

MCS-150A Application Instructions

Section 210(a) of the Motor Carrier Safety Improvement Act (MCSIA) of 1999, now codified as 49 U.S.C. 31144(f), requires the Secretary of Transportation to establish regulations specifying minimum requirements for applicant motor carriers seeking federal interstate operating authority. As a result, all new entrant motor carriers beginning their operation on or after January 1, 2003, must now file a Form MCS-150A, Safety Certification for Application for U.S. DOT Number. A **New Entrant** is defined as a motor carrier not domiciled in Mexico that applies for a United States Department of Transportation (DOT) identification number in order to initiate operations in interstate commerce.

This safety certification is a one-time responsibility for all new entrant motor carriers, which must be filed before the carrier begins operations. The form is completed in conjunction with the existing MCS-150, Motor Carrier Identification Report, and requires applicants to certify that they have adequate knowledge and procedures in place to comply with the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Materials Regulations (HMR). Active motor carriers in operation prior to January 1st and individuals applying for a U.S. DOT number for registration purposes only in the Performance and Registration Information Systems Management (PRISM) program are not subject to the certification process.

The public reporting burden for the collection of information on the MCS-150A form is estimated by the FMCSA to average 9 minutes per response. Please note that an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is covered under the same control number as the MCS-150, OMB No. 2126-0013.

If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to the FMCSA at the following address: Federal Motor Carrier Safety Administration, Bus & Truck Standards & Operations, 400 7th Street SW, Washington, D.C. 20590.

Safety Certification for Application for U.S. DOT Number

Sections 1 through 17

Sections 1 through 17 correspond with information completed on the Motor Carrier Identification Report, form MCS-150. These fields will be automatically populated with the information included on your MCS-150 form.

Section 18 - SAFETY CERTIFICATIONS (Applicants subject to the FMCSRs must complete certification item(s) 18A through 18C).

Educational and technical assistance material regarding the requirements of the FMCSRs and HMRs is available to all applicants. This material can help the new entrant motor carrier operate safely by understanding Federal regulations and establishing systems to ensure compliance with the FMCSRs. Applicants should access the FMCSA's *A Motor Carrier's Guide to Improving Highway Safety* by selecting keyword "Educational and Technical Assistance" from the top right drop down box on the FMCSA web page at www.fmcsa.dot.gov. Applicants who have questions or are not familiar with the text of the following required certifications should reference the educational packet and the FMCSRs prior to completing this application.

- 18A. Applicants must certify that they maintain copies of applicable regulations, understand and comply with the regulations, and have ensured their employees are familiar with the requirements. Copies of the regulations may be obtained from printing firms, State motor carrier associations, or other sources.

18B. Tasks and Measures:

1. Driver Qualifications:

- a. Applicants must certify they have made assurances that all their drivers of commercial motor vehicles meet the minimum qualifications specified in 49 CFR Parts 383 and 391, if applicable, and are properly licensed for the vehicle driven. The applicant's response certifies that they are knowledgeable about the requirements and the specific exemptions for certain drivers.
- b. Applicants must certify that investigations of each driver's employment record and driver's driving record for the preceding three years are being conducted at the time of employment in accordance with Section 391.23. These investigations must be made within 30 days of the date employment begins. The applicant's response certifies that they are knowledgeable about the requirements and the specific exemptions for certain drivers.
- c. Applicants must certify that, at least once every 12 months, the motor carrier is reviewing the driving record of each driver. A note stating the results of this review shall be included in the Driver's Qualification File. The applicant's response certifies that they are knowledgeable about the requirements and the specific exemptions for certain drivers.
- d. Applicants must certify that all drivers are at least 21 years of age, except for those meeting the 391.2 exemption for farm custom operations, apiarian industries, and certain farm vehicle drivers. In these instances, the applicant's response certifies that they are knowledgeable about the requirements and the specific exemptions for certain drivers.

Applicants must also be able to certify that all drivers will possess only one valid commercial motor vehicle operator's license. In instances where drivers are operating commercial vehicles not subject to the commercial driver's license (CDL) requirements of Part 383, the applicant's response certifies that they are knowledgeable about the licensing requirements and are aware that their driver's are required to have a valid operator's license.

2. Hours of Service:

- a. Applicants must certify that they have implemented procedures to maintain and review drivers' records of duty status for violations of Part 395 of the FMCSRs. The applicant's response certifies that they are knowledgeable about the requirements and applicable exceptions.
- b. Applicants must certify that they have ensured drivers are knowledgeable of the hours-of-service requirements and will comply with the Part 395 regulations, as applicable. Specifically, this certification ensures the applicant motor carrier and its drivers are familiar with and abiding by applicable 10/11, 14/15, and 60/70-hour rules. The hours of service rules apply to all motor carriers and drivers, with exceptions found in Section 395.1. Applicants operating under these exceptions must certify that they are knowledgeable about the specific circumstances under which some drivers may be exempted from the hours of service requirements in 49 CFR Part 395.

3. Drug and alcohol testing:

Applicants must certify that they are knowledgeable about and complying with the drug and alcohol regulations in 49 CFR Part 382, if applicable. These requirements include pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Drivers required to have a Commercial Driver's License (CDL) are subject to the controlled substance and alcohol testing rules. This requirement extends to those drivers currently covered by the rule, including interstate and intrastate truck and motor coach operations.

Exceptions from these requirements are outlined in 49 CFR § 382.103(d). Applicants operating under these exceptions are not required to certify to these requirements and should respond "not applicable" (N/A) on the MCS-150A.

4. Vehicle condition:

- a. Every motor carrier shall systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles subject to its control as required by 49 CFR Part 396.

Motor carriers must maintain the following information for every vehicle they have controlled for 30 days or more:

- Identifying information, including company number, make, serial number, year, and tire size
- A schedule of inspections to be performed, including type and due date
- Inspection, repair, and maintenance records
- Records of tests conducted on buses with pushout windows, emergency doors, and marking lights.

Every commercial vehicle, including each segment of a combination vehicle, is also required to receive a periodic inspection meeting the requirements of Section 396.17 at least once every 12 months.

- b. Prior to requiring or permitting a driver to operate or continue to operate a commercial vehicle, every motor carrier or its agent shall ensure repairs are made to any violations and defects listed on inspection reports. This requirement includes, but is not limited to, violations listed on roadside vehicle inspections and driver daily vehicle inspection reports.

5. Accident monitoring program:

- a. Motor carriers shall maintain for a period of one year after an accident occurs, an accident register containing at least the information outlined below.

A list of accidents containing for each accident:

1. Date of accident, city or town in which or most near where the accident occurred and the State in which the accident occurred, driver name, number of injuries, number of fatalities, and whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released.
2. Copies of all accident reports required by State or other governmental entities or insurers.

- b. Applicants must ensure they have established accident countermeasures and driver training programs to reduce accidents. The FMCSA *Accident Countermeasures Manual* may be accessed from the FMCSA website at www.fmcsa.dot.gov. This manual was developed to assist motor carriers in analyzing their accidents and incidents, and developing strategies to eliminate future occurrences

6. Production of records:

All records and documents required by the FMCSRs shall be made available for inspection within 48 hours of a request by a special agent or authorized representative of the Federal Motor Carrier Safety Administration as required by 49 CFR § 390.29.

7. Hazardous Materials (to be completed by carriers of hazardous materials only).

- a. Applicants transporting hazardous materials must certify that they are fully aware of the requirements found in the U.S. DOT Hazardous Materials Regulations and have established training programs for personnel. A motor carrier that transports a hazardous material, whether interstate or intrastate, must comply with the Federal Hazardous Materials Regulations, 49 CFR 171-180. These regulations include requirements such as registration, training, shipping papers, labels, placards, and packages.

A hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in subpart H of Part 172 and 49 CFR 177.816. The purpose of the training requirements in Part 172 Subpart H of the Hazardous Materials Regulations (HMR) is to ensure that each hazmat employer trains its hazmat employees to safely load, unload, handle, store and transport hazardous materials. Hazardous materials training must include general awareness/familiarization, function-specific, safety, and modal specific training (such as Driver Training). In addition, the driver must receive training on the safe operation of the motor vehicle that will be transporting hazardous materials in accordance with § 177.816.

- b. Periodic testing of reusable packagings, including cylinders, cargo tanks, and intermediate bulk containers, is necessary to ensure that the packaging continues to perform to the specifications to which it was originally constructed. For example, cargo tanks require periodic retesting according to the table in § 180.407, while § 180.205 contains the general requirements for requalification of cylinders. You should be aware of the tests and times of testing required for the packagings you use.
- c. Each person who provides the shipping paper must retain a copy of the shipping paper required by §172.200(a), or an electronic image thereof, that is accessible at or through its principal place of business. For a hazardous waste, the shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, the shipping paper copy must be retained for 375 days after the material is accepted by the initial carrier.
- d. Hazardous materials carriers must have procedures in place to ensure commercial vehicles are properly marked and placarded for the material being transported. Placards and labels provide hazard class information. Markings are placed on hazardous materials packaging and transport vehicles to convey identification numbers and information that labels and placards do not provide.

The placarding provisions contained in Part 172, Subpart F apply to each person who offers a hazardous material for transport, or who transports a hazardous material subject to the Hazardous Materials Regulations. The Hazardous Materials Regulations (HMR) require most vehicles hauling hazardous materials to be placarded. Placards alert people

to the potential dangers associated with the particular hazmat contained in a motor vehicle, freight container, cargo tank or portable tank. Placards also help emergency response personnel properly identify and respond to potential hazards when responding to a hazardous materials incident.

- e. No person required to file a registration statement, under 49 CFR Part 107, Subpart G, may transport hazardous materials or cause them to be transported or shipped without a current annual Certificate of Registration on file. Carriers may register with the Research and Special Programs Administration (RSPA) by contacting the registration program at (202) 366-4109 or the hazardous materials information center at (800) 467-4922.

8. For Cargo Tank (CT) Carriers of HM:

Carriers operating specification cargo tanks must ensure the tanks are tested and inspected as specified in 49 CFR Part 180. This includes external visual, internal visual, and lining inspections, as well as pressure and thickness tests. Facilities/individuals conducting this testing and inspection must be registered with the Department of Transportation to conduct these activities as required by 49 CFR Part 107, Subpart F. Registration is required for persons engaged in the manufacture, assembly, inspection and testing, certification, or repair of a cargo tank or a cargo tank motor vehicle manufactured in accordance with a DOT specification

18C. All applicants must certify as follows:

1. Applicants must certify that they can and will provide the type of operations or service that they are identifying in this application and will comply with statutory and regulatory requirements and regulations issued or administered by the U.S. Department of Transportation.
2. Applicants must certify that they can and will produce all documents requested to evaluate their compliance with federal statutes and regulations. All records and documents must be made available for inspection within 48 hours of a request by a special agent or authorized representative of the Federal Motor Carrier Safety Administration, as required by 49 CFR § 390.29.
3. Applicants must be able to certify that they are currently qualified to operate commercial vehicles in the United States. An applicant's "YES" response to this certification verifies that they are not presently disqualified from operating commercial vehicles.

19. Certification Statement (to be completed by an authorized official).

In the space provided, type the name of the official authorized to sign documents on behalf of the entity listed in Block 1. This individual must then sign, date, and show his or her title in the spaces provided.