


**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 2037754	<b>Legal:</b> RICK'S TANK TRUCK SERVICE LLC <b>Operating (DBA):</b>					
<b>MC/MX #:</b> 715730		<b>Federal Tax ID:</b> 26-0599224 (EIN)					
<b>Review Type:</b> Compliance Review (CR)		<b>Focused Investigation</b>					
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>			
<b>Operation Types</b>		<b>Business:</b> Corporation					
<b>Interstate</b>	Carrier: Non-HM N/A Shipper: N/A N/A Cargo Tank: N/A	<b>Intrastate</b>	<b>Gross Revenue:</b> for year ending:				
<b>Company Physical Address:</b> 19264 STATE HIGHWAY 1E ADA, OK 74820							
<b>Contact Name:</b> Steve Dean <b>Phone numbers:</b> (1) 580-421-9808 (2) <b>Fax</b> 580-427-9808 <b>E-Mail Address:</b>							
<b>Company Mailing Address:</b> PO BOX 2570 ADA, OK 74821							
<b>Carrier Classification</b> Authorized for Hire							
<b>Cargo Classification</b> Liquids / Gases in Cargo Tanks Other: Water							
<b>Equipment</b>							
	<b>Owned Term Leased Trip Leased</b>			<b>Owned Term Leased Trip Leased</b>			
Truck	1	1	0	Truck Tractor	31	0	0
Trailer	31	0	0				
Power units used in the U.S.: 33 Percentage of time used in the U.S.: 100							
<b>Does carrier transport placardable quantities of HM?</b>				No			
<b>Is an HM Permit required?</b>				N/A			
<b>Driver Information</b>							
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0				
< 100 Miles:	66		<b>Total Drivers:</b> 66				
>= 100 Miles:			<b>CDL Drivers:</b> 66				





**RICK'S TANK TRUCK SERVICE LLC**

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Review Date:

10/15/2013

**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:

300 North Meridian, Suite 106 North  
Oklahoma City, OK 73107  
Phone: (405)605-6047 Fax:(405)605-6176

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Steve Dean

**Title:** VP - Operations

**Name:** Debbie Burden

**Title:** HR Director





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**Part B Violations**

1 FEDERAL	Primary: 382.303(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3																												
<b>Description</b> Failing to conduct post accident alcohol testing on driver following a recordable crash. <b>Example</b> (b)(6)(b)(7) was involved in a fatality accident on 01/05/2013. Even though his blood was tested for controlled substances by (b)(6)(b)(7) One hospital facility in El Reno, OK, no DOT required alcohol test was conducted.																																	
2 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3																												
<b>Description</b> Failing to conduct post accident testing on driver for controlled substances. <b>Example</b> (b)(6)(b)(7) was involved in a fatality accident on 01/05/2013. Even though his blood was tested for controlled substances by (b)(6)(b)(7) One hospital facility in El Reno, OK, no DOT required controlled substance test was conducted.																																	
3 FEDERAL	Primary: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 8	Checked 40																												
<b>Description</b> Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Vehicle Maintenance. <b>Example</b> The FMCSA and State partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the Vehicle Maintenance BASIC of the Carrier Safety Measurement System, including: Unit number 3662 was cited for brakes being out-of-adjustment on 07/03/2013.																																	
4 FEDERAL	Primary: 396.3(b)(3)	Discovered 1	Checked 7	Drivers/Vehicles In Violation 1	Checked 7																												
<b>Description</b> Failing to keep a record of inspection, repairs and maintenance indicating their date and nature. <b>Example</b> Unit number 5499 was used in commerce on 02/05/2013, and its brakes were cited for being out-of-adjustment. There is no workorder showing this defect was ever corrected.																																	
<b>Safety Fitness Rating Information:</b> Total Miles Operated 2,607,412 Recordable Accidents 5 Recordable Accidents/Million Miles 1.92			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 3 Number of Vehicles Inspected (MCMIS): 8																														
Your proposed safety rating is :          <b>CONDITIONAL</b>			<table border="1"> <thead> <tr> <th>Rating Factors</th> <th></th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 4:</td> <td>C</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 5:</td> <td>N</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 6:</td> <td>U</td> <td>-</td> <td>-</td> </tr> </tbody> </table>			Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	S	0	0	Factor 3:	S	0	0	Factor 4:	C	0	0	Factor 5:	N	0	0	Factor 6:	U	-	-
Rating Factors		Acute	Critical																														
Factor 1:	S	0	0																														
Factor 2:	S	0	0																														
Factor 3:	S	0	0																														
Factor 4:	C	0	0																														
Factor 5:	N	0	0																														
Factor 6:	U	-	-																														

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor





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### Part B Violations

Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed.

A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.





### Part B Requirements and/or Recommendations

1.
  - **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
  - **Apply Adequate Resources:** Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.
  - **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
  - **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
  - All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.
2. All fatal and injury accidents in which the driver was cited for his/her actions must be tested for alcohol abuse, and controlled substance use immediately after the occurrence of the accident. As the employer you are required to ensure all post-accident alcohol and controlled substance tests conform to Part 40 and 382 requirements. Do not assume that hospital and OHP directed post-accident tests meet DOT requirements.
3. **VEHICLE MAINTENANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking**

**DESCRIPTION OF PROCESS BREAKDOWN:** Rick's Tank Truck Service transports water from various oilfield sites throughout the states of Arkansas, Oklahoma, and Texas. Its maintenance records are nearly complete. A few minor violations exist.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Monitoring and Tracking Processes.

- Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Please refer to section 396.3 for more information.
- Ensure each driver of any motor vehicle receiving a roadside inspection report delivers it to your office upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility within 24 hours, the driver shall immediately mail the report to your offices. You are required to examine these reports, and correct any defects or violations documented on the report. A workorder for maintenance actions should be generated and placed in the vehicle's maintenance file. Within 15 days following the date of the inspection you must:

Certify that all violations noted have been corrected by completing the "Signature of Carrier Official, Title, and Date Signed" portions of the form; and

Return the completed roadside inspection form to the issuing agency at the address indicated on the form.





### Part B Requirements and/or Recommendations

You must retain a copy of each roadside inspection report at your offices for 12 months from the date of the inspection.

Refer to section 396.9 for more information.

- Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days. Ensure each driver prepares a written inspection report at the end of each duty day in which a vehicle/truck is used. See section 396.11 for more information.
- Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are complying with the requirements of Parts 393, 396, and Appendix G of the FMCSR. Ensure that records are kept of such periodic preventative maintenance inspections.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
4. A complete Educational and Technical Assistance package entitled " A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Its website is : <http://www.fmcsa.dot.gov/safety-security/eta/index.htm>
  5. If you have any questions concerning this report, please feel free to contact me, Douglas J Vollgraff, at the Federal Motor Carrier Safety Administration, 300 N Meridian Avenue, Suite 106-N, Oklahoma City, OK, 73017. You may telephone me at 405-605-6047, extension 1215. My e-mail address is: [doug.vollgraff@dot.gov](mailto:doug.vollgraff@dot.gov) (not case sensitive).







**Part C**

**Reason for Review:** Focused CR  
**Planned Action:** Compliance Monitoring

**Parts Reviewed Certification:**

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

Prior Reviews      Prior Prosecutions

**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?**

**Unsat/Unfit rule:** 60-Day - no Interstate Passengers or Placardable HM

**Corporate Contact:** Debbie Burden  
**Corporate Contact Title:** HR Director

**Special Study Information:**

**Remarks:**

**REASON FOR INVESTIGATION:**

This motor carrier appears on the CSA August 2013 Monthly list.

**SCOPE OF INVESTIGATION:**

A Focused Review was conducted as the motor carrier was deficient in the Vehicle Maintenance, and Crash Indicator Basics. In addition, the motor carrier was identified as a HM Supplemental Candidate. Its CSA score was 86.5 percent for Vehicle Maintenance, and percent for Crash indicator.

**CARRIER OPERATION DESCRIPTION:**

The motor carrier is a transporter of water, waste water, and brine for the oilfield industry in the states of Kansas, Oklahoma, and Texas.

**PRE-INVESTIGATION:**

This investigation was begun and ended on 10/15/2013. MC Authority, and/or financial responsibility checked through A & I.

**RED FLAG DRIVERS:**

No red-flagged drivers were identified. No further action required.

**DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:**

A Drug and Alcohol Supplemental Review was not performed.

**INVESTIGATION:**

A letter was sent to the motor carrier requesting it produce all FMCSR required documents on 10/09/2013. This motor carrier is not in general compliance with the FMCSR. The motor carrier's current accident ratio is 1.92. Its current OOS rate





### Part C

is 37.5 percent. Its proposed "Conditional" safety fitness rating is based entirely of its accident, and OOS rate. Its files and records are well organized. Mr. Steve Dean, Vice President, acts as the Safety Director. In conjunction with Ms. Debbie Burden, they manage an effective safety program. The following information details this investigation:

Part 383 - 25 of 31 CMV drivers CDLs were checked with no violations being discovered.

Part 387 - Motor Carrier is a private transporter of non-HM cargos.

Part 390 - UCR, updated Form MCS-150, and MC Registration Certificate were obtained from the MC. A comparison of MCMIS' crash date on the motor carrier profile was made with the MC's accident register. The comparison revealed the motor carrier's files and register is up-to-date. Even though the MC profile lists 6 recordable crashes, two of these crashes, dated 10/17/2012, involved the same collision involving two of the motor carrier's own trucks. The crash involved one truck striking the company's other truck. As a result, I counted this crash as one, and recalculated the accident rate using the number 5 for recordable crashes. Three of the remaining five crashes involve the rollover and/or running through of a posted "Stop" sign. Much discussion occurred between myself and Mr. Dean concerning the causes of these crashes. he agreed that the speed of his company's trucks were too great for road conditions, and his drivers were at fault. He has placed special emphasis during weekly safety meetings to cover start/stopping procedures, and has incorporated a PowerPoint presentation to demonstrate driver errors made in the commission of these crashes. Each crash is fully investigated by a company review team consisting of Mr. Dean, Ms. Burden, and the terminal manager representing the terminal from which the driver was assigned. In each case over the past 365 days, the investigating team has concurred the violating driver was at fault, and the crashes were preventable. The following actions were taken against the drivers in question:

07/21/2013 - Post Accident Test negative. Driver terminated from employment.

07/02/2013 - Post Accident Test negative. Driver retained with 30 days retraining/OJT.

01/05/2013 - No Post Accident test performed. Driver suspended and awaiting termination following work compensation time.

11/29/2013 - No post accident test required. Driver terminated from employment.

11/17/2013 - No post accident tests required. Driver of V01 terminated. Driver of V02 retained following 30 days of OJT.

Part 392 - A review of the MC's profile revealed the motor carrier's drivers are routinely committing violations in Part 393: lighting and the adjustment of brake slack-adjusters. Both items are directly attributable to the quality of driver's daily vehicle inspections. Mr. Dean said he is instituting a spot-check of daily inspections made by each terminal's manager and work supervisor to ensure the company's drivers are completing their inspections properly. he also said he would consider implementing a immediate cash award for any Level I or Level II NAS inspection received with "No violations discovered" documented on it.

Part 396 - The company employs over 21 mechanics spread among its five (5) terminals. Each of these mechanics have been properly qualified to be periodic, and brake inspectors. A file is being maintained that documents their qualifications. A review of unit numbers 3662, 5499, 2348, 2245, 5357, 6497, and 5755's files was conducted. Each of the units were selected using the MC's profile, and had the highest number of violations documented on it. The review of their maintenance records revealed the files to be well documented, and organized. Only one minor violation was discovered in unit 5499's file. Each truck's annual inspection was current. An oral interview of the maintenance supervisor revealed that each truck's annual inspection takes "about half a day" to complete. He was well aware of the standards contained in Appendix G. All DVIRs reviewed were blank. The apparent lack of attention to detail by each driver, and the appearance that the DVIRs are being "paper-whipped" is directly related to the motor carrier's high CSA score for Vehicle Maintenance. Mr Dean said he would institute any action possible to improve his company's roadside inspection record.

Part 397 - Even though the company has been identified in MCMIS as a HM transporter. It has not ever transported any HM, and only maintains a HM certificate for possible expansion into the crude oil transportation arena. One (1) roadside inspection identified it as a HM transporter on 04/06/2013. The roadside officer noted the company was using a specification MC-407 tank to transport a load of brine, and as a result he categorized his level I inspection as "HM." This inspection should not have been categorized as "HM." As a result, no supplemental HM review was conducted.

The motor carrier's Safety Director is Steve Dean. The motor carrier's corporate officers are: Kevin Cantell, President; Mike Feezel, COO; and Steve Dean, VP.

FOLLOW-ON ACTION:







**RICK'S TANK TRUCK SERVICE LLC**  
U.S. DOT #: 2037754

Review Date:  
10/15/2013

**Part C**

No enforcement action is being taken at this time.

CR REVIEWED WITH, AND RECEIVED BY:

Steve Dean, VP.

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>	
<b>Authorized by:</b>			<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>	<b>Failure Code:</b>
<b>Verified by:</b>			<b>Date:</b>

