


UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 74432	Legal: MARTEN TRANSPORT LTD Operating (DBA):					
MC/MX #: 103798		Federal Tax ID: 39-1140809 (EIN)					
Review Type: CR with SCR							
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:		
Operation Types		Interstate	Intrastate				
Carrier:	HM	N/A	Business: Corporation				
Shipper:	N/A	N/A	Gross Revenue: _____ for year ending: _____				
Cargo Tank:	N/A						
Company Physical Address:							
129 MARTEN STREET MONDOVI, WI 54755							
Contact Name: Dan Peterson							
Phone numbers: (1) 715- 926-4216		(2)	Fax				
E-Mail Address:							
Company Mailing Address:							
129 MARTEN STREET MONDOVI, WI 54755							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
General Freight		Fresh Produce		Meat			
Chemicals		Refrigerated Foods		Beverages			
Hazardous Materials							
3 Flammable liquid	Carried	Non-Bulk	8 Corrosive material	Carried	Non-Bulk		
9 Miscellaneous HM	Carried	Non-Bulk	ORM-D	Carried	Non-Bulk		
Does carrier transport placardable quantities of HM? Yes							
Is an HM Permit required? N/A							
Driver Information							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:			Total Drivers: 2570				
>= 100 Miles:	2570		CDL Drivers: 2570				
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	2351	307	0	Trailer	4036	0	0
Power units used in the U.S.: 2658							
Percentage of time used in the U.S.: 100							





MARTEN TRANSPORT LTD
U.S. DOT #: 74432

Review Date:
02/06/2008

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:

567 D'Onofrio Drive, Suite 101, Highpoint Office Park
Madison, WI 53719-2844
Phone: (608)829-7530 Fax:(608)829-7540

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dan Peterson

Title: Safety Director

Name: Robert Smith

Title: Chief Operating Officer





Part B Violations

1 FEDERAL	Primary: 177.816(a)	Discovered 4	Checked 10	Drivers/Vehicles In Violation 4	Checked 10
<p>Description Using a driver, to transport hazardous materials, that has not been trained in the applicable requirements of 49 CFR parts 390 through 397.</p> <p>Example December 11, 2007 driver Sam Johnson 1397 pounds UN1805, phosphoric acid solution, 8, PG III last documented HM training was May 1, 1998</p>					
2 FEDERAL	Primary: 395.3(a)(1)	Discovered 4	Checked 832	Drivers/Vehicles In Violation 4	Checked 27
<p>Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours</p> <p>Example On December 4, 2007 driver David Griffith drove 18 hours since his last ten consecutive hours off duty.</p>					
3 FEDERAL	Primary: 395.3(a)(2)	Discovered 11	Checked 832	Drivers/Vehicles In Violation 6	Checked 27
<p>Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.</p> <p>Example On December 28, 2007 driver Dennis Searless drove 2 1/2 hours after having been on duty 14 hours.</p>					
4 FEDERAL	Primary: 395.3(b)(2)	Discovered 22	Checked 643	Drivers/Vehicles In Violation 10	Checked 27
<p>Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days.</p> <p>Example From December 10 - 17, 2007 driver Renaldo Joseph drove 7 hours after having been on duty 70 hours in 8 days.</p>					
5 FEDERAL	Primary: 395.8(e)	Discovered 34	Checked 602	Drivers/Vehicles In Violation 17	Checked 27
<p>Description False reports of records of duty status.</p> <p>Example On December 12, 2007 driver Oscar Murcia fueled in Indianapolis, Indiana at 1308 and in Lebanon Junction, Kentucky at 1939. According to his record of duty status he started his day in New Albany, Indiana and ended it in Little Rock, Arkansas. Indianapolis is 115 miles north of New Albany. The driver showed arriving in Little Rock at 1800. Lebanon Junction to Little Rock is 488 miles.</p>					





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Part B Violations

6 FEDERAL	Primary: 395.8(e)	Discovered 53	Checked 602	Drivers/Vehicles In Violation 17	Checked 27
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Description

False reports of records of duty status.

Example

Drivers' records of duty status do not accurately reflect their true activity when compared to supporting documents with an accurate time and date. The driver is within one hour or 50 miles.

7 FEDERAL	Primary: 395.8(f)	Discovered 25	Checked 832	Drivers/Vehicles In Violation 5	Checked 27
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

Drivers fail to indicate total hours and miles.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	253,931,331	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	136	OOS Vehicle (MCMIS): 28	
Recordable Accidents/Million Miles	0.54	Number of Vehicles Inspected (MCMIS): 125	

SATISFACTORY	Rating Factors	Acute	Critical
	Factor 1:	S	0
	Factor 2:	S	0
	Factor 3:	S	0
	Factor 4:	S	0
	Factor 5:	S	0
	Factor 6:	S	-

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





Security Contact Q & A
Sensitive Security Information

Security Assessment

1	Does plan include a specific assessment of possible HM transp. security risks?	Answer: Yes
2	Does assessment adequately capture specific threats and vulnerabilities (T&V)?	Answer: Yes
3	Does the assessment adequately capture specific T&V of personnel security?	Answer: Yes
4	Does the assessment adequately capture specific T&V of unauthorized access?	Answer: Yes
5	Does the assessment adequately capture specific T&V of en route security?	Answer: Yes
6	Is the organization's security posture periodically assessed?	Answer: Yes

Security Plan

7	Does the security plan correlate to the security assessment in question 2 above?	Answer: Yes
8	Is the security plan "specific" to the organization?	Answer: Yes
9	Are there written procedures on actions to take in event of a security breach?	Answer: Yes
10	Are there written procedures to report the above to law enforcement?	Answer: Yes
11	Do security plan measures "vary commensurate with the level of threat"?	Answer: Yes

Personnel Security

12	Are the personnel security measures appropriate for the assessment as written?	Answer: Yes
13	Are the personnel security measures adequate even if not all risks identified?	Answer: Yes
14	Are the security plan's personnel security measures being followed?	Answer: Yes
15	Do all drivers required to have valid CDLs with required endorsements have them?	Answer: Yes
16	Are required background checks on drivers conducted?	Answer: Yes
17	Is information confirmed for applicants applying for positions dealing with HM?	Answer: Yes
18	Are performance standards or PSOs used in the approach to personnel security?	Answer: Yes
19	Is citizenship or legal residence status confirmed for all employees?	Answer: Yes

Unauthorized Access

20	Is the security plan's approach to unauthorized access operation specific?	Answer: Yes
21	Are the unauthorized access measures appropriate for the assessment as written?	Answer: Yes
22	Are the unauthorized access measures adequate even if not all risks identified?	Answer: Yes
23	Are the security plan's unauthorized access measures being followed?	Answer: Yes

En Route Security

24	Is the security plan's approach to en route security operation specific?	Answer: Yes
25	Are the en route security measures appropriate for the assessment as written?	Answer: Yes
26	Are State/Indian tribe NRHM (non-RAM) routing designations being followed?	Answer: Yes
27	Are written route plans provided to drivers of Division 1.1, 1.2, and 1.3 HM?	Answer: N/A
28	Are drivers of vehicles transporting HRCQ RAM complying with preferred routing?	Answer: N/A





Security Contact Q & A
Sensitive Security Information

- | | | |
|----|---|--------------------|
| 29 | Are routing guidelines being followed for vehicles transporting NRHM (non-RAM)? | Answer: Yes |
| 30 | Are hazardous materials delivered expeditiously? | Answer: Yes |
| 31 | Are the routing regs. and ER instr. provided for Div. 1.1, 1.2, and 1.3 HM? | Answer: N/A |

Security Plan Administration

- | | | |
|----|--|--------------------|
| 32 | Is the security plan written? | Answer: Yes |
| 33 | Is the security plan retained for as long as it remains in effect? | Answer: Yes |
| 34 | Is the plan (or parts) available to employees responsible for implementing it? | Answer: Yes |
| 35 | Are all copies of the security plan updated and revised as necessary? | Answer: Yes |
| 36 | Does the organization have fixed management responsibility for security? | Answer: Yes |

Security Training

- | | | |
|----|--|--------------------|
| 37 | Has security awareness training been provided to all HM employees on schedule? | Answer: Yes |
| 38 | Has in-depth training been provided to HM employees with plan responsibilities? | Answer: Yes |
| 39 | Does the in-depth training include company security objectives? | Answer: Yes |
| 40 | Does the in-depth training include specific personnel security procedures? | Answer: Yes |
| 41 | Does in-depth training material include specific unauthorized access procedures? | Answer: Yes |
| 42 | Does in-depth training material include specific en route security procedures? | Answer: Yes |
| 43 | Does the in-depth training material include employee responsibilities? | Answer: Yes |
| 44 | Does in-depth training include actions to take in event of a security breach? | Answer: Yes |
| 45 | Does in-depth training material include an organizational security structure? | Answer: Yes |

Additional Security Management

- | | | |
|----|---|--------------------|
| 46 | Has the organization established partnerships with other agencies for security? | Answer: Yes |
|----|---|--------------------|

Security Plan

- | | | |
|----|---|--------------------|
| 47 | Overall, does the Security Plan conform to Part 172, Subpart 1? | Answer: Yes |
|----|---|--------------------|

Security Plan Administration

- | | | |
|----|---|--------------------|
| 48 | Ensure the individual for security reports to top management. | Answer: Yes |
|----|---|--------------------|





Part B Requirements and/or Recommendations

1. If you have any questions regarding this Compliance Review or any other safety matter contact the Federal Motor Carrier Safety Administration, telephone (608) 829-7530. Or contact Barbara Koehler at (715) 342-5992. E-mail barbara.koehler@fmcsa.dot.gov. Check us out on the Internet at fmcsa.dot.gov.
2. Sensitive Security Information (SSI) should always be marked as such with a protective marking in the header and a distribution limitation statement in the footer (see below). For paper records, the protective marking must be at the top and the distribution limitation statement at the bottom of (1) the outside of any front and back cover, including a binder cover or folder, if the document has a front and back cover; (2) any title page; and (3) each page of the document.
Protective Marking (header): SENSITIVE SECURITY INFORMATION
Distribution Limitation (footer):
WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. Government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520
3. Ensure all employees involved in handling hazardous materials shipments are properly trained and familiar with the regulations applicable to their jobs in the hazardous materials transportation system. Training must be conducted at least every three years and within 90 days of performing hazardous materials job functions for the first time.
4. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Maintain all duty status records on file, with all supporting documents, for at least 6 months. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
5. Please be sure your drivers wear their safety belts. Currently 59% of commercial drivers wear their safety belts. Drivers buckle up - America needs you and so does your family.





MARTEN TRANSPORT LTD
U.S. DOT #: 74432

Review Date:
02/06/2008

Part C

Reason for Review: Complaint Investigation WI-2008-0118-US0563
Planned Action: Compliance Monitoring
Safestat Category: B

Parts Reviewed Certification:

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

Prior Reviews

8/8/2007
10/31/2006
9/29/2005

Prior Prosecutions

1/31/2007
2/8/2006
10/22/2002

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? Yes - Interstate

Unsat/Unfit rule: 45-Day - Interstate Placardable HM

Corporate Contact: Dan Peterson

Corporate Contact Title: Safety Director

Special Study Information:

Remarks:

Marten Transport is a for-hire carrier transporting mostly refrigerated foods in interstate commerce. The carrier operates throughout the United States and Canada. The principal place of business is in Mondovi, Wisconsin. Terminal locations include: Wilsonville, Oregon, Ontario, California, Forest Park, Georgia, Indianapolis, Indiana, and Mondovi. The carrier is in the process of opening a terminal in the Dallas, Texas area. The carrier does transport hazardous materials in placardable quantities.

This review was initiated based on a complaint alleging hazardous materials and hours of service violations. There were three additional complaints that were investigated, but not assigned complaint numbers. The carrier was a SafeStat "B" carrier, with high SEA values for driver OOS and Safety Management. The Compliance Review was conducted on January 28, 29, 30, and 31, 2008 at the carrier's office, on February 4 and 5, 2008 at my office, and February 6, 2008 at the carrier's office. Carrier profiles were obtained on January 25 and February 5, 2008.

This was a streamlined Compliance Review, which included the Hazardous Materials Regulations, Part 395, crashes, and OOS rates. An SCR was conducted. The only problem with the security plan was the absence of the sensitive security information statement (see recommendations). The carrier is self insured.

The carrier was involved in 136 DOT recordable crashes in the past one year. The carrier seemed to have a large number of rollover crashes, which I looked closely at and checked the drivers logs if the crashes were within the past six months. There were three crashes on the carrier profile that the carrier is using Data Q to have removed from the profile. One was not a Marten crash and the other two were not recordable crashes.

I also used the carrier profile to follow up on drug and alcohol OOS violations on MCSAP Inspections. Only one of the 16 drivers still worked for the carrier.

The first complainant alleged that he was told to transport a hazardous materials load from the United States to Canada using the Ambassador Bridge, which is not allowed. He also alleged that drivers were dispatched over the 70 hour rule, that drivers were told to log only 15 minutes for loading and unloading or for fueling, that the initial driver orientation was recorded as off duty, and that drivers falsified their logs to conceal hours of service violations.

Hazardous materials are not allowed on the Ambassador Bridge by agreement between the US and Canadian government. There is a ferry that transports semis hauling hazardous materials across the Detroit River from Detroit, Michigan to Windsor, Ontario. The ferry costs \$115. On the date in question the driver picked up a load of oxidizer that was going from





Part C

Tennessee to Ontario. When the driver was dispatched he was routed through New York to cross into Canada at Niagara Falls. The driver argued that it was much shorter to cross at Detroit and that the broker for the load indicated they had other carriers haul this same load across the Ambassador Bridge with no problem. Marten directed the driver to cross at Niagara Falls and not at Detroit and that if the driver took the ferry at Detroit he would not be reimbursed. The driver crossed the Ambassador Bridge. This was all captured on Qualcom.

The driver did not have any 70 hour violations for the month he mentioned in his complaint. Orientation at Marten Transport is conducted on Tuesday, Wednesday, and Thursday. On Tuesday drivers are invited to apply for a job with the carrier. Drivers are pre-screened for driving record and experience. Any driver invited to apply shows up for orientation, has a DOT physical, a drug screen, a road test, and completes an application. If a driver passes the physical and the road test employment is offered contingent on the negative drug screen. Since the driver is not an employee on the Tuesday no logs are completed. Drivers offered employment log Wednesday and Thursday. On those days drivers receive the following training: company paperwork, hours of service, hazardous materials, drug and alcohol, and maintenance. Drivers are told in orientation that they must log in at least 15 minute increments and must show all loading and unloading time and fueling. A review of 27 drivers and 602 records of duty status found less than 6% false entries.

The second complainant alleged that he was told to transport a hazardous materials load with no hazardous materials endorsement and that he could not transport any hazardous materials loads. He also alleged that drivers are told not to log loading and unloading time or wait time and that fuel stops do not match the log books.

All drivers receive hazardous materials training during the driver orientation. All new hires and re-hires must go through orientation. Recurrent training is conducted every three years for company drivers. Owner operators must ask for the hazardous materials training. Marten will pay any fees associated with obtaining the hazardous materials endorsement. Dispatchers do not know which drivers have the hazardous materials endorsement. Dispatchers do not always know if a load has hazardous materials or requires placards. Part of the orientation tells the driver that it is their responsibility to let the dispatcher know that they do not have a hazardous materials endorsement when the dispatcher is offering a placardable load. All company drivers should have the hazardous materials training and be able to haul non-placarded loads. Once a driver tells a dispatcher he does not have an "H" endorsement and cannot take the placardable load, the dispatcher finds the driver a different load. During the Compliance Review I discovered four drivers who did not have the recurrent training (see CR).

Drivers are told in orientation that they must log in at least 15 minute increments and must show all loading and unloading time and fueling.

Drivers are relieved from duty for wait times and meals. A review of 27 drivers and 602 records of duty status found less than 6% false entries.

The third complainant alleged that he was forced to operate a vehicle that was in need of repair. On the specific date in question the driver said the vehicle had dead batteries and no alternator. He stated he wanted the truck towed. A tow truck came to jump start the vehicle and he was supposed to drive the vehicle to a repair facility. The driver claims the repair facility was too far away to drive the truck on batteries only. And that he was fired because he complained to Marten about maintenance issues.

On December 14, 2007 the vehicle would not start. A tow truck was sent out and the starter on the vehicle was replaced. On December 17, 2007 there were more issues with the starter, which was rebuilt. Upon further investigation the repair facility found that the starter housing was cracked, the starter wires were charred, and there were electrical shorts in surrounding wires. All this time the truck was sitting on the street in the Bronx. Marten wanted the repair facility to tow the tractor and trailer back to the repair facility. On December 21, 2007 the starter, batteries, and burned cables were all replaced. According to the carrier the driver is no loner with the company because he did not want to be gone from home and kept refusing loads.

The fourth driver alleged that the carrier tried to dispatch him over hours. According to the driver he was told to pick up in Cincinnati, Ohio and deliver in Iowa City, Iowa. In Iowa City he would pick up a load headed for Arizona. The complainant contends the trips were not within the hours of service.

According to carrier drivers are offered a load and the dispatcher discusses with the driver if he has enough hours available to make the trip or if pick up and delivery times can be changed to meet the hours of service. Dispatchers also ask if a driver could load and drop and hook for another driver if he does not have the hours available to make the delivery. According to carrier records the driver is an owner operator and he refused the load from Cincinnati to Iowa City because it was short miles and he wants to run long haul. The driver then dead headed to Iowa City for the Arizona load. The Arizona





Part C

load was gone. The driver who picked up in Cincinnati and delivered in Iowa City picked up the Arizona load. At the time the driver was offered the Cincinnati to Iowa City load he had a total of four hours worked for the day and was at 54.5 hours for the last eight day period.

The complainant sent a copy of the complaint letter to the carrier as well. After receiving the letter the Safety Director spoke with the dispatcher and the dispatcher's supervisor to be sure both knew the hours of service and the company policy to not dispatch drivers who did not have hours available. Dispatchers are paid a salary and do not receive a percentage of the load.

Since the last Compliance Review the carrier had contracted with Rair Technologies to scan and audit records of duty status for hours violations, form and manner, DVIRs, and falsification using fuel times. Rair does not audit for false using scale, bridge, and toll receipts.

Very few 11, 14, and 70 hour violations or form and manner violations were discovered. Some false and inaccurate records of duty status were discovered (see CR). The rate of falsification was 6%. The number of records of duty status checked for falsification did not meet the requirements of the eFOTM, because not enough supporting documents were available. Supporting documents used to check for falsification included: scale receipts, bills of lading with times, bridge and tunnel receipts, and toll receipts (Illinois, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, New York, New Jersey, Delaware, Massachusetts, Oklahoma, and Kansas).

According to the carrier drivers who falsify records of duty status are contacted to discuss the issue and possibly retrained in hours of service. Drivers who do not quit falsifying are terminated. Initially I chose 27 drivers for my sample. Seven were already terminated. I selected seven more who were also terminated. One driver had eight of the 34 false records of duty status discovered.

During the Compliance Review I worked with Dan Peterson and Diane Ashwell. All documents and information were obtained for them. Robert Smith is the Chief Operating Officer and a corporate officer and he signed for the Compliance Review.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:

