

**CHAPTER 16**  
**NEW ENTRANT SAFETY ASSURANCE PROGRAM**  
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## CHAPTER 16

### NEW ENTRANT SAFETY ASSURANCE PROGRAM

1. GENERAL. The New Entrant Safety Assurance Program (NESAP) is a nationwide program, implemented by the United States Congress, in order to determine the safety fitness of motor carriers seeking to register with the Federal Motor Carrier Safety Administration (FMCSA) to conduct interstate highway transportation operations. The program establishes safety audit (SA) procedures to monitor new motor carriers through their first 18 months of operations. The SA is the primary resource used to evaluate basic safety management controls, to determine if each motor carrier is capable of operating safely, to identify motor carriers having safety problems, and require improved compliance with safety requirements before the motor carrier is granted permanent FMCSA registration.
  
2. PROGRAM OVERVIEW. The NESAP within California is managed by the California Highway Patrol (CHP), Enforcement and Planning Division (EPD), Commercial Vehicle Section (CVS), and administered under the direction and authority of the FMCSA.
  - a. Safety audits and related activities are conducted by qualified Motor Carrier Specialist (MCS) I personnel (auditors) on an overtime basis without disruption to the employee's mandated workload. Employee participation in the NESAP is strictly voluntary and shall not have an adverse effect on mandated duties of the MCS I. The NESAP, including, but not limited to, all related overtime and travel expenses, is wholly funded by the Federal Motor Carrier Safety Assistance Program (MCSAP) through the federal grant process. Grant funds are provided in support of the NESAP and are to be expended solely for the purpose of the NESAP responsibilities.
  - b. New Entrant Safety Assurance Program SAs and the associated responsibilities are conducted in the most cost-effective manner to ensure the efficient use of federal MCSAP funding.
  
3. RESPONSIBILITIES.
  - a. Headquarters. Commercial Vehicle Section shall serve as the Office of Primary Interest (OPI) for NESAP-related matters, including, but not limited to, the following general responsibilities:
    - (1) Maintain an open dialogue with the FMCSA regarding NESAP-related matters.

- (2) Track funding expenditures and request additional funding as necessary through the MCSAP grant process.
- (3) Compile and submit information and required reports detailing NESAP performance and funding expenditures within required time frames.
- (4) Distribute SAs to field Divisions for assignment to individual auditors. Safety audits shall be assigned to field Divisions using a mathematically sound method to ensure fair and equitable distribution to qualified auditors statewide.
- (5) Purchase and distribute equipment and supplies in support of the NESAP. The purchase and distribution of equipment and supplies are subject to grant funding availability, purchasing restrictions, and are initiated as needed.
- (6) Facilitate communication between field commands and CVS, and between the Department and the FMCSA regarding the NESAP.
- (7) Develop policy and procedures necessary for the efficient conduct of program objectives.
- (8) Determine the level of access to federal database information necessary for individuals participating in the NESAP, based on assigned duties and responsibilities.
- (9) Coordinate and ensure timely dissemination of required computer software and updates for all computer equipment used to accomplish program activities.
- (10) Develop, coordinate, and provide training associated with the NESAP.

b. Divisions. Field Division Motor Carrier Safety Unit (MCSU) supervisors are responsible for administration of the NESAP within their respective Divisions, including, but not limited to, the following general responsibilities:

- (1) Ensure all personnel participating in any program activities maintain an acceptable level of CHP-mandated job performance.
- (2) Monitor the NESAP activities within the respective Division to ensure program activities are conducted as directed by the FMCSA, through CVS, and in compliance with established guidelines, procedures, and policies.
- (3) Fairly and equitably distribute the assignment of SAs to eligible, NESAP-certified MCS I personnel (based on sound program management practices) in compliance with applicable bargaining unit agreement requirements, and within applicable policy parameters.

(4) Properly complete and ensure all hard-copy (printed) program performance and time expenditure reporting documents are received at CVS no later than the 15th day of the month following the month during which the overtime activity was conducted. Monthly Summary Reports should be forwarded to the NESAP e-mail account at NESAP@chp.ca.gov and the NESAP grant coordinator assigned to CVS, before the hard-copies are mailed or delivered to CVS. Required performance and time reporting documents include, but are not limited to, the CHP 71, Attendance Report; the CHP 415, Daily Field Record; and the NESAP monthly summary reports.

(5) Maintain computers and associated equipment, assigned to the Division or MCSU, in good working order with all required software and updates.

c. Safety Auditors. Safety auditors are responsible for the general conduct of SAs and associated program activities, relative to the NESAP. Responsibilities include, but are not limited to, the following:

(1) Maintain required certification for participation in the NESAP as outlined by paragraph 5. of this chapter.

(2) Maintain an acceptable level of state-mandated work performance.

(3) Manage assignments to ensure SAs and associated program activities are completed accurately and within the required time frames.

(4) Schedule, conduct, document, and upload SAs and other program-required documentation.

(5) Manage time effectively and in a cost-effective manner.

(6) Electronic mail communication as outlined in paragraph 8.d. of this chapter.

(7) Complete and submit accurate and timely communications which include, but are not limited to, the CHP 415 and CHP 71.

#### 4. FUNDING EXPENDITURES.

a. Overtime. Employees eligible to conduct program-related activities shall do so on overtime. The use of overtime must be approved, in advance, by the MCSU supervisor or designee. Use of overtime for NESAP activities without prior approval shall be denied.

b. Equipment. Grant-funded supplies and equipment purchased and disseminated to field Divisions in support of the NESAP shall be at the discretion of Assistant Commissioner, Field; EPD; CVS; and within the applicable grant-funding parameters. Division MCSUs shall be responsible for inventory, maintenance, and repair of program equipment assigned to the Division.

5. TRAINING AND CERTIFICATION. Personnel certified to conduct NESAP SAs shall complete, upload, and have approved a minimum of 24 SAs (six of which must be conducted onsite) and 32 Commercial Vehicle Safety Alliance Level V inspections every federal fiscal year in order to maintain certification.

a. Probation. Only MCS I personnel, who have successfully completed their one-year probationary period, have at least two total years as an MCS I, and are performing mandated duties at an acceptable level prior to beginning the course, are authorized to attend Safety Auditor Certification Training (SACT).

b. Training. Training of MCS I personnel for certification as NESAP safety auditors shall be conducted as directed by the FMCSA, utilizing National Training Center (NTC)-approved instructors, curriculum, and testing. Additional program-related training will be developed, coordinated, and provided by CVS as deemed necessary.

c. Certification Testing. Successful completion of the SACT course requires passing the mandated NTC examination. Notwithstanding NTC and FMCSA guidelines, challenges to the SACT exam for the purposes of certification are prohibited.

d. New Entrant Safety Assurance Auditor Certification. Safety auditors who are unsuccessful in their attempt to pass the SACT course shall not be eligible to attend SACT for a minimum of two consecutive SACT courses. Additionally, candidates who are not successful in their attempt to pass more than one SACT course shall not be eligible to attend SACT or test for NESAP certification.

e. Additional Initial Auditor Certification Requirements. Upon successful completion of the SACT course, auditors must successfully complete a minimum of 24 SAs (as outlined by paragraph 5. of this chapter), with the oversight of a person certified to conduct SAs, prior to the end of the following federal fiscal year, after the SACT course. The certified auditor is strongly encouraged to conduct other productive NESAP activities while providing oversight. For example, the certified auditor may work on other NESAP-related activities, such as scheduling, initial audit preparation, and completing required program reporting.

f. Certification Training Frequency. Safety Auditor Certification Training shall not be conducted more than one time every two federal fiscal years or, at the discretion

of CVS in collaboration with the FMCSA, when the number of certified safety auditors is deemed insufficient to maintain the assigned workload.

g. Eligibility for Recertification. Absent extenuating circumstances as determined by the Division MCSU and approved by CVS, safety auditors who allow their certification to lapse are not eligible to attend SACT for a minimum of two consecutive SACT courses. Personnel previously certified as NESAP safety auditors who allow their certification to lapse in more than one federal fiscal year shall not be eligible to attend SACT or test for NESAP certification.

6. STANDARD OPERATING PROCEDURES. Field Division MCSUs may develop standard operating procedures (SOP) relative to the NESAP.

a. Division Motor Carrier Safety Unit. Division MCSU SOPs should include items specific to the operation of each individual MCSU and clarify or expand upon applicable policies. When developing Division MCSU-specific NESAP SOPs, some or all of the following items should be considered:

- (1) Overtime requests, approval, and tracking methods.
- (2) Overtime documentation and submission requirements.
- (3) Management of SA assignments to MCS I personnel within the Division.
- (4) Assigned SA management by MCS I personnel.
- (5) Division-specific travel-related processes and procedures.
- (6) Notification of motor carrier noncompliance with California requirements (e.g., Basic Inspection of Terminals Program, controlled substances and alcohol testing requirements, Motor Carrier of Property Permit requirements), notification completion and documentation submission procedures, and time frames.

7. REPORTING REQUIREMENTS. Overtime compensation shall be recorded in accordance with Highway Patrol Manual (HPM) 10.3, Personnel Transactions Manual, Chapter 24, Overtime; the Bargaining Unit 7 Memorandum of Understanding; and documented using a CHP 415, as outlined in HPM 40.71, CHP 415 User's Manual. All overtime expended conducting NESAP activities shall be recorded to the nearest quarter-hour increment on the CHP 71, CHP 415, NESAP monthly summary report, and in the New Entrant Web System (NEWS) to accurately reflect the time expended for each activity.

a. CHP 415, Daily Field Record. Entries on the CHP 415 shall be complete, accurate, and legible. In addition to the requirements contained in HPM 40.71, entries shall include, but not be limited to:

- (1) The United States Department of Transportation (US DOT) number of each motor carrier for which overtime was expended.
- (2) A brief description of program activity relative to each US DOT number and the time expended for each.
- (3) The last four digits of the employee's social security number (SSN), preceded by "SSN."
- (4) The CHP number of the vehicle utilized by the employee during the overtime activity.
- (5) The appropriate program grant number in the comments section, preceded by "MCSAP Grant #."
- (6) Number of miles traveled in a CHP vehicle associated with each activity.
- (7) Assigned special project code.
- (8) Total time expended completing the program activities.

b. Monthly Summary Report. Overtime activity related to the NESAP shall be tracked and documented electronically through the use of a spreadsheet or database provided by CVS for this purpose. Division MCSU supervisors shall be responsible for the accuracy of the summary report data and ensure all program-related overtime is reflected on the report individually and cumulatively for both MCS Is and clerical staff. Monthly summary report entries shall include all of the following:

- (1) Appropriate federal fiscal year.
- (2) Assigned special project code.
- (3) Assigned overtime duty code.
- (4) Assigned beat code.
- (5) Division name.
- (6) Month and calendar year of the pay period covered by the report.
- (7) Cumulative total of overtime hours expended by MCS I personnel.

- (8) Cumulative total of overtime hours expended by clerical staff.
- (9) Cumulative total miles traveled in departmental vehicles.
- (10) Name of each employee conducting overtime activities within the pay period.
- (11) Departmental identification number of each employee conducting overtime activities within the pay period.
- (12) For each date overtime activity is claimed, in association with entries outlined in 7.b.(10) and 7.b.(11) above, report entries shall include:
  - (a) Date of overtime activity.
  - (b) Number of overtime hours expended.
  - (c) The CHP vehicle number assigned to the vehicle used.
  - (d) Total number of miles driven in a CHP vehicle.

8. PROGRAM PROCEDURES. The purpose of an SA is to assess the safety performance and adequacy of basic safety management controls of a new entrant motor carrier. The outcome of the SA may result in enforcement action by the FMCSA, including, but not limited to, revocation of the new entrant registration and issuance of an out-of-service order. Although education and technical assistance is one minor aspect of the NESAP, responsibility for knowledge of and compliance with applicable requirements remains with the motor carrier.

NOTE: Education and technical assistance should be rendered while conducting an SA and be limited to the extent possible. Repeated contact with a new entrant motor carrier, before or after an SA, for purposes of education or technical assistance, is not warranted. The following procedures are established for activities conducted within the NESAP.

- a. Federal Fiscal Year Activities. Audits shall be conducted reasonably throughout the federal fiscal year. Absent extenuating circumstances identified by the MCSU supervisor and determined by CVS in collaboration with the FMCSA, “conducted reasonably throughout the federal fiscal year” shall be deemed to be an average of at least four SAs completed, uploaded, and approved by the FMCSA, for each auditor, calculated during any consecutive two-month period. Failure to conduct SAs reasonably spread throughout the federal fiscal year may result in removal from the program.

b. Travel. Employees shall use the California Automated Travel Expense Reimbursement System Global as outlined in HPM 11.1, Administrative Procedures Manual, and include the appropriate federal grant number. Per diem and lodging expenses shall be authorized only when necessary to complete program objectives. Absent extenuating circumstances as determined by the Division MCSU supervisor, a minimum average of two completed, uploaded, and approved onsite SAs are required for each 24-hour period of per diem expenses or night of lodging claimed. Travel to an onsite SA, in excess of one hour, shall be approved in advance by a Division MCSU supervisor, and documented appropriately on the CHP 415 and in the NEWS. Additionally, a Division MCSU supervisor shall be notified immediately when previously approved travel exceeds two hours due to extenuating circumstances, and shall be documented appropriately on the CHP 415 and in the NEWS.

(1) Pursuant to HPM 11.1, travel time associated with NESAP activities that require the auditor to travel beyond their normal work-reporting location may be claimed as overtime, however, travel associated with voluntary overtime that is not beyond the distance of their normal work-reporting location is not compensable and shall not be charged as work time or overtime.

c. Program Activity. New Entrant Safety Assurance Program activities shall be tracked by the auditor and reported accurately, being careful not to exaggerate the time necessary to accomplish each individual task and the cumulative total. The expected maximum time necessary for completion of each occurrence of common program activities is outlined below. While actual times may vary from the expectations, MCSU supervisors shall require explanations for large variances from the expectations. In cases when actual overtime reported for any program activities is not adequately justified by the employee, as determined by the MCSU supervisor, any portion, including all of the overtime claimed, may be denied.

(1) Onsite Safety Audits.

(a) Initial preparation to conduct a NESAP SA shall not exceed 0.25 hours. This preparation shall be limited to reviewing the assignment and obtaining contact information. No additional research or preparation shall be conducted until it is determined that the carrier is subject to Title 49, Code of Federal Regulations (CFR), Part 385, and an SA is scheduled.

1 If it is determined that the carrier is not subject to an SA, refer to paragraph 8.c.(3) of this chapter.

(b) Scheduling attempts shall not exceed 0.25 hours per contact attempt.

1 Upon completion of three unsuccessful contact attempts, refer to paragraph 8.c.(4) of this chapter.

2 Cumulative total of 8.c.(1)(a) and 8.c.(1)(b) shall not exceed 1.0 hour.

(c) Preparation to conduct a NESAP SA shall not exceed 1.0 hour. Preparation includes, but is not limited to, downloading and saving an electronic carrier profile, researching driver history, reviewing carrier accident and inspection history, and reviewing other associated carrier performance data.

(d) Conduct the SA, including all documentation and uploads to the Motor Carrier Management Information System (MCMIS) within 4.0 hours (This time does not include travel as outlined in paragraph 8.b.).

1 If the carrier fails to submit to an onsite SA at the agreed upon scheduled time, refer to paragraph 8.c.(5) of this chapter.

(e) Completion and submission of daily overtime reporting via e-mail (including the CHP 415) shall not exceed 0.25 hours.

(2) Offsite Safety Audits.

(a) Initial preparation to conduct a NESAP SA shall not exceed 0.25 hours. This preparation shall be limited to reviewing the assignment and obtaining contact information. No additional research or preparation shall be conducted until it is determined that the carrier is subject to Title 49, CFR, Part 385, and an SA is scheduled.

1 If it is determined that the carrier is not subject to an SA, refer to paragraph 8.c.(3) of this chapter.

(b) Scheduling attempts shall not exceed 0.25 hours per contact attempt.

1 Upon completion of three unsuccessful contact attempts, refer to paragraph 8.c.(4) of this chapter.

2 Cumulative total of 8.c.(2)(a) and 8.c.(2)(b) shall not exceed 1.0 hour.

(c) Preparation to conduct a NESAP SA shall not exceed 1.0 hour. Preparation includes, but is not limited to, generating a customizable document- request letter, downloading and saving an electronic carrier profile, researching driver history, reviewing carrier accident and inspection history, and reviewing other associated carrier performance data.

(d) Conduct the SA, including review of documentation uploaded to the NEWS within 2.0 hours.

1 Documents, received via e-mail, fax, mail, physical pickup/delivery, or other method, shall be uploaded into the NEWS using any available method. Possible methods include direct upload to the NEWS in the appropriate file types or via the NEWS-supplied fax cover sheet.

2 Any documents used to determine the outcome of the SA shall be uploaded into the NEWS. All received documents shall be uploaded prior to answering any questions contained within Part B of the SA.

a Carriers utilizing electronic logging devices are required to upload to the FMCSA Web Service using the code provided in the NEWS. Carriers who are unsuccessful uploading via this method are required to upload copies of records of duty status into the NEWS as part of the required documents to complete the SA.

b If the carrier fails to upload all required documentation, the safety auditor shall follow the guidance provided in the Offsite Safety Audit Process Document and complete the SA.

3 If contact has been made with a carrier and the carrier fails to submit any documentation for audit, refer to paragraph 8.c.(5) of this chapter.

(e) Completion and submission of daily overtime reporting via e-mail (including the CHP 415) shall not exceed 0.25 hours.

(3) Inactivation Requests.

(a) Completion of carrier inactivation via FMCSA-approved software shall include a successful upload to the MCMIS and shall not exceed 0.5 hours.

1 When completing an inactivation request, as a result of the carrier indicating they have not conducted interstate transportation or do not wish to perform interstate operations, the carrier representative shall be notified that intrastate carriers are required to retain their assigned US DOT number for intrastate operations per Section 34507.5 of the California Vehicle Code (CVC). Auditors shall advise motor carriers to update their information, including the change of operation (interstate to intrastate), as required by Title 49, CFR, Part 390.19, at least once every two calendar years, and within 15 days of any change of

information or cessation of regulated activity. Auditors shall include this information on the inactivation request. In all cases, upon contact with a motor carrier who has been in the new entrant program for more than six months and has not yet conducted interstate highway transportation, irrespective of the carrier's intent to do so, the auditor shall complete and submit an inactivation request without delay.

(b) Completion and submission of daily overtime reporting via e-mail (including the CHP 415) shall not exceed 0.25 hours.

(4) Unable to Locate.

(a) Input three no contact attempts into the MCMIS and initiate the unable to locate (UTL) process, not to exceed 0.5 hours.

1 The safety auditor shall not enter the third contact attempt into the MCMIS until five business days have elapsed since the third unsuccessful contact attempt.

(b) Completion and submission of daily overtime reporting via e-mail (including the CHP 415) shall not exceed 0.25 hours.

(5) No Show/Refusal.

(a) Contact the MCSU supervisor to initiate a no show/refusal in the MCMIS.

1 Prior to initiating a no show/refusal for an offsite SA, one additional contact attempt shall be made. Safety auditors shall wait a minimum of 24 hours, but not more than 72 hours, before contacting the MCSU supervisor to initiate the no show/refusal process in the MCMIS following the final contact attempt.

(b) Completion and submission of daily overtime reporting via e-mail (including the CHP 415) shall not exceed 0.25 hours.

(6) The cumulative total of 8.c.(1)(e), 8.c.(2)(e), 8.c.(3)(b), 8.c.(4)(b), and 8.c.(5)(b) of this chapter shall not exceed 0.5 hours for a single calendar day, irrespective of the number of completed NESAP activities.

(7) Time spent on brief NESAP activities shall be aggregated to ensure the time reported on required timekeeping records does not exaggerate actual time expended, irrespective of the number of completed NESAP activities.

d. Communication. Upon completion of any NESAP activity, including, but not limited to, completion of a UTL contact record, no show notification, SA (pass or fail), inactivation request, or carrier principal place of business location change notification (carrier moved), one e-mail, specific to activity for each US DOT number, shall be prepared and forwarded to NESAP@chp.ca.gov no later than two calendar days following the completion of the activity. Documents requiring the signature or initials of the auditor shall be electronically scanned, saved to PDF, and attached to the e-mail.

(1) When program activity includes the completion of an inactivation request, the aforementioned e-mail notification shall include a carbon copy to Calx-edms@dot.gov. In this case, the document(s) shall be signed and electronically scanned by the auditor; saved as a PDF file, including the carrier's US DOT number in the file name; and attached to the e-mail. Only inactivation request e-mail notifications shall include the Calx-edms@dot.gov address.

(2) Communications outlined above shall include the following information in the subject line of the e-mail. To ensure ease of legibility and to facilitate searching of electronic records, subject line entries shall begin with the US DOT number of the motor carrier followed by, in order, the type of action (e.g., SA pass/fail, UTL, no show, inactivation request); the date of the activity; and the auditor's assigned safety investigator code. Each entry must be followed by a space to separate the information appropriately.

(3) The following abbreviations shall be used on the subject line of the e-mail to indicate the type of action taken: Inactive, to indicate an inactivation request; Pass or Fail, to indicate the outcome of a completed SA; UTL to indicate the auditor was unable to locate the carrier; Moved, to indicate a carrier moved notification; and No Show, to indicate the carrier failed to appear for a scheduled SA. The verbiage "US DOT" preceding the complete carrier number is not required. With the exception of a carrier which has moved, a UTL, or a no show, an entry in the body of the e-mail is not generally required; however, when further explanation of the program activity is necessary to ensure clarity or complete understanding of the information, an entry in the body of the e-mail is required.

(4) When providing notification of a carrier's principle place of business location change, the body of the e-mail shall contain the carrier's new address, telephone number, and any additional carrier contact information changed as a result of the move. Electronic mail notification of a UTL shall include the date(s) and the description(s) of the attempted contact type(s) with the carrier. Electronic mail notification of a no show shall include a description of the circumstances surrounding the carrier's failure to appear for the scheduled

audit, including, but not limited to, dates of carrier contact or attempted contact, names of carrier representatives contacted or attempted to be contacted, and events leading to the no show determination.

(5) Upon completion of NESAP activities, as outlined in paragraph 8.d. of this chapter, reports shall normally be electronically uploaded to the MCMIS, immediately or as soon as practical. If, for any reason, the upload cannot be completed as directed, the supervisor of the employee attempting the upload shall be notified immediately. The MCSU supervisor shall ensure all reports are uploaded appropriately, no later than two calendar days after the SA or other program activity is completed.

(6) Entries shall be made in the comments or memos section in the NEWS to substantiate all NESAP activities. Entries shall be explained in sufficient detail to support the duty hours recorded and provide reviewers the ability to effectively assess the activity associated with the program.

(7) Auditors shall review uploaded NESAP assignments within the MCMIS at least once every five calendar days to ensure reports are uploaded appropriately. Additionally, auditors shall review assignments in the NEWS to verify audits are closing out in the applicable time frame as specified by the New Entrant Safety Audit Process Document.

(a) If for any reason the required uploaded audits review cannot be completed as directed, an MCSU supervisor shall be notified immediately.

(b) If it is determined that any NESAP activity is not uploaded appropriately or any audit is not closed correctly in the MCMIS within the required time frame, an MSCU supervisor shall be notified immediately. The MCSU supervisor shall be responsible to ensure appropriate and effective corrective measures are implemented within two calendar days of being notified.

e. Scheduling Safety Audits. Prior to scheduling an SA, the auditor shall ensure the carrier is currently a new entrant motor carrier and subject to the provisions of Title 49, CFR, Part 385. This includes, but is not limited to, ensuring the carrier has not yet undergone an SA or rated compliance review and has conducted interstate highway transportation. When scheduling an SA with the carrier, auditors shall identify themselves and explain the purpose of their call to the highest ranking official within the motor carrier organization; e.g., the president of the corporation, owner of the company, or other individual with decision-making authority within the company. This individual must be present when conducting the SA. The auditor should discuss, at a minimum, the records required to be presented by the carrier during the audit, the time and location of the audit, and the possibility of serious consequences for the carrier's failure to appear for the audit. Scheduling and

conducting an SA shall not take place solely with motor carrier operations consultants or similar individuals.

(1) Priority shall be placed on SAs for carriers who have received an expedited action and those carriers which have been in the NESAP the longest, as determined by the new entrant entry date shown on the carrier profile within the NEWS or MCMIS. Auditors shall ensure, to the extent possible, SAs are completed for all property carriers prior to completing 18 months in the NESAP. Additionally, passenger carriers shall receive an SA no later than nine months from the new entry date shown on the carrier profile.

(2) During scheduling, motor carriers shall be notified that failure to upload requested documents may result in a failure of the SA. Auditors may ask the motor carrier to provide legible, nonoriginal documentation via fax, e-mail, or other appropriate means to complete an offsite SA.

(3) Auditors shall ensure at a minimum all contact methods provided in the MCMIS are exhausted before starting the no contact process. All contact methods should include the use of all phone number(s), fax number(s), and e-mail contact information. Additionally, auditors should review the "enter contact date" field found in the MCMIS which may include additional contact information that was provided during the validation process. Contact attempts shall be documented as outlined in paragraph 8.d.(5).

(4) If no contact was made with a carrier, after three required unsuccessful attempts, the UTL process shall be initiated. The contact attempts shall be entered in the MCMIS immediately. The 10-day revocation process will not be initiated by the MCMIS until the contact attempts are entered.

(a) If a carrier becomes unresponsive as a result of a failed SA rating and the auditor is unable to close out the finished SA, the auditor shall initiate the UTL process. Documentation shall include sufficient information to support the UTL determination.

(5) If contact was made with a carrier and the carrier fails to keep an appointment, not more than one additional contact attempt should be made to conduct the SA. In this case, the no show/refusal process shall be initiated by an MCSU supervisor without delay. In addition to contact attempts documented in the MCMIS, documentation surrounding the attempts shall be maintained electronically by the auditor for a total of six months.

f. Expedited Actions. Notwithstanding paragraph 8.e. of this chapter, SAs identified as expedited actions shall be scheduled, completed, and uploaded as quickly as possible. No specific time frame for completion of SAs designated as

expedited actions is established; however, these SAs shall take precedence over SAs not identified as expedited actions and must be completed without delay.

g. Safety Audit Documentation. Safety audits shall be documented utilizing software provided by the FMCSA for this purpose and applicable to the motor carrier operation based on the new entrant entry date. Care should be taken to ensure guidance contained within the software and outlined in the Electronic Field Operations Training Manual (eFOTM) is strictly adhered to.

(1) Onsite SA documentation should be initiated by electronically importing carrier profile information, downloaded from the MCMIS within the immediately preceding seven calendar days, whenever possible. Manual entry of carrier information is discouraged and should be avoided to the extent possible. However, auditors shall ensure all relevant motor carrier identifying information is entered, including, but not limited to, company legal name; US DOT number; business organization type; federal tax identification numbers or SSN, as appropriate; Motor Carrier (MC) or Mexican Carrier (MX) authority numbers; physical and mailing address; telephone and fax numbers; e-mail address; and carrier or shipper operation type.

(2) Auditors shall ensure all applicable questions contained within Part B of the SA documentation software are answered appropriately based on audit findings. For each negative response (negative responses may consist of either a yes or no answer), entry of information in support of the response is required. Information shall consist of the information required by and outlined within the software and the eFOTM. However, under all circumstances, information provided in support of a negative response shall include a description of the interstate trip, including the origin and destination, the date of the violation, the name of the driver or carrier representative involved, and a description of the violation discovered.

(3) When more than one violation is encountered and addressed by one question within Part B of the software, information in support of a negative response should describe only one of the detected violations. However, Part C of the software shall include a complete description of all violations noted, utilizing the criteria outlined above. Examples requiring documentation of only one violation in Part B, but a complete description in Part C of all violations discovered, include, but are not limited to, drivers' hours-of-service limit violations and falsified drivers' records of duty status.

(4) Safety auditors shall record in Part C of the SA report their name, title, safety investigator code, and the date the company profile was downloaded from the MCMIS. In addition, the full name and title of the motor carrier official who received a copy of the SA report, the name of the carrier, the date, and

the motor carrier's telephone number (if different from the information in the MCMIS) shall be included.

(5) Both standard and custom recommendations included within the SA documentation should provide necessary information to the motor carrier regarding the findings of the audit, information regarding the submission of corrective action plans, and contact information for the FMCSA. Recommendations relevant to audit findings should be included first and those concerning like subject matter grouped together. Additional recommendations not associated with audit findings, required carrier action, or contact information for the FMCSA should not be included. When it is discovered the motor carrier is conducting operations requiring specific levels of insurance or MC/MX operating authority and that insurance or authority is not in place, a recommendation directing the motor carrier to cease operations shall be included, and the printed copy of the recommendation(s) explained to and left with the carrier representative.

(6) Documentation in Part C shall also include information not otherwise included within the SA. Comments shall include relevant information in response to all questions and statements outlined in the eFOTM designated as required and suggested comments. In addition, when an auditor receives documents from a carrier via e-mail, fax, mail, physical pickup/delivery, or any other means, the safety auditor shall record the method of receipt, how the documents were uploaded, and by whom, as comments, in Part C.

(7) Safety audit documentation, including comments contained in Part C, should be completed immediately upon conclusion of the SA. All completed SAs should be uploaded to the MCMIS immediately; however, in every case the upload shall be completed within two calendar days.

h. Safety Audit Completion. Onsite SA documents, including Parts A and B, but not Part C, shall be reviewed by and left with the president of the corporation, owner of the company, or other individual with decision-making authority within the company structure. The person reviewing SA documents must be able to demonstrate, to the satisfaction of the auditor, they have company control and decision-making authority affecting the whole company, not one specific company location, facility, or aspect of company operation.

NOTE: Documents associated with any SA or NESAP activity shall only be transmitted in accordance with HPM 40.4, Information Security and Administration Manual.

9. GRANT-FUNDED EQUIPMENT. Occasionally, the purchase of laptop computers, software, wireless network connection devices (air cards), and associated electronic

equipment and supplies is necessary to support the NESAP. This process is initiated as the need arises and the equipment, software, and supplies are distributed by CVS to field Divisions for final distribution and assignment to certified auditors. Grant-funded equipment and supplies shall not be or remain assigned to personnel not currently certified and actively participating in the NESAP, unless all currently certified auditors statewide are equipped with the appropriate grant-funded equipment. Appropriate grant-funded equipment includes, but is not limited to, air cards and the most recently purchased laptop computers. In some cases, transfer of grant-funded equipment between Divisions may be required to ensure all currently certified, actively participating NESAP auditors are assigned appropriate program equipment.

a. Transfer of Equipment. Upon transfer of a currently certified and actively participating NESAP auditor between departmental commands, grant-funded equipment designated as major, sensitive, or minor, as outlined in HPM 11.2, Materials Management Manual, Chapter 8, Equipment, may be transferred to the new command in order to ensure all currently certified safety auditors remain properly equipped with appropriate NESAP equipment. Examples of this equipment include, but are not limited to, laptop computers and associated peripheral devices, printers, electronic scanners, and air cards. To facilitate tracking and billing, the transfer of air cards between commands shall be reported to the NESAP coordinator assigned to CVS, via e-mail, who will in turn notify Telecommunications Section.

10. PORTAL ACCESS TO FEDERAL DATA. The FMCSA maintains several databases which contain sensitive information, and permits departmental personnel access to this data via the Internet and the Compass Portal. Motor Carrier Specialist personnel and clerical staff participating in the NESAP are authorized to request and gain access to this information as necessary to perform assigned duties. Commercial Vehicle Section is responsible for facilitating this access and remains the OPI for these responsibilities. However, supervisors shall ensure portal accounts for all MCSU users are configured as indicated.

a. Portal Roles. Upon portal access account approval, all users are automatically provided the basic portal role identified as: Access. This role may be verified by selecting the Account Management/My Profile/Portal Roles tab of the user account. In addition, personnel charged with audit assignment responsibilities should request additional portal roles as outlined below. Portal roles, apart from those indicated, shall not be requested unless authorized by CVS.

(1) Supervisors and personnel responsible for the assignment of SAs to auditors and assigned to field command locations: Assign SA designated to state.

(2) Motor Carrier Specialist personnel assigned to CVS: Assign SA.

b. Available Systems. In addition to portal roles, users should request access to information as outlined below. Available systems may be requested by selecting the Account Management/My Profile/Available Systems tab of the user account. Apart from those indicated, available systems shall not be requested unless authorized by CVS.

(1) Personnel assigned to field command locations and CVS should request access to the following available systems: A&I-Enforcement User, MCMIS (Generic View, Intrastate State Staff, and MCSAP State Staff), Query Central-Access, and SAFER Web Site Access.

(2) In addition to available systems outlined in paragraph 10.b.(1), MCS personnel assigned to CVS should request access to Data Qs and InfoSys.

11. NOTIFICATION OF NONCOMPLIANCE. As a result of motor carrier contact associated with the NESAP, identification of noncompliance with state-mandated requirements is anticipated.

a. During the conduct of program activity, when an auditor discovers a motor carrier has failed to comply with applicable requirements of Division 14.85, Sections 34501.12 or 34520 CVC, or any California motor carrier requirements essential to safe operation, the MCS I shall notify the Division MCSU(s) responsible for the carrier's compliance. For the purpose of this chapter, essential to safe operation means detection of violations, which if discovered during a California carrier or terminal inspection, require the assignment of an unsatisfactory safety compliance rating as outlined in Chapter 1, Policy, and Chapter 14, Controlled Substances and Alcohol Testing, of this manual.

b. When it is discovered a motor carrier has failed to comply with Division 14.85, Sections 34501.12 or 34520 CVC, or any California motor carrier requirements essential to safe operation, the MCS I shall complete a CHP 356, Motor Carrier Safety Operations Complaint Against Motor Carrier, as outlined in Chapter 1 and Chapter 3, Field Activity and Activity Inspection Reports, of this manual. Completed CHP 356 forms shall be forwarded to the employee's immediate supervisor within five working days, for review and forwarding as determined by the Division MCSU supervisor.