Commercial Industry Education Program

BIENNIAL INSPECTION OF TERMINALS (BIT)

California Highway Patrol
Commercial Industry Liaisons

California Highway Patrol

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Commercial Industry Liaisons

California Highway Patrol

Motor Carrier Specialist I
Ernie Franco

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What is the Commercial Industry Education Program (CIEP)?

• The CIEP is a service provided to the commercial trucking industry designed to give an overall understanding of on and off highway commercial enforcement.

• The CIEP gives detailed information regarding the routines and procedures pertaining to CHP roadside, inspection facility, and carrier terminal inspections.

• Instructors are liaisons to the commercial trucking industry. This gives CIEP participants a familiar contact person to call upon to answer questions and address comments.

• CIEP is available throughout the state to any company which operates commercial vehicles.
Motor Carrier Safety Operations

History

Objectives

AND

Compliance Issues

A Two Part Program
Motor Carrier Safety Operations Program

History and Program Objectives

- Accomplishment of Objectives
- Terminal Inspection and Priorities
- Terminal Inspection Ratings
- Unsatisfactory Rating Consequences

PART 1
Motor Carrier Safety Operations Program

PART 2

Terminal Compliance

♦ Driver Records
♦ Pull Notice Program
♦ Controlled Substances and Alcohol Use and Testing
♦ Vehicle Preventive Maintenance and Records
♦ Facts and Figures
♦ Keys to Success
Field Division

Motor Carrier Safety Units

Division Special Services Commander (Captain - 8)
MCS- III (Managers - 8)
MCS- II (Field Supervisors - 24)
MCS- I (Field Operations - 200)
MCS-1 (Multidisciplinary Accident Investigation Team (MAIT) - 8)
Motor Carrier Operations Program

Objectives

To maintain a continuing, effective program of regulation and inspection to ensure compliance with VC and Title 13 and Title 49 FMCSR regulations

Objective of the program is the prevention of accidents and injuries attributed to:

- VEHICLE MECHANICAL DEFECTS
- EXCESSIVE DRIVING HOURS BY DRIVERS
- DRUG AND ALCOHOL ABUSE BY DRIVERS
- INCIDENTS AND CATASTROPHES DUE TO HAZARDOUS MATERIAL TRANSPORTATION
Inspection Priority

Terminals with vehicles requiring:
- Annual Certification
- Bus Terminals (incl. PUC)
- Fee-paid BIT inspections
- Controlled substances and alcohol testing (CSAT) programs
- Complaints received where investigation or follow-up is required
♦ Inspection and Maintenance Station licensees
♦ Terminal and carrier inspections required by Section 34501.18 CVC
♦ Unsatisfactory-rated terminals, carriers, and shippers
♦ Conditional-rated terminals, carriers, and shippers
# 2 Inspection Priority

- Transporters of explosives and/or chemicals requiring special routing
- Truck terminals (including hazardous materials terminals) not subject to the BIT Program
- Hazardous material shippers
- Satisfactory rated truck terminals and CSAT carriers
The basic activity during which violations are detected and required to be corrected and terminal ratings are assigned.
Minor deficiencies or defects may exist as long as public safety is not jeopardized

♦ SHOP - has effective preventative maintenance practices / vehicle records reflect compliance and clearly identify required inspections & services / vehicles are not operated in an “out-of-service” condition.

♦ DRIVERS - perform & document daily vehicle inspections and defects / timekeeping records reflect “hours-of-service” / records reflect compliance with “DMV Pull Notice Program” / required proficiency records are on file.
Evidence of widespread non-compliance with or showing disregard of, regulatory requirements

♦ **SHOP** - violations of a deliberate or long-standing nature; 20% or more of inspected vehicles placed “out-of-service;” no maintenance records on file.

♦ **Maintenance Program Discrepancies:** Violations that should have been corrected / records are not current / record entries are not consistent with vehicle condition / Inspections or maintenance not performed / Vehicle defects not promptly corrected.
Drivers

♦ Drivers’ timekeeping records reveal numerous hours of service violations (exceeding 5% of driver’s records inspected)
♦ Falsified driver’s timekeeping records
♦ Failure to maintain driver’s timekeeping records
♦ Failure to comply with the DMV Pull Notice Program
♦ Driver’s timekeeping records not current
♦ Driver’s timekeeping records not on file for 6 months
♦ Improperly prepared driver records
A “Conditional” rated Carrier is one that has been previously inspected, was rated unsatisfactory, and is not now unsatisfactory, but whose overall compliance cannot clearly be determined.

This rating may only be assigned following an unsatisfactory rating and may not be assigned if unsatisfactory conditions exist.
Allows the motor carrier an opportunity to challenge an unsatisfactory compliance rating the carrier believes is not justified or was unfairly assigned.

The sole purpose of the review is to determine whether or not the terminal inspection was conducted within departmental policy, the unsatisfactory rating assigned following the inspection was justified, and whether any punitive or corrective action recommended by the Department is commensurate with the inspection findings.
PROCEDURES

A carrier may, within five calendar days following the assignment of an unsatisfactory rating, request a review by an MCSU Supervisor.

If the rating will result in a criminal complaint or action against the carrier, the review will be conducted by the Division Special Services Commander.

You are entitled to a prompt and impartial review.

You may respond either orally or in writing.

You will receive a follow-up response in writing of the findings and action taken.
Motor Carrier Safety Unit

History

and

Operations Program
1. Do you obtain a DMV readout showing a new driver’s current driving record and review it?

2. Is a copy of the driver’s current DMV driving record, signed, dated and retained until receipt of the Pull Notice record?

3. Prior to driving for you, is the driver tested for controlled substance use?

4. Do you contact a new driver’s previous employer(s) within 14 days of hiring to determine if during the previous two years the employee has had; alcohol test result 0.04 or greater; verified positive controlled substance test result; or a refusal to test.
Driver Records

Pull Notice Program (PNP)

- Do you have a current pull notice record on file for each driver?
- Do you examine each pull notice for verification of status?
- Is each pull notice signed and dated?
- Do you continue to allow a driver who is disqualified by any action as noted on their pull notice to operate a commercial vehicle?
- Are all employees who may drive a commercial vehicle for you enrolled in the PNP?

VC 1808.1(c)
Driver Records

**Controlled Substances**

- Do you ensure that all testing of drivers complies with the procedures set forth in 49CFR Part 40 and Part 382?
- Are drivers who refuse to submit to the required testing immediately removed from safety sensitive functions?
- Do you allow drivers who test positive to continue to work?
- Do you conduct required post-accident testing?
- Are your Supervisors trained in reasonable suspicion recognition?
- Do you test drivers when there is reasonable suspicion?
- Are your employees familiar with random drug & alcohol testing and the consequences of a positive test?
Driver Records

**Controlled Substances**

- **10% each year**
  - Alcohol

- **50% each year**
  - Controlled Substance

Minimum Requirements
Testing Records

Controlled Substances

Do you maintain the following records for Five (5) years?

- Alcohol tests results of a 0.02 % concentration or greater
- Verified positive controlled substances test results
- Refusals of employees to take required tests
- Driver evaluations and referrals

49CFR 382.401
Driver Records

* Do you maintain driver timekeeping records?
* Are timekeeping records complete.
* Is the original timekeeping record for each driver retained for at least six months?
* Are your drivers in compliance with hours of service requirements?
Do your drivers demonstrate their ability to safely operate each different type of vehicle or vehicle combination, before operating the vehicle unsupervised on the highway? (including, wheelchair lifts, tie downs, etc.)

Do you maintain a record of the different type of vehicles or combinations each driver is capable of operating proficiently?
Driver Records

Daily Vehicle Inspections

☑ Do your drivers inspect each vehicle(s) that they operate daily and submit For each, a documented Vehicle inspection report?

☑ Are noted defects repaired?

☑ Do you retain vehicle inspection reports for 3 months?

13CCR 1215(b)
13CCR 1234(e)
Maintenance

* Are your vehicles regularly inspected, maintained, and lubricated?
* Are defects noted and repairs made prior to operation of the vehicle?
* Do you have a way of identifying when vehicles should be inspected, lubricated and maintained?
**Vehicle Records**

*Do you document* each inspection, maintenance, lubrication, and repair performed for each vehicle?

- Are all preventative maintenance records current, available for inspection, and retained for at least one (1) year?
- Are periodic (BIT) inspections maintained for two years?

*Do your Maintenance Records include:

- Identification of the vehicle, make, model & license#?
- Date or Mileage and nature of each inspection?
- Service / Inspection intervals?
Maintenance & Safety
Inspection Records continued...

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A Motor Carrier who examines their operations using this checklist as a guide can identify areas where compliance may be weak, and take action to improve those areas.
Keys to Success?

2.

Laws and regulations change over time, and staying current is one of the keys to success for anyone who operates or directs the operation of commercial vehicles!
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<td>(530) 225-2098</td>
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<tr>
<td>Valley Division</td>
<td>(916) 464-2102</td>
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<td>Golden Gate Div.</td>
<td>(707) 648-4180</td>
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<td>Central Division</td>
<td>(559) 445-6992</td>
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<td>Coastal Division</td>
<td>(805) 549-3261</td>
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<td>Border Division</td>
<td>(858) 650-3655</td>
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<td>Southern Division</td>
<td>(323) 644-9557</td>
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<tr>
<td>Inland Division</td>
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Conclusion

As a Manager, Director or Supervisor over a transportation operation, Safety and Compliance are your responsibility. Your actions and the policies that you enforce may be the difference in a person’s life. New technology in maintenance requires that mechanics and technicians are in a constant learning mode. Keeping abreast of ever changing laws and regulations is a challenge.

CHP 800D Terminal Managers Compliance checklist is available online at www.chp.ca.gov (click on publications, commercial vehicle information)

Keeping up with the challenge requires diligence and perseverance.
Any Questions?

Any Comments?

At this point, you may conduct a practical inspection,

and/or

Show the Level 1 training video.

CONCLUSION

REMEMBER TO UPDATE YOUR CONTACT INFORMATION