


**Colorado State Patrol - Motor Carrier Safety Section**

	<b>US DOT #</b> 108029	<b>Legal:</b> SCHWANS HOME SERVICE INC <b>Operating (DBA):</b>																						
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> 41-0879087 (EIN)																						
<b>Review Type:</b> Non-ratable Review - Special Study																								
<b>Scope:</b> Terminal		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>																				
<b>Operation Types</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align:center;"><b>Interstate</b></td> <td style="width:15%; text-align:center;"><b>Intrastate</b></td> <td colspan="2"></td> </tr> <tr> <td><b>Carrier:</b></td> <td style="text-align:center;">Non-HM</td> <td style="text-align:center;">Non-HM</td> <td colspan="2"><b>Business:</b> Corporation</td> </tr> <tr> <td><b>Shipper:</b></td> <td style="text-align:center;">N/A</td> <td style="text-align:center;">N/A</td> <td colspan="2"><b>Gross Revenue:</b> \$2,799,316.00</td> </tr> <tr> <td><b>Cargo Tank:</b></td> <td colspan="2" style="text-align:center;">N/A</td> <td colspan="2"><b>for year ending:</b> 12/31/2009</td> </tr> </table>						<b>Interstate</b>	<b>Intrastate</b>			<b>Carrier:</b>	Non-HM	Non-HM	<b>Business:</b> Corporation		<b>Shipper:</b>	N/A	N/A	<b>Gross Revenue:</b> \$2,799,316.00		<b>Cargo Tank:</b>	N/A		<b>for year ending:</b> 12/31/2009	
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<b>Company Physical Address:</b>																								
838 North Crest Drive Grand Junction, CO 81506																								
<b>Contact Name:</b> Colleen Thompson <b>Phone numbers:</b> (1) 970-242-2103      (2) 970-640-4364      Fax 970-242-3580 <b>E-Mail Address:</b> colleen.thompson@schwans.com																								
<b>Company Mailing Address:</b>																								
838 North Crest Drive Grand Junction, CO 81506																								
<b>Carrier Classification</b>																								
Private Property																								
<b>Cargo Classification</b>																								
Refrigerated Foods																								
<b>Does carrier transport placardable quantities of HM?</b> No																								
<b>Is an HM Permit required?</b> N/A																								
<b>Driver Information</b>																								
	<b>Inter</b>	<b>Intra</b>																						
<b>&lt; 100 Miles:</b>	4	8	<b>Average trip leased drivers/month:</b> 0																					
<b>&gt;= 100 Miles:</b>	0	0	<b>Total Drivers:</b> 12																					
			<b>CDL Drivers:</b> 0																					
<b>Equipment</b>																								
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>																					
Truck	15	0	0	<b>Owned Term Leased Trip Leased</b>																				
Power units used in the U.S.: 15 Percentage of time used in the U.S.: 100																								





**SCHWANS HOME SERVICE INC - Terminal**  
U.S. DOT #: 108029

Review Date:  
10/25/2010

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

15075 South Golden Road  
Golde, CO 80401  
(303) 273-1875

**This TERMINAL REVIEW deals only with safety compliance at this terminal.**

**Person(s) Interviewed**

**Name:** Colleen Thompson

**Title:** Corporate Compliance Manager

**Name:**

**Title:**





**Part B Violations**

1 STATE	Primary: 391.21(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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**Description**

Using a driver who has not completed and furnished an employment application.

**Example**

Driver: b6,b7c

Trip Date: October 25, 2010

Schwans Home Service Inc. used a driver that did not have a complete application of file.

2 FEDERAL	Primary: 391.21(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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**Description**

Using a driver who has not completed and furnished an employment application.

**Example**

Driver: b6,b7c

Trip Date: October 14, 2010

Schwans Home Service Inc. used a driver that did not have a complete application of file.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
<b>Total Miles Operated</b>	423,617	<b>Number of Vehicle Inspected (CR): 0</b>	
<b>Recordable Accidents</b>	1	<b>OOS Vehicle (MCMIS): 1</b>	
		<b>Number of Vehicles Inspected (MCMIS): 6</b>	

Your proposed safety rating is :

**This Review is not Rated.**





## Part B Requirements and/or Recommendations

### 1. For all Investigations:

- Understand why Compliance saves Time and money. Compliance with MCSRs will not only save lives but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.

For all Investigations that did not result in a Cooperative Safety Plan:

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to

Division Administrator - Steve Kleszczynski  
Federal Motor Carrier Safety Administration  
Colorado Office  
12300 West Dakota Ave, Suite 130  
Lakewood, CO 80228

This letter should be submitted as soon as possible. If you have a proposed Unsatisfactory or Conditional Rating the letter must be submitted prior to the effective date of your Unsatisfactory or Conditional Rating.

### 2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: At the present time the carrier collects all information electronically for applicants. When the information is printed required information is missing on the application.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, federal regulations, and state and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver-fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate





### Part B Requirements and/or Recommendations

method.

- Evaluate personnel who are monitoring driver-fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver-fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/CSI>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources: 35022 - A Complete Overview of Management Practices for CMV Drivers

- You are encouraged to review your company's record at the following website: <HTTP://AI.FMCSA.DOT.GOV/CSI>. You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
  - Resource Number:
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.





**Part C**

**Reason for Review:** CSA2010  
**Planned Action:** Cooperative Safety Plan (CSP)  
**Safestat Category:** H

**Parts Reviewed Certification:**

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
		✓	✓	✓	✓	✓	✓	✓	✓									

<b><u>Prior Reviews</u></b>	<b><u>Prior Prosecutions</u></b>	<b>Reason not Rated:</b> Special Study	<b>Study Code:</b> T
2/20/1996			
7/16/1993			
8/21/1992			

**Unsat/Unfit Information**

**Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?**

**Does carrier transport placardable quantities of hazardous materials?**

**Unsat/Unfit rule:** Not Applicable

<b>Corporate Contact:</b> Colleen Thompson	<b>Special Study Information:</b>
<b>Corporate Contact Title:</b> Corporate Compliance Manager	

**Remarks:**  
REMARKS:

**REASON FOR INVESTIGATION:**

On August 31, 2010, I was assigned this CSA-2010 investigation based on a complaint that was received by the Colorado State Patrol Motor Carrier Safety Section. The complaint alleged that the carrier was operating in non-compliance in regards to hours of service at the Grand Junction, Colorado Terminal. This carrier was selected for an on-site comprehensive investigation, and at the present time was not showing any deficient BASICS.

At the time of this audit the carrier had 1 red flagged driver out of this terminal.

**CARRIER OPERATION DESCRIPTION:**

Schwan's Home Service Inc. operates at 115 West College Drive, in Marshall, Minnesota. This location is the carrier's principal place of business.

The terminal that was identified in the complaint is located at 838 North Crest Drive, in Grand Junction, Colorado.

At the present time Schwan's Home Service Inc. is classified as an interstate private property carrier. In the State of Colorado, Schwan's Home Service Inc., uses its operating authority in both interstate and intrastate commerce transporting refrigerated foods.

Schwan's Home Service Inc. is not currently classified as a hazardous material carrier.

Schwan's Home Service Inc. reports that it has 12 full time commercial vehicle driver's based out of the Grand Junction terminal.

Schwan's Home Service Inc., Grand Junction Terminal also reports that it has a total of 15 straight trucks that are rated over 10,001 lbs and under 26,001 lbs. The carrier does not lease any vehicles from this terminal.

The Grand Junction terminal of Schwan's Home Service Inc. had gross revenue for the calendar year 2009 of \$2,799,316.00.





### Part C

Colleen Thompson was responsible for most of the information that I obtained. Ms. Thompson indicated that Schwan's Home Service Inc. is dedicated to safe operating and was always striving to be the best.

Schwan's Home Service Inc. does not use an independent DOT compliance agency for assistance with its compliance issues.

#### PRE-INVESTIGATION:

On October 19, 2010 I contacted Schwan's Home Service Inc. in Grand Junction, Colorado. I spoke to Wayne Aaberg and scheduled this terminal investigation. On that day I sent a document request letter to Schwan's Home Service Inc. confirming our scheduled appointment on Monday October 25, 2010 at 8:00 a.m. and providing the carrier with a list of documents that would be reviewed. I spoke directly with Colleen Thompson and went over the document request letter. I ensured that she was aware that the information needed was terminal specific.

The following required documents were listed in my request:

A list of all drivers your carrier has used in the last 365 days including Drivers name, Date of birth, social security number, Date of hire and if gone termination date, and Drivers license number and state.

A list of all carrier vehicles and trailers

A copy of all company written policies

A copy of your company's accident registers for past 365 days

Any training record for the past 365 days

A copy of maintenance files

A copy of Driver Qualification Files

A copy of Driver's record of duty status

A copy of all Drug and Alcohol testing documents

Driver trip reports and expense records for the dates listed next to their names. These records include any and all supporting documents i.e. fuel receipts, toll receipts, bills of lading, shipping manifests, dispatch records, etc.

Payroll documents

Gross Annual Income for 2009

Total Fleet Mileage for 2009

All driver's licenses were checked and were valid at the time of the audit. This was confirmed through CCIC and NCIC, state and national history checks respectively, and all drivers checked were confirmed to be licensed.

#### INVESTIGATION:

On October 25, 2010, I arrived at the carrier's Grand Junction, Colorado terminal at approximately 8:30 a.m.

I started the investigation with Ms. Thompson, seated at the table with me. I went over the companies policies, and procedures Ms. Thompson.

At the present time this carrier has adequate policies and procedures in place to cover each and every aspect of the Federal Regulations. I was advised that the company is always changing as technology, and information change to make the company and its employees more efficient.

I continued with my investigation and obtained all the records that would be examined. The carrier was able to supply me with all of the documents in a timely manner as I requested them.

I was required by the efotm to review five DQ files. There were three current employees that operate in interstate commerce for the carrier. The only violations discovered were in part 391.51. The carrier had to print out the applications that were completed for each driver. At the present time the carrier did not have the proper heading for the application and the date of birth for each driver was missing. Ms. Thompson advised me that it was part of the program that they use and that information is available on the company's database.

I reviewed the complaint that was filed on the carrier again. I reviewed the records of duty that the carrier keeps and they are very thorough. At the present time the carrier hold the driver's to the 100 mile radius. The time programs that are used provide more consistency for the driver's and the carrier.

The driver must log onto their system when he starts his day and when he is done for the day by a hand held device that





**Part C**

is uploaded to the carrier's main office.  
The driver documents:  
Truck Number  
Odometer Reading  
Ending Mileage  
Date  
Start Time  
Drive Time Start & End  
Total time on duty for 7 days

During the investigation I was not able to locate any violations that were consistent with the written complaint.

I reviewed 5 maintenance files for the vehicles that are owned and operated by Schwan's Home Service Inc. The maintenance records were both accurate and complete.

The one red flagged driver that was based out of this terminal was identified as **b6,b7c**. He was arrested on **b6,b7c** for DUI in a commercial motor vehicle that was owned and operated by Schwan's Home Service LLC. After his arrest he was terminated.

**POST-INVESTIGATION INTERVENTION:**

I presented Schwan's Home Service Inc. with a CSP (Cooperative Safety Plan) to address the violations that were discovered.

The carrier was very receptive to this, and agreed to complete and return it.

**DOCUMENTS PROVIDED TO CARRIER:**

Compliance Review

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>
<b>Authorized by:</b>		<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>
<b>Verified by:</b>		<b>Failure Code:</b>
		<b>Date:</b>

