "Certify and Submit" process.

NO CHANGES AFTER CERTIFICATION
Once you have certified all documents, the Safety Investigator will begin the review. After certifying the documents, **no further changes can be made**, unless the investigator provides further guidance.

Certify and Submit

Any intentionally false or misleading statement, representation, or document that you provide in support of this Offsite Investigation may subject you to prosecution for violation of Federal law punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both (18 United States Code 1001).

By clicking this box, I certify/understand that the statements and information I am submitting in support of this request are, to the best of my knowledge, true, accurate, and complete.

SUBMIT CANCEL

Follow-Up Notifications

DOCUMENTS REQUIRING REVISION

If there are any issues with documents you submitted, or if additional information is required, the Safety Investigator may request additional documents. They will notify **you via email or phone** and **you will receive a notification on your SMS carrier dashboard** that says “Documents Requiring Revision.”

The screenshot shows the SMS carrier dashboard interface. At the top, there is a navigation bar with the CSA logo, 'SMS Safety Measurement System', and various menu items like 'AM', 'CSA', 'SMS', 'CARRIER HOME', 'ADVANCED SEARCH', 'TOOLS', and 'HELP CENTER'. Below the navigation bar, a 'Take Action' notification icon is visible. A red arrow points from the text box above to this icon. Below the notification, a blue box displays an 'Investigation' with a 'Due Date: 1/19/2019' and the status 'Document Requiring Revision'. Another red arrow points from the text box above to this notification box. The dashboard also features several informational cards for U.S. DOT, data analysis, FMCSA regulations, and SMS results.

Investigation Closeout

After the SI has reviewed all of the required documents, they will send the carrier a request for a meeting to closeout the investigation

- The virtual closeout is typically done through Microsoft Teams or Skype
- The carrier does not need to download these programs to access the meeting
- The SI will send the carrier a link that can be accessed via a web browser



Remote Onsite Investigations **may result in a Safety Rating**, even if the investigation did not include an “onsite” component



Need Help?

Contact the
FMCSA
Division Office
in your state



U.S. Department of Transportation
Federal Motor Carrier Safety Administration