


UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 100802	Legal: FOREMAN BROTHERS INC Operating (DBA):					
	MC/MX #: 657760	Federal Tax ID:					
Review Type: Compliance Review (CR)							
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.				Territory:		
Operation Types							
	Interstate	Intrastate					
Carrier:	Non-HM	Non-HM	Business: Corporation				
Shipper:	N/A	N/A	Gross Revenue: \$9,639,535.00		for year ending: 12/31/2008		
Cargo Tank:	N/A						
Company Physical Address:							
1799 14TH ST DETROIT, MI 48216							
Contact Name: Jason Foreman							
Phone numbers: (1) 313- 961-5049			(2)	Fax 313-961-5049			
E-Mail Address:							
Company Mailing Address:							
1799 14TH ST DETROIT, MI 48216							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
General Freight			U.S. Mail				
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:			Total Drivers: 74				
>= 100 Miles:	74		CDL Drivers: 74				
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	9	0	0	Truck Tractor	51	0	0
Trailer	67	0	0				
Power units used in the U.S.: 60							
Percentage of time used in the U.S.: 100							





FOREMAN BROTHERS INC
U.S. DOT #: 100802

Review Date:
09/23/2009

Part A

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:

USDOT FMCSA, 315 W. Allegan Room 219
Lansing, MI 48933-1514
Phone: (517)853-5990 Fax:(517)377-1868

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Jason Foreman

Title: Fleet Manager

Name: Sara Tubbs

Title: Human Resource Manager





Part B Violations

1 FEDERAL	Primary: 391.51(b) Secondary: 391.51(a)	Discovered 4	Checked 13	Drivers/Vehicles In Violation 4	Checked 13
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Description
Failing to maintain driver qualification file in accordance with 391.51(b).
Example
Driver Name: (b)(6); (b)(7)(C)
Trip Date: 8/5/09
The driver's Annual Review is not current

2 FEDERAL CRITICAL	Primary: 391.51(b)(2)	Discovered 4	Checked 13	Drivers/Vehicles In Violation 4	Checked 13
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Description
Failing to maintain inquiries into driver's driving record in driver's qualification file.
Example
Driver Name: (b)(6); (b)(7)(C)
Trip Date: 8/1/09

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	4,901,757	Number of Vehicle Inspected (CR): 0
Recordable Accidents	7	OOS Vehicle (MCMIS): 5
Recordable Accidents/Million Miles	1.43	Number of Vehicles Inspected (MCMIS): 11

Your proposed safety rating is : SATISFACTORY	Rating Factors	Acute	Critical
	Factor 1:	S	0
	Factor 2:	C	0
	Factor 3:	S	0
	Factor 4:	C	0
	Factor 5:	N	0
	Factor 6:	S	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





Part B Requirements and/or Recommendations

1. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
2. Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
3. DOT drug testing rules require that employers test for marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
4. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
5. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
6. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
7. Ensure that 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.
8. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
9. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
10. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
11. The following documents are to be included in a Driver Qualification file for each regularly employed driver:
 1. Application for employment (§391.21)
 2. Motor vehicle record (MVR) from states (§391.23)
 3. Previous employer information (§391.23)
 4. Road test form and certificate (§391.31(g)) or license or certificate accepted in lieu of road test (§391.33)
 5. Medical exam certificate, original or a copy (§391.43(g))
 6. Any letter granting a waiver of a physical disqualification
 7. Annual motor vehicle record (§391.25)
 8. Annual review of driving record (§391.25)

12. Accident Petition:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident is not a fair means of evaluating its accident factor 6 on the Compliance Review. If so, the motor carrier must submit the compelling evidence within five calendar days to:

Federal Motor Carrier Safety Administration
Patrick Muinch/Division Administrator
315 W. Allegan St., Room 219
Lansing, MI 48933





Part B Requirements and/or Recommendations

Compelling evidence should include (but is not limited to) official police accident reports and official insurance accident investigation reports.

Notice: recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of the 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.

Motor carriers who receive an unsatisfactory safety rating are subject to an out of service order under Section 4009 of the Transportation Equity Act for the 21st Century, effective within 45 days for placarded HM or Passenger operations, or 60 days for all other motor carriers, unless the carrier's safety rating is upgraded to conditional or satisfactory.

In 1988 the Michigan Legislature and the state's trucking industry created the Michigan Truck Safety commission in response to concerns over truck safety. This Commission is funded with money from registration fees on heavy vehicles, which, in turn, it gives to grantees to carry out safety and education programs. The Michigan Center for Truck Safety (MCTS) is one of these grantees that provide a variety of safety training programs for Michigan's trucking industry. For more information about any of the MCTS programs and their available services, call their toll-free Truck Safety Hot Line: in the Lower Peninsula, call (800) 682-4682, in the Upper Peninsula, call (800) 469-7364 or visit their website at: <http://truckingsafety.org>.

Motor carriers who believe that an accident and/or roadside inspection on their carrier profile do not belong to the carrier should contact DataQ's in order to resolve the issue. The DataQ's web site is located at: <http://dataqs.fmcsa.dot.gov>

The Michigan State Police Motor Carrier Division has developed a listserv (an email group list) for press releases specific to commercial vehicle issues. The intent of the group list is to create a communication link between the trucking industry and enforcement. These press releases are issued on an irregular basis as the circumstances dictate, and include such topics as final rulemaking from USDOT, happenings within Traffic Safety Division, etc. Traffic Safety Division respects and individual's right to privacy and will not release any email addresses to any other group for any other purpose. The listserv is set up so that it will not accept responses to everyone on the list, and your email address will not be visible to other people on the list. If you would like your association or group to be included on the list, please send a fax on your association's letterhead to Sgt. Steve Pascoe at 517-333-4414, with the email address to add to the listserv.

The Driver Record Subscription Service offered by the Michigan Secretary of State provides a motor carrier with the driving record of their employees on an annual basis; or whenever there are any violations, restrictions, suspensions, or revocations posted to the record. The fee for each record is \$7.00. For more information on this program go to <http://www.michigan.gov/sos> and click on "Services to Businesses".





Part C

Reason for Review: Priority List (including Safestat)
Planned Action: Compliance Monitoring
Safestat Category: D

Parts Reviewed Certification:

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

Prior Reviews

Prior Prosecutions

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:

60-Day - no Interstate Passengers or Placardable HM

Corporate Contact: Larry Foreman
Corporate Contact Title: President

Special Study Information:

Remarks:

This compliance review was initiated due to the carrier being a SAFESTAT priority carrier.

The carrier is currently in the SAFESTAT "D" category. The carrier's SAFESTAT SEA values are as follows: Accident (78.24), Driver (1.07), Vehicle (73.51), and Safety Management (0).

The review was conducted at the carrier's offices in Detroit, MI on September 22-23, 2009. Prior to the review, a current carrier profile dated 9/22/09 was obtained and evaluated. The profile history reports that carrier has never been subject to a compliance review.

The carrier's legal name is Foreman Brothers Inc., and it does not operate under a DBA name. The carrier is owned by Mr. Larry Foreman who also serves as the President, and Ms. Jill Farris, who also serves as the Vice-President. Mr. Jason Foreman serves as the Fleet Manager, Mr. Dan Tubbs and Mrs. Sara Tubbs serve as the Human Resource Managers. Jason Foreman and Sara and Dan Tubbs were present for this review and served as the primary source for all requested documents.

The carrier is a for-hire mail contractor that hauls US Mail in MI, OH, IN, and PA. They have contracts with the US Postal office and that makes up 99% of their work. This company has been around since the 1800's. The carrier also has 99% dedicated runs and the drivers are all assigned to their own runs. Most of the runs are done well within one day and therefore the drivers return each day. The carrier utilizes 70 full time drivers with 4 part time drivers that fill in for vacationing or sick drivers. The carrier owns 51 tractors, 9 straight trucks, and 67 trailers.

(HM) The carrier does not haul any HM.

(382) No violations were discovered. The carrier uses Foley Services (Glastonbury, CT) for the consortium.

(383) CDLIS checks were performed for 25 drivers and no violations were discovered.

(387) A properly executed MCS-90 was available for review indicating the proper liability amounts.

(390) The carrier maintains a accident register and had 7 recordable accidents within the last 365 days and a ratio of 1.43 accidents/millions miles. Jason Foreman indicated that the company had a bad spell in early 2009 where they had a lot of bad luck.





Part C

(391) Thirteen driver qualification files were reviewed and the carrier was cited for missing some documents or did not have current documents in some of the files. The carrier was cited for missing the MVR's in the 4 of the driver files, which is a critical violation. Jason Foreman and Sara Tubbs indicated that they were having real problems with getting the MVR's on their PA drivers. However, by the closeout of this review Ms. Tubbs had found a service that could run the PA MVR's for them and did it. Enforcement action is not being taken because: 1) the carrier took immediate corrective action 2) this is the carrier's first compliance review and 3) the carrier's Driver SEA value is very low (1.07).

(395) For hours of service, this review looked at eleven drivers. Due to the nature of this carrier's work, the dedicated runs, and the length of the trips, the logs were simple to look at and view for hours of service. The majority of the drivers do the same trip/run every day. No hours of service violations were found. This review was also not able to do adequate accuracy checks due to fueling 100% of the time on site and because the drivers are very rarely in the same vehicle. The drivers due use toll roads and the carrier has accounts with the OH and PA toll roads where the drivers just swipe a card each time and the carrier is billed each month. The company did supply a copy of the monthly reports that the carrier gets, but it was broke down by vehicle and card number. Since the drivers rotate vehicles so often, it made it virtually impossible to place a driver into a vehicle. It's not common for a driver to be in 3 tractors in 1 day. Many of the drivers deliver loads to a certain point and then swap vehicles and then go back to where they came from.

(396) A review of 13 maintenance files did not find any violations. The carrier has on-site mechanics.

The carrier's OOS rate was a little high with 5 inspections of 11 involving a vehicle being placed OOS for a maintenance related defect. The carrier officials are well aware of this and indicated that they are actively trying to get this fixed.

(Summary) This review resulted in a satisfactory rating with overall compliance acceptable. The company does have to make some small changes and did make some in the course of this review. All of the officials present during the review made an impression that they understood what needed to be done and indicated that the regulations are the law and that they will become more compliant.

The carrier officials were made aware of the violations found and was offered suggestions for improvement. They were also reminded of the Michigan Center for Truck Safety and the services they offer.

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