



Federal Motor Carrier Safety Administration Offsite & Remote Onsite Investigations

January 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

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 shows two login panels side-by-side. The left panel is titled "U.S. DOT# & PIN" and contains two input fields: "U.S. DOT#:" and "U.S. DOT# PIN:", each followed by a text box. Below these fields is an orange "SUBMIT" button. The right panel is titled "FMCSA Portal Login" and contains two input fields: "User ID:" and "Password:", each followed by a text box. Below these fields is an orange "SUBMIT" button. A red arrow points from the text box in the left panel to the "U.S. DOT# & PIN" 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 to the notification card. Another red arrow points from the notification card to the "Document Upload Required" text in the instructional box above.

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

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: _____



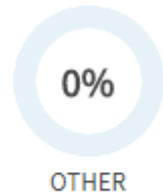
Instructions:

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

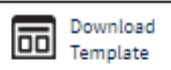
Upload Documents



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	3DFGXXX333	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
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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.

OK

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

Document	
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.

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 displays 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 'AMJ', 'CSA', 'SMS', 'CARRIER HOME', 'ADVANCED SEARCH', 'TOOLS', and 'HELP CENTER'. Below the navigation bar, a welcome message reads 'Welcome to your Carrier Dashboard. Your Company's first step in safety performance and compliance progress.' To the right of this message is a 'Take Action' button with a red notification icon. Below the welcome message is a blue banner with a cloud icon and the text 'Showcase your safety compliance early. Upload your company's documentation, and track your progress.' Underneath the banner is a white box containing the text 'Investigation Due Date: 1/19/2019 Document Requiring Revision'. A red arrow points from the 'Take Action' button to this notification box. Below the notification box are four columns of content: 'U.S. DOT:' with fields for address, vehicles, drivers, and inspections; 'Dive right into your data' with links to view full SMS results and review behavior analysis; 'Learn how you can improve your data' with links to understand FMCSA regulations and safety management cycles; and 'Understand your SMS results' with a warning icon and links to review BASICs at alert, more details, and warning letters.

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

**SAFETY
RATING**

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



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Federal Motor Carrier Safety Administration

Bus Industry Safety Council

Reinstatement of Authority

Fit, Willing and Able

January 2021

Danielle Smith, Transportation Specialist
Commercial Passenger Carrier Safety Division



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Objectives

- Reinstatement after voluntary revocation of operating authority,
- Returning to operations after a proposed Unsatisfactory Safety Fitness Rating,
- Reinstatement after receiving an Unsatisfactory Safety Fitness Rating
 - Fit, Willing and Able



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Voluntary Revocation of Passenger Operating Authority

- Beginning March 2020 FMCSA declared multiple exemptions and waivers in response to the National Health Emergency.
 - Includes waiving the \$80 reinstatement fee for carriers who voluntarily revoked their passenger Operating Authority due to COVID-19



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Reinstatement Process for Voluntary Revocation Only

Voluntary Revocation of Operating Authority Registration Questions and Answers #4 and #5

- <https://www.fmcsa.dot.gov/emergency/voluntary-revocation-operating-authority-registration-qa>



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Voluntary Revocation of Passenger Operating Authority #4

- If you have a USDOT PIN you can request reinstatement online
 - Complete the MCSA-5889 Motor Carrier Records Change Form, with all required information, which you can submit:
 - By the way of the web form (upload the signed and completed form)
 - By Fax: 202-366-3477
 - By Mail (May take additional 6-9 weeks to process)



Voluntary Revocation of Passenger Operating Authority #4

- If you do not have a PIN, you can apply online by going to the SAFER WEB and clicking on the link;
 - <https://www.fmcsa.dot.gov/registration/request-pin-number>
 - Will receive USDOT PIN by email *immediately* or
 - Will receive USDOT PIN by US Mail *7-10 working days*



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Voluntary Revocation of Passenger Operating Authority #4 - Fee Required

- Before submitting request, must have in place...
 - BOC-3 (Designation of Process Agent) AND
 - Financial Responsibility/Insurance Filing
 - Active up-to-date USDOT Number record
 - Update online
 - Submit MCS-150 with reinstatement request
- If not in place, reinstatement request will be placed on hold
- If all is submitted, authority will become active no later than 4th business day after payment is processed.



Voluntary Revocation of Passenger Operating Authority #5- Fee Waived

- Reinstatement Fee may be waived for passenger carriers who voluntarily revoked it's passenger authority due to the COVID-19 public health emergency.
- To be considered for a fee waiver
 - Send MCSA-5889 with only Sections A and D completed directly to MC-ecc.comments@dot.gov
 - Fee waiver cannot be requested online with USDOT PIN



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Proposed Unsatisfactory Safety Rating

Proposed Unsatisfactory Rating

- FMCSA issues three ratings:
 - Satisfactory, Conditional, or Unsatisfactory.
 - Satisfactory and Conditional ratings that are improvements to a prior rating
 - Take effect immediately upon issuance from HQ (see 49 CFR Part 385.11(b)).
 - Conditional or Unsatisfactory rating that is a downgrade from a currently held rating
 - Effective on day 46 for Passenger or Hazardous Material Carriers
 - Effective on day 61 for all other carriers
- This means a Passenger Motor Carrier has **ONLY 45 days** to improve the UNSAT rating or they must cease operations **on day 46!!!**



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Safety Rating Upgrade Requests

- 385.15 Petition for Review
 - Request a Hearing on the grounds the Agency has committed an error in assigning the proposed safety rating.
 - FMCSA can deny the petition
 - Motor carrier can appeal FMCSA's final decision to the court of appeals.
- 385.17 Request for Upgrade
 - Motor carrier wishes to correct the violations discovered and continue to operate in a safe manner.



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Safety Rating Upgrade Requests

- 385.17 Rating Upgrade Request for Passenger Carrier Operations (Proposed Unsatisfactory)
 - Must Submit to the FMCSA Division office
 - Rating Upgrade Request in writing
 - Safety Management Plan (SMP)
 - Corrective Action Plan (CAP)
 - Must undergo a Pre-operational Assessment to verify the corrective actions outlined in SMS were implemented.
 - May undergo investigation within 60 days of upgrade to verify changes made were sufficient for compliance.



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Proposed Unsatisfactory Rating

- Safety Management Plan with Corrective Actions
 - Documentation will be provided by safety official with a listing of
 - All Acute and Critical violations listed on the investigation report
 - Vehicle Out-of-Service rate (When 34% or more)
 - Unsatisfactory crash rate
 - Any new OOS Violations cited at roadside after the investigation if related to investigation violations.
 - Includes checklist of deficiencies that must be addressed
 - Information and documentation must be submitted for review as proof of corrective action.



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Unsatisfactory Rating

Unsatisfactory Rating

A motor carrier that does not request a safety rating upgrade, or fails to submit sufficient corrective action to merit a rating upgrade, will have its safety rating designation made final when the appropriate timeframe expires.

**When an Unsatisfactory Rating takes effect
Carrier must reapply for operating authority and prove
Fit, Willing and Able to operate as a motor carrier.**



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Unsatisfactory Rating

- No reinstatement of Operating Authority
- Motor carrier must reapply for operating authority on a paper OP-1(P)
 - Application will be rejected if completed through the online process
 - Application is sent to MC-E to begin the Fit, Willing and Able assessment
 - If approved by MC-E, application is sent back to MC-RS to begin granting of authority process
 - Posts for public comment



Fit, Willing and Able

- **FIT** – Completing the 385.17 process
 - Corrective Action Plan / Settlement Agreements / Consent Agreements / etc.
- **Willing and Able** – Safety History Timeline
 - Past performance - violations, investigations, inspections
 - Repetitive violation patterns
 - System search to ensure no sign of reincarnation
 - Assess the ability and willingness of the motor carrier to cease a poor safety history/culture

**Process may take months to complete
(6-8 weeks at best – may take 24 weeks)**



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Questions or Input

Contact the FMCSA Commercial Passenger
Carrier Safety Division by e-mail at:

mc-ecp@dot.gov

danielle.smith@dot.gov



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