

# Research Results Digest 311

## FMCSA REGULATIONS AS THEY APPLY TO FTA SECTION 5310/5311 PROVIDERS: A HANDBOOK

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## CHAPTER 1 INTRODUCTION, HISTORY, AND FUTURE ACTIONS

### 1.1 INTRODUCTION

#### 1.1.1 Purpose

This digest offers guidance to state and local governments, transit agencies, and others who provide transportation services supported by FTA Section 5310 and 5311 grants. Section 5310 grants provide local operators with funding for public transportation for those who are elderly or have disabilities. Section 5311 grants provide funding to transit providers in rural areas. The digest is intended to help these operators and providers sort out which regulations from both the Federal Motor Carrier Safety Administration (FMCSA) and the FTA apply to them, as well as help them understand how to address those regulations cost-effectively.

#### 1.1.2 The Issue

The FMCSA regulates interstate commerce, while the FTA regulates public transportation. When these areas overlap, such as when public transportation travels between states, there can be cause for confusion. Moreover, FMCSA regulations have traditionally been geared toward commercial businesses that operate in interstate commerce and are not inherently

designed for small public transit agencies providing specialized services. As such, FTA 5310 and 5311 grantees have found it difficult, confusing, and sometimes prohibitively expensive to meet FMCSA requirements when traveling interstate. On occasion, this has resulted in operators being cited by state highway patrols for unknowingly violating FMCSA regulations. This digest is intended to minimize those problems and provide a clear, concise account of how to meet all necessary regulations.

#### 1.1.3 Using this Digest

This digest is a resource for FTA grantees to determine the applicability of FMCSA regulations to their operations. Reading it straight through from cover to cover is unlikely to be particularly useful for the average 5310 and 5311 provider. Rather, the digest is intended as a reference so that when a provider is determining how to comply with a particular regulation, the provider can look up the regulation in this digest and find a simple explanation of what is necessary.

#### 1.1.4 Digest Organization

The digest presents a brief history of the FMCSA and provides information about up-

coming regulatory changes that may affect FTA grantees. This chapter is intended to provide context for the often confusing and overlapping regulations that follow. Chapter 2 of the digest provides the basics of what will be most useful for 5310 and 5311 providers. Each area of regulation is explicitly detailed with associated regulations and their applicability to FTA grantees. The following topics are covered:

- Registration/Licensing,
- Financial Responsibility,
- Operational Safety Requirements, and
- Interlining with Interstate Carriers.

Chapter 3 consists of supplementary information as follows:

- A Frequently Asked Questions (FAQs) section,
- A walkthrough of the application for motor passenger carrier authority and the motor carrier identification report,
- A list of firms that provide FMCSA process agents,
- A checklist of forms that are required in-vehicle and at the grantee's place of business,
- An FMCSA service center and field office roster,
- A sample hours of service grid,
- A sample driver vehicle inspection report,
- An application checklist,
- A glossary, and
- A flowchart of applicable FMCSA regulations.

Industry members requested this supplementary information, believing the information would be useful for the intended audience.

## 1.2 BACKGROUND

This section presents information helpful to understanding the content of this digest. The first part is a brief history of how and why FMCSA was created. This provides some context for understanding the reasons behind current FMCSA regulations and their potential overlap with FTA regulations. The second part describes the 5310 and 5311 grant programs and explains why confusion exists between the two sets of regulations.

### 1.2.1 History of FMCSA

The Interstate Commerce Commission Termination Act of 1995 terminated the Interstate Com-

merce Commission (ICC). Licensing and certain motor carrier functions were initially transferred to the FHWA within the U.S. DOT. FMCSA was established on January 1, 2000, within the DOT by the Motor Carrier Safety Improvement Act of 1999. All functions and responsibilities involving motor carrier safety were transferred to this new administration. The Act established Federal Motor Carrier Safety Administration (FMCSA) in order to reduce the number and severity of large-truck-involved crashes through more commercial motor vehicle inspections and compliance reviews, stronger enforcement, testing, record keeping, and sanctions. Certain provisions for FTA grantees that had been recognized by the ICC were not carried over to FMCSA requirements.<sup>1</sup> This helped create some confusion in the enforcement of and adherence to FMCSA regulations for 5310 and 5311 carriers.

### 1.2.2 FTA Section 5310 and 5311 Grant Programs

The primary purpose of this digest is to assist service providers receiving 5310 or 5311 funding grants administered by the FTA. These programs are longstanding and were recently reauthorized for another 6 years by the federal surface transportation legislation known as SAFETEA-LU. Each program is explained below.

- **Section 5310** provides funding to meet the special transportation needs of elderly persons and persons with disabilities. This funding program provides capital assistance to eligible grantees, including private nonprofit agencies, public bodies approved by the state to coordinate services for elderly persons and persons with disabilities and public bodies that certify to the

<sup>1</sup>The ICC Termination Act of 1995 made a special provision for FTA 5307, 5310, or 5311 grantees traveling interstate. These grantees would be subject to the highest level of financial responsibility required by the states traversed by the grantee, rather than the minimum levels of financial responsibility set forth by FMCSA. However, FMCSA has not issued notice of that change to its field offices, nor have they updated the existing regulations to account for this special provision. This has led to confusion among insurers who cover these FTA grantees and has affected intercity service extension operations. This issue will be discussed in more detail in Chapter 2.

Governor that no nonprofit corporations or associations are readily available in an area to provide the service.<sup>2</sup> Funds are apportioned based on each state's share of the populations of those who are elderly or have disabilities. Capital projects are eligible for funding. Most funds are used to purchase vehicles, but acquisition of transportation services under contract, lease, or other arrangements and state program administration are also eligible expenses.

- **Section 5311** provides funding for public transportation in nonurbanized areas, defined as areas with fewer than 50,000 people. Eligible grantees include public bodies and private non-profit organizations. Section 5311 financial assistance may be used for expenses related to capital, administrative, operating, program administration, planning, and technical assistance. The state must use 15% of its annual apportionment to support intercity bus service, unless the Governor certifies that these needs of the state are adequately met.

FTA restricts 5310 and 5311 funding based on language in federal transportation laws. These restrictions constitute one set of regulations faced by these programs. However, a 5310 or 5311 provider may also be subject to FMCSA regulations, particularly if the provider's service crosses state lines.

Both 5310 and 5311 programs frequently provide grants to small, often not-for-profit entities with limited resources. Unlike major transit providers, these agencies typically are ill-equipped to manage a large regulatory burden. This digest is intended to help them manage that burden cost-effectively.

### 1.3 FUTURE ACTIONS-UNIFIED REGISTRATION SYSTEM

FMCSA is working to replace four current identification and registration systems with a single, on-line Unified Registration System (URS) so as to consolidate and simplify current Federal registration processes and to increase public access to data about interstate motor carriers, property brokers, and freight forwarders. The URS would apply to every motor carrier, freight forwarder, and broker required to register with DOT under 49 CFR 390.19 or 49 U.S.C. 13901, except certain Mexican carriers. The entities

covered by this system would be required to register with FMCSA and periodically update registration information provided on a newly proposed registration form. Section 5307, 5310, and 5311 grantees would be eligible to use the URS to simplify the registration process. This proposal applies to entities already subject to FMCSA Commercial Regulations, the Federal Motor Carrier Safety Regulations (FMCSRs), and the Hazardous Material Regulations (HMRs).

In 1996, the agency issued an advance notice of proposed rulemaking (NPRM) announcing plans to develop the replacement system. Several factors delayed the completion of the NPRM, including the stipulation that the Single State Registration System (SSRS) could be eliminated only if fees from the proposed system replace lost revenue to states (estimated to exceed \$100 million). Other issues were the need to establish a minimum apportionment for all states and completing other agency rulemakings that would have a bearing on the proposed replacement system (e.g., NAFTA, New Entrant, Hazardous Materials Permitting rules). Finally there were efforts to lessen the economic burden to small entities (e.g., seeking alternative means of financing the safety audit so its cost could be eliminated from the fee structure), and obtaining OST approval for the proposed fee structure.

Congress passed SAFETEA-LU on August 10, 2005, and imposed additional requirements for the URS. Most notably, Congress directed the Secretary to appoint a Board of Directors composed of federal, state and motor carrier industry representatives to develop, set fees for, and define rules for operating the Unified Carrier Registration System Plan and Agreement—the replacement system for the SSRS. FMCSA is modifying the URS rule to incorporate SAFETEA-LU requirements and respond to comments to the 2005 NPRM.

Ideally, the URS will be a simpler and easier registration system and could make some of the information in this digest obsolete; however, to the extent that it does so, it should also make the registration system easier and less confusing for all parties, including FTA grantees.

### CHAPTER 2 FMCSA REGULATIONS AND HOW THEY APPLY TO 5310 AND 5311 PROVIDERS

This chapter looks at specific FMCSA regulations and their application to transit providers under 5310 and 5311 grant programs. The first part of the

<sup>2</sup><http://www.fta.dot.gov/files/Sec5310.doc>.

chapter deals with general applicability issues. This first section provides a basis for understanding why certain regulations may apply to certain providers. Details about the applicability of specific regulations are discussed in the remainder of the chapter. The following topics are covered in detail:

- Registration/licensing,
- Financial responsibility,
- Operational safety requirements, and
- Interlining with interstate carriers.

This digest discusses general applicability as well as the requirements for compliance for each of these topics. Readers should have enough information to ensure that their organizations comply with all necessary regulations, while not burdening themselves with measures not required.

## 2.1 APPLICABILITY

This section summarizes how and why FMCSA regulations apply to FTA providers, but it does not provide specifics on the requirements each of these providers must meet if the regulations do apply to them. These specifics are provided later in this chapter.

### 2.1.1 For-Compensation

FMCSA defines a **for-compensation** motor carrier as an entity engaged in transporting goods or passengers for compensation. There is no such thing as a transit provider operating under the 5310 or 5311 programs not operating for compensation. All 5310 and 5311 operators, by definition, receive some federal grant money for operating their services, and this grant money is sufficient to qualify all providers as “for-compensation” carriers. **Even if no farebox revenue is collected, no state provides a subsidy, and drivers operate the vehicles on a volunteer basis, if any federal grant money is used to support the service in any way, it is subject to the FMCSA regulations detailed in this chapter.**

**Receipt of FTA grant money qualifies all Section 5310 and 5311 grantees as “for-compensation” motor carriers.**

***Other definitions can be found in the Glossary in Section 3.9.***

### 2.1.2 Determining Applicability Based on Design/Use of Vehicle

The applicability of an FMCSA regulation will often depend on how many passengers are potentially being transported. The language in several regulations links applicability to whether a vehicle is “designed or used” to transport more than a certain number of people. This means that if a vehicle is *designed* to carry more than a certain number of passengers, then it must meet these regulations. If the vehicle is designed to carry fewer than that number of passengers, but is actually *transporting* more than that number, the vehicle is subject to the regulations (and to fines for carrying more than its intended number of passengers). To not be subject to these regulations, the vehicle must both be *designed* for fewer than the number specified **AND** *transporting* fewer than the number specified.

In general, if carriers are engaged in interstate travel, are for-compensation (meaning all 5310/5311 providers), and operating a vehicle designed or used for nine or more passengers (including the driver), then they must meet all the requirements detailed in this chapter.<sup>3</sup> Exemptions are noted in individual sections where applicable.

Section 3.10 provides a flowchart detailing the applicability of FMCSA regulations based on design and use of vehicles.

**Note: Transit carriers operating vehicles designed for fewer than 9 passengers and carrying fewer than 9 people do not need to meet the requirements detailed in this chapter.**

### 2.1.3 Exemptions for Local Units of Government

Local units of government are exempted from what are commonly known as FMCSA’s operational safety requirements. FMCSA defines a **local unit of**

<sup>3</sup>In the past, a for-hire carrier operating a 9–15 passenger vehicle in interstate commerce that traveled more than 75 air miles would be subject to FMCSA safety regulations. The recent SAFETEA-LU reauthorization removed the 75 air-mile qualification, and the rule will be revised in the upcoming rulemaking.

**government** as a city, town, borough, county, parish, district, or other public body created by or pursuant to state law with total population of 3,000 individuals or less. Local units of government are exempted from the following:

- Rules governing applications for Operational Authority (Part 365)—Operating authority application;
- Safety Fitness Procedures (Part 385)—New Entrant Safety Monitoring;
- Federal Motor Carrier Safety Regulations, General (Part 390)—Markings (USDOT#);
- Driver Qualifications (Part 391)
  - Responsibilities of drivers,
  - Driver qualification file, and
  - Certificate of medical examination;
- Hours of Service (Part 395)
  - Maximum driving times and
  - Driver’s record of duty status;
- Vehicle Inspection, Repair, and Maintenance (Part 396)
  - Driver vehicle inspection reports,
  - Periodic inspection, and
  - Inspection of vehicles in operation.

Governmental operators must still comply with the following FMCSA requirements discussed in further detail in this chapter.

- Rules governing applications for Operational Authority (Part 365),
- Financial Responsibility (Part 387),
- Commercial Drivers License (Part 383), and
- Controlled Substances and Alcohol Testing (Part 382 and/or FTA Part 655).

**Note: The exemptions for local units of government outlined in this section do not apply to governmental subcontractors, even if they are non-profit organizations.**

## 2.2 APPLICATION FOR OPERATING AUTHORITY

This section provides details on applying for operating authority, including which carriers must apply, licensing and MC numbers, eligibility for registration fee waivers, and how to obtain a fee waiver.

### 2.2.1 Which Carriers Must Apply

Motor carriers traveling interstate that meet either of the following criteria must apply for operating authority:<sup>4</sup>

- 10,001+ pounds or
- Designed or used to carry nine or more passengers (including the driver).

### 2.2.2 Licensing and MC Numbers

Before beginning operations, grantees must file for operating authority in order to obtain a licensing or Motor Carrier (MC) number. They may either complete the OP-1(P) application for motor passenger carriers on paper (See Section 2.4.2), or over the internet at <http://safer.fmcsa.dot.gov>.

Once the application is received and accepted, a grantee should receive a letter from FMCSA informing them of their MC number and any additional information needed to comply with FMCSA’s registration requirements.

After the grantee’s insurance company has filed the correct insurance form and the grantee’s process agent has filed the BOC-3 Designation of Process Agent form, an official operating authority certificate and/or permit will be sent to the grantee.<sup>5</sup> The grantee may begin operations on receipt of this official certificate and/or permit.

Section 3.8 provides a checklist of actions that grantees must take to apply for operating authority.

**Because of the difficulties in obtaining a fee waiver through the internet (see Section 2.2.4 below), 5310 and 5311 grantees are encouraged to apply for operating authority on paper.**

### 2.2.3 Registration Fee Waiver Eligibility

All FTA grantees are eligible for a registration fee waiver when applying to FMCSA for operating authority. This means that Section 5310 and 5311

<sup>4</sup>Carriers must also be “for-compensation” but, as established in Section 1.1, all Section 5310 and 5311 grantees are considered to be operating for-compensation.

<sup>5</sup>For the BOC-3 form, see <http://www.fmcsa.dot.gov/documents/boc.pdf>.

grantees are eligible for a waiver from the one-time \$300 per motor carrier registration fee.

## 2.2.4 How to Obtain a Fee Waiver

Grantees may request a fee waiver when they submit their application by developing a cover letter that indicates that the organization is a recipient of Federal financial assistance under Section 5307, 5310, or 5311, as appropriate. It is recommended that grantees use the paper application in order to obtain the fee waiver—the paper application allows for the fee waiver request, whereas the online application does not provide this option.

FTA grantees must request a fee exemption form from FMCSA. Please contact Myrtle Lane at 202-493-0347 or [Myrtle.lane@fmcsa.dot.gov](mailto:Myrtle.lane@fmcsa.dot.gov).

To file for authority, an original and one copy of this fee exemption form, the cover letter, and the OP-1(P) application must be submitted to

Federal Motor Carrier Safety Administration  
Attention: Myrtle Lane  
400 Seventh Street SW  
Room 8214  
Washington DC, 20590

## 2.3 FINANCIAL RESPONSIBILITY (PART 387)

This section explains (1) the minimum levels of financial responsibility that must be carried by 5310 and 5311 providers and (2) which carriers are exempt from these requirements. This section provides details on financial responsibility requirements, process agents, self-insurance, and state and municipal transit insurance pools.

**Financial Responsibility** means the financial reserves (e.g., insurance policies or surety bonds) sufficient to satisfy liability amounts set forth in Part 387 to cover public liability.

### 2.3.1 Carriers Exempt from FMCSA Financial Responsibility Requirements

All 5307, 5310, and 5311 grantees are required to meet the FMCSA financial responsibility requirements, with the exception of the following entities:<sup>6</sup>

<sup>6</sup>For Part 387, see <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.asp?regulation=387>.

- Motor vehicles transporting only school children and teachers to or from school;
- Motor vehicles carrying less than 16 individuals in a single daily round trip to commute to and from work;
- Motor vehicles providing taxicab service and having a seating capacity of less than 7 passengers and not operated on a regular route or between specified points; or
- Motor vehicles operated by a motor carrier under contract providing transportation of preprimary, primary, and secondary students for extracurricular trips organized, sponsored, and paid for by a school district.

### 2.3.2 Details of Financial Responsibility Requirements

The Federal Mass Transit Act grants a waiver to FTA grantees from the FMCSA-required levels of financial responsibility.<sup>7</sup> FTA grantees are instead subject to **at least the highest level required of financial responsibility for any state traversed**. For example, if a motor carrier's operations traverse three states with insurance requirements of \$32,500, \$35,000, and \$50,000, it is required to carry at least \$50,000 in financial responsibility. FTA grantees are still required to file evidence of insurance with FMCSA as a condition of registration.

### 2.3.3 Process Agent Requirement

To obtain interstate operating authority, a motor carrier (of property or passengers) that is designed or used to carry 9 or more passengers (including the driver) or weighs 10,001+ pounds must designate a process agent in the state in which it is authorized to operate and for each state traversed.<sup>8</sup> This process agent serves as the agent of record in case of any legal matter that may arise in any state in which the motor carrier operates. Some agents of process provide "blanket coverage," which gives a motor carrier

<sup>7</sup>For non-FTA grantees, any for-compensation motor carriers of passengers operating in interstate commerce, with a vehicle with seating capacity of 16 passengers or more must carry \$5,000,000, while any vehicle with a seating capacity of 15 passengers or less must carry \$1,500,000.

<sup>8</sup><http://www.fmcsa.dot.gov/registration-licensing/licensing/agents.htm>.

a process agent in all 50 states. Process agent fees can range from \$35 to \$100 a year. Some process agents charge one-time fees, whereas others charge annual renewal fees.

Section 3.3 lists firms that provide process agents. These firms have agents in each state that serve as the process agent of record for an annual fee.

### 2.3.4 Self-insurance and Fee Waiver

A motor carrier must file Form BMC-40 to qualify as a self-insurer. An FTA grantee is eligible to apply for self-insurance authorization if they are conducting interstate operations. FMCSA will waive the \$4,200 filing fee for FTA grantees.

To apply for self-insurance authorization, the carrier must provide evidence that will allow FMCSA to determine the following:

- The adequacy of the tangible net worth of the motor carrier in relation to the size of operations. The applicant should furnish evidence that ensures that it will be able to compensate all claimants in the event of loss.
- That the carrier has established and will maintain an insurance program that will protect the public to the same extent as the financial responsibility requirements indicated in this section. This insurance program may include (but not be limited to) one or more of the following:
  - Irrevocable letters of credit,
  - Irrevocable trust funds,
  - Reserves,
  - Sinking funds,
  - Third-party financial guarantees,
  - Parent company or affiliate sureties, and
  - Excess insurance coverage.
- The motor carrier must have an adequate safety program and must submit evidence of a current "satisfactory" safety rating by the U.S. DOT. Non-rated carriers only need to certify that they have not been rated. Any applications from carriers with a less-than-satisfactory rating will be immediately denied. Any self-insurance authority granted by FMCSA will automatically expire after 30 days after a carrier receives a less-than-satisfactory rating from DOT.<sup>9</sup>

<sup>9</sup>For further information and requirements please see Part 387.309.

**Note: FTA grantees applying for self-insurance authorization are NOT subject to a filing fee.**

### 2.3.5 State and Municipal Transit Insurance Pools

Statewide and municipal transit insurance pools are **NOT** recognized by FMCSA. 5310 and 5311 grantees that are members of statewide and municipal transit insurance pools and that wish to provide interstate service must obtain separate insurance policies that meet the financial responsibility requirements detailed in Section 2.3.2.

## 2.4 OPERATIONAL SAFETY REQUIREMENTS

This section explains the minimum levels of operational safety requirements that must be met by 5310 and 5311 grantees. These include the following topics:

- Safety fitness procedures;
- Forms and markings;
- Driver qualifications;
- Hours of service;
- Parts and accessories;
- Inspection, repair, and maintenance;
- Commercial drivers licenses; and
- Controlled substances and alcohol testing.

The requirements detailed in Section 2.4.1 to Section 2.4.6 apply to all 5310/5311 operators traveling interstate with vehicles that are **designed or used for 9 or more passengers** (including the driver) or that weigh more than 10,001 pounds.<sup>10</sup> For simplicity, in this section such operators are referred to as "Covered 9+." Covered 9+ operators are subject to the following:

- Rules governing applications for Operational Authority (Part 365);
- Safety Fitness Procedures (Part 385);
- Federal Motor Carrier Safety Regulations, General (Part 390);
- Driver Qualifications (Part 391);
- Hours of Service (Part 395); and
- Vehicle Inspection, Repair, and Maintenance (Part 396).

<sup>10</sup>As described in Section 2.1.3, Exemptions for Local Units of Government, local units of government are exempt from the operational safety requirements listed.

The requirements detailed in Section 2.4.7 to Section 2.4.8 apply to all 5310/5311 operators with vehicles traveling interstate that are **designed for 16 or more passengers** (including the driver) **OR** that weigh more than 26,001 pounds. For simplicity, these operators are referred to as “Covered 16+” and are subject to the following:

- Commercial Drivers License (Part 383) and
- Controlled Substances and Alcohol Testing (Part 382 and/or FTA requirements Part 655).

All 5310/5311 grantees must file for operating authority in order to obtain a licensing or MC number. They may either complete the appropriate OP-1(P) application for motor passenger carriers on paper or over the internet at <http://safer.fmcsa.dot.gov>. As discussed in 2.2.2, 5310 and 5311 grantees are encouraged to apply on paper for operating authority because of the difficulties in obtaining a fee waiver through the internet application.

OP-1(P) forms may be obtained from an FMCSA Division Office in each state or at one of the FMCSA Service Centers. Section 3.5 lists offices and relevant contact information.

#### 2.4.1 Safety Fitness Procedures (Part 385)

All Covered 9+ motor carriers must apply for a USDOT identification number in order to initiate operations in interstate commerce. Governmental entities are exempt from this requirement.

After a new entrant has received a USDOT number and an MC number, it will be subject to the new entrant safety monitoring procedures for 18 months. Even if a motor carrier has been operating for many years, it is considered a new entrant upon registration. During this 18-month period

- The new entrant’s roadside safety performance will be closely monitored to ensure the new entrant has basic safety management controls that are operating effectively. An accident rate or driver or vehicle violation rate that is higher than the industry average for similar motor carrier operations may cause the FMCSA to conduct an expedited safety audit or compliance review at any time.
- All records and documents required for the safety audit shall be made available for inspection on request by the FMCSA.

- A safety audit will be conducted on the new entrant once it has been in operation for enough time to have sufficient records to allow the agency to evaluate the adequacy of its basic safety management controls. This period is generally at least 3 months.

The safety audit will consist of a review of the new entrant’s safety management systems and a sample of required records to assess compliance with the Federal Motor Safety Carrier Regulations related record-keeping requirements.<sup>11</sup>

The areas for review include (but are not limited to) the following:

- Driver qualifications,
- Driver duty status,
- Vehicle maintenance,
- Accident register, and
- Controlled substances and alcohol use and testing requirements.

If the FMCSA determines that the new entrant’s basic safety management controls are inadequate, it will provide written notice to the entrant. Unless the entrant takes the actions specified in the notice to remedy its safety management practices within the time specified in Part 385.319, its USDOT new entrant registration will be revoked and its operations placed out-of-service.

#### 2.4.2 Forms and Markings (Part 390)

Motor carriers that conduct operations in interstate commerce must file a Motor Carrier Identification Report (Form MCS-150, see Section 3.2). This form can be found on line (<http://safer.fmcsa.dot.gov/OnlineForms.aspx>) and should be sent to

FMCSA  
Office of Research, Technology,  
and Information Management  
400 Seventh Street, SW  
Washington, DC 20590

Every Commercial Motor Vehicle (CMV) must have markings that display the following information:

- The legal name of the motor carrier, as listed on the motor carrier identification report (Form MCS-150, see Section 3.2) and

<sup>11</sup>As specified in Appendix A of Part 385.

- The motor carrier identification number issued by the FMCSA, preceded by the letters "USDOT."

The above markings must

- Appear on both sides of the commercial motor vehicle;
- Be in lettering that contrasts sharply in color with the background on which the letters are placed;
- Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary.<sup>12</sup>

### 2.4.3 Driver Qualifications (Part 391)

To qualify to drive a commercial motor vehicle, a driver must

- Be at least 21 years old;
- Be able to read and speak English sufficiently to converse with the general public, to understand highway signs and signals, to respond to official inquiries, and to make entries on records and reports;
- Be able to safely operate the type of CMV that he or she drives;
- Be physically qualified to drive a CMV;
- Have a currently valid commercial drivers license (CDL) issued by only one state or jurisdiction<sup>13</sup>;
- Have prepared and furnished the motor carrier with a list of violations or a certificate; and
- Have successfully completed a driver's road test and been issued a certificate of driver's road test.

Covered 9+ motor carriers must maintain a driver qualification file for each driver employed. This file must include

- The driver's application for employment;
- A copy of the response by each state agency concerning the driver's driving record;
- Response of each state agency to the annual driver record inquiry;
- Certification of Road Test;

<sup>12</sup>For more details on the marking of CMVs, please see Part 390.21.

<sup>13</sup>This does not necessarily have to be the driver's state of residence.

- A note relating to the annual review of the driver's driving record;
- A list or certificate relating to violations of motor vehicle laws or ordinances;
- A medical examiner's certificate of the driver's physical qualification to drive a CMV; and
- A letter from the field administrator, division administrator, or state director granting a waiver of physical disqualification, if a waiver was issued.<sup>14</sup>

### 2.4.4 Hours of Service (Part 395)

Drivers of CMVs carrying passengers may

- Drive a maximum of 10 hours after 8 consecutive hours off duty,
- Not drive for any period after having been on duty 15 hours following 8 consecutive hours off duty<sup>15</sup>,
- Not drive after having been on duty 60 hours in any 7 consecutive days if the motor carrier does not operate commercial motor vehicles every day of the week, or
- Not drive after having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates CMVs every day of the week.

Every motor carrier must require every driver used to record his or her duty status for each 24-hour period using a specified grid, Daily Log, Form MCS-59, the Multi-day Log, MCS-139 and 139A, or an automatic onboard recording device. Section 3.6 has a sample grid. Overall, a motor carrier recordkeeping system must include the following information:

- Date, total miles driving today, and truck or tractor and trailer number;
- Name of carrier and driver's signature/certification;
- 24-hour-period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.);
- Main office address and name of co-driver;
- Total hours (far right edge of grid); and
- Shipping document number(s) or name of shipper and commodity.

<sup>14</sup>For more details on the qualification files required, please see Part 391.

<sup>15</sup>Note that the 15-hour on duty time includes only time spent on duty; off duty periods during the day do not count toward the 15-hour limit.

Most 5310 and 5311 drivers do not have to keep a log, as long as they operate within a 100 air-mile radius, do not exceed the regulatory limits of hours of service, and have their employees maintain time-cards for them. See Part 395.1 for more information.

#### 2.4.5 Parts and Accessories (Part 393)

Part 393 establishes minimum standards for the parts and accessories of commercial motor vehicles. This regulation provides details on the following required parts and accessories:<sup>16</sup>

- **Lamps, Reflective Devices, and Electrical Wiring**

Every bus or truck should be equipped with headlamps that provide upper and lower beams of light. (See Figure 1.)

- **Brakes**—Every commercial motor vehicle operated by Section 5310 and 5311 drivers should be equipped with brakes acting on all wheels.
- **Glazing and Window Construction**—Every bus must be equipped with a windshield, and each windshield should be free of discoloration or damage in the area extending up from the height of the top of the steering wheel. Coloring or tinting of windshields and the windows to the immediate right and left of the driver is allowed (See 393.60(d) for more details).
- **Fuel Systems**—Fuel tanks must be securely attached to the motor vehicle, and fill pipe openings must be located outside the vehicle's passenger compartment. No part of the fuel system of a bus manufactured on or after January 1, 1973, may be located in or above the passenger compartment.
- **Miscellaneous Parts and Accessories**
  - **Tires.** No motor vehicle should be operated on any tire that has belt material exposed through the tread or sidewall, is flat or has an audible leak, or has a cut to the extent that the ply or belt material is exposed. Tires should have a tread groove pattern depth of at least  $\frac{2}{32}$  of an inch when measured in a major tread groove.

- **Heaters.** On every motor vehicle, every heater must be securely fastened to the vehicle and have shut-off control. Heaters must be located so as to prevent contact with occupants of the vehicle, and guards should be provided against injury by fans, belts, or other moving parts.
- **Windshield wiping, washing, and defrosting systems.** Each bus manufactured on or after December 25, 1968, must have a windshield wiping, washing, and defrosting system that meets the requirements of FMVSS No. 103 and No. 104.<sup>17</sup>
- **Rear-vision mirrors.** Every bus must be equipped with two rear-vision mirrors, one at each side, and located so as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.
- **Horn.** Every bus must be equipped with a horn that gives an adequate and reliable warning signal.
- **Speedometer.** Every bus must be equipped with a speedometer indicating vehicle speed in miles per hour and/or kilometers per hour.
- **Exhaust systems.** Every motor vehicle having a device (other than as part of its cargo) capable of expelling harmful combustion fumes must have an exhaust system to direct the discharge of these fumes.
- **Bus and aisle seats.** No bus may be equipped with aisle seats unless these seats are designed and installed so as to automatically fold and leave a clear aisle when they are unoccupied.
- **Seats, seat belts.** Buses manufactured on or after January 1, 1972, must conform to the requirements of Federal Motor Vehicle Safety Standard No. 207.<sup>18</sup>
- **Emergency Equipment**—Each bus must be equipped with fire extinguishers, spare fuses, red flags, and warning devices for stopped vehicles. These warning devices include bidirectional emergency reflective triangles, fuses, and liquid-burning flares.
- **Frames, Cab and Body Components, Wheels, Steering, and Suspension Systems**—The frame or chassis of each CMV should

<sup>16</sup>For further information about the specific parts and accessories necessary for safe operation of CMVs, see Part 393 Parts A-J.

<sup>17</sup>See <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.asp?regulation=571>.

<sup>18</sup>See <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.asp?section=571.207>.

Areas	Equipment
1	Headlamps – Lower Beam
	Headlamps – Upper Beam
	Parking Lamps – <i>Attention: Required only on vehicles less than 2032 mm (80 inches) wide</i>
2	Front Turn Signal/ Hazard Warning Lamps
	Front Clearance Lamps – <i>Attention: Required for vehicles 2032 mm (80 inches) wide or wider</i>
3	Front Identification Lamps
4a	Front Side Marker Lamps
4b	Front Side Reflex Reflectors
5a	Rear Side Marker Lamps
5b	Rear Side Reflex Reflectors
6	Rear Clearance Lamps <i>Attention: Required for vehicles 2032 mm (80 inches) wide or wider</i>
	Rear Identification Lamps <i>Attention: Required for vehicles 2032 mm (80 inches) wide or wider</i>
7	Rear Identification Lamps <i>Attention: Required for vehicles 2032 mm (80 inches) wide or wider</i>
8	Tail Lamps
	Stop Lamps
	Rear Turn Signal/ Hazard Warning Lamps
	Rear Reflex Reflectors
9	Backup Lamp
10	License Plate Lamp
11	Center High Mounted stop Lamp
<b>Additional Equipment for Specific Trucks and Bus Vehicles</b>	
12a	Intermediate Side Marker Lamps
12b	Intermediate Side Reflex Reflectors

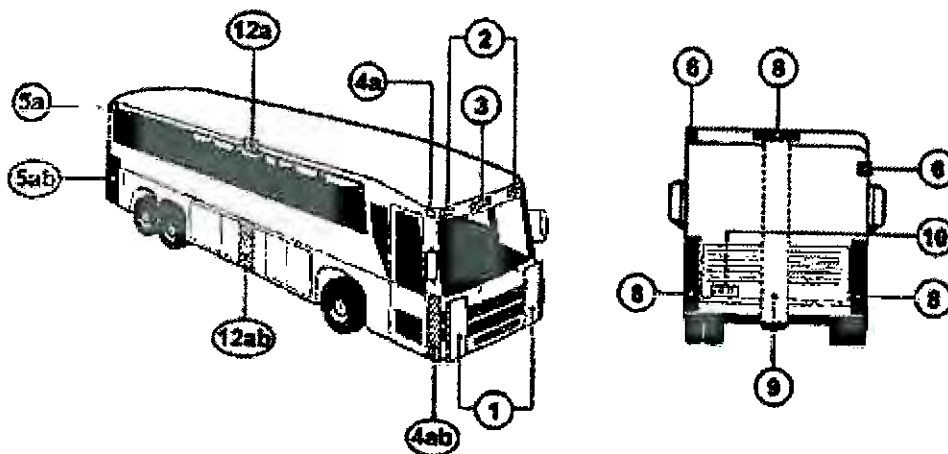


Figure 1 Lamp locations for a bus.

not be cracked, loose, sagging, or broken. The door parts, wheels, and suspension system parts should not be missing or broken.

#### 2.4.6 Inspection, Repair, and Maintenance (Part 396)

Every motor carrier must systematically inspect, repair, and maintain the parts and accessories of all motor vehicles subject to its control. Pushout windows, emergency doors, and emergency door marking lights on buses should be inspected at least every 90 days.

Part 396 provides further details on the following inspection, repair, and maintenance issues:<sup>19</sup>

- **Lubrication**—Every motor carrier must ensure that each motor vehicle under its control is properly lubricated and free of oil and grease leaks.
- **Unsafe operations forbidden**—A motor vehicle should not be operated in such condition as is likely to cause an accident or breakdown of the vehicle. A motor vehicle discovered to be in such condition while being operated on a highway may continue operations only to the nearest place where repairs can be made safely.
- **Inspection of motor vehicles in operation**—Every special agent of the FMCSA is authorized to enter and inspect a motor carrier vehicle in operation.
- **Driver vehicle inspection reports**—Every driver of a motor vehicle must report in writing at the completion of each day's work on each vehicle operated on the status of the following parts and accessories:
  - Service brakes,
  - Parking (hand) brake,
  - Steering mechanism,
  - Lighting devices and reflectors,
  - Tires,
  - Horn,
  - Windshield wipers,
  - Rearview mirrors,
  - Coupling devices,
  - Wheels and rims, and
  - Emergency equipment.

**Exception:** Motor carriers that only operate one commercial motor vehicle do not need to maintain driver vehicle inspection reports, regardless of how many total vehicles of all kinds that they may have in their fleet.

Section 3.7 has a sample driver vehicle inspection report.

- **Driver inspection**—Before driving a motor vehicle, a driver should be satisfied that the motor vehicle is in safe operating condition and review the last driver vehicle inspection report. The inspection report should only be signed if defects or deficiencies were noted by the driver who prepared the report. However, many state and local transit agencies require the driver signatures whether or not a defect or deficiency is found. Therefore, although FMCSA regulations do not require inspection report driver signatures, Section 5310 and 5311 grantees should check whether they are required by state or local regulations.
- **Periodic inspection**—Every commercial motor vehicle should be inspected at least once every 12 months.
- **Inspector qualifications**—The motor carrier must ensure that the individual performing the annual inspection understands the inspection criteria in 49 CFR Part 393 and Appendix G. The inspector must have
  - Knowledge of and have mastered the parts and equipment under inspection and
  - Successfully completed a state or federal-sponsored training program or have a combination of training and/or experience totaling at least 1 year.
- **Periodic inspection recordkeeping requirements**—The qualified inspector must prepare a report that identifies or certifies the following:
  - The individual performing the inspection,
  - The motor carrier operating the vehicle,
  - The date of inspection,
  - The vehicle inspected,
  - The vehicle components inspected and the results of the inspection, and
  - The accuracy and completeness of the inspection.
- **Equivalent to periodic inspection**—A motor carrier may meet the requirements for periodic inspection through a state or other jurisdiction's

<sup>19</sup>See <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsguidedetails.asp?regulation=396>.

roadside inspection program, as long as it was performed during the preceding 12 months. The motor carrier needs to have kept a copy of an annual inspection report showing that the inspection was performed in accordance to the standards set forth in Appendix G.<sup>20</sup>

- **Qualifications of brake inspectors**—The motor carrier must ensure that each brake inspector
  - Understands the brake service or inspection tasks required,
  - Has knowledge of and has mastered the parts and equipment under inspection, and
  - Has successfully completed a state or federal-sponsored training program or has a combination of training and/or experience totaling at least 1 year.

For further information about the specific inspection, repair, and maintenance procedures required, see Part 396.

#### 2.4.7 Commercial Drivers License (Part 383)

Every person who operates a commercial motor vehicle in interstate, foreign, or intrastate commerce must have a commercial driver's license (CDL), except for certain military drivers, farmers, firefighters, emergency response vehicle drivers, and drivers removing snow and ice.<sup>21</sup>

A commercial motor vehicle is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 pounds or more; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in transporting hazardous materials.

**Requirement for Compliance:** Every Covered 16+ operator must hold a commercial driver's license.

<sup>20</sup>See <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/appng.htm>.

<sup>21</sup>49 CFR Part 383.3. The State of Alaska may waive, at its discretion, certain requirements and may issue a CDL to a driver that meets certain conditions (roads are not connected to the land-connected state highway system, and roads are not connected to any highway or vehicular way with an average daily traffic volume greater than 499).

#### 2.4.8 Controlled Substances and Alcohol Testing (Part 382)

FMCSA controlled substances and alcohol testing requirements **do not apply** to employers and their drivers who are required to comply with FTA controlled substances and alcohol testing requirements.<sup>22</sup>

**Section 5310 grantees** that are "covered 16+" are required to comply only with FMCSA's controlled substances and alcohol testing regulations, which are found in Part 382.<sup>23</sup>

**Section 5311 grantees** are required to comply only with FTA's controlled substances and alcohol testing regulations in 49 CFR Part 655.<sup>24</sup>

FMCSA defines a *Safety-Sensitive Function* as all driver activities performed from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include all time spent at the driving controls of a commercial motor vehicle in operation, as well as all time loading, unloading, or repairing a vehicle.

Table 1 compares the FTA and FMCSA requirements for 5310 and 5311 grantees.

#### Co-mingling Employer Testing Pools

If an employer is required to conduct random alcohol or controlled substance testing under the rules of more than one DOT agency (e.g., FMCSA and FTA), the employer may:<sup>25</sup>

- Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same minimum annual percentage rate; or
- Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the employer is subject.

<sup>22</sup>§382.103(d)(1)

<sup>23</sup>For Part 382, see <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.asp?regulation=382>.

<sup>24</sup>For Part 655, see <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsrguidedetails.asp?regulation=655>.

<sup>25</sup>See <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsruletext.asp?section=382.305> for regulations governing random testing.

**Table 1 FTA AND FMCSA REGULATORY COMPARISON TABLE**

TOPIC	FTA (applies to Section 5311 grantees)	FMCSA (applies to Section 5310 grantees)
<b>Applicability</b>	Grantees of FTA 49 U.S.C. 5307, 5309, 5311, and 23 U.S.C. 103(e)(4)	Operators of vehicles designed or used for 16 or more passengers.
<b>Drugs Prohibited</b>	FTA prohibits marijuana, cocaine, amphetamines, opiates, phencyclidine.	FMCSA prohibits the same drugs as FTA.
<b>Alcohol Prohibited</b>	If $\geq 0.04$ BAC, Remove from duty and refer to SAP for evaluation  If 0.02 to 0.039 BAC, Remove from duty for 8 hours unless re-test $< 0.02$ BAC	If $\geq 0.04$ BAC, Remove from duty and refer to SAP for evaluation  If 0.02 to 0.039 BAC, Remove from duty for 24 hours
<b>Safety-Sensitive Functions</b>	FTA defines "Safety-sensitive functions" as the following: <ul style="list-style-type: none"> <li>◆ Operating a revenue service vehicle</li> <li>◆ CDL holders</li> <li>◆ Dispatch/controlling movement of vehicles</li> <li>◆ Maintaining a revenue service vehicle or related equipment</li> <li>◆ Security personnel carrying firearms</li> </ul>	FMCSA defines "safety-sensitive function" as all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work.
<b>Contractors</b>	Applies to all safety-sensitive contractors that "stand in the shoes" of recipient.	Each employer is responsible for their own CDL holders.
<b>Education and Training</b>	Display and Distribute Materials: - Info and Hotline Numbers  Employee Awareness, training on drugs is required.  Employer may require testing when the employer has reasonable suspicion that the driver has violated the drug and alcohol provisions.	Display and Distribute Materials: - Add effects and consequences of drug use to policy  Employee Awareness, training on drugs is not required  Employer may require testing when the employer has reasonable suspicion that the driver has violated the drug and alcohol provisions.
<b>Pre-Employment Testing for Drugs</b>	Employer must obtain a controlled substances test result before assignment of safety-sensitive duty.	Employer must obtain a controlled substances test result before assignment of safety-sensitive duty.
<b>Reasonable Suspicion</b>	Trained supervisor makes specific, contemporaneous observations	Trained supervisor makes specific, contemporaneous observations

Table 1 (Continued)

TOPIC	FTA (applies to Section 5311 grantees)	FMCSA (applies to Section 5310 grantees)
	regarding appearance, speech, behavior, or odor.	regarding appearance, speech, behavior, or odor. A written record must be prepared within 24 hours of the event.
<b>Testing Requirements Post Accident If There Was a Fatality</b>	Employer must test driver and others who could have contributed.	Test delays > 8 hours result in driver out of service for 24 hours. Employer must test driver.
<b>Random Testing Procedures</b>	Scientifically valid method Minimum drug test rate 50% Minimum alcohol test rate 10%	Scientifically valid method Minimum drug test rate 50% Minimum alcohol test rate 10%
<b>Recordkeeping</b>		
Retention	5, 2, and 1 year records	Same
MIS	Selected reporting-employers randomly selected	Same
Access to Record	Controlled	Same
Previous Employer Records	Obtain records for previous 2 years with employee consent	Same
<b>Compliance Penalties</b>	Suspension of funds	Employer/employee fines and penalties Possibility of issuing an out-of-service order
<b>Compliance Certification</b>	Required	Not Required
<b>Prohibited Behavior—Alcohol</b>	No consumption on duty 4 hours before performance of safety-sensitive duties; 8 hours following an accident, BAC $\geq 0.04$ . No consumption on-call	No consumption on duty 4 hours before performance of safety-sensitive duties; 8 hours following an accident, BAC $\geq 0.04$ . No possession while on duty
<b>Prohibited Behavior</b>	Controlled substances are prohibited at all times.	Controlled substances are prohibited at all times. Prescription use is prohibited when affects ability to perform.

## 2.5 INTERCITY SERVICE EXTENSION

This section discusses the issues carriers have experienced as providers of feeder services to interstate operations, defines interlining, and describes the FMCSA requirements for grantees engaged in interlining with an interstate carrier.

### 2.5.1 Applicability and Explanation of Issue

Intercity service extension is increasingly affecting FTA Section 5311 grantees. Because of cut-backs in their own services, Greyhound and other longstanding intercity bus companies have turned to rural transit providers for feeder service. This has

led to some confusion about whether state rural transit providers that only travel intrastate but provide a service that is one leg of an interstate journey are subject to FMCSA requirements.

### 2.5.2 Definition of Interlining from FMCSA

The term “interlining” in the context of passenger transportation is not defined by statute or regulation. Under a typical interline agreement, a passenger buys a single ticket (known as a through-ticket) from an interstate bus line to travel from a large city in State A to a small town in State B. Because the interstate bus line does not serve the town in State B, a passenger traveling to that town must disembark at some point along the route (usually at one of the bus line’s terminals) and board another vehicle (possibly operated by an FTA grantee) to complete the trip.

Based on numerous judicial and administrative decisions over the past 70 years, the entire trip is considered to be interstate transportation subject to FMCSA jurisdiction, even though vehicles operated by the carrier providing feeder service may not cross a state border. The purchase of a through-ticket is clear evidence that the passenger intended to travel from State A to State B when he or she purchased the ticket; therefore, each segment of the trip is considered to be part of a continuous movement in interstate commerce.

### 2.5.3 FMCSA Requirements for Grantees Engaged in Interlining

Based on the definition of interlining provided by FMCSA, Section 5310 and 5311 grantees engaged in interlining would be subject to FMCSA requirements, even if they technically only travel intrastate. Grantees would therefore be subject to all FMCSA requirements pertinent to the service they provide, unless they meet the exemption criteria listed in this digest.

## CHAPTER 3 SUPPLEMENTARY INFORMATION

### 3.1 FREQUENTLY ASKED QUESTIONS (FAQs)

❖ *Would a Section 5310 or 5311 grantee that does not charge a fee for services be considered a “for-compensation” motor carrier?*

Yes. FMCSA defines a for-compensation motor carrier as a person engaged in transporting goods

or passengers for compensation. All 5310 and 5311 operators, by definition, receive some federal grant money for operating their services. This grant money is sufficient to qualify all providers as subject to FMCSA regulations.

❖ *Does the “government exception” from applications for USDOT markings; driver qualifications; hours of service; safety fitness procedures; and vehicle inspection, repair, and maintenance apply to motor carriers doing business with the government?*

No. The exception applies only when a governmental entity is the motor carrier. Governmental entities must still comply with the following requirements, outlined in Section 2:

- Rules governing applications for Operational Authority (Part 365)
- Financial Responsibility (Part 387)
- Commercial Drivers License (Part 383)
- Controlled Substances and Alcohol Testing (Part 382 and/or FTA Part 655)

❖ *Does participation in transit insurance pools fulfill FMCSA’s financial responsibility requirements?*

No, transit insurance pools do not fulfill FMCSA’s financial responsibility requirements.<sup>26</sup>

❖ *Do Sections 5310 and 5311 grantees need to meet FMCSA minimum levels of financial responsibility?*

No, The Federal Mass Transit Act grants a waiver to FTA grantees from the FMCSA required levels of financial responsibility. FTA grantees are instead subject to at least the highest level required for any of the states traversed.

❖ *Who should grantees contact to make sure that they meet the highest financial responsibility level required for any of the states traversed?*

The initial point of contact is the FMCSA Division Office in the grantee’s state. A list of FMCSA field offices is provided in Section 3.5. Further questions can be directed to the FMCSA Insurance Division of the Office of Enforcement in Washington, D.C. at (202) 385-2423.

<sup>26</sup>Part 387.315 outlines conditions for FMCSA acceptance of certificates of insurance or surety bonds. See <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrtext.asp?section=387.315>.

❖ *Does self-insurance meet FMCSA's financial responsibility requirements?*

Yes, provided that the carrier

- Provides evidence that it will be able to compensate all claimants in the event of loss;
- Establishes and maintains an insurance program that will protect the public to the same extent as the financial responsibility requirements required for commercial insurance (For FTA grantees, this would be at least the highest level of insurance required by any state traversed by the carrier); this insurance program may include (but is not limited to) one or more of the following:
  - a. Irrevocable letters of credit,
  - b. Irrevocable trust funds,
  - c. Reserves,
  - d. Sinking funds,
  - e. Third-party financial guarantees,
  - f. Parent company or affiliate sureties, and
  - g. Excess insurance coverage;
- Has an adequate safety program and submits evidence of a current "satisfactory" safety rating by the U.S. DOT. Non-rated carriers only need to certify that they have not been rated. Any applications from carriers with a less than satisfactory rating will be immediately denied. Any self-insurance authority granted by FMCSA will automatically expire after 30 days after a carrier receives a less than satisfactory rating from DOT.<sup>27</sup>

❖ *Are Section 5310 and 5311 grantees subject to both FTA- and FMCSA-controlled substances and alcohol testing requirements?*

No. Section 5310 grantees operating "covered 16+ vehicles" are required to comply with FMCSA's requirements, whereas Section 5311 grantees are required to comply with FTA's controlled substances and alcohol testing requirements.

❖ *Is co-mingling of employer-controlled substance and alcohol testing pools permitted?*

Yes. According to Part 382.305(o), if an employer is required to conduct random alcohol or controlled substance testing under the rules of more than one DOT agency, the employer may

- Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same minimum annual percentage rate; or
- Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the employer is subject.

*Implementation Guidelines for Alcohol and Drug Regulations in Highway Transportation*<sup>28</sup> states

"Only drivers performing safety-sensitive functions are permitted in the random pools. If you decide to randomly test employees that do not drive CMVs, those employees must be placed in a separate pool and tested under separate authority, not the DOT's or the FHWA's. *The pool may, however, contain employees subject to other DOT agency regulations.*

To ensure that each of your drivers has an equal chance of being selected and tested, random testing pools must be established and maintained. *A random testing pool may include any persons who are subject to random testing under any DOT rule, as decided by the employer.*"

❖ *If a motor carrier has been operating for many years and only recently applied for a USDOT number, is the carrier still considered a new entrant?*

Yes. Even if a motor carrier has operated for many years, a carrier is considered a new entrant when it applies for a USDOT ID number for the first time.

❖ *What happens after a motor carrier begins operations as a new entrant?*

After a new entrant satisfies all applicable pre-operational requirements, it will be subject to new entrant safety monitoring procedures for a period of 18 months.<sup>29</sup>

<sup>27</sup>For further information and requirements please see Part 387.309.

<sup>28</sup>U.S. DOT, FMCSA, FMCSA-CMO-04-001, August 2004, Chapter 5, Section 4, p. 5-17.

<sup>29</sup>Please see Chapter 2, Section 4.2 for more information.

- ❖ *If a motor carrier does not travel interstate but provides feeder services to another bus line that has a destination in another state, would it be subject to FMCSA's requirements for interstate travel?*

Yes, based on numerous judicial and administrative decisions over the past 70 years, the entire trip is considered to be interstate transportation subject to FMCSA jurisdiction, even if the vehicles operated by the carrier providing feeder service do not cross a state border. The specific requirements that the motor carrier may be subject to depend on the size and number of passengers for which the vehicle is designed or used. This issue of interlining arises when there is a combined ticket, wherein the passenger buys a through-ticket that calls for crossing state lines but uses a feeder service on that trip that stays within a state. The operator providing the feeder service is considered by FMCSA to be providing interstate transportation under these circumstances.

### 3.2 WALKTHROUGH OF APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY (OP-1(P)) AND THE MOTOR CARRIER IDENTIFICATION REPORT (MCS-150)

#### Completing Form OP-1(P), "Application for Motor Passenger Carrier and Broker Authority"

#### Section I, Applicant Information<sup>30</sup>

This section requests general information about the applicant's business.

**FMCSA Authority.** If the applicant has any former ICC or FMCSA authority or has an application for authority being processed by the FMCSA, check the "YES" box and indicate the docket or the MC number assigned. *Example: MC-987654.*

**Applicant's Legal Business Name and Doing Business Name.** The applicant name should be the full legal business name—the name on the incorporation certificate, partnership agreement, tax records,

and so forth. If the trade name differs from the official business name, indicate this under "Doing Business As Name." *Example: If you are John Jones, doing business as Quick Way Transit, enter "John Jones" under APPLICANT'S LEGAL BUSINESS NAME and "Quick Way Transit" under DOING BUSINESS AS NAME.*

Because the FMCSA uses computers to retain information about regulated carriers, spell, space, and punctuate any name the same way each time. *Example: John Jones Transit Co., Inc.; J. Jones Transit Co., Inc.; and John Jones Transit are considered three separate companies.*

**Business Address/Mailing Address.** The business address is the physical location of the business. *Example: 756 Bounty Street; 15433 State Highway 23.* If the applicant receives mail at an address different from the business location, also provide the mailing address. *Example: P.O. Box 3721.* NOTE: To receive pertinent FMCSA notices and to ensure that insurance documents filed on the applicant's behalf are accepted, notify the FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION in writing (Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024) if the business or mailing address changes.

**Representative.** If someone other than the applicant is preparing this form, provide the representative's name, title, position, or relationship to the applicant, address, and telephone and FAX numbers. The applicant's representative will be the contact person if there are questions concerning this application.

**U.S. DOT Number.** Applicants subject to the Federal Motor Carrier Safety Regulations are required to register with the U.S. DOT before initiating service. Motor carriers already issued a U.S. DOT registration number should provide it; applicants not registered with the U.S. DOT should refer to the U.S. DOT information sources under the "Additional Assistance" part of these Instructions.

**Form of Business.** A business is either a corporation, sole proprietorship, or a partnership. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the authority applicant. If the business is a partnership, provide the name of each partner.

#### Section II -- Type of Authority

The amount of the application fee is determined by the type(s) of authority requested by the motor car-

<sup>30</sup>This is an edited version of what is available here: [http://www.fmcsa.dot.gov/espanol/english/Op1\(p\)\\_index.htm](http://www.fmcsa.dot.gov/espanol/english/Op1(p)_index.htm).

rier. A separate filing fee is required for each type of authority requested. The standard one-time fee of \$300 per motor carrier can be waived on request in writing by Section 5307, 5310, and 5311 grantees. Motor carriers operating for compensation, which includes all Section 5310 and 5311 grantees, should check the "motor passenger common carrier" box.

In addition to developing a cover letter that indicates the motor carrier's Federal funding status, FTA grantees must also contact FMCSA for a special form that designates fee exemptions. Please contact Myrtle Lane at the address above. You may also reach her at (202) 493-0347 or Myrtle.lane@fmcsa.dot.gov.

### Section III—Insurance Information

Applicants must check the appropriate box that describes the seating capacity of the motor carrier's vehicles. If all the vehicles the motor carrier operates have a seating capacity of 15 passengers or fewer, the carrier is required to maintain \$1,500,000 minimum liability coverage. If any one of the vehicles the carrier operates has a seating capacity of 16 passengers or more, the carrier is required to maintain \$5,000,000 minimum liability coverage.

Section 5307, 5310, and 5311 grantees are waived from these financial responsibility requirements and are instead subject to at least the highest level required for any of the states traversed by the carriers.

Appropriate insurance forms must be filed within 90 days after the date notice of application is published in the FMCSA Register: Form BMC-91 or BMC-91X for bodily injury and property damage. The FMCSA does not furnish copies of insurance forms. The motor carrier must contact its insurance company to arrange for the filing of all required insurance forms. The insurance company will send forms directly to FMCSA.

### Section IV—Safety Certification

Safety certification must be completed by all motor carriers applying for motor passenger carrier authority. The "YES" response should be checked only if the carrier can attest to the truth of the statements.

If a carrier is exempt from the U.S. DOT safety fitness regulations, it must certify that it is familiar with and will observe general operational safety fitness guidelines and applicable state and local laws relating to the safe operation of commercial motor vehicles.

Applicants must check only one of the boxes in this section.

### Section V—Fitness Certification

The appropriate fitness certification must be checked. This is a general fitness compliance certification.

### Section VI—Government Funding Status

"Public recipient" applicants must submit the additional evidence indicated by the form. This evidence should be provided on a separate sheet of paper attached to the application.

Governmental agencies should check Box 1 for "public recipient."

Nonprofit organizations that receive government financial assistance to support the operation of their interstate transportation services should check Box 2.<sup>31</sup>

### Section VII—Scope of Operating Authority

The following guidelines may be useful in developing passenger service descriptions:

- Special and charter operations and contract carrier operations generally are conducted over irregular routes (i.e., authority that is not restricted to particular roads or highways), between points in the United States.
- Other passenger carrier operations generally are performed over regular routes (i.e., authority to perform regularly scheduled service between designated points and operating over named roads or highways).
- Intrastate motor passenger applicants—If a motor carrier also requests intrastate, regular-route authority, the carrier must send a description of the proposed service to the state transportation regulatory body of the state(s) in which the operations described in the application will be performed.

### Section VIII—Affiliations

Applicants must disclose pertinent information concerning their affiliations, if any, with other former ICC, now FMCSA-licensed entities.

<sup>31</sup>The ODOT Guide to Compliance with Interstate Passenger Transportation Regulations, p. 42.

## Section IX--Applicant's Oath

This application may be prepared by the applicant or an authorized representative. In either case, the oath must be signed by the applicant. In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

**Process Agents:** All applicants must designate a process agent in each state where operations are authorized. Process agents who will accept legal filings on an applicant's behalf are designated on FMCSA Form BOC-3. Form BOC-3 must be filed within 90 days after the date notice of the application is published in the FMCSA Register.

**State Notification:** Before beginning new or expanded interstate operations, all motor carriers must contact the appropriate regulatory agencies in every state in and through which the carrier will operate to obtain information regarding various state rules applicable to interstate authorities. It is the applicant's responsibility to comply with registration, fuel tax, and other state regulations and procedures. A motor carrier may begin this process by contacting the transportation regulatory agency for the state in which the business is located.

### Mailing Instructions

To file for authority, a motor carrier must submit an original and one copy of the OP-1(P) application, an FTA funding documentation letter, and an FMCSA form for FTA grantees (to obtain the fee waiver) to

Federal Motor Carrier Safety Administration  
Attention: Myrtle Lane  
400 Seventh Street SW  
Room 8214  
Washington DC, 20590

**Note:** The motor carrier should retain a copy of the completed application form and any attachments for recordkeeping purposes.

For express mail only, the information above should be sent to

Nationsbank Wholesale Lockbox 100147  
6000 Feldwood Road  
3rd Floor East  
College Park, GA 30349

**Additional Information:** Motor carriers may monitor the status of their applications through the Automated Response Capability (ARC) telephone system. After dialing (202) 358-7000, press 1, then request the appropriate menu number indicated below. The ARC is available 24 hours a day, 7 days a week, to obtain information in the following areas:

Information Requested	Menu Number
Status of your application	1
Status of insurance and process agent filing	2
Assistance in filing your application	3

*(NOTE: Tracking application status can be simplified and expedited if the assigned DOCKET NUMBER is used when making inquiries. Applicants will be informed of their docket number by letter sent on the date that notice of the carrier's application appears in the FMCSA Register.)*

### Completing Form MCS-150, Motor Carrier Identification Report

The Motor Carrier Identification Report (MCS-150) is a single-page report that requires basic information about motor carrier operations. This form may be used to either apply for a USDOT number before the carrier begins operations or to update information every 24 months.

Copies of the MCS-150 and instructions provided by FMCSA can be accessed from any of the FMCSA's Division offices or Service Centers, or online at

<http://safer.fmcsa.dot.gov/public/MCS-150.pdf>

Hard copies of this application may be requested from

FMCSA  
Office of Research, Technology,  
and Information Management  
400 Seventh Street SW  
Washington, DC 20590

### 3.3 FIRMS THAT PROVIDE LISTS OF PROCESS AGENTS

This list can also be accessed at <http://www.fmcsa.dot.gov/registration-licensing/licensing/agents.htm>.

Firms That Provide Lists of Process Agents

**ASSOCIATION OF AMERICAN TRUCKERS, LLC**

P.O. Box 230369  
Montgomery, AL 36123-0369  
Telephone Number: (800) 426-6221  
Fax Number: (334) 269-1352  
E-Mail address: will@americantruckersonline.com

**UNITED STATES CORPORATION CO.**

1013 Centre Road  
Wilmington, DE 19805  
(302) 998-0595  
Fax: (302) 998-7078

**AL ROHM CONSULTING**

Al Rohm, President  
219 N. Governors Avenue  
Dover, DE 19904  
Phone No. (302) 222-5408  
E-Mail address: alrohm@aol.com

**SERVICE OF PROCESS AGENTS, INC.**

P.O. Box 931  
Ben Franklin Station  
Washington, DC 20044  
(800) 338-8883  
Fax: (202) 347-5986

**TRUCKERS PERMITTING & REPORTING SERVICE**

5103 Cain Lane  
Jacksonville, FL 32254  
(904) 388-4664

**LEGAL TRUCKERS, INC.**

3498 New Berry Trail  
Decatur, GA 30034  
(404) 288-6363  
Fax: (404) 288-6361  
E-Mail address: legal01@comcast.net  
Website: www.legaltruckers.net

**ASAP TRUCKING PERMITS, INC.**

2809-1 Mayport Road  
Atlantic Beach, FL 32233  
Telephone Number: (904) 270-2440  
Fax Number: (904) 270-2443  
E-Mail address: asapermits@bellsouth.net

**CENTRAL AGENT SERVICE, INC.**

P.O. Box 82073  
Lincoln, NE 68501  
(402) 475-1971  
Fax: (402) 475-7908

**KENNETH M. PIKEN & ASSOCIATES**

333 Jericho Turnpike, Suite 218  
Jericho, NY 11753  
(516) 938-2300  
Fax: (516) 938-2303

**35 DOLLAR PROCESS AGENTS SERVICE**

P.O. Box 6452  
Moore, OK 73153-0452  
(405) 573-7775  
Fax: (405) 321-9779  
E-Mail address: otppa@sbcglobal.net

**CARTER'S PERMIT SERVICE**

106 S. Pocola Blvd.  
Pocola, OK 74902  
(877) 576-6361  
Fax: (918) 436-8912

**OKLAHOMA TRUCK PLATES & PROCESS AGENTS, LLC**

P.O. Box 6452  
Moore, OK 73153-0452  
(405) 573-7775  
Fax: (405) 321-9779  
E-Mail address: otppa@sbcglobal.net

**NATIONAL RESIDENT AGENT SERVICE**

523 East Lancaster Avenue  
Wayne, PA 19087  
(800) 441-7442  
Fax: (610) 293-0358

**A-1 LEGAL PROCESS AGENTS**

P.O. Box 347  
Madison, SD 57042  
(877) 275-4287  
Fax: (605) 256-6898

**TRUCK PROCESS AGENTS OF AMERICA, INC.**

P.O. Box 347  
Madison, SD 57042  
(800) 999-0990  
Fax: (605) 256-6898

**ALLAMERICAN AGENTS OF PROCESS**

P.O. Box 1065  
Sioux Falls, SD 57101-1065  
(888) 447-9118  
Fax: (888) 343-0996

**ALLIED TRANSPORTATION SERVICE, INC.  
TRUCK PROCESS AGENTS OF AMERICA**

P.O. Box 347  
Madison, SD 57042  
(800) 999-0990  
Fax: (605) 256-6898

**AMERICAN PROCESS AGENTS**

P.O. Box 100  
Bridge City, TX 77611  
(800) 324-8789  
Fax: (409) 735-2808

(continued on next page)

Firms That Provide Lists of Process Agents (Continued)

**EVILSIZOR TRANSPORTATION SERVICES**

7001 Grapevine Hwy #331  
North Richland Hills, TX  
(800) 674-8785  
Fax: (817) 595-4393  
E-Mail address: info@evilsizor.com  
Website: www.evilsizor.com

**UNITED MOTORCOACH ASSOC.**

113 South West St., 4th Floor  
Alexandria, VA 22314  
(703) 838-2929  
Fax: (703) 838-2950

**LEE'S PERMIT SERVICE**

817 Segar  
Van Buren, AR 72956  
(501) 474-5291  
Fax: (501) 474-5147

**PRENTICE-HALL CORPORATION SYSTEM**

1013 Centre Road  
Wilmington, DE 19805  
(302) 998-0595  
Fax: (302) 998-7078

**NATIONAL CORPORATE RESEARCH LTD.**

615 South Dupont Highway  
Dover, DE 19901  
(302) 734-1450  
Fax Number: (302) 734-1476

**AMERICAN BUS ASSOCIATION**

1100 New York Avenue, NW, Ste. 1050  
Washington, DC 20005  
(202) 842-0850  
Fax: (202) 842-1645

**TRUCKERS WORLD OF PERMITS**

401 Bankhead Avenue  
Carrollton, GA 30117  
(770) 836-8407  
Fax: (770) 836-1848

**JOY B. FITZGERALD RESIDENT AGENT, INC.**

P.O. Box 366  
Altoona, IA 50009  
(515) 967-5114  
Fax: (515) 967-7641

**OWNER OPERATOR SERVICES, INC.**

P.O. Box L  
Grain Valley, MO 64029  
(816) 229-5791  
Fax (816) 229-0518

**NATIONAL REGISTERED AGENTS, INC.**

10 Wolf Pack Ct.  
Hamilton, NJ 08619  
(609) 586-7212  
Fax: (609) 584-0518

**RPA—U.S.A., INC.**

Resident Process Agent  
P.O. Box 19251  
Raleigh, NC 27619  
(919) 571-1323  
Fax (919) 571-1383

**SAFE TRUCKER, INC.**

Terri Stephens, Vice President  
3945 SE 15th Street, Suite 105  
Del City, OK, 73115  
(866) 633-0200  
Fax (405) 619-7005

**PERMITS AND PROCESS AGENTS, LLC**

5216 Evanbrook Terrace  
Oklahoma City, OK 73135  
(800) 347-5506  
Fax: (405) 602-5919  
E-Mail address: vfulson@yahoo.com

**ALLEN, SHERIDAN & McCLANAHAN, LLP**

190 S.W. Harrison Street  
Portland, OR 97201  
Telephone Number: (503) 224-4840  
Fax Number: (503) 299-6663  
E-Mail address: allenfell@aol.com

**LOGISTEC/TTS RESIDENT AGENTS SERVICE, INC.**

P.O. Box 13259  
Florence, SC 29504  
(843) 665-4968  
Fax: (843) 665-5073  
E-Mail address: admin@OperatingAuthority.com  
Website: www.operatingauthority.com

**PROCESS AGENT SERVICE COMPANY, INC.**

P.O. Box 1065  
Sioux Falls, SD 57101  
(800) 335-8840  
Fax (800) 868-1945

**AA AGENTS OF PROCESS**

P.O. Box 1065  
Sioux Falls, SD 57101-1065  
(800) 335-8840  
Fax: (800) 868-1945

Firms That Provide Lists of Process Agents (Continued)

**ABSOLUTE TRUCKING AUTHORITY**

5517 N. Cliff Avenue  
Sioux Falls, SD 5710  
(605) 332-1864  
Fax Number: (605) 334-9028

**MULTI-STATES AGENT FOR PROCESS, INC.**

P.O. Box 10546  
Jackson, TN 38308  
(800) 238-8814  
Fax: (901) 668-9346

**CAPITOL CORPORATE SERVICES, INC.**

800 Brazos, Suite 1100  
Austin, TX 78701  
Telephone Number: (800) 345-4647  
Fax Number: (800) 432-3622  
E-Mail address: jroberts@capitol-services.com

**AMERICAN MOVING & STORAGE ASSOCIATION**

1611 Duke Street  
Alexandria, VA 22314-3482  
(703) 683-7410  
Fax: (703) 683-7527

**3.4 CHECKLIST OF FORMS REQUIRED  
IN-VEHICLE AND AT PLACES OF  
BUSINESS**

**Forms/Documentation Required In-Vehicle**

*Commercial Driver's Licenses*

Every Covered 16+ operator must have a commercial driver's license (CDL), with certain exceptions (See Section 2.4.7).

*Vehicle Inspection Report*

Every driver of a motor vehicle must prepare a report in writing at the completion of each day's work on the status of the parts and accessories of each vehicle operated (See Section 2.4.6).

**Forms/Documentation Required at  
Places of Business**

*Proof of Financial Responsibility*

Proof of the required financial responsibility should be maintained at the motor carrier's principal place of business. This includes any of the following forms:

- "Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980" (Form MCS-90) issued by the insurer;
- A "Motor Carrier Surety Bond for Public Liability Under Section 30 of the Motor Carrier Act of 1980" (Form MCS-82) issued by a surety; or
- A written decision, order, or authorization of the FMCSA authorizing a motor carrier to self-insure under Part 387.309, provided the motor

carrier maintains a satisfactory safety rating as determined by Part 385.

*Assistance in Investigations and Special Studies*

For accidents that occur after April 29, 2003, motor carriers must maintain an accident register for 3 years after the date of each accident.

For accidents that occurred on or before April 29, 2003, motor carriers must maintain an accident register for 1 year after the date of each accident.

Information placed in the accident register must contain at least the following:

- Date and place of accident;
- Driver name;
- Number of injuries and fatalities;
- Hazardous materials, other than fuel released, if any; and
- Copies of all accident reports required by state or other governmental entities or insurers.

*Driver Qualification Files*

A motor carrier must maintain a qualification file for each driver it employs. The qualification file must include

- The driver's application for employment (Part 391.21);
- A copy of the response by each state agency regarding a driver's driving record (Part 391.23(a)(1));
- The driver's road test certificate issued to the driver (Part 391.31(e)), or a copy of the license or certificate the motor carrier accepted as an equivalent to the road test (Part 391.33);
- The response of each state agency to the annual driver record inquiry (Part 391.25(a));

- A note relating to the annual review of the driver's driving record (Part 391.25(c)(2));
- A list or certificate relating to violations of motor vehicle laws and ordinances (Part 391.27);
- The medical examiner's certificate of the driver's physical qualification to drive a CMV (Part 391.43(f)), or a legible copy of the certificate; and
- A letter from the Field Administrator, Division, Administrator, or State Director granting a waiver of a physical disqualification (Part 391.49).

Except for the following list, all of the documents above should be retained in each driver's qualification file as long as the driver is employed by that motor carrier and for 3 years thereafter. The following records can be removed from a driver's qualification file 3 years after the date of execution:

- The response of each state agency to the annual driver record inquiry (Part 391.25(a));
- A note relating to the annual review of the driver's driving record (Part 391.25(c)(2));
- A list or certificate relating to violations of motor vehicle laws and ordinances (Part 391.27);
- The medical examiner's certificate of the driver's physical qualification to drive a CMV (Part 391.43(f)), or a legible copy of the certificate; and
- A letter from the Field Administrator, Division, Administrator, or State Director granting

ing a waiver of a physical disqualification (Part 391.49).

#### *Inspection, Repair, and Maintenance (Part 396.3 (b))*

For vehicles controlled for 30 consecutive days or more, except for a private motor carrier of passengers (non-business), records for each vehicle must be maintained where the vehicle is either housed or maintained for 1 year and for 6 months after the vehicle leaves the motor carrier's control. Motor carriers must maintain the following documents:

- An identification of the vehicle, including company number, make, serial number year, and tire size;
- Indication of the nature and due date of the inspection and maintenance operations to be performed;
- Record of inspection, repairs, and maintenance indicating their date and nature; and
- A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.

#### *Controlled Substances and Alcohol Testing (Part 382)*

Note: This requirement applies to only Section 5310 grantees.

Table 2 lists records that must be maintained at the carrier's principal place of business in a secure location with controlled access:

**Table 2** Record Maintenance Times

Length of time to be maintained	Documentation
5 years	<ul style="list-style-type: none"> <li>• Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater</li> <li>• Verified positive drug test results</li> <li>• Refusals to submit to required alcohol and drug tests</li> <li>• Driver evaluations and referrals</li> <li>• Required calibration of Evidential Breath Testing (EBT) devices</li> <li>• A copy of each calendar year summary required by Part 382.403</li> </ul>
2 years	<ul style="list-style-type: none"> <li>• Records related to the collection process</li> </ul>
1 year	<ul style="list-style-type: none"> <li>• Negative and canceled controlled substance test results</li> <li>• Alcohol test results indicating a BAC of less than 0.02</li> </ul>
Indefinitely	<ul style="list-style-type: none"> <li>• Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers. These should be maintained indefinitely by the employer while the individual performs the functions and for 2 years after ceasing to perform those functions.</li> </ul>

### 3.5 FMCSA SERVICE CENTER AND FIELD OFFICE ROSTER

FMCSA field offices organizations deliver program services to the FMCSA's partners and cus-

tomers. These offices are available to answer questions and provide guidance concerning the Federal Motor Carrier Safety Regulations.

#### Service Centers

Location	Address	Territory Included
<b>Eastern Service Center</b>	802 Cromwell Park Drive, Suite N Glen Burnie, MD 21061 Phone: (443) 703-2240	CT, DC, DE, MA, MD, ME, NJ, NH, NY, PA, PR, RI, VA, VT, WV
<b>Midwestern Service Center</b>	19900 Governors Drive, Suite 210 Olympia Fields, IL 60461 Phone: (708) 283-3577 FAX: (708) 283-3579	IA, IL, IN, KS, MI, MO, MN, NE, OH, WI
<b>Southern Service Center</b>	1800 Century Boulevard, N.E., Suite 1700 Atlanta, GA 30345-3220 Phone: (404) 327-7400 FAX: (404) 327-7349	AL, AR, FL, GA, KY, LA, MS, NC, NM, OK, SC, TN, TX
<b>Western Service Center</b>	Golden Hills Office Centre 12600 W. Colfax Avenue Suite B-300 Lakewood, CO 80215 Phone: (303) 407-2350 FAX: (303) 407-2339	American Samoa, AK, AZ, CA, CO, Guam, HI, ID, Mariana Islands, MT, ND, NV, OR, SD, UT, WA, WY

#### Field Offices

Location	Address	Location	Address
<b>Alabama Division</b>	500 Eastern Boulevard, Suite 200 Montgomery, AL 36117 Phone: (334) 223-7244 FAX: (334) 223-7700	<b>Arizona Division</b>	One Arizona Center 400 East Van Buren, Suite 401 Phoenix, AZ 85004-2223 Phone: (602) 379-6851 FAX: (602) 379-3627
<b>Alaska Division</b>	Frontier Building, Suite 260 3601 C Street Anchorage, AK 99503 Phone: (907) 271-4068 FAX: (907) 271-4069	<b>Arkansas Division</b>	2527 Federal Building 700 W. Capitol Ave Little Rock, AR 72201 Phone: (501) 324-5050 FAX: (501) 324-6562

(continued on next page)

Field Offices (Continued)

Location	Address	Location	Address
<b>California Division</b>	1325 J Street, Suite 1540 Sacramento, CA 95814 Phone: (916) 930-2760 FAX: (916) 930-2778	<b>Hawaii Division</b>	300 Ala Moana Boulevard, Room 3-243, Box 50226 Honolulu, HI 96850 Phone: (808) 541-2790 FAX: (808) 541-2702
<b>Colorado Division</b>	12300 West Dakota Avenue, Suite 130 Lakewood, CO 80228 Phone: (720) 963-3130 FAX: (720) 963-3131	<b>Idaho Division</b>	3200 N. Lake Harbor Lane, Suite 161 Boise, ID 83703 Phone: (208) 334-1842 FAX: (208) 334-1046
<b>Connecticut Division</b>	628-2 Hebron Avenue, Suite 303 Glastonbury, CT 06033 Phone: (860) 659-6700 FAX: (860) 659-6725	<b>Illinois Division</b>	3250 Executive Park Drive Springfield, IL 62703-4514 Phone: (217) 492-4608 FAX: (217) 492-4986
<b>Delaware Division</b>	J. Allen Frear Federal Building 300 South New Street Dover, DE 19904-6726 Phone: (302) 734-8173 FAX: (302) 734-5380	<b>Indiana Division</b>	575 N. Pennsylvania Street, Room 261 Indianapolis, IN 46204 Phone: (317) 226-7474 FAX: (317) 226-5657
<b>District of Columbia Division</b>	1990 K Street, NW, Suite 510 Washington, DC 20006 Phone: (202) 219-3553 FAX: (202) 219-3546	<b>Iowa Division</b>	105 6th Street Ames, IA 50010-6337 Phone: (515) 233-7400 FAX: (515) 233-7494
<b>Florida Division</b>	545 John Knox Road, Room 102 Tallahassee, FL 32303 Phone: (850) 942-9338 FAX: (850) 942-9680	<b>Kansas Division</b>	1303 SW First American Place, Suite 200 Topeka, KS 66604-4040 Phone: (785) 271-1260 FAX: (785) 228-9725
<b>Georgia Division</b>	Two Crown Center 1745 Phoenix Boulevard, Suite 380 Atlanta, GA 30349 Phone: (678) 284-5130 FAX: (678) 284-5146	<b>Kentucky Division</b>	330 West Broadway Frankfort, KY 40601 Phone: (502) 223-6779 FAX: (502) 223-6767

Field Offices (Continued)

Location	Address	Location	Address
<b>Louisiana Division</b>	5304 Flanders Drive, Suite A Baton Rouge, LA 70808 Phone: (225) 757-7640 FAX: (225) 757-7636	<b>Missouri Division</b>	3219 Emerald Lane, Suite 500 Jefferson City, MO 65109 Phone: (573) 636-3246 FAX: (573) 636-8901
<b>Maine Division</b>	Edmund S. Muskie Federal Building 40 Western Avenue, Room 608 Augusta, ME 04330 Phone: (207) 622-8358 FAX: (207) 622-8477	<b>Montana Division</b>	2880 Skyway Drive, Helena, MT 59602 Phone: (406) 449-5304 FAX: (406) 449-5318
<b>Maryland Division</b>	City Crescent Building Baltimore, MD 21201 Phone: (410) 962-2889 FAX: (410) 962-3916	<b>Nebraska Division</b>	100 Centennial Mall North, Room 220 Lincoln, NE 68508 Phone: (402) 437-5986 FAX: (402) 437-5146
<b>Massachusetts Division</b>	55 Broadway, Bldg 3, Room 1-35 Cambridge, MA 02142 Phone: (617) 494-2770 FAX: (617) 494-2783	<b>Nevada Division</b>	705 North Plaza Street, Suite 204 Carson City, NV 89701 Phone: (775) 687-5335 FAX: (775) 687-8353
<b>Michigan Division</b>	315 W. Allegan Room 219 Lansing, MI 48933 Phone: (517) 377-1866 FAX: (517) 377-1868	<b>New Hampshire Division</b>	70 Commercial Street, Suite 102 Concord, NH 03301 Phone: (603) 228-3112 FAX: (603) 223-0390
<b>Minnesota Division</b>	380 Jackson Street, Galtier Plaza, Suite 500 St. Paul, MN 55101 Phone: (651) 291-6150 FAX: (651) 291-6001	<b>New Jersey Division</b>	U.S. Department of Transportation, Federal Motor Carrier Safety Administration West Trenton, NJ 08628 Phone: (609) 637-4222 FAX: (609) 538-4913
<b>Mississippi Division</b>	666 North Street, Suite 103 Jackson, MS 39202-3199 Phone: (601) 965-4219 FAX: (601) 965-4674	<b>New Mexico Division</b>	2400 Louisiana Blvd. NE, Suite 520 AFC-5 Albuquerque, NM 87110 Phone: (505) 346-7858 FAX: (505) 346-7859

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Field Offices (Continued)

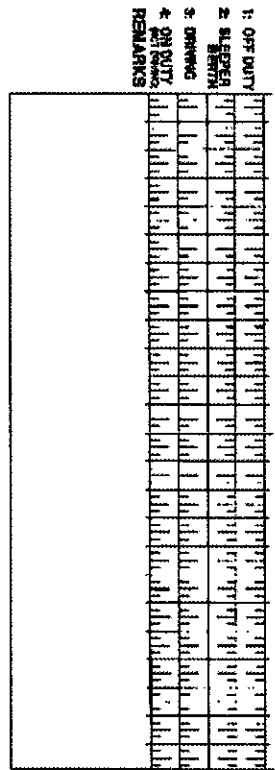
Location	Address	Location	Address
<b>New York Division</b>	Leo W. O'Brien Federal Building, Room 719 Clinton Avenue & N. Pearl Street Albany, NY 12207 Phone: (518) 431-4145 FAX: (518) 431-4140	<b>Puerto Rico Division</b>	Torre Chardn 350 Chardn Street Hato Rey, PR 00918 Phone: (787) 766-5985 FAX: (787) 766-5015
<b>North Carolina Division</b>	310 New Bern Avenue, Suite 468 Raleigh, NC 27601 Phone: (919) 856-4378 FAX: (919) 856-4369	<b>Rhode Island Division</b>	20 Risho Avenue, Suite E, East Providence, RI 02914 Phone: (401) 431-6010 FAX: (401) 431-6019
<b>North Dakota Division</b>	1471 Interstate Loop Bismarck, ND 58503 Phone: (701) 250-4346 FAX: (701) 250-4389	<b>South Carolina Division</b>	1835 Assembly Street, Suite 1253 Columbia, SC 29201-2430 Phone: (803) 765-5414 FAX: (803) 765-5413
<b>Ohio Division</b>	200 N. High Street, Room 328 Columbus, OH 43215 Phone: (614) 280-5657 FAX: (614) 280-6875	<b>South Dakota Division</b>	116 East Dakota Avenue, Suite B Pierre, SD 57501 Phone: (605) 224-8202 FAX: (605) 224-1766
<b>Oklahoma Division</b>	300 North Meridian, Suite 106 South Oklahoma City, OK 73107 Phone: (405) 605-6047 FAX: (405) 605-6176	<b>Tennessee Division</b>	640 Grassmere Park, Suite 111, Nashville, TN 37211 Phone: (615) 781-5781 FAX: (615) 781-5755
<b>Oregon Division</b>	The Equitable Center 530 Center Street, NE Salem, OR 97301-3740 Phone: (503) 399-5775 FAX: (503) 399-5838	<b>Texas Division</b>	826 Federal Building, 300 East 8th Street Austin, TX 78701 Phone: (512) 536-5980 FAX: (512) 916-5980
<b>Pennsylvania Division</b>	228 Walnut Street, Room 560 Harrisburg, PA 17101 Phone: (717) 221-4443 FAX: (717) 221-4552	<b>Utah Division</b>	2520 West 4700 South, Suite 9B, Salt Lake City, UT 84118-1847 Phone: (801) 963-0096 FAX: (801) 963-0086

Field Offices (Continued)

Location	Address	Location	Address
<b>Vermont Division</b>	87 State Street Room 222, P O Box 568 Montpelier, VT 05601 Phone: (802) 828-4480 FAX: (802) 828-4424	<b>West Virginia Division</b>	700 Washington Street East, Suite 205 Charleston, WV 25301 Phone: (304) 347-5935 FAX: (304) 347-5617
<b>Virginia Division</b>	400 N. 8th St., Suite 780 Richmond, VA 23240-0230 Phone: (804) 771-8585 FAX: (804) 771-8681	<b>Wisconsin Division</b>	Highpoint Office Park 567 D'Onofrio Drive, Suite 101 Madison, WI 53719-2844 Phone: (608) 829-7530 FAX: (608) 829-7540
<b>Washington Division</b>	Evergreen Plaza Building 711 South Capitol Way, Suite 502 Olympia, WA 98501 Phone: (360) 753-9875 FAX: (360) 753-9024	<b>Wyoming Division</b>	1637 Stillwater Avenue, Suite F Cheyenne, WY 82009 Phone: (307) 772-2305 FAX: (307) 772-2905

3.6 SAMPLE HOURS OF SERVICE GRID

Graph Grid—Horizontally



**Graph Grid Preparation.** The graph grid may be used horizontally or vertically and should be completed as follows:

- **Off duty.** Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period(s) of time when the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work.
- **Sleeper berth.** A continuous line shall be drawn between the appropriate time markers to record the period(s) of time off duty resting in a sleeper berth. (If a non-sleeper berth operation, sleeper berth need not be shown on the grid.)
- **Driving.** A continuous line shall be drawn between the appropriate time markers to record the period(s) of driving time as defined in 395.2.
- **On duty not driving.** A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty not driving specified in 395.2.
- **Location—Remarks.** The name of the city, town, or village, with state abbreviation where each change of duty status occurs shall be recorded.

3.7 SAMPLE DRIVER VEHICLE  
INSPECTION REPORT

**Driver's Vehicle Inspection Report**  
**Check Any Defective Item and Give Details Under "Remarks"**

DATE: \_\_\_\_\_

TRUCK/TRACTOR NO. \_\_\_\_\_

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Air Compressor    | <input type="checkbox"/> Horn              | <input type="checkbox"/> Springs           |
| <input type="checkbox"/> Air Lines         | <input type="checkbox"/> Lights            | <input type="checkbox"/> Starter           |
| <input type="checkbox"/> Battery           | Head—Stop                                  | <input type="checkbox"/> Steering          |
| <input type="checkbox"/> Brake Accessories | Tail—Dash                                  | <input type="checkbox"/> Tachograph        |
| <input type="checkbox"/> Brakes            | Turn Indicators                            | <input type="checkbox"/> Tires             |
| <input type="checkbox"/> Carburetor        | <input type="checkbox"/> Mirrors           | <input type="checkbox"/> Transmission      |
| <input type="checkbox"/> Clutch            | <input type="checkbox"/> Muffler           | <input type="checkbox"/> Wheels            |
| <input type="checkbox"/> Defroster         | <input type="checkbox"/> Oil Pressure      | <input type="checkbox"/> Windows           |
| <input type="checkbox"/> Drive Line        | <input type="checkbox"/> On-Board Recorder | <input type="checkbox"/> Windshield Wipers |
| <input type="checkbox"/> Engine            | <input type="checkbox"/> Other             | <input type="checkbox"/> Radiator          |
| <input type="checkbox"/> Fifth Wheel       |  | <input type="checkbox"/> Rear End          |
| <input type="checkbox"/> Front Axle        |  | <input type="checkbox"/> Reflectors        |
| <input type="checkbox"/> Fuel Tanks        |  | <input type="checkbox"/> Safety Equipment  |
| <input type="checkbox"/> Heater            |  | Fire Extinguisher                          |
|  |  | Flags-Flares-Fuses                         |
|  |  | Spare Bulbs & Fuses                        |
|  |  | Spare Seal Beam                            |

TRACTOR(s) NO. (s) \_\_\_\_\_

- |  |                                       |                                    |
|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Brake Connections   | <input type="checkbox"/> Hitch        | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Brakes              | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tires     |
| <input type="checkbox"/> Coupling Chains     | <input type="checkbox"/> Lights—All   | <input type="checkbox"/> Wheels    |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Roof         | <input type="checkbox"/> Other     |
| <input type="checkbox"/> Doors               | <input type="checkbox"/> Springs      |                                    |

Remarks:

CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY  
DRIVER'S SIGNATURE \_\_\_\_\_

ABOVE DEFECTS CORRECTED

ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE  
OPERATION OF VEHICLE

MECHANIC'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DRIVER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

### 3.8 APPLICATION CHECKLIST

These checklists provide information on what a motor carrier must accomplish in order to com-

mence services. Motor carriers operating vehicles designed for and carrying fewer than 9 people are not subject to FMCSA requirements.

#### Operating Authority Application Checklist: 9+ Passenger Vehicles

- Complete OP-1(P) paper application to obtain MC number for operating authority. (Section 2.4.2)
- Send letter verifying FTA funding status to FMCSA for registration fee waiver (Section 2.2.4)
- File evidence of insurance with FMCSA (Section 2.3.2)
- Obtain the services of a process agent and have the agent file the BOC-3 Designation of Process Agent form. (Section 2.3.3)
- Complete Motor Carrier Identification Report (MCS-150) (Section 3.2) to obtain USDOT number

#### Operating Authority Application Checklist: 16+ Passenger Vehicles

- Complete OP-1(P) paper application to obtain MC number for operating authority. (Section 2.4.2)
- Send letter verifying FTA funding status to FMCSA for registration fee waiver (Section 2.2.4)
- File evidence of insurance with FMCSA (Section 2.3.2)
- Obtain the services of a process agent and have the agent file the BOC-3 Designation of Process Agent form. (Section 2.3.3)
- Complete Motor Carrier Identification Report (MCS-150) (Section 3.2) to obtain USDOT number
- Application for a commercial driver's license (CDL)

### 3.9 GLOSSARY

**Commercial Motor Vehicle:** A commercial motor vehicle is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

- Has a gross combination weight rating of 26,001 pounds or more; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials.

**Eligible unit of local government:** A city, town, borough, county, parish, district, or other public body, created by or pursuant to state law, with a total population of 3,000 individuals or less.

**Financial responsibility:** Having insurance policies or surety bonds sufficient to satisfy the minimum public liability requirements. Public liability means liability for bodily injury and property damage.

**For-compensation:** A motor carrier as an entity engaged in the transportation of goods or passengers

for compensation. All 5310 and 5311 operators, by definition, receive some federal grant money for operating their services, and this grant money is sufficient to qualify all providers as "for-compensation" carriers. Even if no farebox revenue is collected, no state provides a subsidy, and drivers operate the vehicles on a volunteer basis, if any federal grant money is used to support the service in any way, the service is considered to be operating for compensation.

**Interlining:** The term "interlining" in the context of passenger transportation is not defined by statute or regulation. Under a typical interline agreement, a passenger buys a single ticket (known as a through-ticket) from an interstate bus line to travel from a large city in State A to a small town in State B. Because the interstate bus line does not serve the town in State B, a passenger traveling to that town must disembark at some point along the route (usually at one of the bus line's terminals) and board another vehicle (possibly operated by an FTA grantee) to complete the trip. Based on numerous judicial and administrative decisions over the past 70 years, the entire trip is considered to be interstate transportation subject to FMCSA

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