FINAL REPORT:

PEER REVIEW

of

OUT OF SERVICE VERIFICATION

Submitted by

South Carolina Department of Public Safety
State Transport Police Division

in cooperation with

the College of Criminal Justice,
University of South Carolina

To

The U.S. Department of Transportation
Federal Highway Administration
Office of Motor Carriers

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16. Abstract

The Peer Exchange is a process adopted by the Office of Motor Carier and Highway Safety (OMCHS) in which teams of professional, representing state and federal government, identify effective commercial motor vehicle (CMV) safety programs and document their findings of best practices for implementation by other jurisdictions throughout North America.

This report presents the results of the first Peer Review and primarily concerned with conveying the useful ideas found. The specific purpose of this initial effort was to examine practices developed in various parts of the Nation to promote compliance with Out of Service (OOS) orders. This included on-site reinspections, OOS verification, self-certification, covert operations, and unique and progressive alternatives.

The practices in this report have been grouped into five categories: Education, Prevention, Enforcement, Sanctions, and Inspection Repair Audit Program (IRAP) procedures. Within each of these categories, practices were sorted into three groups as follows: the tope grouping under each category represents those best practices, the middle third represents those better practices, while the bottom third represents good practices observed within each category.

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"An innovative peer review of procedures for "Out of Service Verification" that endeavored to: (1) Establish procedures for conducting the peer review process; (2) Research existing practices and propose improved procedures for the enforcement of Out of Service verification; and (3) Improve communication among the various states' Motor Carrier Safety Assistance Program."

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** As of 4/1/95, Mr. Thomas has returned from his temporary assignment at the SC State Transport Police to the U.S. Department of Transportation. Inquiries to the State Transport Police should be directed to Commander John W. Valdario.*

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COLLEGE OF CRIMINAL JUSTICE

Mr. George Reagle
Associate Administrator for Motor Carriers
Federal Highway Administration
U.S. Department of Transportation
400 Seventh St., S.W.
Washington, D.C. 20590

Dear Mr. Reagle:

We are pleased to submit the final report of the Peer Review of Out of Service Verification. All of the members of this Peer Review were proud to serve on the first team created by the Federal Highway Administration, Office of Motor Carrier's, as well as for the opportunity to search for practical methods for dealing with this critical problem. We found the process not only an effective means for gathering the information contained in this report, but also beneficial to each of us professionally. These same sentiments were expressed by the leadership of the agencies we visited in the course of the project, and by the personnel we met during our numerous field observations and site visits.

In the course of our travels we found a great many individuals at every organizational level strongly committed to highway safety. The natural environments in which they operate vary widely and the organizational contexts in which they function are diverse, but without exception we found them keenly aware of how their responsibility for insuring the safe operation of commercial motor vehicles must contribute to the national highway safety goal. In particular, these men and women know the potential consequences of the serious violations that put vehicles or drivers Out of Service.

In response, these practicing professionals have developed a broad range of useful methods to prevent these serious violations or to insure that they are corrected before the carrier returns to the highway. Because these creative efforts were adapted to the special demands of a wide variety of circumstances and because they have been found practical and effective in actual operation, they represent very valuable resources of ideas for the highway safety effort.

We are pleased to report on the best of the practices we observed in the course of this project. Their creators were uniformly helpful to this team, being generous with their time and patient with our questions. They were eager to share what they had found useful in the hope that others across the nation could benefit. We believe that it is this spirit of collaboration that offers such a great source of hope for future transportation safety enhancement. Because we found that the Peer Review process fosters this spirit, we commend it to you as a means of addressing important future topics.

Once again, all of the team members wish to thank the Federal Highway Administration, Office of Motor Carriers for the opportunity to serve on this first Peer Review.

On behalf of Chairman Curtis L. Thomas and Co-Chair Chuck Watkins, I am pleased to submit this report.

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Project Consultant
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INTRODUCTION

This report presents the results of the first Peer Review created by the Office of Motor Carriers. The specific purpose in this initial effort was to examine practices developed in various parts of the Nation to promote compliance with Out of Service orders, a matter critical to improved highway safety. This report is primarily concerned with conveying the useful ideas we found. However, because the Peer Review process is a new method for obtaining input for the Office of Motor carriers, a discussion of the process is also appropriate.

The idea of employing a Peer Review process was first suggested by George Reagle in remarks to the Commercial Vehicle Safety Alliance meeting in St. Louis, Missouri, in March of 1994. Reagle praised the considerable safety improvements achieved through the Alliance but cautioned that further improvement would be harder to realize. He described the means by which future gains might best be realized: a "commitment of partners" to a "shared vision" that would result in all parties to the safety effort working synergistically toward a desired result. "Teamwork", he suggested, was the ingredient essential to further improvement in commercial vehicle safety.

To pursue the creative partnership he had in mind, Reagle wanted to "use all the skills and good ideas and good minds available. One idea that is a good start here is to put in place a process of peer reviews -- especially a peer review of state programs...". One such Peer Review process was to focus on the "out-of-service violations area". Reagle called for "a representative delegation, or group of peers" to "observe and study...other states,..sift through all of the techniques," and report the "best practices" to the commercial vehicle partnership. These specific suggestions, in association with the major theme of his remarks, established both the

purpose and the spirit of the Peer Review process employed to develop this report.

The Peer Review process Reagle envisioned is consonant with significant contemporary ideas on the means to improve the quality of outcomes from organized efforts. Originating with W. Edwards Deming, these ideas suggest that the survival of all participants or "stakeholders" in any complex process depends on satisfying the qualitative expectations of the intended "customer". In sharp contrast to the conventional "top down" management practices of the time, qualitative outcome improvements required participation by people at every level of the endeavor. Deming himself observed that "The greatest waste in America is the failure to use the abilities of people...." The solution was to draw from people, in their work place, their "creativity, innovative thinking, attention to detail, and analysis of process and product...." In subsequent versions and adaptations, various experts have suggested how Deming's points could be applied. These advocates (Covey, Peters, Senge, et.al.) shared Deming's conviction of the value of constructive participation by those actually engaged in the productive effort. The process of the Peer Review was founded on this conviction.

For this Peer Review, the quality improvement perspective can be readily translated into the highway safety effort by recognizing the motoring public as the "customer", and defining "satisfaction" as an outcome that is achieved when the public, with good reason, feels safe sharing the roads and highways with commercial vehicles. "Stakeholders" include all parties to the transport process. While Peer Review delegates were operational personnel from regulatory and enforcement components of participating states, other "stakeholders", including drivers, motor carrier employees, and shippers, were asked throughout the course of the project by team members to suggest ideas or comment on practices.

In the May 12, 1994, solicitation to create the Peer Review, an erroneous element was unwittingly interjected. The announcement said that the Peer Review process would provide an "opportunity...to evaluate the...activities in other states...". It went on to say that the first peer review would "evaluate OOS verification."

Changing Reagle's call from an opportunity to "observe and study" to "evaluating activities in other states" created a number of reservations and concerns. By July 13, 1994, when South Carolina was named project "host state" and participating states were selected, it was clear that the original intention for the peer review process had to be re-asserted and the prospect of performing "evaluations" had to be corrected.

A number of states agreed to participate in the Peer Review process with South Carolina: Arizona, Colorado, Connecticut, Kansas, Maryland, Missouri, Utah and the Commercial Vehicle Safety Alliance (CVSA). South Carolina's new Deputy Director for the Department of Public Safety's Division of State Transport Police, Curtis L. Thomas, coordinated the drafting of the project proposal and became the project's director. As team facilitator and coordinator of support services, Deputy Director Thomas retained Dr. James Fraser from the University of South Carolina's College of Criminal Justice. Delegates from the participating states were selected (they are all identified in this report) and an organizational meeting in Washington, D.C. was planned for September 6, 7, and 8, 1994. Fraser assembled the project support staff and, with Thomas and Office of Motor Carrier professionals, developed an agenda for the initial work session.

The initial three day meeting in Washington served a number of vital purposes. First, it corrected the impression that the intent of the process was "evaluation" and reasserted the objective of searching out creative and innovative

ideas from site visits to be shared with other MCSAP agencies. It also established the fundamental process by which the delegates would function: 1) as a team of members of equal status regardless of actual rank or responsibility; 2) working with a "helpful" but not "expert" facilitator and, 3) employing a process which required each member to offer their own observations and perspectives into an ongoing, open dialogue about the OOS subject. Curtis L. Thomas was elected as Chairman; and Sgt. Chuck Watkins of the Utah Highway Patrol was elected as Co-Chair.

Every delegate brought a unique view of the OOS problem. They were very willing to discuss the OOS enforcement process with drivers and motor carrier employees as well as other agency personnel. They had a genuine interest in each other's work situations and the challenges posed by the environments in which they functioned. These challenges ranged from deserts to snow-capped mountains, from open plains to east coast congestion. Perhaps the most significant finding in that initial gathering was that the delegates all had stamina, demonstrated by their participation in three days of continuous planning in a small windowless DOT conference room. The general itinerary and on-site observation process followed throughout the project and the schedule of visits were developed during the initial meeting. It was clear by the end of the planning process that a "team" was forming as delegates learned each others qualifications and interests. The Team began to develop, at that first meeting, a personality that was consistent with the charge it had undertaken.

As the process unfolded, the Team remained open-minded, non threatening, or evaluative in discussions with practitioners around the country. They were receptive, yet discriminating, in the ideas they chose to highlight. They did not tire of their subject. The end of every field day produced groups of Team members in debate over OOS ideas observed or suggested by local situations. The Team took

most evening meals together (despite restaurant objections to separate checks) and continued their discussions and comparing notes. A small number of original delegates had scheduling conflicts and were unable to attend certain site visits. In such cases, alternates were used who were readily incorporated into the Team process. All delegates fully participated and enthusiastically contributed; there were no delegates that sought to dominate the process or cut off discussion. In short, the process of dialogue was continuous and genuine, and divergent views were voiced and respected.

The idea that the people at the operational end of a complex process have useful ideas to contribute is not new, but the concept has not been easy to incorporate in the public policy arena. When "top down" planning and regulation has produced poor results, there has been an almost irresistible temptation to blame failure on faulty implementation at the operational level. This simultaneously protected reputations at the top while undermining credibility at the other end. As a consequence, there has been little incentive to value input from the operational level.

In its best sense, the Peer Review offers an opportunity to redress that policy development imbalance. It would be too heavy a burden to expect that this initial exercise could do more than suggest the rich potential benefit to the highway safety community from fully utilizing the talents of the people who contend with the realities of the problem every day. From the contributions of our own Team members and from the evidence we observed in the course of our travels, it is clear that throughout the system there are individuals capable of significantly contributing to the further pursuit of commercial vehicle safety. Just as significantly, they were eager to help. They appear to be more than willing to help build the "shared vision of all stakeholders" that future success will require.

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Missouri
Mr. Gary Steinmetz, Missouri Highway Patrol

South Carolina
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METHODOLOGY

The South Carolina Department of Public Safety responded to the U.S. Department of Transportation, Federal Highway Administration's Office of Motor Carrier's offer to serve as the "host state" for an innovative peer review of procedures for "Out of Service Verification" that endeavored to: (1) Establish procedures for conducting the peer review process; (2) Research existing practices and propose improved procedures for the enforcement of Out of Service verification; and (3) Improve communications among the various states' Motor Carrier Safety Assistance Programs (MCSAP). (Grant Proposal, p. 1)

The primary goal of this initial peer review process would be the identification of "Innovative and effective enforcement and compliance activities for OOS (with) information and guidance (to) be provided to all MCSAP agencies on how to implement effective verification programs that address the unique needs of the various states, including measures of the effectiveness of the states activities" (Grant Proposal, p. 3). This goal was to be met by examining innovative and effective compliance strategies in selected states through the peer review process, thereby allowing for dissemination of the findings to all interested parties.

This peer review process, which began in earnest in September 1994 in Washington, D.C., was designed to allow selected delegates from the participating states, each of whom possessed knowledge of the intricacies and nuances of commercial motor vehicle enforcement, the opportunity to personally examine the effectiveness of various current enforcement and compliance procedures. In Washington, representatives from the eight participating states, the U.S. Department of Transportation's Office of Motor Carriers, and the Commercial Vehicle Safety Alliance (CVSA) assembled to formulate an agenda which would allow for the completion of the goals established within the grant and, through a

process of deliberation, reach a consensus as to what specific practices and procedures in certain states could be recommended as the "best" current practices for OOS verification.

There was a brainstorming session among the team members to develop categories of exemplary out of service verification practices to be located, and to identify those outstanding procedures represented by each particular state which would be examined. It was decided that the team would focus on and visit those exceptional practices being employed in (in order of visitation); South Carolina, Connecticut, Colorado, Utah, and Maryland/Virginia. A "model" itinerary was then devised. It included: (1) an orientation to the state's program with distribution of descriptive material and discussion of practices selected for field visits; (2) two days of field visits and direct observation; (3) collection and team review of "findings", and (4) an informal debriefing with site leadership prior to departure.

Project consultant Dr. James G. Fraser and his staff at the University of South Carolina's College of Criminal Justice began the organizational aspects of the site visits through the application of this "model" itinerary. This planning included the logistics of team air and ground travel, lodging, and the formulation of a specific itinerary for each state. This itinerary, which was devised with the assistance of a host state representative, consisted of detailed plans for the visitation of selected work sites by team members. Also included in this formative stage of the process was the creation of an Observer's Record Booklet, in which the delegates were to individually record their observations on their visits to each field site in a consistent and organized manner. This booklet, which became commonly referred to as the "blue book", was created prior to the team's initial site visit in South Carolina. It was subsequently revised, and improved after the South Carolina site visit, and again after the Connecticut site, visit to reflect refinements suggested by the delegates. Examples of these refinements included the elimination of an unproductive section

requesting cost information (more readily available from headquarters) and the inclusion of useful "probe" questions as well as the addition of increased writing space for recording observations. While generally limited, these small improvements assured that the "blue books" were an efficient means of incorporating all viewpoints to be incorporated into comprehensive "interim reports" for each state visit. (See appendix for the final version of the "Blue Books".)

In advance of the second site visit, the Peer Review Team determined that it would be advantageous to obtain background documents pertinent to the specific OOS verification processes from each of the "host" states upon, if not prior to, arrival. As a consequence, the staff at the College of Criminal Justice also developed a "Host Site Documentation Check List" which was faxed to the contact representative at each site roughly one week prior to arrival of the team. The resulting collected documents became more organized and refined as the peer process progressed, becoming useful guides to the team members as well as invaluable resources for the USC staff.

Paralleling the field work being done by the Peer Review team, a nationwide survey was compiled by Dr. Fraser and his staff. The survey utilized a format devised from the 1988 U.S. General Accounting Office survey to the fifty states (project # GAO/RECD-90-202), as modified by the Peer Review Team. The results were intended to update the Out Of Service verification procedures record. The survey was routed to the MCSAP coordinators of the forty eight states, the District of Columbia, and the territories participating in the MCSAP program. MCSAP coordinators of the states and territories were followed up with telephone contacts by the consultant staff in order to facilitate the return of the survey for analysis and incorporation into the final report. The information obtained (44/54 returned) is a fair representation of nationwide practices. These results were compared to our observations of the patterns of practices in the states participating

in the peer review. Survey results are separately recorded in this report and contributed to the formulation of the reports' conclusions.

With the logistical apparatus in place, the Peer Review Team initiated the schedule of state visits (see appendix) to observe and analyze practices. Visiting and reviewing OOS verification practices in the selected states, while following a structured agenda of activities in order to ensure fair appraisal of each states' capabilities, constituted the principal focus of the Peer Review Team's formative efforts.

Upon arrival at each respective state, team members assembled for an evening introductory orientation. This multi-purpose orientation served to introduce the local "in-state" managers, permitted a useful discussion of local practices and regulations, organized the division of the delegates into two independent review teams, and afforded a review of the schedule of events for the visit. Host state OOS verification materials were distributed, and essential logistical tasks were completed. These included handing out the observer's record booklets (blue books) in which the members recorded their observations, distributing and collecting interim reports from the preceding visits, and distributing travel reimbursement forms and related items.

Day two typically consisted of the two groups separating and visiting different sites, generally at least one in the morning and another in the afternoon. At these site visits, team members took the opportunity to speak individually with a myriad of people intimately involved in both the industry and enforcement sides of the issues, including drivers, civilian inspectors, officers, cadets, etc. As a general practice at each site, individual team members and USC staff obtained copies of documents, plans, designs, names of equipment suppliers, etc. for subsequent utilization. Host state personnel guided the small teams to sites, but at the request of the Peer Review, they stood by for consultation when requested but otherwise did not

participate in nor direct contacts with local persons by team members. At these site visits the team-members were able to fully utilize their expertise in their evaluations of practices and judge the effectiveness of the OOS verification procedures firsthand.

Upon completion of the site review, the delegates returned to the accommodations where evening work consisted of individual recording and refinement on the days observations within the blue Observer's Record Booklets. Blue books were delivered individually to project staff the following morning.

On day three the groups switched sites, allowing for overlap of individual and group observations by seeing some of the same things at different times, including the headquarters of the host state. The headquarters visitation also frequently consisted of a presentation from the command and/or administrative personnel concerning SafetyNet and, where applicable, Inspection Repair and Audit Program (IRAP) procedures. It was also at these meetings where the state's lead personnel made themselves available to answer questions from Peer Review Team members. This was followed in the evening by a Team gathering for a general discussion of observations and findings of the previous two days.

Day four typically involved a morning briefing, informal feedback to the host state, collection of remaining OOS verification blue books and locally obtained materials by Dr. Fraser and the USC staff for compilation into an interim report for that state. Planning for the next site visit was discussed and delegates' departed for home.

The materials generated by the process were then carried back to the College of Criminal Justice at the University of South Carolina, consultant Jennifer Kats synthesized the individual blue observer's record booklets into an interim report of the site visit. In draft form, this was returned to individual team members as quickly as possible. Members assisted the staff by reviewing and editing the

reports' description of each practice observed at the sites visited. These draft compilations of the data, revised by team members with comments, additions, and corrections, were returned to the staff at the University of South Carolina for preparation of a final draft interim report.

The staff at the College of Criminal Justice distributed these "final" drafts to the team members by facsimile, mail, or were hand delivered at the following site visit to give delegates the opportunity to approve the final version.

Upon review of the data from all states, a matrix of concepts employed in all states began to emerge. Each state tended, in its own unique way, to begin the Out of Service verification process with a series of steps that moved from efforts to prevent violations (such as education and carrier/driver training) to increasingly severe sanctions for violating an OOS order.

After completion of all site visits, the peer review team re-assembled in South Carolina to draft the final report in late January 1995. In South Carolina, Dr. Fraser and project staff acted as facilitators and recorders for four small groups of team members. The four small groups initially examined the interim reports for each state visit to highlight individual "best practices" and a draft list of "best practices" from each state was produced.

The USC staff then utilized each of these lists from the four small groups and, under the tutelage of the Peer Review Team, merged them into a combined/refined list of "best practices" by state. A master list of all the best OOS verification practices resulted for all of the states visited.

Team members then discussed the utility of the original six prototypical categories initially used to select Out of Service verification procedures for observation. These original six groupings were: (1) useful technologies; (2) unique information management procedures; (3) effective field operations; (4) special legal statutes and policies; (5) education and prevention efforts; and (6) covert

operations. These six categories were modified and changed by the Peer Review delegates who felt, after the visits, that the most useful practices could best be organized into five categories: (1) education, (2) prevention, (3) enforcement, (4) sanctions, and (5) Inspection Repair and Audit Programs [IRAP]. It was felt that these five classifications were more reflective of a comprehensive model stressing Out of Service verification practices covering the full spectrum of effective efforts which had been observed.

Next, the cumulative list of all best practices across states was refined by the full Team to eliminate duplications and the specific practices were then classified within the five categories.

With the assistance of the USC staff, the team re-assembled into four small groups with a recorder and items were rank ordered within each practice by utilizing the collective expertise and judgement of Team members. Each item was given a value ranging from one to three (with three being good, two being better, and one being the best). The numerical rankings for every item from each of the sub-groups was recorded by a member of the USC staff and a numerical value for the item consisting of a sum of the four sub-groups value representations was determined. In this way, the individual opinions about each practice were expressed in the small groups, and the small group opinions were expressed in the final rankings. This determined the final placement of a practice within the top third (a best practice), the middle third (a better practice), or among the bottom third (a good practice).

Back at the University of South Carolina, each recommended practice was referenced to state interim reports and corrections were solicited from team members once more to ensure the accuracy of the references and descriptions. In this way, the information garnered in each state was synthesized into the catalogue of "best practices" for the final report.

DEFINITIONS

Education:
These efforts seek to teach CMV drivers, CMV carriers, shippers, and industry personnel the driver/vehicle criteria which must be met to avoid being placed Out of Service. The underlying objective of these strategies is to promote a cooperative relationship between the industry and enforcement/regulatory agencies in pursuit of highway safety based on shared information. Educational efforts include training programs, distribution of materials, and presentations. These efforts, and the next category, Prevention, may be considered "proactive" in that they seek to reduce OOS violations by promoting conscientious compliance by drivers and carriers.

Prevention:
Traditional police prevention strategies fall into this category, such as the visibility of enforcement to influence prospective violators. Other techniques unique to this effort include the use of facilities and technologies that make compliance easier, or reduce the "costs" of drivers and carriers of inspections and compliance. This proactive approach includes a wide array of practices, policies, and technologies to assertively encourage compliance with safety criteria.

Enforcement:
All efforts undertaken to detect, identify, and apprehend violators of Out of Service orders.

Sanctions:
The administration by authorized agencies of corrective measures which are intended to reinforce or ensure compliance with OOS orders. Punitive measures include the imposition of fines, penalties, administrative suspensions, or other punitive actions imposed on CMV drivers, carriers, or shippers displaying a complete or partial disregard for safety criteria.

Inspection Repair Audit Program (IRAP):
The Inspection Repair Audit Program is a follow-up to the original inspection to verify that mechanical repairs and driver violations have been corrected by reviewing the carrier's records. This can be done with either announced or unannounced visits to the carrier's headquarters by officers or inspectors to review their records. In some cases, the vehicle in question may also be tracked down for the purpose of conducting an IRAP "verification of repairs" on the spot if the vehicle is not at the carrier's headquarters at the time of the inspection.

Peer Review "Tool Box" of Effective OOS Verification Practices

The following practices are considered to be the "Best Practices" which the Peer Review Team could recommend from all states visited to promote Out of Service (OOS) repair verification. The practices have been grouped into five categories; Education, Prevention, Enforcement, Sanctions, and Inspection Repair Audit Program (IRAP) procedures. Within each of these categories, practices were sorted into three groups as follows: the top grouping under each category represents those best practices, the middle third represents those better practices, while the bottom third represents good practices observed within each category. The letter and number to the left of each individual practice is solely for enumeration and reference, not as a ranking within that grouping.*

All these practices were drawn from the interim reports of the states observed. The reader will find the citations for the practices were cited by utilizing a state code (the U.S. Postal Service abbreviation) followed by the page numbers from those interim reports (example: CT p.1 refers to the Connecticut Interim Report, page 1).

Some effective practices were observed in several states. However, the state which had the best example is the one cited in the "tool box". Whenever possible, supportive information about the cited practices, including specifications, forms, policies or technical details were obtained at the site visited. This material, along with the name of a contact person in the state, constitutes an important resource which should be made available to any other states interested in using items selected from this "tool box".

Not all these practices are exclusively related to Out of Service verification. The Peer Review delegates found these procedures to be efficient practices that enhanced the process overall, and advocated their inclusion in this report.

Lastly, the concluding category of this section, the Inspection Repair Audit Program (IRAP) is represented separately due to the unanimous agreement of the Peer Review Team that an IRAP program could be of paramount importance to any OOS verification program. IRAP has been given a separate category for emphasis.

** The reader will find some practices listed under more than one category, because the Peer Review Team believed it contributed in both areas.*

A. Education

{Best}

A01 - Educational programs, either by lecture/meetings or handouts, are initiated by contact between enforcement agencies and motor carriers.

A02 - Use of a booklet explaining Out of Service (OOS) rules and criteria in detail, issued to drivers and carriers to educate and lend technical assistance.

A03 - The driver of a vehicle placed OOS is given a brightly colored card which explains the consequences of violating an OOS order.

A04 - Large, brightly colored posters/signs are displayed around the designated OOS parking areas which list consequences of violating an OOS order.

A05 - Agency procedures ensure the driver of an OOS vehicle is verbally notified by the inspector/trooper, at the time the order is issued, of the penalties for violating an OOS order.

****

{Better}

A06 - Inspection forms contain a "block" or "box" to confirm that a re-inspection of OOS violations has taken place to ensure correction of OOS defects.

A07 - When driver inspection reports are not returned to the lead agency certifying repairs, these reports are followed-up with a verification letter using the SafetyNet program. If there is no reply to the first notification, a second notice is sent, which includes a copy of the inspection report, using colored paper for the follow-up letters to identify the delinquent responses.

A08 - Enhanced relations with industry associations are established to promote and educate in OOS criteria.

A09 - Establishment of a "Truckers-N-Troopers" program to build harmony.

A10 - Educational packets which detail regulations and illustrated compliance requirements are distributed to motor carrier companies.

****

{Good}

A11 - Information prepared by enforcement agencies for carriers is submitted for inclusion into the industry associations newsletter.

A12 - The publication and distribution of an agency newsletter addresses mutual concerns of the industry and law enforcement, to enhance carrier compliance.

A13 - A handbook for drivers which describes OOS-relevant federal and state regulations with applications to motor carriers is widely distributed.

A14 - An organized presentation program to foster cooperation is presented to trucking organizations.

A15 - When the original inspection is completed, the inspector carefully goes over the completed inspection form with the driver, and then requires the driver to sign it. If the vehicle is placed OOS, the driver is required to sign the inspection form with the date and time the vehicle was repaired before leaving the site.

B. Prevention
{Best}

B01 - Utilization of 24 hour surveillance cameras to monitor vehicles placed OOS.

B02 - An employee is conspicuously on duty at the fixed weight/inspection site throughout the twenty-four hour day.

B03 - Designated port staff other than inspectors at 24 hour facilities are utilized to assist in the OOS verification process and re-inspect OOS violations in the absence of an inspector.

B04 - 24 hour facility operation is made less costly by incorporating non-enforcement personnel.

B05 - New "super ports" have a bi-level architectural design with an observation tower and a 360 degree unobstructed view of the parking pad and OOS assignment area.

B06 - Race-track (oval) architectural design of entrance and exit roads for inspection site, mandating vehicle to repass through officers/inspectors view when leaving.

B07 - Plainly designated parking areas for OOS vehicles only.

B08 - Parking lot for OOS vehicles monitored through "overt surveillance" 24 hours a day.

B09 - Explicit verbal instructions are given to drivers to report back to an inspector after OOS repairs have been completed.

B10 - The OOS sticker placed on the windshield clearly lists the OOS violations to be repaired.

B11 - The driver OOS or driving an OOS vehicle is verbally notified by the trooper/inspector of the penalties for violating an OOS order.

B12 - The driver's credentials (CDL and log book) are held until OOS driver violations are corrected and/or repairs are confirmed.

B13 - Signs are posted in OOS parking area indicating the area is monitored by video surveillance cameras.

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{Better)

B14 - Vehicles placed OOS at roadside are allowed the use of trooper-issued tools for repairs.

B15 - Vehicles placed OOS at roadside are allowed the use of cellular phones to facilitate repair by mechanic or carrier.

B16 - Use of a secured 24 hr lot deters leaving without repair.

B17 - Upon re-inspection, when a vehicle is found to be in full compliance, a CVSA compliance decal is issued to the appropriate vehicle.

B18 - Inspectors accept certification by a qualified mechanic that the defects which placed the vehicle OOS have been repaired.

B19 - Public telephones are made available to drivers placed OOS to expedite the repairs.

B20 - For non-24 hour operations, vehicles placed OOS are towed if repairs are not completed when the facility closes or when space becomes too limited.

B21 - Drivers of vehicles placed OOS are clearly advised to contact an inspector prior to leaving the OOS area.

B22 - Vehicles placed OOS remain within a designated OOS area until repairs are made or repair towing is undertaken.

B23 - State adopts the Federal Motor Carrier Safety Regulations and the Federal Hazardous Material Regulations by reference, utilizing an administrative rulemaking process set by state statute.

B24 - A commercial vehicle Preventive Maintenance program (PM) established by state law promotes OOS repair. A complaint or suspicion that a commercial motor vehicle "jumped" OOS orders before OOS items are corrected results in investigator visiting the carrier to audit maintenance records.

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{Good}

B25 - Vehicles placed OOS at roadside are allowed the use of portable air compressors to assist repairs.

B26 - Rotating shifts for inspectors are utilized so that inspections are not conducted on a predictable schedule which would enable drivers to anticipate shift changes in order to circumvent the site.

B27 - A 24 hour "drop lot" reduces the need to perform covert surveillance.

B28 - A separate, clearly marked containment area for HazMat violators, utilizing a fenced site and holding tank, declares enforcement seriousness.

B29 - Drivers are required to sign inspection forms after the inspector goes over it with them.

B30 - Forms must be signed by mechanic/driver indicating repairs have been made.

C. Enforcement
{Best}

C01 - Carrier fitness reports identify past violators with histories of OOS violations and help to identify targets for inspection and covert surveillance.

C02 - When an OOS driver/vehicle returns to the road illegally, port personnel contact uniformed personnel by radio to locate the vehicle.

C03 - FAX machines provide an effective and efficient way to notify other stations on the route taken by OOS violators.

C04 - The use of laptops and penbased computers to reduce inspection time, assist in educational contacts for IRAP program, enhance the practice of capturing reportable data, and prompt the inspectors to perform an OOS repair verification in cases that may have been forgotten.

C05 - Use of a computer system capable of accessing, by VIN number, historical data on weight, class of vehicle, etc.

C06 - A warning bell or alarm which goes off to alert officers when vehicles are leaving a secured area.

C07 - The remote monitoring of surveillance cameras installed at OOS lots from one of the state trooper's facilities, called a barrack.

C08 - The presence of uniformed officers on the scene poised to pursue and apprehend OOS "jumpers".

C09 - The staffing at all sites includes at least one trooper so that enforcement activities can occur.

C10 - Truck Inspectors are trained and authorized to enforce sanctions for "jumping" OOS orders, an example of "civilianization" that reduces cost and expands the enforcement effort.

C11 - Covert surveillance is done with both marked and unmarked vehicles, using cellular phones and transportable FAX machines to apprehend violators.

C12 - Multi-jurisdictional legislative authority and/or reciprocal agreements between contiguous states enhances OOS verification. At one site, a single scale house is utilized by two states.

C13 - Roving units or patrols are utilized to monitor and enforce OOS violations.

C14 - State law enables the inspector to issue either the driver or the company a citation for OOS violations.

C15 - The establishment of a policy ordering how frequently covert operations are to be performed.

C16 - A compliance audit program at the carrier's facility includes reinspection and OOS verification that specified repairs had been made. Compliance audits ensure that repair records are properly kept.

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{Better}

C17 - The placement of an OOS sticker upon the windshield of the vehicle which lists violations.

C18 - The use of SafetyNet to reference historical data of a motor carrier.

C19 - The inspection form also contains a "block" or "box" to confirm the re-inspection of OOS violations.

C20 - By receiving and entering MCSAP data from all contributing divisions (Highway Patrol, Dept. of Revenue, Ports of Entry, etc.) a comprehensive data base is established for collection of all agencies OOS inspections and/or verification of repairs.

C21 - When covert inspections occur, this is carefully identified as a Level 4 inspection in SafetyNet.

C22 - Inspectors are equipped with laptop computers which contain software programs (PCMILER) which can help identify drivers for hours of service violators.

C23 - Use of a 24 hr surveillance camera to observe OOS area.

C24 - Use of civilians to assist in maintaining observation of OOS vehicles.

C25 - Covert inspections use unmarked vehicles.

C26 - Supervisors are given discretion to initiate covert inspections when they deem it appropriate.

C27 - An inter-agency cooperative arrangement to assist communication efforts regarding OOS violations.

C28 - The Safety Enforcement Metro Inspection (SEMI) Task Force coordinates cooperative efforts with local and city agencies for inspections and covert operations.

C29 - The use of Roving patrols on secondary roads and by-pass routes deters drivers from avoiding inspections.

C30 - A brightly colored OOS sticker placed on the glass or windshield of OOS vehicle indicates OOS violations.

C31 - Designated OOS lot monitored 24 hrs.

C32 - Chase vehicles retrieve OOS drivers/vehicles which have "jumped".

C33 - A departmental policy requires a minimum of 25% of vehicles placed OOS to be fully re-inspected.

C34 - Intrastate drivers discovered driving vehicles declared OOS may be issued a summons for reckless driving and required to appear in court. Either the driver or the company may be issued a citation for OOS violations.

C35 - Preventive Maintenance (PM) program audits, triggered by a commercial motor vehicle "jumping" OOS orders, assists in apprehending violators when an investigator audits the carrier's maintenance records.

****

{Good}

C36 - Portable remote controlled signs indicate the presence of a temporary inspection site and direct vehicles to enter or by-pass. The signs manage inspection traffic and permit effective vehicle sampling.

C37 - Portable FAX machines in enforcement vehicles transmit information and documents to/from headquarters.

C38 - An updated summary of all delinquent companies with prior violations can be loaded into penbased computer systems.

C39 - Carriers must certify repairs by returning a copy of the original inspection. A second notification to certify mandated repairs is sent to non-respondents.

C40 - The establishment of a covert activity report to monitor all covert activities and assess their productivity.

C41 - A tracking system using SafetyNet identifies out of state carriers that have not returned inspections forms. This could be reported to carrier's home states in a monthly report.

C42 - The assignment of paid "Cadets" (Ages 18-21), trained in level 2 and level 3 inspections and size and weights, increased inspection efficiency and enhanced the opportunity for inspectors to verify that OOS repairs were made before departing.

C43 - Automatic Vehicle Identification (AVI) technology at ports of entry identified the registration and tax status of the carrier.

C44 - Video cameras monitor the OOS lot and identify any vehicle which appeared to be violating OOS orders. Color monitors were deemed to be much more effective in the identification of vehicles.

C45 - The use of specially designed and equipped "office van" vehicles for roadside inspections increased efficiency.

C46 - One full time employee constantly on duty assists with OOS verifications and deters jumpers.

C47 - Inspectors rotated shift times so that inspectors were not conducting inspections on a predictable schedule.

C48 - The utilization of cross-trained Port Staff (24 hr) assisted in the OOS verification process and re-inspected repairs in the absence of an inspector.

C49 - Truck Inspectors with limited enforcement powers, who were also Preventive Maintenance audit-trained, reduced personnel costs.

C50 - Use of a non-stop "72 hr check" in conjunction with covert operations.

C51 - Overtime was allocated for use in covert OOS monitoring.

C52 - Use of cooperative agreements with **local** enforcement agencies increased enforcement efforts.

C53 - A cooperative effort between **state** authorities (including the Highway administration, Public Service Commission, MD Transportation Authority Police, MD State Police, MD Department of Environment promoted comprehensive enforcement.

C54 - If the driver is placed OOS, the word "Driver" is boldly written across the sticker when placed on the windshield of the vehicle.

C55 - Effectively designed enclosed and covered inspection pits with full under chassis lighting and lighted lanes made thorough inspections much easier and quicker.

C56 - If a carrier does not return the inspection form certifying that repairs have been made, a second notification is sent to the carrier for non-compliance and could become a candidate for an IRAP.

C57 - For non-24 hour operations, vehicles placed OOS are towed if repairs are not completed upon the close of the facility or when space becomes too limited.

C58 - Inspectors utilize a special rubber "OOS" stamp on inspection forms to certify that all repairs were made. The stamp provides data entry personnel with a clear, consistent "flag" to identify all verified repairs.

C59 - An officer, usually a supervisor, has the authority to authorize covert activity, at his discretion, by using unmarked vehicles to catch OOS "jumpers".

C60 - Vehicles placed OOS remain OOS until repaired. In order to ensure repair, vehicles may be towed to facilities manned by personnel 24 hours a day.

C61 - Federal regulations are made a part of the state code by administrative procedures.

C62 - Agency policy requires that each officer do at least 12 covert inspections annually.

D. Sanctions

{Best}

D01 - State adoption by reference of the Federal Motor Carrier Regulations, pertaining to the driver and carrier, keeps sanctions updated and consistent.

D02 - The use of civil forfeiture penalties of a size found to have an effect locally ($500 - $2,000 per violation).

D03 - The establishment of a probationary period for companies failing IRAP audits.

D04 - A program to periodically review and increase fines to ensure they cannot be viewed as a "cost of doing business".

D05 - Fines and/or suspension of registration for carriers found in non-compliance after a second follow-up audit is conducted.

****

{Better}

D06 - The incorporation of an administrative rule making process by adoption of federal regulations into state codes.

D07 - A fine of $250 plus $100 per violation when an OOS order is violated increases sanction effectiveness.

D08 - Strict fines imposed by district court have given sanctions greater effect.

D09 - Fines enacted by state code makes penalties uniform.

D10 - A Preventive Maintenance (PM) program provides for four "request" and "complaint" audits based on inspectors' reports: initial, follow-up, request, and complaint ("initial" and "follow-up" audits do not require OOS violations as triggers).

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{Good}

D11 - After a citation is issued to an interstate operator, the operator may post $250 bond by mail. The agency monitors compliance using court-provided abstracts.

E. Inspection Repair Audit Program (IRAP)

The Inspection Repair Audit Program is a follow-up to the original inspection to verify that mechanical repairs and driver violations have been corrected by reviewing the carrier's records. This can be done with either announced or unannounced visits to the carrier's headquarters by officers or inspectors to review their records. In some cases, the vehicle in question may be tracked down for the purpose of conducting an IRAP "verification of repairs" on the spot when/if the vehicle is not at the headquarters at the time of the inspection.

In some states, candidates for an IRAP are generated by utilizing computer software which generates a printout of carriers for inspection when a certain number of violations are attributed to that carrier, or, when the carrier is delinquent in the return of inspection repair forms.

The Peer Review Team unanimously endorsed IRAP programs as instrumental in the success of any OOS verification program. As a result, IRAP was set apart as an individual section to reflect its importance relevant to the Out of Service verification process.

{Best}

E01 - The establishment of criteria which will select carriers for an IRAP.

E02 - The carrier's selected for a "covert" or "unannounced" IRAP is chosen by a prioritizing process as follows: (1) HazMat violations; (2) number of OOS violations; and (3) severity of OOS violations.

E03 - A follow-up program examines carrier maintenance records to verify that violations recorded on past inspection forms have indeed been corrected [Basic IRAP process].

E04 - Require carriers, who have been flagged for audit, to submit a plan of action within 30 days which identifies measures that will be taken to reach compliance.

E05 - Utilization of laptops to enhance the accuracy, speed, and accessibility of inspections information for IRAP procedures.

E06 - The carrier is summoned before the department to show why revocation of certification should not take place.

E07 - An audit failure results in an inspector's warning which can suspend the vehicle's registration if defect repairs are not completed within a set time frame.

E08 - The state grants authority to the lead agency's IRAP inspectors to issue summons requiring carriers to appear in court.

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{Better}

E09 - The IRAP program can issue a citation when the carrier's records indicate a failure to take appropriate action.

E10 - The IRAP program contains criteria for triggering an automatic audit process.

E11 - The use of unannounced IRAP's promote careful record keeping.

E12 - SafetyNet is used to generate a list of company names for possible IRAP.

E13 - OOS violators are forwarded for IRAP or Compliance Review (CR) if a pattern of violations is suspected.

E14 - Intrastate "jumpers" that are not apprehended will initiate an IRAP.

E15 - A System to identify OOS jumpers as Interstate or Intrastate focuses covert activities.

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{Good}

E16 - IRAP provides an effective opportunity to educate carriers on effective ways to achieve and document compliance.

E17 - Conduct a Compliance Review (CR) of carriers flagged for IRAP.

E18 - The computerization of covert activity documentation aids retrieval and helps to monitor productivity.

E19 - A monthly report on the number of IRAP's performed is prepared, which indicates the "action taken" status of all current cases in progress.

Highlights from Nationwide OOS Verification Survey

In conjunction with the field visits which were undertaken by members of the Peer Review Team, a nationwide survey was conducted by the staff at the College of Criminal Justice in Columbia, South Carolina, with the guidance of the Peer Review delegates. The format for this survey had its origins in a 1988 General Accounting Office survey of the fifty states, which the Peer Review Team modified. For purposes of this project, the 1994 survey was dispatched to the MCSAP coordinators in the forty-eight states, the District of Columbia, and the various territories that participate in the MCSAP program. The staff at the USC received responses from MCSAP participants from as far away as Guam, Puerto Rico, and Pago Pago. The results of the most recent survey were compared with those of the earlier survey to evaluate the progress made in the intervening six years. This analysis was first utilized by the Peer Review delegates as well as the staff at the USC in their compilation of the final report, and can be used by all interested parties to monitor progress of OOS verification efforts in the states.

In the 1988 survey, twenty-seven of the forty-seven respondents (57%) used re-inspection as a form of Out of Service verification. In 1994, all forty-four respondents (100%) used re-inspection to some degree or another as a form of Out of Service verification.

In 1988, nine of the twenty-seven states which responded (33%) said they would classify their state's verification efforts as *continuous*, thirteen (48%) said their efforts were *occasional*, four states (15%) said they utilized *special* programs, and one state indicated that the frequency of their verification efforts was *rare*. By 1994, twenty-four of the forty-four states (55%) said they would classify their state's verification efforts as *continuous*; eighteen of the states (41%) classified their

endeavor's as *occasional*. One state claimed to utilize efforts *rarely*, and one state also claimed to utilize *special* programs. As these results show, not only are more states undertaking verification procedures in terms of raw numbers, but they are doing so, as a whole, more frequently in 1994 than they were in 1988.

	CONTINUOUS	OCCASIONAL	SPECIAL	RARE
1988	33%	48%	15%	04%
1994	55%	41%	02%	02%

States were asked if they tabulated and reported re-inspections. In 1988, nineteen of the twenty-seven states that replied (70%) provided re-inspection counts. However, the 1994 survey requested data from the two previous years. In 1992, twenty-six out of the forty-four states that replied (59%) gave counts of the number of re-inspections being performed. In 1993, twenty-eight out of the forty-four respondents (64%) recorded the quantity of re-inspections done. In 1992, the absolute number of re-inspections by state ranged from a low of 60 to a high of 200,316 (from the state of California). The next highest number of re-inspections was 42,600. In 1993, the quantity ranged from a low of 60 to a high of 193,642 (again from California) while the next highest number was 45,181. The number of reinspections performed by California represents a significant outlier from the number of inspections done in other states. California's data is unique because of the size of the state's enforcement program. Federal funds support only a small percentage of California's enforcement efforts.

The Federal Highway Administration requires that the driver deliver or mail to the motor carrier a copy of the inspection report filled out as a result of an

inspection. Some agencies endeavor to ensure this is done by mailing one directly to the Motor Carrier. According to the 1988 survey, twelve states said they sent copies directly to the carrier. By 1994, however, the number had increased as twenty agencies reportedly sent copies directly to the motor carrier. Also in 1994, forty-three states responded that they issued a copy to the driver and, in twenty-five of the states, the inspecting officer kept one as well.

The 1994 questionnaire asked for the circumstances of truck or driver verification occurring in 1992 and 1993. This question was also asked in the 1988 survey but the results were not clearly reported. In 1988, "several states" reported that the OOS driver or truck was re-inspected before leaving the original inspection site. In 1994, thirty-two of the forty-four states responding (73%) reported "re-inspection before departing original inspection site." However in 1994, twenty-two of the respondents (50%) reported that "no formal verification procedures exist(ed), but individual efforts are taken by officers at their own discretion." Sixteen of the states in 1994 cited "other" efforts such as an Inspection Repair Audit Program (IRAP), and covert operations as their verification method. Four states reported conducting re-inspections on all Out of Service drivers/vehicles. However, all states claim to conduct re-inspections to some extent.

In 1994, forty-two out of the forty-four respondents (95%) reported using fines for failure to comply with an OOS order, whereas roughly half of the respondents recounted issuing fines for (1) failure to certify repairs; (2) falsification of repairs; and (3) failure of driver to give a copy of the inspection form to the carrier.

Several states are in the process of developing innovative methods for verifying repairs of defects leading to Out of Service status. Idaho described a partnership of state and federal agencies to conduct OOS verification operations, and they plan to utilize video tagging and tamper-resistant tape technology in these

tests. Indiana reported that they dedicated an entire division of officers to conduct covert OOS re-inspections, while West Virginia, during a three month study, used vehicles and fixed-wing aircraft to perform covert activities.

The data from the 1994 survey are reported in detail in the appendix. On questions where explanations were requested, the most frequently offered explanations are reported with the corresponding number representing the number of states which responded in the affirmative to that particular activity.

THE PEER REVIEW TEAM'S CONCLUSIONS

We found that no state visited had a perfect *system* for preventing violations of Out of Service orders. We found, after traveling a great many miles and observing a large number of procedures that we judged effective, that what was missing was a continuum of effort, which is reflected in the five categories of activity we finally adopted: (1) educational efforts; (2) prevention efforts; (3) enforcement procedures; (4) sanctioning practices and (5) Inspection Repair Audit Program [IRAP] procedures.

We believe every state can improve its OOS verification results by developing a balance of activities, with efforts in each of the five categories.

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The array of practices which we list in the "Tool Box" is extensive. The Peer Review Team found numerous practices currently in use that had solid merit, in every category. There was no shortage of ideas which can be utilized to achieve the balance of effort we endorse. Past practices or traditions in a state, as well as resource limitations, influence where state effort is concentrated.

We found each state tended to concentrate efforts at some point on the program continuum we describe, at the expense of efforts in the other categories.

****

Any effective system of effort should seek to preserve and nurture what appears to be a generally constructive relationship among drivers, carriers, shippers, and enforcement and regulatory personnel. Approaches that emphasize the proactive dimensions of education and prevention foster this constructive climate by helping the industry avoid violations. They further serve to preserve the perception that enforcement efforts are necessary and that sanctions for violations are appropriate, even fair.

Everyone wins if safety standards are not violated. The constructive relationship between the industry and enforcement will be strengthened by greater emphasis on proactive education and prevention efforts.

****

We found state personnel at every site sensitive to the economic impact of their efforts on both drivers and carriers. At the same time, they impressed us as deeply committed to fulfilling their safety-promoting roles. A climate of mutual respect was evident between the vast majority of drivers and enforcement personnel. As a result, drivers comply with roadside directives, and inspectors can go about their work quite safely.

We found that efforts to make the inspection process as "painless" as possible encouraged safety compliance and helped to diffuse the tension of the process without compromising effectiveness.

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Concern with the absolute numbers of inspections conducted remains the primary focus of the regulatory effort, despite changes that have permitted the substitution of "program effectiveness" goals in place of "inspection counting". The need to demonstrate a "maintenance of effort" to qualify for continued funding seems to have unfortunately reinforced the reinspection count emphasis. This perception, which was evident at every level of most state efforts, appears to be a serious impediment to innovation.

A strong effort is needed to assure that MCSAP participants understand that the program accepts verification of corrections to dangerous truck or driver conditions as a meaningful measure of state effort, even at the expense of reducing the total number of initial inspections.

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Once violators are identified, the best means of assuring that they make repairs or correct driver problems is to keep the vehicle and driver under constant surveillance. Towers, video cameras, and other approaches were all useful in this regard, but nothing equalled 24 hour operations coupled with "overt surveillance" as a deterrent to "jumping" Out of Service orders. Every driver the Team members talked with was aware that "jumping" could result in serious penalties, though they were often short on specifics. And all agreed that, when the port or station functioned continuously, there was virtually no likelihood they would risk "jumping". Most admitted, however, that they would be tempted to "jump" if the facility closed, personnel departed, and there was no likelihood of readily completing repairs. Several drivers said that these circumstances made them feel helpless.

We believe that "overt surveillance" at 24 hour locations virtually guarantees compliance with OOS orders until repairs are made or the driver meets requirements.

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Almost without exception, experienced personnel in every state thought "covert surveillance" was an ineffective use of resources. Only a small percentage of the "covert" schemes we reviewed appeared to have any real likelihood of success, and measured results tended to bear out these impressions. However, given the limits of resources, and the need to conduct inspections in remote areas far from 24 hour facilities, "covert surveillance" remains a necessary element in the array of enforcement techniques. The actual numbers of violators caught by these efforts was insignificant. The principal value of covert activities appears to be in the "suppression" effect these efforts have on "jumping" for some time after the surveillance activity ends. How long this effect lasts is unknown.

Covert surveillance has a useful role, even if used sparingly, to periodically suppress the temptation to "jump" OOS orders. There is a need for some objective means of gauging when a dose of "covert surveillance" is required. Selected IRAP data could be one such useful indicator.

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The effective education and prevention efforts we observed are not without cost, but are comparatively inexpensive. They are generally well received, and they help to establish a climate of "reasonableness" to the total enforcement effort. At their best, these efforts show carriers, drivers, and shippers how they can earn a positive reputation and keep the public's acceptance, which is threatened by the recent upswing in motor carrier accidents.

Every program should have a basic "education/prevention" component, both for the direct benefits they produce and for the constructive climate they help to promote.

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When inspections and weight enforcement responsibilities are done in separate agencies, the development of a total program was difficult.

A clear articulation of separate responsibilities provides the context that is essential for an overall (Education to IRAP) **program.**

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The Peer Review process appeared to accomplish two purposes simultaneously: (1) it made available a reservoir of ideas we deemed ripe with insight, and (2) it permitted a sense of common purpose and constructive relationship that can help make the current state network into a more smoothly functioning and effective nationwide system.

The people at the operational end of the inspection/enforcement/IRAP process demonstrated the experience, creativity, and desire to participate in the evolution of the safety effort.

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RECOMMENDATIONS

States should be urged to review their entire enforcement program, using the five categories of activity described in this report. We believe the greatest improvement in compliance and reduction in OOS violations will be achieved by creating a "balanced program" of activities. The Federal Highway Administration could encourage this approach in a number of willing states by creating a program designed to: (1) analyze the current mix of their efforts; (2) identify gaps or deficiencies, by category; (3) collect base line data measuring the effectiveness of the current program; (4) select from the Peer Review "Tool Box" practices in deficient categories that would correct the imbalance; (5) implement the new program and recollect measures of effect for comparison with base line data. Careful attention in the design of these "field experiments" and in the selection of states which would add activities from the five different categories would help to gauge the value of the various categories of activity we have developed.

The "Tool Box", the supporting materials, and the local experts we identified constitute valuable resources which should be made available to states wishing to implement selected practices from the list. An efficient means of disseminating this information between states would prevent duplication of effort, facilitate the exchange of information between states, and help to bring to the fore the expertise of the creative people which have created these innovative ideas.

No single pattern of activity, even a pattern that includes efforts in every category, will work forever. States should evolve an action plan that replaces strategies periodically so that the enforcement effort continues to develop and the enforcement process does not become predictable. Evidence of enforcement effectiveness should be used to determine the schedule of these strategic changes.

Some consistency of effort from state to state seems likely to yield better results than the current significant variations in enforcement intensity. The examples of intrastate cooperation we observed should be promoted and facilitated across the nation to the extent possible. While the various circumstances across the nation dictate practices appropriate to those environments, drivers, carriers and shippers could benefit by assurance that they were going to confront reasonably common standards from one state to another.

The sanctions process requires both a sound legal foundation and a fair process so that the findings will be predictable and the penalties will be understood beforehand. The penalties imposed must be so significant that they will have a genuine deterrent effect. We believe the State of Utah's sanction program offers the best model that we observed.

APPENDIX A

OOS: Peer Review
Washington Orientation Meeting
September 6, 1994 - September 9, 1994

Arizona
Sgt. Brodye Robertson, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Commercial Vehicle Safety Alliance
Mr. Gary Curtis, CVSA

Connecticut
Inspector Rudy Supina, Connecticut Department of Motor Vehicles

Kansas
Lt. Larry Ochs, Kansas Highway Patrol

Maryland
Lt. William Bernard, Maryland State Police

Missouri
Mr. Gary Steinmetz, Missouri State Highway Patrol

South Carolina
Dr. James Fraser, Consultant: University of South Carolina
Deputy Director Curtis Thomas, Project Director
Commander John Valdario, SC State Transport Police

US Department of Transportation
Mr. Paul Alexander, Federal Highway Administration
Mr. Taft Kelly, Federal Highway Administration
Ms. Barbara Kenefake, Federal Highway Administration

Utah
Mr. Rick Gardner, Utah Department of Transportation
Sgt. Chuck Watkins, Utah Highway Patrol

OOS: Peer Review
South Carolina Site Visit
September 27, 1995 - October 1, 1995

Arizona
Sgt. Brodye Robertson, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Connecticut
Inspector Rudy Supina, Connecticut Department of Motor Vehicles

Maryland
Major Raymond Cotton, Maryland State Police

South Carolina
Dr. James Fraser, Consultant: University of South Carolina
Ms. Shawn Galloway, Assistant: University of South Carolina
Ms. Kim Griggs, SC State Transport Police
Ms. Jennifer Kats, Consultant: University of South Carolina
Mr. Greg A. Sherman, Assistant: University of South Carolina
Deputy Director Curtis Thomas, Project Director
Commander John Valdario, SC State Transport Police

US Department of Transportation
Mr. Paul Alexander, Federal Highway Administration
Ms. Barbara Kenefake, Federal Highway Administration
Mr. Taft Kelly, Federal Highway Administration

Utah
Ms. Shirleen Hancock, Utah Department of Transportation
Sgt. Chuck Watkins, Utah Highway Patrol

OOS: Peer Review
Connecticut Site Visit
October 10, 1995 - October 14, 1995

Arizona
Sgt. Brodye Robertson, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Connecticut
Inspector Rudy Supina, Connecticut Department of Motor Vehicles

Maryland
Major Raymond Cotton, Maryland State Police

South Carolina
Dr. James Fraser, Consultant, University of South Carolina
Mr. Greg A. Sherman, Assistant, University of South Carolina
Commander John Valdario, SC State Transport Police

US Department of Transportation
Mr. Paul Alexander, Federal Highway Administration

Utah
Ms. Shirleen Hancock, Utah Department of Transportation

OOS: Peer Review
Colorado Site Visit
October 18, 1995 - October 22, 1995

Arizona
Sgt. Brodye Robertson, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Connecticut
Inspector Rudy Supina, Connecticut Department of Motor Vehicles

Kansas
Sgt. Ed Boring, Kansas Highway Patrol

Maryland
Captain Thomas Rose, Maryland State Police

Missouri
Mr. Gary Steinmetz, Missouri State Highway Patrol

South Carolina
Dr. James Fraser, Consultant, University of South Carolina
Mr. Greg A. Sherman, Assistant, University of South Carolina
Commander John Valdario, SC State Transport Police

US Department of Transportation
Ms. Barbara Kenefake, Federal Highway Administration

Utah
Ms. Shirleen Hancock, Utah Department of Transportation
Sgt. Chuck Watkins, Utah Highway Patrol

OOS: Peer Review
Utah Site Visit
November 13, 1995 - November 17, 1995

Arizona
Mr. Tim Kvochick, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Commercial Vehicle Safety Alliance
Mr. Dan Folstad, CVSA

Connecticut
Inspector Rudy Supina, Connecticut Department of Motor Vehicles

Kansas
Sgt. Ed Boring, Kansas Highway Patrol

Maryland
Lt. William Bernard, Maryland State Police

South Carolina
Dr. James Fraser, Consultant, University of South Carolina
Ms. Erica M. Frederick, Assistant, University of South Carolina
Commander John Valdario, SC State Transport Police

US Department of Transportation
Ms. Barbara Kenefake, Federal Highway Administration

Utah
Ms. Shirleen Hancock, Utah Department of Transportation
Mr. Rick Gardner, Utah Department of Transportation
Sgt. Chuck Watkins, Utah Highway Patrol

OOS: Peer Review
Maryland Site Visit
December 6 - December 9, 1994

Arizona
Sgt. Brodye Robertson, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Commercial Vehicle Safety Alliance
Mr. Dan Folstad, Commercial Vehicle Safety Alliance

Kansas
Sgt. Ed Boring, Kansas Highway Patrol

Maryland
Lt. William C. Bernard, Maryland State Police
Major Raymond Cotton, Maryland State Police
Captain Thomas Rose, Maryland State Police

South Carolina
Dr. James G. Fraser, University of South Carolina
Mr. Greg A. Sherman, Graduate Assistant, University of South Carolina
Commander John Valdario, SC Transport Police

US Department of Transportation
Mr. Paul Alexander, Federal Highway Administration
Ms. Barbara Kenefake, Federal Highway Administration

Utah
Mr. Rick Gardner, Utah Department of Transportation
Ms. Shirleen Hancock, Utah Department of Transportation
Sgt. Charles Watkins, Utah Highway Patrol

OOS: Peer Review
South Carolina: Final Report
January 24, 1995 - January 29, 1995

Arizona
Sgt. Brodye Robertson, Arizona Department of Public Safety

Colorado
Sgt. John Pitzer, Colorado State Patrol

Commercial Vehicle Safety Alliance
Mr. Dan Folstad, CVSA

Connecticut
Inspector Rudy Supina, Connecticut Department of Motor Vehicles

Kansas
Sgt. Edward Boring, Kansas Highway Patrol

Maryland
Lt. Bill Bernard, Maryland State Police
Major Raymond Cotton, Maryland State Police
Captain Thomas Rose, Maryland State Police

Missouri
Mr. Gary Steinmetz, Missouri State Highway Patrol

South Carolina
Dr. James Fraser, Consultant: University of South Carolina
Ms. Erica Frederick, Assistant: University of South Carolina
Ms. Shawn Galloway, Assistant: University of South Carolina
Ms. Kim Griggs, SC State Transport Police
Ms. Jennifer Kats, Consultant: University of South Carolina
Ms. Greg Sherman, Assistant: University of South Carolina
Deputy Director Curtis Thomas, Project Director
Commander John Valdario, SC State Transport Police

US Department of Transportation
Mr. Paul Alexander, Federal Highway Administration
Ms. Barbara Kenefake, Federal Highway Administration

Utah
Mr. Rick Gardner, Utah Department of Transportation
Ms. Shirleen Hancock, Utah Department of Transportation
Sgt. Chuck Watkins, Utah Highway Patrol

APPENDIX B

Peer Review of Out of Service Verification
1994

A Project conducted for the Federal Highway Administration
A Division of the Department of Transportation

By the South Carolina Department of Public Safety
State Transport Police Division

Version 3
Revised 10/17/94

This Project was funded by
United States Department of Transportation
Federal Highway Safety Administration
Office of Motor Carriers
Project Number MC-94-459333

Project Director: Curtis Thomas
Deputy Director, South Carolina Department of Public Safety
State Transport Police Division
220 Executive Center Drive
Winthrop Building, Suite 200
Columbia, SC 29201
Tele: (803) 731-1437
FAX: (803) 731-1408

Special Notes and Instructions

- Information to be recorded herein will be used in part to determine the **best procedures** for establishing OOS verification.

- This will be used in combination with other data from this site to be compiled into an interim report for distribution to team members.

- Information recorded should reflect any and all information given/provided by site manager, personnel, and any personal observations and thoughts regarding relevant processes/practices reviewed. It is important that the information recorded be both **legible** and in the greatest detail possible.

- Answer all questions. Please note if a particular question does not apply.

- Be sure to discuss any innovative programs/processes being developed in this area.

- Photographs and hand-drawn diagrams are useful.

- Please obtain any additional information/documentation at inspection or verification sites not already provided during orientation.

- Finally, if additional space is needed, please use the back of the same page.

I. TEAM MEMBER IDENTIFICATION

Name:_____ Date:_____

Organization/Agency:_____

II. SITE IDENTIFICATION

Site Visited:_____
Name and Location.

OOS Method/Procedure Observed:_____

_____

Official Local Agency Name/Description:_____

_____

_____

Category:
Circle all that apply.

-Technology *(ex. Video, Image Reader)*
- Information Management *(ex. Fax notification)*
- Field Operations *(ex. Locked-down park areas)*
- Legals; Policies *(ex. Civil Procedure, Sanctions)*
-Education & Prevention *(ex. OOS Booklet for carriers)*

Description of Physical Setting:_____
Building layout, # of personnel, Equipment, etc.

_____

_____

_____

_____

_____

_____

III. DETAILED DESCRIPTION OF OOS METHOD/PROCEDURE

Include special equipment used and type of special training required.

IV. ADMINISTRATION/MANAGEMENT

Local Site Manager:_____
Include name and title.

Local Person to Contact for Further Detail:

Name:_____

Title:_____

Address:_____

Phone:_____

FAX:_____

Was this Person Present During Your Visit?_____

Cooperatives/Other Agency Involvement:_____
If personnel from other state agencies are involved, or if operation involves federal agencies, describe their role.

V. PERSONNEL INPUT/INTERVIEWS *(No personnel will be identified by name in report)*

Note comments on day-to-day operations, procedures, suggestions for improvement, etc.

A. Name:_____

Rank:_____

Comments:_____

B. Name:_____

Rank:_____

Comments:_____

VI. OPERATIONAL LIMITATIONS

Legal Issues:

Were statutes or laws enacted to permit/support this operation? If yes, name & describe them and get dates and reference #'s.

Special Agency Regulations and/or Policies & Procedures:

Were special regulations developed to implement these (above) statutes? Also discuss other policies/procedures.

VII. ADDITIONAL COMMENTS

Please indicate how the effectiveness of these procedures rates vis-a-vis others of the type you are familiar with (e.g., upper 5%,10%).

VIII. RECOMMENDATIONS FOR ADAPTATION

Discuss what would be necessary or required to adapt this procedure in other states.

IX. COMMENTS & NOTES TO HOST STATE

This information is to provide feedback to host state and is not intended for final report.

If Lost, Misplaced or Forgotten, Please Fold Here and Mail!

Place Postage Here

James Fraser
P.O. Box 8422
Columbia, SC 29202

APPENDIX C

RESULTS OF THE NATIONAL SURVEY

1. To which of the following offices or individuals does your state typically distribute the original or copies of completed inspection forms? *(Check all that apply)*

   A. [43] Driver
   B. [25] Inspecting officer
   C. [20] Motor carrier
   D. [40] State inspecting agency
   E. [10] Federal Office of Motor Carrier Safety (OMCS) in your state
   F. [05] Other *(Please specify)*

2. How does your state typically distribute completed inspection forms to the motor carriers? *(Check all that apply)*

   A. [04] One copy is mailed directly to the carrier
   B. [00] Two or more copies are mailed directly to the carrier
   C. [40] One copy is given to the driver for delivery to the carrier
   D. [04] Two or more copies are given to the driver for delivery to the carrier
   E. [06] Other *(Please specify)*

3. Do you notify the home state Officer in Charge (OIC) of a vehicle from that state that has "jumped" OOS order?

   A. [14] Yes
   B. [29] No *(Please explain)*
      1. would be burdensome on manpower/too many hours involved
      2. not continental US
      3. not regularly/occassionaly
      4. only upon request
      5. this state prosecutes the violation/citation issued by this state
      6. not required/no procedure
      7. none or few have happened
      8. FHWA office in state or state Director is notified

4. Do you re-inspect all vehicles with OOS violations?

   A. [04] Yes
   B. [40] No *(Please explain)*
      1. impractical/lack of manpower, resources
      2. only if repaired on site or while facility is open
      3. random checks
      4. officer discretion/depends on violation
      5. reinspect as many as possible
      6. reinspect 10-20%
      7. carrier signs verifying repairs
      8. towed vehicles are held by repair facility until repaired

5. To what extent, if any, does each of the following act to delay or is causing problems for your state's OOS verification process? *(Check one for each)*

	Very great extent	Great extent	Moderate extent	Some extent	Little or no extent
A. Number of available qualified inspectors	10	12	9	4	8
B. Amount of available inspection space	4	10	9	10	11
C. State emphasis on original inspections	2	4	7	8	22
D. Expectation of few "jumpers" in state	2	2	8	14	17
E. Truckers' "CB grapevine" nullified efforts	2	5	3	11	21
F. Low number of OOS trucks or drivers in state	2	0	4	4	32
G. Limited working hours at inspection sites	9	12	8	8	6
H. Other enforcement responsibilities for inspectors	5	8	7	8	16
I. Other *(Please specify)*	3	1	0	0	2

6. Which of the following describe the circumstances of truck or driver verification that took place in federal years 1992 and 1993 in your state? *(Check all that apply)*

A. [32] The OOS driver or truck was re-inspected before leaving the original inspection site
B. [05] The OOS driver or truck was escorted from the original inspection site and was re-inspected by officers posted down the road
C. [07] Other inspection sites were contacted to have vehicle or driver re-inspected
D. [22] No formal verification procedures exist, but individual efforts are taken by officers at their own discretion
E. [16] Other *(Please specify)*

7. How would you best classify the frequency of your state's verification efforts in federal fiscal years 1992 and 1993? *(Check one)*

A. [24] Continuous
B. [18] Occasional
C. [01] During special programs
D. [01] Rarely, if ever
E. [00] Other *(Please specify)*

8. Currently, who typically performs truck OOS verification in your state? *(Check all that apply)*

A. [31] The same inspector who performed the original inspection
B. [38] Any available trained inspector
C. [09] Specially designated inspectors or supervisors
D. [12] Specially designated rovers (i.e., mobile units near inspection site)
E. [02] Other *(Please specify)*

9. To the best of your knowledge, how many re-inspections were performed in federal fiscal years 1992 and 1993? *(Enter number for each)*

13,320 * FY 1992 (Oct 1, 1991 to Sept 30, 1992)
13,199 ** FY 1993 (Oct 1, 1992 to Sept 30, 1993)

* *This is the average of all 27 respondents* including *California. The average number of reinspections completed by the 26 states,* excluding *California, was 6,128.*

** *This is the average of all 29 respondents* including *California. The average number of reinspections completed by the 28 states,* excluding *California, was 6,755.*

10. Does your state follow-up the certification of OOS violations any different from the certification of non-OOS violations? *(Check one)*

A. [15] Yes *(Please explain)*
   1. conduct follow-up audits or compliance reviews
   2. send letter to carrier if form is not returned
   3. OOS vehicles are monitored on as need basis
   4. on site reinspection and request repair form from repair facility
   5. non-OOS are self-certifying (i.e., mailed back to enforcement unit), officers do not certify non-OOS

B. [28] No

11. When a vehicle is placed OOS, what is the maximum fine your state may levy according to its laws or regulations? *(Enter amount for each; if none, enter 0)*

A. Failure of driver to give carrier copy of inspection form
   - 21 states responded with no fine.
   - 23 states responded with an adverage fine of $517.00.

B. Failure of carrier to certify repairs made in allotted time
   - 17 states responded with no fine.
   - 26 states responded with an average fine of $997.00

C. Falsification of repair certification by carrier
   - 14 states responded with no fine.
   - 28 states responded with an average fine of $616.00.

D. Failure to comply with an OOS order, or "jumping"
   - 42 states responded with an average fine of $1,469.00.

12. What have you found most effectively deters violating OOS orders? *(Check one)*

A. [21] Criminal penalties
B. [10] Civil penalties
C. [09] Suspensions