

Attachment D

[Registrant/Company NAME/ADDRESS]

DATE

Dear [Registrant Official]:

The Federal Motor Carrier Safety Administration (FMCSA) is eliminating the "Vehicle Registrant Only" option on the Motor Carrier Identification Report (MCS-150 form) effective September 1, 2012. Our records indicate that you are registered with a U.S. Department of Transportation (USDOT) number as having a "Vehicle Registrant Only" operation type. However, FMCSA records of safety events, such as vehicle/driver inspections, crashes, and/or active for-hire operating authority indicate that [COMPANY NAME] is in fact an **interstate motor carrier**. This letter serves to advise you that, on or about October 13, 2012, FMCSA will change the record of [COMPANY NAME] to that of an **interstate motor carrier**.

This change means that [COMPANY NAME] will be monitored in FMCSA's Safety Measurement System and subject to the Federal Motor Carrier Safety Regulations, Federal Motor Carrier Commercial Regulations and/or Hazardous Materials Regulations, as applicable. If you obtained a USDOT number **within the past 18 months**, then your company is also subject to 49 CFR Section 385, Subpart D, including the requirements of a New Entrant Safety Audit and New Entrant monitoring during the first 18 months of operations.

Should you believe that safety events have been incorrectly attributed to your company's USDOT number, the FMCSA Web site has an online tool, DataQs, to research the attribution of State-reported crash or inspection data. You may request a data review by registering for DataQs. The DataQs Web site is: <https://dataqs.fmcsa.dot.gov/login.asp>. For information regarding FMCSA registration and regulations, refer to the FMCSA Web site: <http://www.fmcsa.dot.gov>.

Definitions for certain terms used in this letter are included on an enclosure. If you have additional questions about this action, contact FMCSA at 1-877-905-8016.

Sincerely,

Jeffrey L. Secrist
Chief, Information Technology
Operations Division

Enclosures:

Definitions

Most Common Single Occurrence Violations That will Result in Automatic Failure of a New Entrant Safety Audit

Enclosure 1

Definitions

Federal Motor Carrier Safety Regulations, Title 49 of the Code of Federal Regulations §390.5. (49 C.F.R. §390.5).

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, Chapter I, subchapter C.

Interstate commerce means trade, traffic, or transportation in the United States:

- (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
- (2) Between two places in a State through another State or a place outside of the United States; or
- (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

Motor carrier means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For the purposes of subchapter B, this definition includes the terms employer and exempt motor carrier.

Enclosure 2

Most Common Single Occurrence Violations That Will Result in Automatic Failure of a New Entrant Safety Audit

- failing to implement an alcohol and/or controlled substances testing program,
- failing to implement a random controlled substances and/or alcohol testing program,
- operating a commercial motor vehicle without having the required minimum levels of financial responsibility coverage in effect,
- failing to correct out-of-service defects listed by driver in a Driver Vehicle Inspection Report before the vehicle is operated again.