

USDOT/FMCSA

EXPEDITED ACTION CORRECTIVE ACTION PLAN (CAP) GUIDANCE

Action Required: Demand for Written Response



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SOUTHERN SERVICE CENTER
Fax Number: 877-547-0380
SSCCAP@DOT.GOV**

If you have any questions regarding this matter, you may contact the Southern Service Center at (404) 327-7351.

The Education and Technical Assistance (ETA) information entitled "A Motor Carrier's Guide to Improving Highway Safety" is available at FMCSA's website:

<http://www.fmcsa.dot.gov/safety-security/eta/index.htm>

Corrective Action Plan (CAP) Submission Coversheet

This coversheet, or similar type of coversheet, should be submitted when submitting the carrier's Corrective Action Plan (CAP). It will assist with the processing of your CAP.

Carrier's USDOT: _____

Carrier's Legal Name: _____

Date of Safety Audit: _____

Carrier's Key CAP Contact Name(s), Position(s), and Telephone Numbers(s):

The motor carrier must submit their CAP by using the below email address, fax number, or mailing address:

Email Address:
SSCCAP@DOT.GOV

Fax Number:
1-877-547-0380
Attention:
Joel Hiatt
C/O Erica De La Torre

Mailing Address:
U.S. Department of Transportation,
Federal Motor Carrier Safety Administration,
Southern Service Center,
Joel Hiatt, Service Center Director,
C/O Erica De La Torre, New Entrant Specialist,
1800 Century Blvd, Suite: 1700
Atlanta, GA 30345

When you submit your CAP, you should keep a copy of your return receipt if mailed or a copy of the confirmation page if facsimiled or electronically mailed as your proof of submission.

The Federal Motor Carrier Safety Administration (FMCSA) allows motor carriers to submit corrective action to remedy inadequate safety management practices in accordance with 49 CFR section 385.308(d). FMCSA will revoke its new entrant registration and issue an out-of-service order if the carrier fails to submit acceptable written response demonstrating corrective action. The motor carrier's submission must include a written description of corrective actions taken and documentation of these corrective actions.

Your Corrective Action Plan Submission must be submitted in writing. You should keep a copy of your confirmation page if facsimiled or electronically mailed as your proof of submission. *Your response must show the USDOT#, name and a copy of your notice.

Fax Number:

1-877-547-0380 Attention: Joel Hiatt C/O Erica De La Torre

Email Address: SSCCAP@DOT.GOV

Expedited Action Demand for Written Response Supporting Document requirements: Your **written response** submission should comply with the following requirements (1-6):

1. Include a copy of this letter;
2. Address each violation listed in the notice letter;
3. Identify why the violation(s) were permitted to occur;
4. Explain actions taken to correct the violation(s) and include evidence and supporting documentation demonstrating the corrective action; **Documentation** of this corrective action must be submitted with your CAP submission
5. Describe actions taken (e.g., implementation of new policies, procedures, etc) to ensure that the violation(s) will not reoccur in the future.
6. The Corrective Action Plan (CAP) must be submitted **within 10 days** from the date of written notice that the new entrant was notified of the violation to ensure the FMCSA has sufficient time to review the CAP. **Failure to submit the CAP within the 10 day time period may prevent the FMCSA from issuing a decision before the revocation and out-of-service orders in section 385.325 take effect. Note that mere submission does not prevent the possible revocation of the new entrant registration.**

Compliance Certification:

Include a written statement that the carrier will operate in compliance with the Federal Motor Carrier Safety Regulations and, if applicable, the Hazardous Material Regulations. The statement must be signed by a corporate official or owner of the company.

NOTE: Failing to adequately respond to each area listed above will result in the carrier's USDOT New Entrant registration being revoked and operations placed out-of-service.

For the entire 49 CFR Part 385 regulations, please consult the Code of Federal Regulations.

Expedited Action(s):

Needed Supporting Documents, but not limit to:

<p>49 CFR section 385.308(a)(1) - Using drivers not possessing, or operating without, a valid Commercial Driver's License (CDL). A non-valid CDL includes one that is falsified, revoked, expired, or without a required endorsement.</p>	<p>Evidence of corrective action consisting of driver's state Motor Vehicle Record driving record. If employee terminated, carrier must submit a written statement providing date of termination.</p>
<p>49 CFR section 385.308(a)(2) - Operating a commercial motor vehicle that has been placed out-of-service for violations of the Federal Motor Carrier Safety Regulations or compatible State laws and regulations without making the required repairs.</p>	<p>Evidence of corrective action consisting of documentation that the out-of-service repair(s) was repaired.</p>
<p>49 CFR section 385.308(a)(3) – Involvement in, due to carrier act or omission, a hazardous materials (HM) incident involving certain HM as describe in 49 CFR section 385.308(a)(3).</p>	<p>Statement outlining how the hazardous materials (HM) incident occurred. Policy/procedure(s) established in order to prevent violation from reoccurring.</p>
<p>49 CFR section 385.308(a)(4) – Involvement in, due to carrier act or omission, two or more hazardous materials (HM) incidents involving certain HM as describe in 49 CFR section 385.308(a)(4).</p>	<p>Statement outlining how the hazardous materials (HM) incident occurred. Policy/procedure(s) established in order to prevent violation from reoccurring.</p>
<p>49 CFR section 385.308(a)(5) – Using a driver who tests positive for controlled substances or alcohol or who refuses to submit to required controlled substances or alcohol tests.</p>	<p>Statement outlining how the discovered violation was handled. If employee terminated, carrier must submit a written statement providing date of termination. Policy/procedure(s) established in order to prevent violation from reoccurring.</p>
<p>49 CFR section 385.308(a)(6) – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.</p>	<p>Proof of Insurance: MCS-90 form (Motor Carriers of Property) or MCS-90B form (Motor Carriers of Passengers)</p>
<p>49 CFR section 385.308(a)(7) - Having a driver or vehicle out-of-service rate of 50 percent or more based upon at least three inspections occurring within a consecutive 90-day period.</p>	<p>Statement outlining how each discovered out-of-service violations was handled. Policy/procedure(s) established in order to prevent violations from reoccurring.</p>



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SOUTHERN SERVICE CENTER**

Joel Hiatt, Service Center Director
C/O Erica De La Torre, New Entrant Program Coordinator

**1800 CENTURY BLVD, SUITE 1700
ATLANTA, GA 30345**

Phone Number: 404-327-7351

Fax Number: 877-547-0380

Email: SSCCAP@DOT.GOV

Carrier's USDOT: _____

Expedited Action Corrective Action Supporting Document requirements:

The corrective action plan should include, but is not limited to the following requirements:

1. Address each violation listed on the Action Required: Demand for Written Response Letter.
Documentation of this corrective action must be submitted with your CAP submission.

2. Identify why the violation(s) were permitted to occur.

3. Explain the actions taken to correct the violation(s) and evidence and supporting documentation demonstrating the corrective action as prescribed on the EA CAP Template deficiency or deficiencies that resulted in the Safety Audit failure. Documentation of this corrective action must be submitted with the submission.

4. Describe the actions taken (e.g. implementation of new policies, procedures, etc) to ensure the violations will not reoccur in the future.
