

UNITED STATES DEPARTMENT OF TRANSPORTATION



US DOT #:
00074432

LEGAL: MARTEN TRANSPORT LTD

OPERATING (DBA):

REVIEW TYPE: CR
STATUS: Update
PLACE: Principal Office
CENSUS TYPE: Carrier
BUSINESS: Corporation

PHYSICAL ADDRESS: 129 MARTEN ST
COUNTY: 011 MONDOVI, WI, 54755

MAILING ADDRESS: 129 MARTEN ST
COUNTY: 011 MONDOVI, WI, 54755

PHONE: (715)926-4216 **TOLL FREE:** (800)395-3000 **FAX #:** (800)395-2026
E-MAIL: djp@marten.com

MC/MX #: 103798 **FEDERAL TAX ID #:** 39-1140809 (EIN)

OPERATION TYPE CARRIER OPERATION: SHIPPER OPERATION:	INTERSTATE	INTRASTATE	OIC: 55	TERRITORY:
	HM	N/A		
	N/A	N/A		

CARRIER CLASSIFICATION: (A)
Authorized

CARGO CLASSIFICATION: (A, J, R, U, W, X)
General Freight; Fresh Produce; Meat; Chemicals; Refrigerated Foods; Beverages

HAZARDOUS MATERIALS: (C= Carried S=Shipped B= Bulk N=NonBulk)

3 Combustible liquid	C	N	9 Miscellaneous HM	C	N
5.1 Oxidizer	C	N	ORM-D	C	N
8 Corrosive material	C	N			

EQUIPMENT:	TRUCK	TRUCK TRACTOR	TRAILER	HM TANK TRUCK	HM TANK TRAILER	MOTOR COACH	SCHOOL BUS	LIMO	PASS. VAN
OWNED		1618	2714						
TERM LEASED		603	10						
TRIP LEASED									

DRIVERS:	INTER	INTRA	Avg. Trip Leased Drivers/Mo.:		Does carrier transport placardable quantities of HM? Yes
<100 Miles:	13		Total Drivers:	2457	
>= 100 Miles:	2444		CDL Drivers:	2457	

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

567 D'Onofrio Drive, Suite 101
Madison, WI 53719-2814
Phone: (608)829-7530 Fax:(608)829-7540

This report will be used to assess your safety compliance.

PERSON(S) INTERVIEWED: Joseph Simons Daniel Peterson
TITLE(S): V.P. Human Resources Safety Manager

REPORTED BY: *[Signature]* **TITLE:** *[Signature]* **CODE:** US1086 **DATE:** 9/11/2003

RECEIVED BY: *[Signature]* **TITLE:** V.P. Human Resources



COMPLIANCE MARTEN TRANSPORT LTD

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PART B

1 FEDERAL	PRIMARY: 395.3(a)(1)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		4	900	2	30

DESCRIPTION:

Requiring or permitting driver to drive more than 10 hours.

EXAMPLE:

Driver's name: (b)(6); (b)(7)(C) trip date 06/05/2003, driver drove 4 hours more than 10.

2 FEDERAL	PRIMARY: 395.3(b)(2)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		28	714	6	30

DESCRIPTION:

Requiring or permitting driver to drive after having been on duty more than 70 hours in 8 consecutive days.

EXAMPLE:

Driver's name: (b)(6); (b)(7)(C) dates of 8-day period: 07/10/03 - 07/17/03. (b)(6); (b)(7)(C) drove 6.25 hours after 70 hours on duty.

3 FEDERAL	PRIMARY: 395.8(e)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		71	900	14	30

DESCRIPTION:

False reports of records of duty status.

EXAMPLE:

Driver's name: David Fowler, trip date: 07/09/03. Supporting documents show driver fueling in San Antonio, TX at 1645 CST. Log shows driver off duty in Green Bay, AL at 1645 CST. San Antonio, TX is 800 mi from Green Bay, AL.

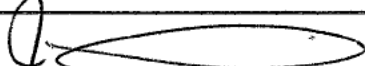
4 FEDERAL	PRIMARY: 395.8(e)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		42	900	13	30

DESCRIPTION:

False reports of records of duty status. (inacurate)

EXAMPLE:

Driver's name: (b)(6); (b)(7)(C) trip date: 07/08/03. Supporting documents show driver fueling in Effingham, IL at 0745 CST. Log shows driver in sleeper berth in Decatur, IL at 0745 CST. Decatur, IL is 55 minutes from Effingham, IL.

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PART B

5 FEDERAL	PRIMARY: 395.8(k)(1)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		25	925	3	30

DESCRIPTION:

Failing to preserve driver's record of duty status for 6 months.

EXAMPLE:

Driver's name: (b)(6); (b)(7)(C) trip date: 07/26/2003.

6 FEDERAL	PRIMARY: 396.11(a)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		22	900	1	30

DESCRIPTION:

Failing to require driver to prepare driver vehicle inspection report.

EXAMPLE:

Driver's name: Kristi Thomas, trip date: 07/01/03.

SAFETY FITNESS RATING INFORMATION:

Total Miles Operated: 251,252,254
 Recordable Crashes 90
 Recordable Crashes / Million Miles: 0.358

OOS Vehicles (CR) : 0
 # of Vehicles Inspected (CR) : 0
 OOS Vehicles (MCMIS) : 18
 # of Vehicles Inspected (MCMIS) : 125

Your proposed safety rating is

SATISFACTORY

RATING FACTORS

OF POINTS

ACUTE CRITICAL

Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

This compliance review has been conducted to determine overall compliance with the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Material Regulations (HMR).

The results of this review indicate that your operations do have adequate safety management controls in place to ensure compliance with the Federal safety fitness standards outlined within 49 CFR 385.5 and 385.7.

Please review Part B to this report and assure that you take sufficient corrective action for any violations (deficiencies) identified. Corrective action must be taken for any violation listed in Part B to this report.

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Requirements and/or Recommendations

- 1 10 HOUR RULE - Establish a system to control driver's hours of service. Do not permit or require any driver to drive more than 10 hours following 8 consecutive hours off duty [395.3(a)(1)].
- 2 70 HOUR RULE - Establish a system to control drivers hours of service. Do not permit or require any driver to drive after having been on duty 70 hours in any period of 8 consecutive days [395.3(b)(2)].
- 3 FALSE/INCOMPLETE RECORD OF DUTY STATUS - Failure to complete the record of duty activities or failure to preserve a record of such duty activities, or making of false reports in connection with such duty activities SHALL make the driver and/or the carrier liable to prosecution. (395.8(e). A carrier is liable both for the actions of its drivers in submitting false documents and for its own actions in accepting false documents. Motor carriers have a duty to require drivers to observe the FMCSRs.
- 4 SUPPORTING DOCUMENTS AND RECORDS OF DUTY STATUS - KEEP 6 MONTHS - Ensure all records of duty status and documents supporting records of duty status (such as fuel receipts, toll receipts, weight and scale tickets, lumper receipts, repair bills, roadside inspection reports and other on-the-road expense receipts, as well as invoices, bills of lading, freight bills, dispatch records, payroll records, etc.) are kept on file for at least 6 months [395.8(k)(1)].
- 5 POST-TRIP INSPECTION - Require all drivers to prepare a driver vehicle inspection report (DVIR) in writing at the completion of each day's work on each vehicle operated [396.11(a)]. The carrier shall maintain the original DVIR, the certification of repairs, and the certification of the driver's review for three months from the date the written report was prepared [396.11(c)(2)].
- 6 SAFETY RATING - The FMCSA will provide the motor carrier written notice of any safety rating resulting from a compliance review as soon as practicable, but not later than 30 days after the review. The notice will take the form of a letter issued from the FMCSA Headquarters and will include a list of compliance deficiencies which the motor carrier must correct [385.11(a)].
- 7 PENALTIES - This report contains violations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
- 8 "Notice: Recurring violations of the same or related acute or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action."
- 9 The tragic events of September 11, 2001, require us to take new steps to ensure the safe and efficient movement of people and goods over our highways. It is recommended that you develop and implement a security plan which fits your particular operation or company. (See FMCSA Security Talking Points)
- 10 HAZMAT SECURITY PLAN and TRAINING. The USDOT Research and Special Programs Administration (RSPA) issued a final rule on March 25, 2003 that establishes new requirements aimed at enhancing the security of hazardous materials transportation. This new rule requires some hazmat offerors and transporters to develop and implement security plans. HazMat Security Plans must be developed and in effect by September 25, 2003.

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Requirements and/or Recommendations

Security Awareness Training: At the next scheduled 3-year recurrent hazmat training, and in no case later than March 24, 2006, each hazmat employee must receive training that provides awareness of security risks associated with hazmat transport, and methods designed to enhance transportation security. New hazmat employees hired after March 25, 2003, must receive security training within 90 days of employment. Hazmat employers are strongly encouraged to provide security awareness training to employees on an accelerated schedule whenever possible.

In-depth Security Training: By December 22, 2003, all hazmat employees of a person required to have a security plan by Part 172, Subpart I, must be trained concerning the security plan and its implementation.

- 11 **NEW HOURS OF SERVICE RULES.** On April 28, 2003, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicle drivers. Under the new rule, drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then are released from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.

Carriers and commercial motor vehicle drivers are required to comply with the current hour-of-service rules through January 3, 2004. Compliance with the "new" regulations is mandatory for all carriers, except passenger-carrying operations, beginning on January 4, 2004. Passenger-carrying motor carriers and drivers are not subject to the new maximum driving limits. For more information on these regulations, please access the FMCSA website at www.fmcsa.dot.gov.

- 12 Use all information sources to maintain your compliance with the Federal Motor Carrier Safety Regulations. Internet sites:
- 1) FMCSA Home Page – www.fmcsa.dot.gov (General Info, Links)
 - 2) SAFER System – www.safersys.org (Carrier Profile, SafeState Info)
 - 3) Electronic Filing – <http://diy.dot.gov> (Registration, Insurance and Fine Payments)
 - 4) Analysis and Information Online (A & I) – <http://ai.volpe.dot.gov>
 - 5) Licensing & Insurance System (L & I) – <http://fhwa-li.volpe.dot.gov>
- 13 **CONTACT FOR QUESTIONS** - If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, Office of Motor Carriers, Wisconsin Division, (608)829-7530 or Roy Stacey at (608)486-4902

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Safety Fitness Rating Report

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1	General (CFR Parts 387, 390)	√ 0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
NONE	TOTAL POINTS: 0 = SATISFACTORY	>1 Point = Unsatisfactory

FACTOR 2	Driver Qualification (CFR Parts 382, 383, 391)	√ 0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
NONE	TOTAL POINTS: 0 = SATISFACTORY	>1 Point = Unsatisfactory

FACTOR 3	Operational/Driving (CFR Parts 392, 395)	√ 0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
NONE	TOTAL POINTS: 0 = SATISFACTORY	>1 Point = Unsatisfactory

FACTOR 4	Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))	
VIOLATIONS AFFECTING RATING	POINTS	Out-of-Service (OOS) Percentage: 14.4
NONE	TOTAL POINTS: 0 & 14.4% OOS = SATISFACTORY (see chart)	

Fewer than 3 Inspections	3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3 0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory	OOS Less than 34%	OOS 34% or Higher
	√ Satisfactory	Conditional
	Conditional If a pattern of Non-Compliance with a Critical or an Acute Violation	Unsatisfactory If a pattern of Non-Compliance with a Critical or an Acute Violation

FACTOR 5	Hazardous Material (CFR Parts 397, 171, 177, 180)	√ 0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
NONE	TOTAL POINTS: 0 = SATISFACTORY	>1 Point = Unsatisfactory

FACTOR 6	Crash (Recordable Crash Rate)
((Recordable Crashes) X (1 million)) ÷ (Total Miles) = Rate	
(90 X 1,000,000) ÷ 251,252,254 = 0.358 = SATISFACTORY	
CRASH RATE	FACTOR RATING
√ 0.000 - 1.500	= Satisfactory
>1.500	= Unsatisfactory

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Safety Fitness Rating Report

OVERALL SAFETY FITNESS RATING:

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory

Conditional

0

0

=

SATISFACTORY

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

Unsatisfactory

Conditional

OVERALL RATING

✓ 0

2 or fewer

Satisfactory

0

3 or more

Conditional

1

2 or fewer

Conditional

1

3 or more

Unsatisfactory

2

0 or more

Unsatisfactory

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PART C

Reason for Review: Complaint Investigation WI-2003-0197-US0384

SafeStat Category = G

Planned Action: Compliance Monitoring

Parts Reviewed Certification (C = Reviewed, N = Not Reviewed)

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

Prior Reviews

09/27/2002

06/27/1996

02/07/1996

Prosecutions

10/22/2002

Followup

Federal

Special Studies

1)

Gross Revenue: \$293,096,000

For Year Ending: 12/31/2002

Unsat/Unfit Information

Does Passenger Vehicle transport more than 15 passengers, including driver?

Does carrier transport placardable quantities of HM? 1. Yes - Interstate

Unsat/Unfit Rule: 2. 45-Day - Interstate Placardable HM

Remarks:

A compliance review was conducted at 129 Marten St, Mondovi, WI on Marten Transport LTD. This was a streamlined compliance review and was conducted 8-11 September 2003. This was the carrier's fifth compliance review. Marten Transport LTD was identified for a compliance review because of a written complaint alleging Part 395 violations. The complainant's allegations could not be substantiated to a degree warranting enforcement action on the carrier.

This is a for-hire interstate carrier of general freight, fresh produce, meats, refrigerated foods, beverages, and placardable quantities of hazardous materials. Vehicle and driver lists were provided. (2221 power units and 2457 CDL drivers).

Present and available throughout the review process were Daniel Peterson, Safety Manager and Diane Ashwell, Safety Supervisor. They were the contacts for all inquires and provided all requested information. The company President, Larry Marten, was not present for the opening and closeout sessions. Carrier personnel contacted were cooperative.

107, 177 - On May 27th, 2003 a Martin Transport LTD truck transporting hazardous material was placed out of service for improper blocking and bracing. (Michigan Department of State Police incident number 17-3241-03) The carrier is no longer transporting for the shipper because the shipper declined to change its blocking and bracing procedure. The shipper is located in Michigan; the Michigan Division was sent a copy of the incident report.

387 - The carrier provided a copy of their MCS-90 from Great West Insurance Company with a coverage limit of \$1,000,000.

382 - The carrier's controlled substance and alcohol testing program was in compliance, no violations discovered.

383- CDLIS checks were performed. Drivers checked had required CDL endorsements, no violations discovered.



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PART C

390 - The carrier had 90 DOT reportable accidents in the past 365 resulting in a .358 crash rate. Post accident controlled substance and alcohol testing was conducted when required.

395 - A review of the drivers' records of duty status revealed a falsification rate of 8%. The carrier was briefed that a 10% violation rate is critical and enforcement action recommended for that level of noncompliance. Timed fuel reports were used on this review. The carrier stated that they had not been using timed fuel reports in their audit process, but would be from now on. Four drivers accounted for 58% of the false log violations. Enforcement actions will be taken on the four drivers.

The carrier made the following supporting documents available: timed/dated fuel reports, fuel receipts, scale receipts, toll receipts and bills of lading.

393/396 - The carrier's out-of-service rate was calculated at 14.4%.

Present at closeout were Joseph Simons, VP Human Relations; Donald Hinson, VP of Operations; Daniel Peterson, Safety Manager; and Diane Ashwell, Safety Supervisor. The Compliance Review was thoroughly reviewed and discussed with the carrier. The FMCSA Security Talking Points were discussed and the handout provided to the carrier.

Principal Reviewer Signature 	Code No. US1086	Upload Authorized: YES NO Authorized by:	Date: 09/24/2003
Assistant Reviewer Signature 	Code No. US0384	Uploaded: YES NO Verified by:	Failure Code: Date: 09/25/2003