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STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

September 17, 2004

Mr. Joseph H. Boardman  
Commissioner  
Department of Transportation  
State Office Building Campus - Building #5  
Albany, NY 12232

Re: Selected Truck Inspection Practices  
Report 2003-S-24

Dear Mr. Boardman:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution, and Article II, Section 8 of the State Finance Law, we have audited selected practices of the Department of Transportation's truck inspection program for the period April 1, 2001 through August 18, 2003. In another audit of the Department of Transportation's truck inspection program (Report 2002-S-36), we addressed security measures relating to the transportation of hazardous materials.

**A. Background**

In 1985, the State Legislature authorized the Department of Transportation (Department) to participate in the Motor Carrier Safety Assistance Program (MCSAP), commonly known as the truck inspection program. MCSAP provides Federal financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial vehicles. The Federal Motor Carrier Safety Administration (FMCSA), the Federal oversight agency, sets forth the conditions for program participation by states and local jurisdictions. FMCSA promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations and Federal Hazardous Material Regulations for both interstate and intrastate motor carriers and drivers. The term motor carrier includes those carriers with a fleet of trucks as well as independent owner/operators.

Roadside inspections are the primary function of the Department's participation in the program. MCSAP inspectors, which include Department truck inspectors, specially trained New York State Police troopers and local law enforcement officers, perform the inspections. The Department's policy is that inspections be conducted with the presence of State or local law

enforcement officers at the inspection site because the Department's inspectors are not authorized to issue a summons for violations of the Vehicle and Traffic Law. The Department has 11 regional offices; however, truck inspection teams work out of six regions: Albany, Syracuse, Buffalo, Long Island, Hudson Valley, and New York City.

Inspections are to be conducted in accordance with the North American Standard Truck Inspection (NASTI) procedures, which are based on Federal regulations for the truck inspection program. As commercial vehicles approach a designated truck inspection site, drivers are directed either to a Department or to a law enforcement inspection team, such as the Division of State Police (DSP). In New York City, only Department truck inspector teams perform these inspections. We observed three different levels of the NASTI roadside inspections during our audit: Level I, Level II and Level III. (See Exhibit 1 for a description of each level.) The truck inspections can have several outcomes: no violations, minor violations, out-of-service violations, or a combination of minor and out-of-service violations. The driver receives a copy of the inspection report. Out-of-service violations must be fixed before the vehicle may be operated again. The vehicle may be repaired on-site or towed for repairs. For minor violations, motor carriers have 15 days to make the repairs. All repair documentation, for both out-of-service and minor violations, must be returned to the Department within 15 days after the inspection. For the Federal fiscal year ended September 30, 2002, the Department reported that its truck inspection program conducted 134,899 inspections.

Information from the completed inspection reports are entered onto the Department's Safetynet database. Safetynet can generate various reports for monitoring the truck inspection program, such as inspector productivity, out-of-service violations, and the number of inspections completed. The Department also utilizes a private contractor, the Institute for Traffic Safety Management and Research (ITSMR), to produce additional safety reports and to conduct trend analyses, based on the data available from Safetynet.

## **B. Audit Scope, Objectives, and Methodology**

We audited selected practices of the Department's truck inspection program for the period April 1, 2001 through August 18, 2003. The objectives of our performance audit were to determine whether the Department is effectively administering the activities of its truck inspection program and is taking adequate steps to improve the safety performance of motor carriers.

To accomplish our objectives, we conducted both announced and unannounced visits to truck inspection sites. We made seven announced visits to 6 regions and three unannounced visits in the Albany region. The sites for the announced visits were judgmentally selected to observe the safety and security features of inspections done at bridges, busy truck corridors, and at New York State borders. The three unannounced sites selected were in the Albany Region. The first site selected was Clifton Park because on our previous site visit to this rest area, we noted that trucks were exiting before the Department inspection site. The additional sites were selected because they were located on the same route (I-87). After our first observation of truckers using alternate routes to bypass the inspection site, we selected the other two sites to determine if this was a common practice on I-87. In addition, we interviewed Department officials and reviewed Department records. We also analyzed the inspection reports for the

period October 1, 2001 through December 31, 2002 using the software product Audit Command Language to identify motor carriers with a history of having a poor safety record.

In addition, we tested the reliability of the data residing on the Safetynet system. We traced 115 hardcopy inspection reports through the Safetynet system to determine whether all of them were uploaded to the system. Copies of 115 inspection reports were obtained from all of our observations of the truck inspections. As there were a limited number of inspections observed, our sample consisted of the entire 115 inspection reports. We also judgmentally selected 25 of the 115 inspections recorded on Safetynet and compared the data on Safetynet to the hardcopy inspection reports to determine if the information was completely uploaded. We selected the first inspection completed by each inspector on each day of our observation for the sample. Additionally, we tested the controls over the uploading of the inspections data, and observed the editing of the inspection data after it was uploaded to Safetynet.

We conducted our audit in accordance with Generally Accepted Government Auditing Standards. Such standards require that we plan and perform our audit to adequately assess those Department operations that are within our audit scope. Further, these standards require that we understand the Department's internal control structure and compliance with those laws, rules and regulations that are relevant to the operations included in our audit scope. An audit includes examining, on a test basis, evidence supporting transactions recorded in the accounting and operating records, and applying such other auditing procedures as we consider necessary in the circumstances. An audit also includes assessing the estimates, judgments and decisions made by management. We believe that our audit provides a reasonable basis for our findings, conclusions and recommendations.

We use a risk-based approach when selecting activities to be audited. This approach focuses our audit efforts on those activities we have identified through a preliminary survey as having the greatest probability for needing improvement. Consequently, by design, we use our finite audit resources to identify where and how improvements can be made. Thus, we devote little audit effort to reviewing operations that may be relatively efficient or effective. As a result, we prepare our audit reports on an "exception basis." This report, therefore, highlights those areas needing improvement and does not address activities that may be functioning properly.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State, several of which are performed by the Division of State Services. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under Generally Accepted Government Auditing Standards. In our opinion, these management functions do not affect our ability to conduct independent audits of program performance.

**C. Results of Audit**

The goal of the truck inspection program is to reduce the number of fatalities and serious accidents on the highways involving commercial motor vehicles. The Department works at accomplishing this goal by removing unsafe commercial motor vehicles and drivers from the State’s highways through roadside truck inspections. However, we found that the Department can be more effective at administering this program and should make additional efforts to improve the safety performance of motor carriers.

We also found that the Department’s inspectors can make better use of available information that would allow them to focus their efforts on carriers that pose the highest safety risk. In addition, motor carriers are required to sign and return the original inspection form within 15 days after an inspection, as documentation that the required repairs have been made. However, the Department does not monitor compliance with this requirement, and as a result, motor carriers were not always sending in the required forms. The Department needs to make more frequent visits to the motor carriers to verify that required repairs have been made.

In addition, the Department needs to work with DSP to minimize the opportunity for motor carriers to avoid inspections by using alternate routes. Also, the Department has not established performance standards for its truck inspectors. Our unannounced site visits provided evidence that tighter controls are needed. We also found that the Department needs to ensure that the ITSMR consultants use complete, accurate data in their analyses and reports.

**D. Motor Carriers with a History of Safety Violations**

During roadside inspections Department inspectors can access the Federal Inspection Selection System (ISS) to obtain a motor carrier’s safety rating. Inspectors can use ISS as a tool in determining whether they should perform an inspection on a particular motor carrier. The ISS Inspection Value (or rating) is based on the motor carrier's safety performance data obtained from prior inspections. When inspectors access ISS from their laptop computers, the rating appears as a traffic light. A green light indicates good performance and that an inspection is not warranted. However, an inspector can still decide to inspect the vehicle. A yellow light indicates carriers with a mediocre ISS rating. It is optional whether these carriers should undergo inspection. A red light indicates carriers with a poor safety rating or that they are new entrance carriers that have no truck inspection history. These are the carriers that should be inspected. The following table illustrates the three ISS ratings.

<b>Color of Traffic Light</b>	<b>Recommendation</b>	<b>ISS Inspection Value</b>
<b>Red</b>	<b>Inspect</b> ( <i>inspection warranted</i> )	75-100
<b>Yellow</b>	<b>Optional</b> ( <i>may be worth a look</i> )	50-74
<b>Green</b>	<b>Pass</b> ( <i>no inspection required</i> )	1-49

We found that the Department’s inspectors can make more effective use of ISS. During our inspection observations, we noted that the inspectors review the ISS after they have pulled a truck over for inspection, and that they still inspect the truck with a green, or yellow light. The inspectors should use the ISS for direction regarding which carriers to inspect.

The Motor Carrier Investigative Unit, an enforcement unit of the Department, conducts compliance reviews. A compliance review consists of an on-site examination of a motor carrier's records and operations. The Investigative Unit's primary focus is on intrastate carriers, but many of these are also interstate carriers. FMSCA inspectors conduct compliance reviews primarily of interstate carriers. The total number of both compliance reviews and follow-up reviews done by the Motor Carrier Investigative Unit was 584 in 2002 and 391 in 2003. There are approximately 3,000 motor carriers to be reviewed in New York State. The compliance reviews are similar in scope to those conducted by Federal inspectors, who use the reviews to determine whether the carrier meets the FMSCA safety fitness standard.

The DOT inspectors in the MSCAP program conducted 10 compliance reviews during calendar year 2002. The DOT inspectors and the Motor Carrier Investigators should utilize the SafeStat evaluation system to identify carriers with poor safety records. The truck inspection program should develop policies and procedures for using compliance reviews to improve carriers with a record of poor performance. In addition, the truck inspection program and the Motor Carrier Investigative Unit should develop inter-office coordination to record completed compliance reviews on the Safetynet system.

The FMCSA has established SafeStat, a data-driven analysis system that determines the relative safety status of individual motor carriers. The system evaluates performance based on various safety evaluation areas such as accidents and safety management practices of the carrier. FMCSA uses the SafeStat system to identify and prioritize carriers for on-site FMCSA compliance reviews. To help meet the goal of reducing fatalities and serious accidents involving commercial vehicles, DOT inspectors and the Motor Carrier Investigators should use the SafeStat evaluation system to identify carriers with poor safety records for improvement.

#### **E. Repair Verification**

Motor carriers are required to submit within 15 days of the date of inspection, the original inspection report which cites the violations found during the inspection. The motor carrier must sign and date the inspection report as evidence that the carrier completed the repairs. We traced 60 original inspection reports containing violations through the Department's filing system at the central office to determine whether motor carriers returned the inspection reports as required and whether the Department adequately monitors compliance. We determined that the Department does not monitor compliance and did not have an adequate system to track returned inspection reports.

For example, the reports were not dated when received, and were merely banded together and placed on shelves without a means to track them. We asked the employee responsible for filing the reports to date the receipt of the reports, and we determined that carriers did not return 17 of the 60 reports (about 28 percent). Of the remaining 43 reports, 5 were submitted late. Because Department officials did not monitor compliance with the 15-day requirement, they were not aware of the type of findings we identified. They stated that each year the Department receives 28,000 inspection reports with violations and that the manual oversight of the repair verifications is resource intensive at a time when the Department's resources are limited.

Therefore, we recommend that the Department work toward having its Information Technology Unit provide assistance to develop a process to track inspection reports.

Department inspectors make visits to motor carriers to determine if the carriers corrected the violations found during the inspections. Safetynet produces Quarterly Activity Reports that show, by region, the results of the repair verification visits. We reviewed the Quarterly Activity Reports for the period October 1, 2001 through December 31, 2002 and determined that inspectors attempted 134 visits to carriers. Of these visits, the inspectors successfully contacted 111 carriers. In 22 of the 111 visits (about 20 percent), inspectors determined that the carriers had not made the required repairs. In such instances, Department officials told us that inspectors would instruct the carriers to make the necessary repairs.

According to Safetynet, there were 19,065 carriers, both interstate and intrastate, with recurring violations during period October 1, 2001 through December 31, 2002. The number of repair verification visits made (111) as compared to the 19,065 carriers was minimal. Department officials told us that they recognize the importance of determining whether carriers make the repairs and they will increase the number of repair verification visits during periods of downtime. According to Department officials, inspectors sometimes encounter problems when verifying repairs, such as trucks not being available for re-inspection or no one available at the carrier's place of business. We were told that if they give advance notice of the re-inspection, the carrier may have the paperwork ready, but the truck will probably be on the road. Due to these types of problems in the current system for verifying the repairs, Department officials indicated that they are in the process of asking the Commercial Vehicle Safety Alliance and the Federal Motor Carrier Safety Administration to reconsider and amend the current repair verification procedure the Department is required to follow.

One possibility that Department officials are considering on the State level, is to identify those New York State carriers that consistently do not repair their trucks so that they can target them for repair verification visits. These carriers could be issued a Notice of Violation, requiring them to appear before an Administrative Law Judge, where they would be subject to fines. At the time of our audit, the Department relied on the Federal inspectors to levy fines and conduct compliance reviews of the carriers.

#### **F. Alternate Routes**

According to Department officials, a common practice of truck drivers is to communicate the location of truck inspections site on their CB radios. Some truck drivers will then take alternate routes to avoid being inspected. It is therefore important that the truck inspection program minimize the opportunity for trucks to avoid inspections. In this regard, DSP conducts inspections on bypass routes in order to stop and inspect trucks that avoid the Department's inspection site.

During our audit, we made observations at exits before three different inspection sites in the Albany region. We positioned our vehicle at these exits and listened to the CB radio. The purpose of our observations was to determine whether truck drivers commonly bypass the Department's inspection sites.

For example, we waited at exit 9 of the Northway, which is just before the Clifton Park rest area, and observed the number of trucks coming off of the highway and turning up Route 9, which runs parallel to the Northway. We determined that during a period of 1.25 hours, 60 trucks got off at exit 9, and that 33 of the 60 trucks turned up Route 9. We followed one of these trucks to see if it would get back on the Northway on the next exit. We observed that the truck did not stop anywhere along Route 9 but instead got back on the Northway at the next exit. In 1.25 hours of listening to the CB radio, we heard mention of the Department's inspections at the Clifton Park rest area six times.

The inspection site at Clifton Park is easily bypassed. However, the other two inspection sites we observed the South Glens Falls rest area and the Saratoga Route 50 inspection site are difficult to bypass. Truck drivers apparently are less likely to bypass the inspection site if it requires significant time and effort. We did not observe any obvious attempts by truck drivers to avoid the inspections at these two sites.

DSP officials told us that they conduct bypass inspections approximately 25 days annually throughout the State. In comparison with the annual number of inspections with out-of-service violations (25,710 for the 2002 Federal fiscal year) and the number of Department inspection sites throughout the State (249), the number of annual inspection days on bypass roads is insignificant. The Department needs to work with DSP to increase the inspections on bypass roads, particularly near exits where trucks are most likely to bypass the inspection.

#### **G. Inspector Performance and Supervision**

Central office establishes the truck inspection program policies and procedures, which are contained in the official manual known as the Motor Carrier Safety Program Policy and Procedures Manual (Manual). The Manual sets forth time and attendance policies, inspection site operations, data entry procedures, reporting on inspections and other matters. Adequate controls should be in place to ensure inspectors are productive and perform their duties in accordance with the Manual. The central office is responsible for the overall monitoring and enforcement of program policies and procedures. The regional offices are staffed with regional supervisors, who are responsible for the day-to-day monitoring of inspector activities.

We made seven announced site visits to six regions to determine whether the inspectors were adhering to established policies and procedures. We generally found that the Department's inspectors followed procedures for their safety inspections and that they worked according to their prescribed schedule. However, at the Whitestone Bridge in New York City, we noted that the hydraulic brakes were not inspected during one of the inspections. The inspector said that the Department does not require inspections on hydraulic brakes. However, the central office official responsible for the truck inspection program indicated that all types of brakes are to be inspected.

In addition, we made three unannounced site visits to three different inspection locations within the Albany region to determine whether inspectors were at the inspection site and following the set schedule. At all three sites, the inspections did not start at the scheduled time. In fact, in two of our three observations, the inspections started over an hour late. In one of the unannounced visits, the Department's inspectors left the inspection site early.

For example, on May 16, 2003, we observed inspection activities at the Clifton Park rest area. The inspections for that day were scheduled to start at 8:00 a.m. and continue until 2:00 p.m., however, we found that the inspections did not begin until 9:15 a.m. When we returned to the inspection site at 1:25 p.m. we noted that the Department inspectors had already left the site and the two DSP vans were just pulling out of the site. According to the last inspection report for that day, the last inspection ended at 12:23 p.m.

On May 27, 2003, we observed inspection activities at the South Glens Falls rest area. The inspections for that day were scheduled to start at 8:00 a.m. and continue until 2:00 p.m. When we arrived at the inspection site, DSP was present but they were waiting for the Department's inspector before starting the inspections. By 9:25 a.m., the Department inspector still had not arrived and the on-site DSP officer had not heard from the inspector. We contacted the regional supervisor, who said that he assumed that the inspector was at the inspection site. We later learned that the Department inspector was repairing the van and did not perform inspections at the site that day. However, Department inspectors should comply with the policy that all parties involved in the inspection process are to be notified of changes in scheduled inspections as soon as possible in order to minimize delays and non-productive time. In addition, our unannounced site visits indicate the need for regional supervisors to ensure that inspectors are at the inspection sites and working their full schedule of inspections.

We also found that the Department does not have specific performance standards regarding the number of inspections to be conducted by their truck inspectors. Such standards are an important tool that can be used by regional supervisors to effectively monitor inspector performance.

In this regard, the regional supervisors should monitor the productivity of inspectors by reviewing the inspection reports, which are recorded on Safetynet. During our audit period, the regional supervisors did not have direct access to Safetynet, which would have enabled them to verify whether the inspectors were at an inspection site, when they started their inspections, the number and types of inspections conducted, and when the inspectors completed the last inspection of the day. This method of monitoring the work of the truck inspectors should be utilized in conjunction with adequate communication between the truck inspectors and the regional supervisors.

In addition, we found that the central office does little formal monitoring of the regions regarding inspector productivity. In addition to setting the performance standards, central office should monitor the regions to ensure consistency and compliance with set procedures.

## **H. Inspection Facilities**

During our site visits, we observed that the conditions at the inspection locations are less than ideal. The inspection sites are often temporary stations where a portion of various rest areas is sectioned off and used to pull over trucks for inspection. An inspection site may also be a street that is closed to public traffic and set up for the inspections. Under existing conditions, the inspectors perform the inspections in an unsheltered environment where the only covering is their Department van. Therefore, the inspectors do not conduct truck inspections during inclement weather.

Permanent inspection facilities would benefit the truck inspection program in various ways. For example, the inspections could be conducted in all types of weather. In addition, permanent facilities could be strategically positioned in areas where averting the site would be difficult for truck drivers. During our announced site visit at the Whitestone Bridge in New York City, we noted that if truck drivers stayed in the left hand lane when passing through the tollbooth, they could avoid the inspection site entirely. Permanent facilities could reduce the need for inspections at alternative routes. The Department should seek funding for permanent inspection facilities.

## **I. Safetynet and Reporting**

Safetynet is the database used to store the data from commercial vehicle safety inspections. We tested the reliability of the data residing on the Safetynet system, and conclude that Safetynet accurately reflects the data recorded on the original inspection reports. However, we noted that the Department could improve the usefulness of one of the reports produced by Safetynet.

Safetynet produces a report known as the detailed workload report by inspector. The Department should be able to use this report to analyze the productivity of the inspectors. We reviewed this report for each region for a one-year period (February 2002-January 2003) and found large variances in the duration of reported inspections due to of the lack of consistency by inspectors in recording their start times for the inspections. For example, one inspector may complete the entire inspection and then enter all of the information into his laptop, while another may start the inspection by entering information into his laptop and then proceed with the rest of the inspection. The lack of consistency in recording the start of each inspection has resulted in some inspectors recording only seven minutes to complete an inspection while others are taking 25 minutes to complete the same level of inspection. The Department's procedures do not specify when the start time should be entered. Inconsistencies in the recording of start times for inspections make the detailed workload reports by inspector difficult to analyze and ineffective as a tool for measuring inspector workload productivity and for making comparisons among regions. A Department official agreed that that one could draw inaccurate conclusions from the reports.

## **J. Consultant Reporting**

ITSMR provides standard reports on safety to the Department. According to Department officials, these reports are thoroughly vetted by experts and agency representatives. However, during the audit, we requested a download of 162,090 inspection records from the ITSMR consultants. This included all of the inspections conducted for the 15-month period from October 1, 2001 through December 31, 2002. We performed tests to determine the reliability of the downloaded data, and we identified discrepancies. Department officials stated that the problems encountered were specific to the download, and do not occur with ITSMR's standard reports. However, since the Department anticipates using ITSMR for more analyses and reports in the future, it is the responsibility of the Department to ensure that the consultants have proper controls in place so that the analyses and reports are complete and accurate.

### **Recommendations**

1. *Establish policies and procedures for the consistent use of the Federal Inspection Selection System by inspectors as an evaluation tool during the inspection process.*
2. *Use the SafeStat evaluation system to identify intrastate carriers with ratings that indicate a need for improvement.*
3. *Develop policies and procedures for using compliance reviews to improve the performance of poorly performing carriers.*
4. *Work with the Information Technology Unit to establish a filing process that would date and monitor the receipt of inspection reports.*
5. *Establish an enforcement strategy that will increase the number of repair verification visits during truck inspectors' downtime to identify motor carriers that do not make the required repairs.*
6. *Work with officials at the national level to resolve the problems encountered with the repair verification visits.*
7. *Work with DSP to increase the inspections on bypass roads, particularly near exits where trucks are most likely to bypass.*
8. *Establish performance standards for the truck inspectors.*
9. *Provide regional supervisors with direct access to SafetyNet and set policies and procedures regarding the monitoring of truck inspectors.*
10. *Ensure regional supervisors enforce all policies and procedures, and that there is consistency among the regions in such areas as inspector productivity.*
11. *Seek funding for permanent inspection facilities to be located at strategic locations where averting the site would be difficult for truck drivers and to allow for inspections in inclement weather.*

(Department officials replied to our draft audit report that they are working with federal and state partners to build a permanent inspection facility at the Champlain border crossing as part of a larger Truck Plaza being planned. In addition, their investment to establish a permanent facility is minimized by the economy of scale of the overall project. They further indicated that, in general, the investment needed to establish various permanent facilities is not justified by the expected benefits.)

Auditor's Comments: As indicated in our report, inspections were not done in inclement weather, which we believe could significantly reduce the number and type of inspections done by the Department. The lack of inspections during inclement weather could also be used by carriers who do not want their vehicles inspected for any number of reasons. We

believe the Department needs to reconsider its position and construct some type of facility that will provide shelter for the inspectors.

12. *Set procedures for consistency in recording the start times for inspections.*
13. *Ensure that the consultants have proper controls in place so that analyses and reports are complete and accurate.*

Draft copies of this report were provided to Department of Transportation officials for their review and comment. Department officials agree with many of our recommendations and have taken actions consistent with the thrust of the recommendations. Their comments were considered in preparing this final audit report, and are included as Appendix A. Appendix B, State Comptroller's Notes, includes our comments with respect to certain matters contained in the Department's response to our draft audit report.

Within 90 days after the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the New York State Department of Transportation shall report to the Governor, the State Comptroller and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

Major contributors to this report were Gerald Tysiak, John Gimberlein, Charles Krahula, Kathleen Hotaling, Nadiuska Piedra and Paul Bachman.

We wish to thank the management and staff of the Department of Transportation for the courtesies and cooperation extended to our auditors during this audit.

Very truly yours,

Carmen Maldonado  
Audit Director

cc: Robert Barnes, DOB  
John Samaniuk

**Exhibit 1**

<b>Level I - North American Standard Inspection</b>
<b>Description:</b> The level I inspection includes examining the driver's license, medical examiner's certificate and waiver, record of duty status, and hours of service. Also examined are the seat belt, vehicle inspection report, brake system, coupling devices, exhaust system, frame, fuel system, turn signals, brake lights, tail lights, lights on projecting loads, steering mechanism, suspension, tires, wheels and rims, windshield wipers, emergency exits on buses, and compliance with hazardous material requirements.
<b>Level II - Walk-around Driver/Vehicle Inspection</b>
<b>Description:</b> The level II inspection includes each item specified under Level I, but will include only those items that can be inspected without getting under the vehicle. This would exclude the inspection of the brakes and the undercarriage of the truck.
<b>Level III - Driver-only Inspection</b>
<b>Description:</b> The level III inspection includes a roadside examination of the driver's license, medical certification and waiver, driver's record of duty status, hours of service (driving time), vehicle inspection report, and hazardous material requirements.



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March 15, 2004

Ms. Carmen Maldonado  
Audit Director  
Office of the State Comptroller  
110 State Street  
Albany, NY 12236

Re: Selected Truck Inspection Practices  
Working Draft Report 2003-S-24

Dear Ms. Maldonado:

Below is the Department of Transportation's (Department) response to the subject report.

**Report Comments**

**Page 4, last paragraph.** "During our audit the Department did not perform compliance reviews but instead relied on the FMCSA to monitor poorly performing carriers in New York State."

**Comment:** This statement is not accurate. While FMCSA performs federal compliance reviews of poorly performing carries, New York State also performs State compliance reviews. In Calendar Years 2002 and 2003, 584 and 391 State compliance reviews were conducted respectively. After reviewing the draft report, we arranged for OSC auditors to review the Department's State compliance records on March 8, 2004.

**Recommendations**

**Recommendation 1:** Establish policies and procedures for the consistent use of the Federal Inspection Selection System by inspectors as an evaluation tool during the inspection process.

\*  
Notes  
1 and 2

**Appendix A**

\* See State Comptroller's Notes, page 18

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**Response:** The inspectors use ISS once a vehicle has been selected for inspection to provide them with information about the types of issues and defects that are most commonly found with vehicles and drivers from the carrier whose vehicle is being inspected. Towards that end, DOT provides on-the-job training and in-service training to inspectors on how ISS information should be used. However, in response to the audit, DOT will also issue written guidance on ISS's expected use.

**Recommendation 2:** Use the SafeStat evaluation system to identify intrastate carriers with ratings that indicate a need for improvement.

**Recommendation 3:** Develop policies and procedures for using compliance reviews to improve the performance of poorly performing carriers.

**Response (to Recommendations 2 and 3):** SafeStat is designed to track interstate carriers primarily. When an intrastate carrier with a poor safety rating is identified by FMCSA, the information is forwarded to the respective state for appropriate action, which may include state compliance reviews and resulting civil penalties. While DOT successfully arranged last year for intrastate carriers to obtain USDOT numbers and is taking steps to adopt that numbering system for all intrastate carriers, it will be several years before that is effectively accomplished.

A staff of ten State Motor Carrier Investigators carries out State Compliance Reviews (also known as terminal audits) and complaint investigations. Among the criteria used for choosing carriers for audit is Safetynet data on inspections and major accidents. As noted above, 584 State compliance reviews were completed in Calendar Year 2002 and 391 State compliance reviews were completed in Calendar Year 2003.

**Recommendation 4:** Work with the Information Technology Unit to establish a filing process that would date and monitor the receipt of inspection reports.

**Response:** Bar codes were added to the inspection reports last year as a first step toward automated processing. DOT intends to scan repair verification report bar codes into Safetynet as a means to record their receipt. DOT is currently in the process of obtaining a server to facilitate this upgrade.

**Recommendation 5:** Establish an enforcement strategy that will increase the number of repair verification visits during truck inspectors' downtime to identify motor carriers that do not make the required repairs.

\*  
Note  
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**Response:** The repair verification function is labor intensive and, due to the surprise nature of the visits, may end with the motor carrier not being available. Therefore, the Department will continue to focus its resources primarily on more value-added activities such as roadside inspections. Nonetheless, we will issue guidance to Department inspectors to help increase the number of repair verification visits made during times when inspections cannot be performed.

**Recommendation 6:** Work with officials at the national level to resolve the problems encountered with the repair verification visits.

**Response:** The draft report accurately highlights an area that does need to be addressed. The issue was discussed with other states at the fall 2003 Commercial Vehicle Safety Alliance workshop. In addition, the Department sent a letter on February 26, 2004 requesting CVSA to review the repair verification requirements.

**Recommendation 7:** Work with DSP to increase the inspections on bypass roads, particularly near exits where trucks are most likely to bypass.

**Response:** Bypass route enforcement efforts are resource intensive. DSP has made a commitment to provide a base level of coverage. DOT will review the results of enforcement actions during bypass details and discuss with DSP the need and feasibility of additional effort in this area. New technologies being researched may also help to better evaluate the bypass issue.

**Recommendation 8:** Establish performance standards for the truck inspectors.

**Recommendation 9:** Provide regional supervisors with direct access to Safetynet and set policies and procedures regarding the monitoring of truck inspectors.

**Recommendation 10:** Ensure regional supervisors enforce all policies and procedures, and that there is consistency among regions in such areas as inspector productivity.

**Response (to Recommendations 8, 9, and 10):** Department management has a good understanding of appropriate inspector productivity levels. This understanding, as well as comparison of inspector productivity within Regions and across Regions, serves as the basis for management review of inspector productivity reports. Work output for all inspectors is monitored statewide through the use of a series of standard Safetynet reports and a monthly performance report summarizing the inspections conducted by MCSAP regional inspectors. Until April 2003 these reports were generated in the Main Office and

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shared with the Regional Traffic Engineer and Supervisor in each of the Department's six MCSAP Regions. This pattern was disrupted due to staff turnover however the problem has since been corrected.

To facilitate supervisory monitoring efforts, and in accordance with the Department's computer replacement policy, new laptop computers were deployed to field staff and regional supervisors in August 2003 to replace older computers which were not able to access Safetynet. Supervisors now have direct access to Safetynet through these new computers and can run standardized reports directly. DOT has also asked its consultant, ITSMR, to assist in developing additional program wide reports that should further assist DOT's Regional Traffic Engineers in their oversight role.

Main Office Passenger and Freight Safety Division officials will follow-up with Regional Traffic Engineers regarding their monitoring efforts and subsequent corrective actions taken, as warranted.

**Recommendation 11:** Seek funding for permanent inspection facilities to be located at strategic locations where averting the site would be difficult for truck drivers and to allow for inspections in inclement weather.

**Response:** Interstate routes generally follow the primary routes that preceded them (Route 9, Route 11, Routes 5 and 20, Route 7, Route 17 and others). Historically these primary routes functioned as the principal intercity thoroughfares before the interstate system was constructed. As a result, there are few locations where bypass opportunities do not exist. Major bridges and border crossing locations are the exceptions.

Towards that end, the Department is working with federal and state partners to build a permanent inspection facility at the Champlain border crossing as part of a larger Truck Plaza being planned. In this particular instance, the Department's investment to establish a permanent facility is minimized by the economy of scale of the overall project. However, in general, the investment needed to establish various permanent facilities is not justified by the expected benefits.

**Recommendation 12:** Set procedures for consistency in recording the start times for inspections.

**Response:** In response to the audit, the Department has issued guidance to Regional staff which clarify how starting times are to be recorded.

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**Recommendation 13:** Ensure that the consultants have proper controls in place so that analysis and reports are complete and accurate.

**Response:** DOT understands that this recommendation was based on discrepancies reported by the Office of the State Comptroller after reviewing data received from the Department's consultant. DOT intends to work with the OSC auditors and DOT's consultant to determine the specific nature of the discrepancies identified and take corrective action as warranted.

Thank you for the opportunity to review and respond to the Working Draft report for this audit.

Sincerely,

A handwritten signature in cursive script, reading "John F. Guinan".

JOHN F. GUINAN, Assistant Commissioner  
Office of Passenger and Freight Transportation

cc: D. Taylor, Division of the Budget

### **State Comptroller's Notes**

1. Subsequent to the audit DOT truck inspection management brought to our attention new information not previously disclosed about compliance reviews conducted by DOT State Motor Carrier Investigators (Investigators). DOT management replied to our draft report that 10 Investigators conduct State compliance reviews and complaint reviews across the State. They requested that we review the State Compliance Reviews completed in calendar 2002 and 2003. We returned to DOT and reviewed the documents and determined that State Compliance Reviews were done by these Investigators. We reflect this new information in our final audit report. However, we are concerned that in several meetings with responsible DOT truck inspection management during the audit such information was not provided to the auditors. Our records indicate that when asked about the lack of compliance reviews responsible DOT management stated that none had been conducted during our audit period.
2. The report has been changed to reflect new information provided by the Department in response to the draft report.