

Corrective Action Plan Required for Proposed Failed Safety Audits

The Corrective Action Plan (CAP) must be submitted within 15 days from the date of written notice that the new entrant failed the safety audit to ensure the FMCSA has sufficient time to review the CAP. Failure to submit the CAP within the 15 day time period may prevent the FMCSA from issuing a decision before the revocations and out-of-service orders in section 385.325 take effect.

Corrective Action Plan Submission Guidance

Title 49 CFR section 385.319(c) of the Federal Motor Carrier Safety Regulations (FMCSRs) states that if a New Entrant motor carrier's safety controls are inadequate, its USDOT new entrant registration will be revoked and its operations placed out-of-service unless the new entrant takes actions to remedy its safety management practices. Section 385.319(c)(1) states that a new entrant has 60-days, from the date of written notice that the new entrant failed the safety audit, to submit evidence of corrective action acceptable to the Agency, if the new entrant *IS NOT* a carrier of passengers or hazardous materials requiring placards. Section 385.319(c)(2) states that the new entrant has 45-days, from the date of written notice that the new entrant failed the safety audit, to submit evidence of corrective action acceptable to the Agency, if the new entrant *IS* a carrier of passengers or hazardous materials requiring placards. Please review 49 CFR Part 385 Subpart D of the FMCSRs for further information.

Your submission should comply with the following requirements (1-8):

1. Address each violation on the Safety Audit Report that resulted in the Safety Audit failure and the accident rate when the accident rate is part of the failure, and discuss the actions taken to correct the deficiency or deficiencies that resulted in the Safety Audit failure. Documentation of this corrective action must be submitted with the submission. Use the CAP Template as guidance when submitting the required documentation.
2. Identify why the violation(s) that resulted in the Safety Audit failure occurred.
3. Discuss the actions taken to ensure all violations which resulted in the Safety Audit failure will not reoccur.
4. If the accident rate shows failed, an accident countermeasure program must be included as part of the submission. The program should include, but not be limited to, defensive driving training, identification of causative factors, and preventive measures implemented to reduce crashes.
5. If the corrective action plan includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc., a detailed description of the activity or training (specific curriculum), and a schedule of when that activity will commence and when it will be completed, should be included.
6. Any additional documentation you believe demonstrates adequate safety management controls and specifically relates to the Safety Audit failure should also be included with the submission.
7. The corrective action plan must include a written statement certifying that the carrier will operate in compliance with the FMCSRs and the Hazardous Material Regulations, and that the motor carrier's operation currently meets the safety standard found in the FMCSRs, 49 CFR. §§ 385.5, 385.7. The statement must be signed by a corporate officer or owner of the company.
8. The CAP must be **submitted and received within 15 days** from the date of written notice that the new entrant failed the Safety Audit to ensure the FMCSA has sufficient time to review the CAP. **Failure to submit the CAP within the 15 day time period may prevent the FMCSA from issuing a decision before the revocations and out-of-service orders in section 385.325 take effect.**

Your Corrective Action Plan (CAP) submission must be submitted in writing and should use a form of mail that includes a tracking number and be sent to:

Eastern Region

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
31 Hopkins Plaza, Suite #800
Baltimore, MD 21201

E-mail: ESCCAP@dot.gov
Fax: 877-547-0379
Phone: 443-703-2269

Midwestern Region

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
DaVina Farmer, Service Center Director
C/O New Entrant Specialist
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443-3800

E-mail: MSCCAP@dot.gov
Fax: 1-877-547-0381
Phone: 708-283-3564

Southern Region

U.S. Department of Transportation Federal
Motor Carrier Safety Administration
Southern Service Center
61 Forsyth Street, SW, Suite 3M40
Atlanta, GA 30303

E-mail: SSCCAP@dot.gov
Fax: 1-877-547-0380
Phone: 404-327-7351

Western Region

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Western Service Center
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215

E-mail: WSCCAP@dot.gov
Fax: 877-547-0383
Phone: 303-407-2347