

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

CARRIER CLASSIFICATION: (A)
Authorized

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

HAZARDOUS MATERIALS:	(C= Carried)	S=Shipped	B= Bulk	N=NonBulk)
3 Flammable liquid	C	N	6.1 (Solids)	C N
3 Combustible liquid	C	N	8 Corrosive material	C N
5.1 Oxidizer	C	N	ORM-D	C N
6.1 (Poison)	C	N		

EQUIPMENT:	TRUCK	TRUCK TRACTOR	TRAILER	HM TANK TRUCK	HM TANK TRAILER	MOTOR COACH	SCHOOL BUS	LIMO	PASS. VAN
OWNED		1466	2705						
TERM LEASED		590	10						
TRIP LEASED									

DRIVERS:	INTER	INTRA	Avg. Trip Leased Drivers/Mo.:	Does carrier transport placardable quantities of HM?
<100 Miles:	13		Total Drivers: 2190	Yes
>= 100 Miles:	2177		CDL Drivers: 2190	

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: Randolph L. Marten Donald J. Hinson
TITLE(S): President VP Operations

REPORTED BY: *Ray H. [Signature]* **TITLE:** *Safety Spec* **CODE:** US0384 **DATE:** 9/27/2002

RECEIVED BY: *Donald J. Hinson* **TITLE:** *V.P. Operations*



COMPLIANCE MARTEN TRANSPORT LTD

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1 FEDERAL	PRIMARY: 40.25(j) SECONDARY: 382.105	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES IN VIOL	CHKD
		125	125	125	125

DESCRIPTION:

Failing to ask employee if any pre-employment test conducted in the preceding two years resulted in a positive test result or refusal to test.

EXAMPLE:

Carrier's application asks about "positive drug & alcohol tests but fails to ask about refused tests to anywhere the applicant worked or APPLIED.

James A. Blain 8/6/2002 example

2 FEDERAL	PRIMARY: 382.305(i)(2)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES IN VIOL	CHKD
		23	2190	23	2190

DESCRIPTION:

Failing to ensure that each driver selected for random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

EXAMPLE:

David L. Gritzmacher hired 5/88 was dropped by error in computer changeover in 1996. Numerous drivers who were in the system were inadvertently 'dropped' when their status changed from either company driver to a contracted driver or the reverse. Several drivers whose social security numbers were loaded incorrectly could not be readily identified. David L. Gritzmacher interstate trip 9/1/02.

3 FEDERAL	PRIMARY: 392.2	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES IN VIOL	CHKD
		5	52	5	52

DESCRIPTION:

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

EXAMPLE:

Tyl.er Dorsey 6/15/2002 Guilderland NY to South Bend IN 746 miles in 9.25 hours at an average speed on his log of 81 mph!!!

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4 FEDERAL	PRIMARY: 395.3(a)(1)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		9	905	8	29

DESCRIPTION:

Requiring or permitting driver to drive more than 10 hours.

EXAMPLE:

Cornell Johnson 6/5/2002 drove 16.25 since his 8 consecutive 8 hours off duty -sleeperberth mis-calculation.

5 FEDERAL	PRIMARY: 395.3(a)(2)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		2	905	2	905

DESCRIPTION:

Requiring or permitting driver to drive after having been on duty 15 hours.

EXAMPLE:

Cornell Johnson 6/5/2002 drove 3.5 hrs beyond 15 - sleeperberth mis-calculation.

6 FEDERAL	PRIMARY: 395.3(b)(2)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		15	713	6	29

DESCRIPTION:

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

EXAMPLE:

Don Pugh drove 10.5 hrs after 70 hours on duty 7/22/2002.

7 FEDERAL	PRIMARY: 395.8(e)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		53	544	19	29

DESCRIPTION:

False reports of records of duty status.

EXAMPLE:

Al Clebsch August 26, 2002 shows he drove from Shamrock, TX to Joplin, MO when his fuel receipt shows he fueled in Effingham, IL (we should note he had accumulated 70 hours on duty when he over drove his log by 395 miles). Numerous drivers records of duty status failed to reasonably match time /dated receipts such as toll, timed fuel or Proctor & Gamble unloading reports.

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8 FEDERAL	PRIMARY: 395.8(e)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES IN VIOL	CHKD
		11	544	9	29

DESCRIPTION:

False reports of records of duty status.

EXAMPLE:

Driver's logs showed discrepancies of being off by 50 miles ore 1 hour or less. If the discrepancies exceeded these guidelines they were listed as false logs!

9 FEDERAL	PRIMARY: 396.11(b)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES IN VIOL	CHKD
		161	520	11	29

DESCRIPTION:

Failing to ensure driver vehicle inspection report is complete and accurate.

EXAMPLE:

Numerous drivers FAIL to document that they indeed checked their equipment at the end of each day via the drivers COMPLETE daily vehicle inspection report.

SAFETY FITNESS RATING INFORMATION:		OOS Vehicles (CR) :	0
Total Miles Operated:	255,163,180	# of Vehicles Inspected (CR) :	0
Recordable Crashes	104	OOS Vehicles (MCMIS) :	14
Recordable Crashes / Million Miles:	0.408	# 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)

RECEIVED BY: <i>Donald Hoffman</i>	TITLE: <i>U.A. Operations</i>
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identified. Corrective action must be taken for any violation listed in Part B to this report.

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Donald Hinson

TITLE:

V.D. Operations



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Requirements and/or Recommendations

- 1 Ensure all drivers' records of duty status are accurate. Check records against supporting documents to verify accuracy. Prohibit falsification of duty status records by any of your drivers.
- 2 Ensure all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
- 3 Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure each report is signed by the driver, certified and reviewed if defects are reported, then kept in the vehicle for a day.
- 4 Obtain a copy of each driver's driving record and review it annually. If you send a copy of the MVR via satellite be sure safety signs and dates the MVR when the certification is received back from the driver
- 5 This review will result in a Safety Rating.
- 6 As of January 20, 1994, the use of radar detectors or similar such devices became illegal. Do not require or permit your drivers to use them. Take appropriate disciplinary action against your drivers if you find that they are using such devices.
- 7 This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

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Donald J. [Signature]

TITLE:

V.P. Operations



MARTEN TRANSPORT LTD

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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
 1 Point = Conditional
 >1 Point = Unsatisfactory

VIOLATIONS AFFECTING RATING POINTS

NONE TOTAL POINTS: 0 = SATISFACTORY

FACTOR 2 Driver Qualification (CFR Parts 382, 383, 391) ✓ 0 Point = Satisfactory
 1 Point = Conditional
 >1 Point = Unsatisfactory

VIOLATIONS AFFECTING RATING POINTS

NONE TOTAL POINTS: 0 = SATISFACTORY

FACTOR 3 Operational/Driving (CFR Parts 392, 395) ✓ 0 Point = Satisfactory
 1 Point = Conditional
 >1 Point = Unsatisfactory

VIOLATIONS AFFECTING RATING POINTS

NONE TOTAL POINTS: 0 = SATISFACTORY

FACTOR 4 Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))

VIOLATIONS AFFECTING RATING POINTS Out-of-Service (OOS) Percentage: 11.2

NONE TOTAL POINTS: 0 & 11.2% 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
 1 Point = Conditional
 >1 Point = Unsatisfactory

VIOLATIONS AFFECTING RATING POINTS

NONE TOTAL POINTS: 0 = SATISFACTORY

FACTOR 6 Crash (Recordable Crash Rate)

((Recordable Crashes) X (1 million)) ÷ (Total Miles) = Rate
 (104 X 1,000,000) ÷ 255,163,180 = 0.408 = SATISFACTORY

CRASH RATE **FACTOR RATING**

✓ 0.000 - 1.500 = Satisfactory
 >1.500 = Unsatisfactory

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Handwritten signature

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MARTEN TRANSPORT LTD

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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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Donald J. Huxen

TITLE :

U.A. Operations



INTRA-AGENCY MARTEN TRANSPORT LTD

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PART C

Reason for Review: Complaint Investigation WI-2002-0153-US0384

Planned Action: Prosecution WI-2002-0153-US0384

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	C	C	C	C	C	C	N	N	C	C	C	C	N	N

<u>Prior Reviews</u>	<u>Prosecutions</u>	<u>Followup</u>	<u>Special Studies</u>
6/27/1996	4/3/1991	Federal	1)
4/16/1996			
12/7/1990			

Gross Revenue: \$282,764,000 **For Year Ending:** 12/31/2001

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:

CR initiated based on Complaints. WI-2002-153-US0384 Hotline Complaint filed by a former driver, and a complaint filed by the MN State Police were the basis for this compliance review.

Marten Transport Ltd. (incorporated as a Delaware Corp.) is based in Mondovi WI. As a refrigerated irregular route carrier they operate from terminals based in Mondovi, WI; Forrest Park, GA; Wilsonville, OR; and Ontario, CA. On 9/12/2002 (initial date of CR) the carrier operated 2,056 Tractors (1466 Co. trucks 590 contracted drivers), 2715 trailers, and a total fleet of 2,190 active CDL drivers. Carrier size according to their SEC 10K filing, and Transport Topics ranking (2002) puts Marten as the 59th largest carrier in the nation.

The carrier's DOT accident register for the 12 months preceding 9/12/2002 shows the carrier was involved in 103 DOT recordable crashes. (A DOT recordable crash ever 3.5 days) Our Carrier profile for the same period records 62 crashes. A review showed only one discrepancy (a crash on the Carrier profile NOT listed on Marten's Crash register). Investigation of this crash revealed it indeed, should have been listed. Rather than list each crash, a copy of the carrier's Crash Register with the added correction, is attached as a separate addendum to this report.

Investigating the crashes showed a mix of preventable and non-preventable crashes. In crashes where drug & alcohol testing was mandated either because of fatality, or personal injury, or tow away damage AND a citation all such drivers involved in such crashes were tested, or requested to be tested. I use the term "requested to be tested" because in several cases time elapsed to preclude the alcohol portion of a test, and the carrier so noted in its reports, or the facility failed to perform an alcohol test. In ALL cases the drug portion of the post crash test was accomplished within the time limits. A review of miles vs crashes revealed that if one assumed ALL crashes were "preventable" the crash rate is 0.408 per million miles. No great amount of time was therefore expended determining the "preventability" of each crash, rather a review was made of dispatch assignment and scheduled delivery times to ensure that tight scheduling or "forced" dispatch was not the true underlying cause to the crashes. No such underlying causation was evident.

In checking hiring, pre-employment drug screening, and random drug & alcohol testing a data base comparison between dispatch (drivers available for use), and drivers in the random testing pool was made. The deviation between the list on 1st pass showed 53 names on the dispatch list NOT in the drug testing pool. Upon further review

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it was found that the 53 names (1.37% deviant) was further reduced after finding data entry errors such as the driver's social security number had been enter incorrectly to either data base. After reconciliation, 23 names were found not to have been entered into the random drug & alcohol testing system. Reasons for this errors vary, the oldest error dating back to 1996 when new computer software was installed to manage the drug testing database. Programming software patches have been installed to compare dispatch, drug & payroll systems report deviations and this type of error should be non-recurring.

An enforcement action is being prepared for not ensuring that each driver had an equal chance of being tested. This carrier selects random testing names on a monthly basis. The date selected to authenticate the veracity on data base entries was 9/1/2002.

The carrier has hired several drivers who had tested positive at prior employers. All had been evaluated by a SAP prior to their hiring & use by Marten, however, many had not accomplished the follow up testing -6 test minimum and in several cases the SAP mandated more testing, up to 18 tests over a two year period in one case. The carrier has been complying with follow-up testing protocol. In some cases the SAP appeared to have failed to fully discharge his duties stating only "do 6 tests over the next 12 months" without stating do a test in the 1st third month, etc. This allows the carrier -in theory- to do 6 tests in the last month if they chose, and still be compliant with the SAP order. Hardly the spirit behind the rule, but it is a defective rule, in my opinion.

A review of the employment application revealed poor wording where the carrier is not asking the proper question of potential applicants (i.e. "Have to ever tested positive on a drug, or alcohol test, or refused such a test in the last 2 years anywhere you worked, or applied? Yes/No" 40.25/382.105 Currently, the carrier's employment application asks only about positive tests, not refusals. Suggested phrasing was made to carrier management to upgrade the application.

A review of the minimum 125 drivers most recently hired to assure correct testing protocol was accomplished, no violations were discovered. With a 61% average 12 month driver turnover rate, and Marten being in a growth mode less than 2 months hiring was needed to fill the 125 minimum review numbers.

383/391 No sustantial issues found.

395 The minimum number of drivers were reviewed. As some of the drivers were part of a team both drivers were reviewed resulting in a total of 29 drivers. Of these drivers, We selected drivers invlved in at fault DOT crashes still employed, drivers involved in Driver OOS issues from the carrier profile, still employed, the two subject complainants, a 100 mile radius driver, and two drivers from their dedicated fleet operating out of MN and OK for Anhauser-Busch. This represents the potential worst of the fleet, drivers known to have had crashes, drivers known to have placed OOS for HOS violations. There was only 1 driver who displayed serious 70 hour violations. 4 drivers expressed falsification rates in excess of 30% some as high as 50%.

These 4 drivers (yeah, the 70 hour driver also had excessive false) will be the subject of individual enforcement. These drivers spread over the sample of 29 brought the carriers false rate to almost 10%. We used all documents that could be used to determine veracity of log entries, not just timed & dated fuel or toll receipts. Had the false determination been based upon timed / dated documents the overall false rate would have been over 20% yet still concentrated in a handfull of consistent violators. We seriously considered the "why" of the falsification, as most drivers actual miles traveled compared very well to PC miler checks and average speeds were within speed limits. Actual dispatch assignments including appointment times at destinations showed more than an adequate amount of time to drive and rest and meet the scheduled unloading times. Only trips where mechanical breakdowns occurred did repowering the load with another driver, or rescheduling an appointment have to be made. Overall, a pretty solid showing for HOS compliance.

396 no issues. A few drivers failed to check their daily VIR a part of the integrated record of duty status, and we could only mark these as incomplete.

Now let me adress the 2 complaint issues individually:

Michael Hollingsworth 34012 Harvest Way Wildomar, CA 92595 home phone 909-244-8003 (complainant) via HOT LINE 1888-DOT-SAFT. Complaint filed Tuesday 8/6/2002. Tracking number 02-HC-214.

Michael alleges Marten Transport Ltd. has "widespread violations of Hours of Service. He states he was stopped in KY after driving from NC enroute to an IL destination." Yes, that is true, as far as he went. The whole story is Michael -an Owner Operator under lease to the carrier- departed NC with truck 11562 trailer 10783 load number 2146247. He picked up a hitch hiker enroute, and let the hitch hiker drive his truck. He was stopped in KY on 08/01/02 at 7:15 am CDT. The inspector in KY found the unauthorized passenger,



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(While the inspector feels the unauthorized passenger who holds a CDL had been allowed to drive, Michael did not admit this to the inspector). The carrier's GPS system did indeed show continuous movement from NC to KY. Carrier upon finding out of this stop, and OOS, with an unauthorized passenger terminated driver that day, after investigation, and re-powered the load with another driver. This all took place on 8/1/02. (See termination letter attached, and the KY inspection). The dispatch and delivery time could have been accomplished properly by Mr. Hollingsworth had he complied with the HOS rules. There is nothing to indicate a forced dispatch, or excess driving other than the DRIVERS actual behaviour in this instance, resulting in 10 and 70 hour violations! This complaint has no basis in fact.

Complaint from Captain Urquhart / Sgt. Glen Bjomberg VISOR Copordinator, MN State Patrol on Marten driver Thomas A. Goff regarding a stop 5/23/2002 Report # MN00DN000191.

This Owner Operator under lease driving unit 11763 was stoopped his unit placed OOS for an air leak. More serious is the allegation that the driver was under the influence of DRUGS, and in possession of Alcohol!!

The narrative of this stop indicates that the inspectors tested his license for the presence of drugs. (While I cannot say if this is unusual, silly, or not., I can say with reasonable certainty, my license would also fail that test). I keep my license where it comes in contact with my folding money no small sum of which has surely passed through drug dealers hands over the course of its life).

What is indeed most fascinating about this complaint is that, after arresting the driver because his license had tested positive for exposure to drugs, is the allegation of finding alcoholic beverages in the sleeper berth. Coupled with the time line here, we see the Thomas A. Goff was arrested, gave a urine sample at 18:25 pm on 5/23/2002 which came back NEGATIVE for both DRUGS & ALCOHOL from the MN Dept. of Public Safety Bureau of Crminal Apprehension Forensic Toxicology Laboratory, their report dated 6/5/20C2.

The Wright County District Court dismissed all the charges filed in case T8-02-5793 on 7/11/02 "in the interests of justice." So, what happened to the booze? I ask??....

Perhaps if Cpt. Urquhart & Sgt. Bjornberg had READ the toxicology results known on 6/5/2002 they would have thought better about filing this unfounded complaint on 7/1/2002 in their letter to Ray Straw at FMCSA in our MN office.

Mr. Goff is still employed as a contract driver for Marten. No violations were found in his logs.

Marten Transport Ltd's last 12 month statistics: 3,175 vehicle inspections
7% Driver OOS rate
16% Vehicle OOS rate
0.408 Crash rate per million miles. These statistics compare favorably with industry averages.

I was ably assisted in this investigation by Barbara Koehler SI WI division, and a trainee from the MN division. An enforcement report citing drug testing violations will be compiled under WI-2002-0153-US0384.

R H Stacey
99/12/2002-9/27/2002)

Principal Reviewer Signature	Code No.	Upload Authorized: YES	NO
	US0384	Authorized by: _____	Date: _____
Assistant Reviewer Signature	Code No.	Uploaded: YES	NO
		Verified by: _____	Failure Code: _____ Date: _____