

**Commercial Vehicle Enforcement Division
Department of Safety**

June 1999

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Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Commercial Vehicle Enforcement Division of the Department of Safety. This audit was conducted pursuant to Chapter 932 of the Public Acts of 1998.

Sincerely,

John G. Morgan
Comptroller of the Treasury

JGM/dlj
98/106

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Commercial Vehicle Enforcement Division
Department of Safety
June 1999

AUDIT OBJECTIVES

The objectives of the audit were to evaluate the results of the transfer of the Public Service Commission's Motor Carrier Enforcement staff to the Department of Safety; to determine the extent to which the Commercial Vehicle Enforcement Division has fulfilled its legislative mandate efficiently and effectively and has complied with applicable laws and regulations; and to make recommendations that might result in more efficient and effective operation of the division.

FINDINGS

Commercial Vehicle Enforcement's Ability to Identify and Write Assessments for Overweight Trucks Has Been Limited by Inoperative Scales at Some Weigh Stations

Extended periods of downtime at some weigh stations mean lost revenue because staff could not weigh trucks and, consequently, could not write assessments (a tax paid to the state for vehicles with weights or lengths greater than the registered amount). Both officers and management at the weigh stations cited scale downtime (defined as time when the weigh station is not open or when the station is open but the scale itself is not weighing trucks) as a major concern. The amount of scale downtime for 1997 and for 1998 appears high, particularly at weigh stations with older scales. In addition, the number of hours of downtime, the percentage of downtime versus total available hours, and the percentage of downtime caused by maintenance all increased from 1997 to 1998 (page 15).

A Majority of the Computers Purchased for Officers in the Field Have Not Been Used

The expected benefits from a \$400,000 purchase of computers have not been achieved largely because of a dispute with the vendor. In 1996, Commercial Vehicle Enforcement purchased 100 portable computers for officers to use when performing truck inspections in the field. These computers were expected to save time, improve efficiency, and increase accuracy of reporting because officers could enter truck inspection information directly into the computer, print the completed inspection form, and download the information onto diskette for entry into the federal database. Despite the apparent benefits, only 21 of the approximately 90 computers issued to enforcement personnel in the field (enough for each supervisor and each road patrol officer) are regularly used (page 17).

Posting of Citation Dispositions to Drivers' Records Is Hindered Because Dispositions Are Not Received or Are Not Received in a Timely Manner from the Courts

Section 55-50-409, *Tennessee Code Annotated*, states that courts shall notify the Department of Safety of citation convictions for moving violations against holders of commercial drivers' licenses within ten days of the conviction. However, our review of this process indicates that in many cases, conviction information never reaches Commercial Vehicle Enforcement for processing and that the information the division does receive is not timely. As a result, thousands of court convictions are not posted (or are not posted in a timely manner) to drivers' histories, points are not assessed against drivers' licenses, and (in some instances) licenses are not revoked when appropriate (page 18).

Five Officers Failed to Perform the Minimum Number of Inspections Needed to Maintain Their Certification by the Commercial Vehicle Safety Alliance

State law requires that Commercial Vehicle Enforcement officers conduct their inspections in accordance with the inspection procedures outlined by the Commercial Vehicle Safety Alliance (CVSA). According to the CVSA's bylaws, a certified inspector has completed a CVSA-approved course, passed a written examination, and conducted 30 Level 1 inspections under the guidance of a certified inspector. To maintain certification, an inspector must conduct at least 32 Level 1 or Level 5 inspections per year. Our review of calendar year 1997 inspection activity for 146 officers indicated, however, that five CVSA-certified inspectors (two lieutenants and three sergeants) conducted less than the 32 inspections required to maintain certification. The number of Level 1 inspections conducted by the five inspectors ranged from 8 to 26; none of the inspectors had performed any Level 5 inspections (page 22).

OBSERVATIONS AND COMMENTS

The audit also discusses the following issues that may affect the operations of the Commercial Vehicle Enforcement Division, as well as the citizens of Tennessee: the transfer of Public Service Commission staff to the Department of Safety, the division's computer systems, fatal accidents involving motor carriers, the division's nonmatch rate, supervisors' failure to follow the reinspection policy, road patrols, the use of PrePass, and the division's Alternative Commercial Enforcement Strategies Program (page 6).

"Audit Highlights" is a summary of the audit report. To obtain the complete audit report which contains all findings, recommendations, and management comments, please contact

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**Performance Audit
Commercial Vehicle Enforcement Division
Department of Safety**

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**Performance Audit
Commercial Vehicle Enforcement Division
Department of Safety**

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Department of Safety's Commercial Vehicle Enforcement Division was conducted pursuant to Chapter 932 of the Public Acts of 1998, which required the Comptroller of the Treasury to perform a limited program review of the division. This review is to be completed prior to December 1, 1999, and submitted to the Senate and House Government Operations Committees.

OBJECTIVES OF THE AUDIT

The objectives of the audit were

1. to evaluate the results of the transfer of the Public Service Commission's Motor Carrier Enforcement staff to the Department of Safety;
2. to determine the extent to which the Commercial Vehicle Enforcement Division has fulfilled its legislative mandate efficiently and effectively and has complied with applicable laws and regulations; and
3. to recommend possible alternatives for legislative or administrative action that could result in more efficient and/or effective management of the division.

SCOPE AND METHODOLOGY OF THE AUDIT

The division's activities and procedures were reviewed from its formation in July 1996 through September 1998. The audit was conducted in accordance with generally accepted government auditing standards and included

1. review of applicable statutes and division policies;
2. examination of the division's records, files, reports, and information summaries;
3. audit reports from other states and reports from federal oversight agencies;

4. interviews with division and department staff, staff of agencies involved in the merger that resulted in the creation of the division, and representatives of the Federal Highway Administration and the Tennessee Trucking Association; and
5. site visits to weigh stations and observation of field staff's activities.

HISTORY AND STATUTORY DUTIES

The Commercial Vehicle Enforcement Division was created when the Department of Safety's Motor Vehicle Enforcement Division merged with the Public Service Commission's Motor Carrier Enforcement Section. The Motor Vehicle Enforcement Division was responsible for operating the state's weigh stations and enforcing the state's size and weight laws for commercial carriers. The Motor Carrier Enforcement Section was responsible for conducting safety inspections on commercial motor vehicles, writing citations for violations, and placing unsafe vehicles out of service. On May 26, 1995, the Governor signed into law a bill terminating the Public Service Commission and transferring its motor carrier safety inspection responsibilities and staff to the Department of Safety.

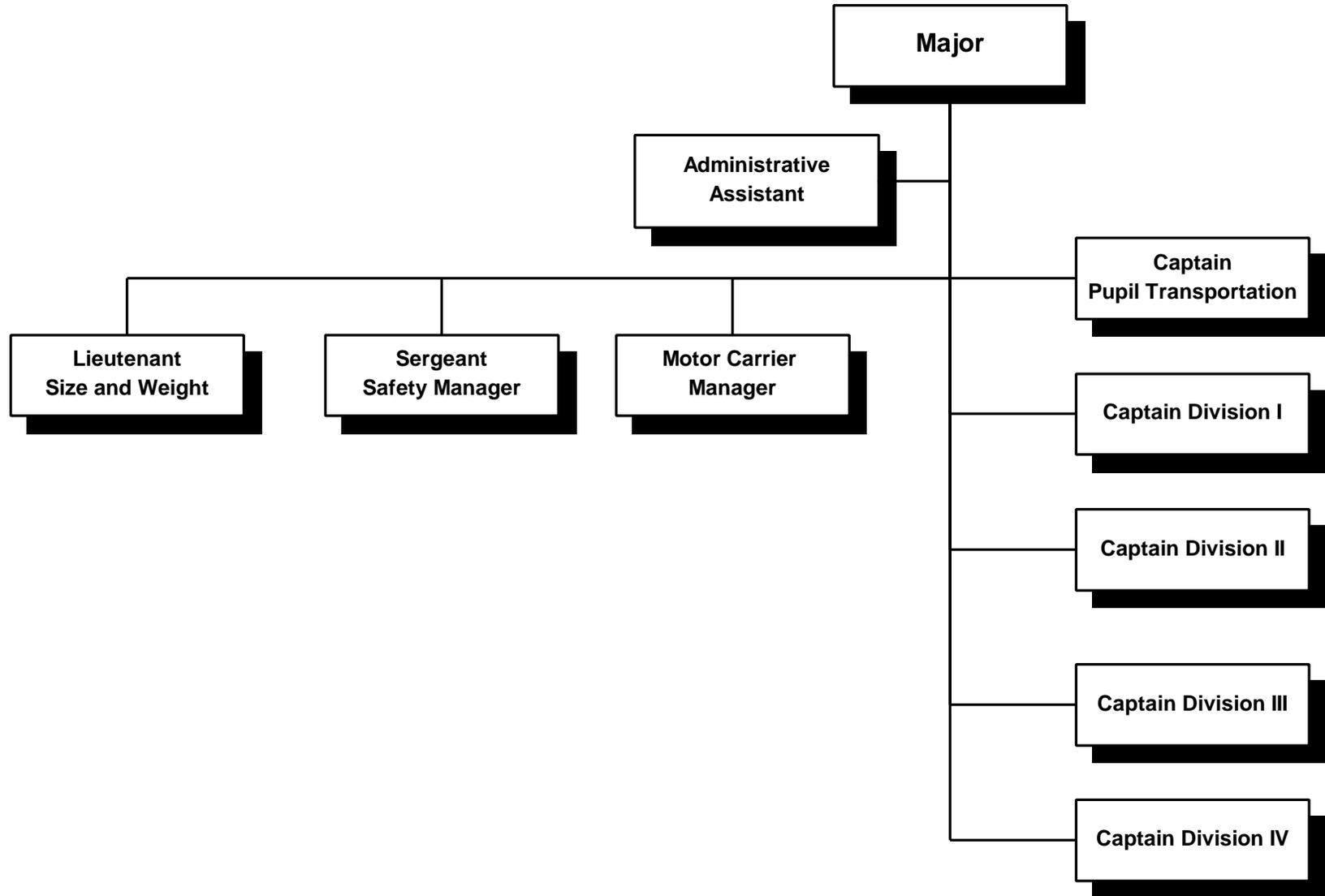
The Commercial Vehicle Enforcement Division governs the operation of commercial motor vehicles, placing priority on dimension and weight limits, inspections, licenses, permits, and motor vehicle tax requirements. (According to Section 55-50-102, *Tennessee Code Annotated*, a commercial motor vehicle has a gross vehicle weight rating of 26,001 or more pounds, is designed to carry more than 15 passengers including the driver, or is used to transport hazardous materials and is required to be placarded.) Section 65-15-106 gives the Department of Safety the duty and authority to license, supervise, and regulate motor carriers, including making arrests and stopping vehicles on the road for inspections. The division had a staff of 246 as of November 1998 and expenditures of \$9.6 million for fiscal year 1998.

ORGANIZATIONAL STRUCTURE

The Commercial Vehicle Enforcement Division is headed by a major who reports directly to the Deputy Commissioner of Safety. The major supervises the managers of the Size and Weight, Safety, and Motor Carrier areas, as well as five captains—one over each of the four geographic divisions and one over Pupil Transportation. (See organization chart on page 3.) Each division captain supervises a lieutenant at each scale location (two locations in Division I, one in all other divisions) and a lieutenant who is responsible for the road patrols in each division. The lieutenants supervise sergeants, each of whom is over a shift of four to six officers at the scales or is over the officers of each road patrol district (see page 13).

Pursuant to Governor Sundquist's Executive Order Number 16, the International Registration Plan and Interstate Fuel Tax Agreement responsibilities were transferred from the Department of Revenue to the Department of Safety (and placed under the Commercial Vehicle Enforcement Division) effective July 1, 1998.

Commercial Vehicle Enforcement Division Department of Safety



DIVISION ACTIVITIES

The Commercial Vehicle Enforcement Division's major activities include inspecting commercial motor vehicles, placing unsafe vehicles and drivers out of service, and issuing citations and assessments.

Inspections

Commercial Vehicle Enforcement officers conduct inspections in accordance with the North American Standard Uniform Inspection procedures developed by the Commercial Vehicle Safety Alliance, in cooperation with the Federal Highway Administration. These guidelines define five levels of inspections:

- Level 1 inspections, the most thorough, include extensive vehicle checks, such as measurement of brake performance and inspection of driver qualifications and hours of service.
- Level 2 inspections cover both driver and vehicle but are conducted without physically going underneath the vehicle.
- Level 3 inspections are only concerned with the driver's credentials and paperwork.
- Level 4 inspections are used to support or refute a suspected trend.
- Level 5 inspections are performed at a carrier's terminal facility to review such things as the carrier's safety program.

Level 4 and 5 inspections comprise 4% or less of all inspections done in a year.

Since 1995, the number of inspections conducted per year has fluctuated. Inspections decreased in 1996 during the transition and training, greatly increased in 1997, and slightly decreased in 1998 (annual estimate based on seven months of data) to near 1995 levels. In its fiscal year 1998 *Commercial Vehicle Safety Plan*, the division set a goal to perform 20% of its inspections at Level 1, to increase Level 2 inspections, and to decrease Level 3 inspections. The following table indicates those goals were met or exceeded statewide.

Percent of Inspections at Various Levels

Calendar Year	Number of Inspections	Percent of Level 1	Percent of Level 2	Percent of Level 3
1995	52,923	58%	13%	28%
1996	45,306	24%	19%	55%
1997	65,243	34%	37%	27%
1998 (through July)	32,822*	33%	56%	7%

* The total number of inspections for 1998 should be approximately 56,000, if inspections continued at the same pace as during the first seven months.

Not all divisions focus on the same level of inspection. For example, during the first seven months of 1998, Division I conducted more Level 1 inspections than Level 2 inspections—Level 1 inspections accounted for 46% of the total and Level 2 inspections accounted for 42%. All other divisions conducted more Level 2 inspections.

Out of Service

A commercial vehicle with certain defects must be placed out of service until the defects are repaired or corrected. In addition, drivers who are impaired (e.g., who are under the influence of alcohol or drugs or have exceeded allowable hours of driving time) are placed “out of service”. Out-of-service vehicles are repaired on site, are subject to follow-up inspection by the officer, and then are allowed to leave. During the first seven months of 1998, Commercial Vehicle Enforcement officers placed over 6,700 vehicles and nearly 4,200 drivers out of service. The percentage of inspected vehicles and drivers placed out of service increased between 1997 and 1998 (see table below). Division I had the highest percentage of vehicles and drivers placed out of service, most likely because that division performs the highest percentage of Level 1 inspections.

**Out-of-Service Rates*
By Division**

	1997		1998	
	Vehicles	Drivers	Vehicles	Drivers
Statewide	17%	11%	21%	13%
Division I	25%	15%	25%	16%
Division II	14%	11%	19%	11%
Division III	14%	9%	18%	13%
Division IV	15%	7%	21%	11%

* Percent of vehicles/drivers inspected that were placed out of service.

Citations and Assessments

Commercial Vehicle Enforcement officers issue citations (fines) for violations of state laws and also write assessments (taxes) against vehicles with weights or lengths greater than their registered weights or lengths. Officers issued over 69,000 citations during calendar year 1997 and an estimated (based on six months of data) 67,000 citations during 1998. During the first six months of 1998, 59% of citations were written at the weigh stations and 41% were written by road patrol officers. The most numerous citations were for weight violations (three weigh stations), speeding (all road patrols), length violations (one weigh station) and use of a radar detector (one weigh station). The weigh stations that wrote the most citations for violations other than weight were also the stations with the most scale downtime. (See finding 1.)

Commercial Vehicle Enforcement officers wrote 6,675 assessments during the first seven months of 1998. Assuming that assessments continued to be written at the same pace for the rest of 1998, the number of assessments decreased 36% between 1997 and 1998. As discussed earlier and in finding 1, scale downtime negatively affects officers' ability to identify overweight trucks and write the appropriate citations/assessments.

OBSERVATIONS AND COMMENTS

The issues discussed below did not warrant findings but are included in this report because of their effect or potential effect on operations of the Commercial Vehicle Enforcement Division and on the citizens of Tennessee.

TRANSFER OF PUBLIC SERVICE COMMISSION STAFF TO THE DEPARTMENT OF SAFETY

Based on our review, it appears that the transfer of Public Service Commission staff to the Department of Safety conformed to the letter and intent of the transfer plan and was implemented as equitably as possible. In addition, Commercial Vehicle Enforcement field staff (including former Public Service Commission staff) interviewed during this audit believed overall that the merger has had very positive results and that the transition went as smoothly as possible. Chapter 305 of the Public Acts of 1995 terminated the Public Service Commission and (among other actions) transferred its motor carrier enforcement staff to the Department of Safety. This legislation specified that a transition team would oversee the transfer of Public Service Commission employees, responsibilities, and funds and that the Commissioner of Personnel would develop a detailed employee transfer plan to be presented to the transition team for approval. This plan was to include a workforce analysis to determine the personnel needs of the agencies to which commission employees were transferred, as well as detailed information on current and proposed employee classifications, salaries, job descriptions, etc.

On December 1, 1995, the Commissioner of Personnel submitted a transfer plan to the transition team. The plan included proposed organization charts for the new Commercial Vehicle Enforcement Division. Vacancies were to be filled by Public Service Commission personnel based on rank and seniority. Commissioned personnel who could not be placed at their current rank were placed at the next lower rank and competed with other personnel at that rank based on seniority. Personnel who were reduced in rank or who were forced to accept assignments more than 50 miles from their home county retained rehire rights to positions at their former rank and/or location. Recall and repromotion priority lists went into effect when the Public Service Commission terminated (as of June 30, 1996) and remained in effect for two years—until June 30, 1998. Our review indicated that only four employees who were moved to a lower classification as a result of the merger remain at that lower classification today. All others have either retired or been repromoted. In addition, our review of relocations indicated that based on the employees'

home county information presented in the transfer plan, most scheduled relocations represented only minor geographic displacements. No serious, involuntary displacements occurred.

Most of the personnel laid off as a result of the merger retained recall rights to subsequent Commercial Vehicle Enforcement vacancies. Every employee eligible for recall from layoff status was recalled. Forty-two Public Service Commission employees were scheduled for layoff in the transfer plan: 37 career-service, commissioned employees; two executive-service, commissioned employees; and three career-service, administrative employees. (Career-service employees are covered under civil service provisions; executive-service employees are not. Commissioned employees are those who, as part of their job duties, have been authorized to carry a gun.) The disposition of these employees is detailed below:

Career-service, commissioned

Twenty-four are employed by Commercial Vehicle Enforcement.

Three declined their recall offers.

Two are employed by the Tennessee Highway Patrol.

Two were new at the time of the merger (still on probation) and, thus, had no recall rights.

One quit before the merger.

One retired.

One was recalled, but was medically disqualified from holding a job as a Commercial Vehicle Enforcement officer.

One was recalled, but subsequently left the Department of Safety.

One left to start a trucking company.

One is deceased.

Career-service, administrative

One quit before the merger.

Two took jobs elsewhere in state government.

Both the executive-service, commissioned employees quit before the merger.

Statute requires that all commissioned employees in the Department of Safety be paid at specific levels in a salary range—Public Service Commission employees who transferred to Safety were also subject to these requirements. As a result, the salaries for virtually all commissioned Public Service Commission employees who transferred to the Department of Safety changed. Our review of current Commercial Vehicle Enforcement salaries indicated that the former Public Service Commission employees generally have salaries very comparable to those proposed in the transfer plan, taking into consideration promotions, cost-of-living allowances, etc. The only commissioned personnel who have received significant raises since the merger are those who have

been promoted. Salaries of noncommissioned personnel were generally unaffected by the merger—they retained their Public Service Commission salaries.

DIVISION COMPUTER SYSTEMS

During 1998, Commercial Vehicle Enforcement primarily used two computer systems: Safetynet and System 36. Safetynet, in conjunction with a cluster of programs (Aspen, Avalanche, MatchWare, and Ridge), captures and reports inspection and accident data. Commercial Vehicle Enforcement staff have encountered problems (see below) with each of these programs.

Prior to October 26, 1998, when it was discontinued, System 36 was used to track citations, assessments, and temporary operating permits. Staff had significant problems with System 36, including maintenance problems, insufficient storage space for data, and a few major system crashes which resulted in the loss of substantial amounts of data that had to be rekeyed. System 36 was replaced with an AS400 minicomputer with comparable software. As of February 1999, testing of the new system has been completed and citations are being entered into the system.

Safetynet is a program developed by the Federal Highway Administration (FHWA) to allow states to compile and report inspection and accident data and then transmit that data to the FHWA. According to Commercial Vehicle Enforcement data-entry staff, they have received no formal training on Safetynet and, as a result, have been hindered from doing their job effectively. Staff have gradually learned the intricacies of the program, but still sometimes have to call the software experts in Massachusetts for help. During the first quarter of 1999, the FHWA released a new Y2K-compliant version of Safetynet (and Aspen—see below).

Aspen. Aspen is a FHWA computer program used by Commercial Vehicle Enforcement officers in the field to enter truck inspection data into their computers and the desktop computers housed at the weigh stations. The data are later sent to the central office, where they are loaded into Avalanche, another FHWA application, and converted into a format readable by Safetynet. After conversion, the data are loaded into Safetynet and subsequently uploaded to the FHWA. Aspen also allows officers to access trucking companies' safety records, thereby helping the officers to focus inspections on trucks with a high likelihood of problems.

Commercial Vehicle Enforcement has had difficulty getting software updates installed on the field computers because of the logistical problems involved in either sending the field computers into the central office or sending Information Systems staff across the state to install the updates. This problem should be solved when Commercial Vehicle Enforcement's computers become part of the wide-area network—computer software updates can then be handled over the network. According to management, all the division's computers should be connected to the network by June 1999.

Avalanche. Staff have also had problems with the Avalanche program, which is used to integrate Aspen data into the Safetynet system for transmission to the FHWA. Only about 150 reports can be integrated into Safetynet at a time (more reports will cause the system to crash). As a result, staff must integrate the Aspen data two or three times per day—each integration takes 30 to 45 minutes. While the integration is in progress, operations on Safetynet are limited. For example, carrier information such as inspection or accident data cannot be accessed and database queries cannot be performed. Commercial Vehicle Enforcement has acquired software that will allow operations to continue while the integration is performed; however, Information Systems has not yet installed the software.

Ridge and MatchWare. Commercial Vehicle Enforcement's computers, both at the central office and in the field, run applications called Ridge and MatchWare. Ridge is a motor carrier database produced by the FHWA and updated quarterly. MatchWare is a search application designed to take partial information about a carrier (such as the carrier's name or address) and search the Ridge database for matching records. The computers at the central office have had the new version of MatchWare installed; however, the field computers have yet to be scheduled for that upgrade or the update of the latest version of Ridge.

Commercial Vehicle Enforcement management should ensure that data-entry staff receive sufficient training on Safetynet and its related programs, including training on program updates. Management should work with Information Systems (1) to develop and implement a plan for installing program updates and (2) to ensure that, when the wide-area network becomes available, all computers are able to receive program updates over the network.

FATAL ACCIDENTS INVOLVING MOTOR CARRIERS

The number of fatal crashes in Tennessee involving large trucks increased by 40 (36%) between calendar years 1995 and 1996, but decreased by 25 (16%) between 1996 and 1997. (See table.) The number of injury crashes also decreased between 1996 and 1997. For comparative purposes, the FHWA uses the Fatal Crash Rate, defined as the number of fatal crashes per 100 million vehicle miles traveled. Between 1996 and 1997, total vehicle miles traveled in Tennessee increased by 3.9% and Tennessee's Fatal Crash Rate decreased from 2.6 to 2.1, close to the 2.0 rate achieved in 1995. Tennessee's Fatal Crash Rate appears comparable to (or better than) the national rate, which was 2.4 in 1995 and 1996.

Numbers and Types of Crashes Involving Large Trucks

Year	Number of Fatal Crashes	Number of Trucks Involved	Number of Injury Crashes	Number of Property Crashes	Vehicle Miles Traveled (billion)	Fatal Crash Rate*
1993	116	132	2,513	6,608	4.778	2.4
1994	130	144	2,892	7,548	4.785	2.7
1995	112	126	2,823	7,574	5.621	2.0
1996	152	165	3,054	7,525	5.828	2.6
1997	127	129	3,034	8,097	6.054	2.1

* The number of fatal crashes per 100 million vehicle miles traveled.

Source: Federal Highway Administration and *Commercial Vehicle Safety Plan* for fiscal years 1998 and 1999.

During 1997, 26% of fatal accidents occurred on the interstate system and 68% involved an interstate (rather than an intrastate) carrier. Fifty-seven percent of fatal crashes occurred on Tuesday, Wednesday, or Thursday, and half of the crashes occurred between 7 a.m. and 3 p.m. One hundred of the 127 fatal accidents in 1997 involved a passenger vehicle and a commercial motor vehicle—in 72% of those accidents the passenger vehicle was found to be the direct contributor to the crash. Accidents involving a passenger vehicle and a commercial vehicle happened most often because one vehicle was on the wrong side of the roadway or failed to yield the right-of-way. Crashes involving commercial vehicles only were most often caused by the drivers' failure to maintain control or stay awake.

During 1997, the following counties accounted for 30% of all fatal crashes: Shelby (14), Davidson (8), Knox (6), Madison (6), and Haywood (4). Thirteen other counties each had three fatal accidents. In an attempt to decrease accidents, the division began focusing more on Level 2 inspections (and less on Level 3) and required all officers to work on Wednesday, Thursday, and Friday, traditionally high crash and high traffic days. In addition, using federal Truck Accident Reduction Program (TARP) money, the division assigns officers to spend overtime hours in the top crash counties. (This program may have contributed to a 16% reduction in fatal crashes in these counties between 1996 and 1997.) Our review indicated that TARP dollars were spent in the appropriate counties with one exception. Sixty-four overtime hours were dedicated to fatal crash reduction in Greene County for the first six months of 1998, even though there had been only one fatality in that county in 1997. Four other counties in that district (Cocke, Hawkins, Sullivan, and Washington) had more fatal crashes during 1997.

DIVISION EFFORTS TO REDUCE THE NONMATCH RATE

All interstate commercial motor carriers must clearly mark their vehicles with the name of the carrier, the city and state of the carrier's principal place of business, and the carrier's U.S. Department of Transportation (USDOT) or Interstate Commerce Commission (ICC) number. When a commercial motor vehicle is inspected or involved in an accident, this USDOT and/or

ICC number must be recorded on the inspection or accident report. These reports are sent to the central office to be loaded into Safetynet, the database of the FHWA. If the completed report contains an incorrect ICC and/or USDOT number or no number at all, staff attempt to determine the number by the carrier's name. However, in many cases the carrier simply cannot be accurately identified—in such cases the carrier is assigned a temporary number. When the FHWA receives an accident or inspection report that does not match any company information in the federal database, a nonmatch has occurred. The FHWA monitors nonmatch rates in order to encourage accurate reporting.

Commercial Vehicle Enforcement has made significant progress in reducing its nonmatch rate—nonmatches in Tennessee's accident reporting were cited as an area of concern by Federal Highway Administration (FHWA) staff. During federal fiscal year 1997, Tennessee's nonmatch rate for accidents was much higher than the national or regional average; the nonmatch rate for inspections on the other hand was comparable to national and regional rates. (See table below.) For the 11-month period ending August 31, 1998, however, Tennessee's nonmatch rate for both inspections and accidents had decreased—the nonmatch rate for accidents dropped to within a few percentage points of national and regional rates.

Nonmatch Rates

	<u>Federal FY 1997</u>	<u>Federal FY 1998*</u>	<u>Difference</u>
Inspections			
Tennessee	13.04%	7.07%	-5.97
Regional average	13.00%	8.68%	-4.32
National average	13.32%	10.86%	-2.46
Accidents			
Tennessee	40.73%	17.45%	-23.28
Regional average	20.44%	16.19%	-4.25
National average	16.84%	14.68%	-2.16

*based on 11 months of data.

Source: September 12, 1998 Federal Office of Motor Carriers report.

Although Commercial Vehicle Enforcement is held accountable for accident nonmatches, some of these nonmatches may be caused by incomplete reporting by Tennessee Highway Patrol and local law enforcement officers who investigate most accidents but may not be trained in federal motor carrier regulations. As a result, those officers may underestimate the significance of the ICC or USDOT number and fail to properly identify the carrier on the accident report. Other factors possibly contributing to nonmatches are (1) the use of temporary data-entry staff or staff who are insufficiently trained, (2) new carriers with ICC or USDOT numbers that have not yet

been entered into the carrier database, and (3) confusion about whether carriers operate intrastate or interstate.

Since December 1997, Commercial Vehicle Enforcement management has undertaken several initiatives to reduce nonmatch rates:

- Sending training tapes to local agencies to help them learn to properly identify commercial motor carriers.
- Using Alternative Commercial Enforcement Strategies officers to help train THP and local law enforcement officers to properly identify commercial motor carriers.
- Calling and sending form letters to carriers to request valid ICC or USDOT numbers.
- Requiring data-entry staff to research carriers' ICC or USDOT numbers more thoroughly, before assigning temporary numbers to carriers.
- Cooperating with other states.
- Periodically reviewing nonmatch listings and conducting additional research, if necessary.
- Requesting system upgrades that will allow more extensive database searches and easier uploads to the FHWA.

The FHWA also monitors the timeliness of inspection and accident reporting. Tennessee's average inspection/accident-to-upload times were much less than regional or national averages during 1998. (See table.)

**Average Inspection/Accident-to-Upload Time
By Number of Days**

	<u>Federal FY 1997</u>	<u>Federal FY 1998</u>	<u>Difference</u>
Inspections			
Tennessee	44	23	-21
Regional average	43	37	-6
National average	47	35	-12
Accidents			
Tennessee	33	25	-8
Regional average	98	68	-30
National average	130	85	-45

Source: September 12, 1998 Federal Office of Motor Carriers report.

REINSPECTION POLICY NOT FOLLOWED

In its fiscal year 1999 *Commercial Vehicle Safety Plan*, the Department of Safety states that one of its strategies to reduce the number of officers whose inspections do not meet certain performance criteria is to conduct reinspections on 10% of all inspections. (A reinspection involves the a supervisor conducting an inspection after or in conjunction with the inspecting officer.) However, Commercial Vehicle Enforcement staff are apparently not conducting reinspections at the required level. Although reinspections are not tracked by the division, officers and management in the field confirmed that reinspections are not performed at the 10% level.

The 10% reinspection standard, which was originally suggested by the Commercial Vehicle Safety Alliance, was adopted by the Federal Highway Administration (FHWA). The FHWA then began “strongly suggesting” that states include this procedure in their annual safety plans. Reinspecting 10% of all inspections was also a Public Service Commission policy—a 1994 performance audit of the commission found that not all regions were meeting the 10% reinspection standard.

According to Commercial Vehicle Enforcement management, although reinspections were not a priority during the merger, emphasis will now be placed on tracking reinspections and enforcing the policy. Staff have now developed a form to track reinspections—use of the form began in November 1998.

Commercial Vehicle Enforcement field supervisors should comply with (and document their compliance with) the division’s policy on reinspection.

ROAD PATROLS

In addition to the five weigh stations on the interstates, each of the eight districts (two in each of the four divisions) has a staff of five or six road patrol officers and a sergeant who work the road patrol in two shifts. Officers stop and inspect trucks with obvious or suspected violations. Road patrol officers are on the road full-time, except in emergencies when they have to help at the scales. (Scale personnel at most weigh stations may periodically be assigned road patrol duty.) Although their focus is on trucks, the officers may stop cars obviously violating some traffic or safety law. Road patrol officers often work roads parallel to the weigh stations, to catch trucks attempting to bypass the scales. In addition, officers may focus on roads where speeding and/or accidents have been a problem. Each day, road patrol officers generally use the portable scales to weigh trucks they have stopped; periodically (weekly to monthly depending on the district), officers set up a mobile weigh/inspection site in a rest area or other location.

Field staff expressed concerns about not having enough road patrol officers to effectively cover all areas. Each officer is assigned two to four counties or more, depending on traffic and geography. The two shifts (two or three officers each) cover the roads from morning to late evening. (See table below for staffing and areas covered.)

Road Patrol Districts

Division	District	Number of Counties	Number of Road Officers
Division I	Knoxville	11	6
	Fall Branch	13	6
Division II	Chattanooga	11	5
	Lawrenceburg	11	5
Division III	Nashville	12	5
	Cookeville	16	5
Division IV	Memphis	10	5
	Jackson	11	5

PREPASS

In 1998, Tennessee implemented PrePass, a system that enables motor carriers with proven safety records to electronically comply with state operating requirements and then bypass weigh stations. PrePass uses weigh-in-motion sensors and automatic vehicle identification antennae to electronically weigh and to verify the identity of trucks as they approach the stations. As a truck passes over the sensors, the distance between axles is measured and the weight of each axle, or combination of axles, is recorded and used to calculate the axle and total gross weights. The only equipment required in the truck is an in-cab transponder. After the truck is weighed and the credentials are electronically verified, the truck is given a green light via the transponder, if everything is in order. If problems are found, a red light and audible signal direct the truck to enter the weigh station for processing. The entire procedure takes less than four seconds and allows trucks to maintain normal highway speeds.

PrePass is a cooperative effort by Heavy Vehicle Electronic License Plate (HELP), Inc., Lockheed Martin IMS, and a public-private partnership board which includes one representative from each participating state. Participation by motor carriers is strictly voluntary and only carriers with up-to-date credentials and demonstrated safety records are eligible. Equipment is installed by Lockheed Martin IMS at no charge to the state or the motor carriers. The state's total cost is a \$30,000 annual membership fee; carriers pay a nominal fee for each successful bypass. As of September 1998, PrePass equipment had been installed at 48 sites in ten states (including all weigh stations in Tennessee) and over 50,000 vehicles from 42 states and two Canadian provinces had registered to enroll in PrePass. Between May 1 and September 11, 1998, PrePass cleared 170,240 trucks to bypass Tennessee weigh stations. According to Commercial Vehicle Enforcement management, PrePass has multiple benefits, including increased efficiency by allowing state resources to be focused on noncomplying carriers. However, PrePass'

effectiveness in Tennessee is limited because only three of the nine permanent scales have operational weigh-in-motion sensors.

ALTERNATIVE COMMERCIAL ENFORCEMENT STRATEGIES (ACES) PROGRAM

In July 1998, Commercial Vehicle Enforcement implemented the ACES program as a mechanism to educate motor carriers, law enforcement officers, students, and citizens in general on safety issues related to commercial motor vehicles. One of the program's goals is to reduce nonmatches in Tennessee (see page 10) by teaching local law enforcement officers how to accurately identify and report commercial motor carriers' Interstate Commerce Commission or U.S. Department of Transportation numbers when completing accident reports. ACES has a staff of 11 officers under the guidance of an administrative sergeant. These officers make presentations, conduct compliance reviews of trucking companies, and act as liaisons to the news media. During September 1998, officers conducted 106 meetings and spent 296 hours on ACES-related activities, with an emphasis on visiting high schools. The program also works closely with the Federal Highway Administration, the Governor's Highway Safety Office, the Tennessee Trucking Association, the Tennessee Highway Patrol, and the Department of Transportation.

FINDINGS AND RECOMMENDATIONS

1. Commercial Vehicle Enforcement's ability to identify and write assessments for overweight trucks has been limited by inoperative scales at some weigh stations

Finding

Extended periods of downtime at some weigh stations mean lost revenue because staff could not weigh trucks and, consequently, could not write assessments (a tax paid to the state for vehicles with weights or lengths greater than the registered amount). Both officers and management at the weigh stations cited scale downtime as a major concern. (Scale downtime is defined as time when the weigh station is not open or when the station is open but the scale itself is not weighing trucks). The amount of scale downtime for 1997 and for 1998 appears high, particularly at weigh stations with older scales. In addition, the number of hours of downtime, the percentage of downtime versus total available hours, and the percentage of downtime caused by maintenance all increased from 1997 to 1998.

In calendar year 1997, the total scale downtime was 13,022 hours—at least 17% of total possible hours. Fifty-four percent (7,054) of the downtime hours were maintenance related. During the first seven months of 1998, the scales had already been down for 17,042 hours, an estimated 37% of the available hours. Seventy-eight percent (13,341) of the downtime hours were maintenance related. Major contributors to the increase in downtime hours were the Knox County eastbound and the Robertson County southbound scales, both of which were down for the entire seven-month period in 1998. (The weigh stations, however, remained open as usual.) The Robertson County southbound scales have since been repaired and are operable. The Knox

County eastbound scales are expected to be shut down until June 1999 for installation of new weigh-in-motion equipment and new static scales. Once the eastbound scales are operational, the Knox County westbound scales will be shut down for a similar renovation. (The Knox County weigh station has the second highest volume of commercial vehicle traffic of any station east of the Mississippi.) As of October 1998, the Haywood County eastbound scales were also down—a new system should be installed by June 1999.

In an attempt to improve the timeliness of scale repairs, Commercial Vehicle Enforcement signed a new maintenance contract for fiscal year 1999, which requires the contractor to be at the site of a faulty scale within 24 hours of notification. The division also has plans to build a new weigh station in Giles County and to renovate other weigh stations over the next few years.

The number of assessments written by Commercial Vehicle Enforcement overall decreased 47% from 1996 to 1998 (annual estimate based on seven months of data), at least in part because of inoperative scales. Assessments written at the Knox County weigh station decreased by 77% and at the Robertson County site by 70% during the same period. The average amount of an assessment during the first seven months of 1998 was \$172. Using data on truck traffic, assessments, and downtime, we estimated that for all scale locations during the first seven months of 1998, the total revenue lost because of scale downtime could have been over \$900,000.

Recommendation

Commercial Vehicle Enforcement needs to increase efforts to reduce scale downtime by ensuring that inoperative scales are repaired in a timely manner and by replacing old scales, as needed, including installing weigh-in-motion equipment.

Management's Comment

We concur. The life expectancy of an electronic weighing system is approximately ten years. Each of our systems, with the exception of the Greene County system, was replaced in 1986-87. Each of the systems has experienced maintenance/repair problems in the past two years.

Funding to replace each of the eight scale systems has not been available. We have worked very hard to replace and repair systems and keep them operational to the greatest extent possible. Maintenance contracts have been signed with strict time limits for repairs by vendors.

The southbound Robertson County system, for example, has been replaced with a new hydraulic system having a much longer life expectancy. Components removed during installation of the new system were used to repair the northbound system. The Knox County systems are being replaced as the eastbound and westbound systems are being renovated. The eastbound Knox County station is scheduled to open in early June with the new system and the westbound will then be closed for renovation. The eastbound Haywood County system will be replaced in

June 1999 with the longer-life hydraulic system. As funding is available, it is our intent to replace the other older systems.

2. A majority of the computers purchased for officers in the field have not been used

Finding

The expected benefits from a \$400,000 purchase of computers have not been achieved, largely because of a dispute with the vendor. In 1996, Commercial Vehicle Enforcement purchased 100 portable computers for officers to use when performing truck inspections in the field. These computers were expected to save time, improve efficiency, and increase accuracy of reporting because officers could enter truck inspection information directly into the computer, print the completed inspection form, and download the information onto diskette for entry into the federal database. The computers contain a database of carriers' inspection history, an archive of officers' inspections, an on-line version of the Federal Motor Carrier Safety Regulations, and a program to calculate mileage and driving time between different points in North America, information useful in checking the reasonableness of drivers' log books. Some officers have suggested that the computers could also be used to write up and process assessments and citations.

Despite the apparent benefits, only 21 of the approximately 90 computers issued to enforcement personnel in the field (enough for each supervisor and each road patrol officer) are regularly used. This low level of use apparently results, at least in part, because officers are unable to mount the computers in their patrol cars. (Some officers have, however, constructed homemade mounts in their patrol cars so they can use the computers.) Because of ambiguity in the contract with the company supplying the computers, a dispute arose over which party (the department or the vendor) was responsible for supplying the mounts for the computers. In October 1996, the Department of Safety agreed to accept a partial shipment of the computers (without mounting hardware, keyboards, power adapters, and protective cases) and to withhold \$17,500 of the contract price pending resolution of the dispute.

Negotiations with the vendor continued for 18 months before an agreement was reached—the department would pay the \$17,500 and the vendor would provide some accessory equipment not specified in the original contract. According to division staff, Commercial Vehicle Enforcement will prepare a separate procurement contract for the mounting hardware, if staff cannot develop acceptable hardware in-house. However, during the months of negotiation, the computers have become virtually obsolete. The next generation of computers is on the market and accessories for the older models are becoming difficult to locate.

In addition, data-entry staff have had problems retrieving inspection data from the diskettes sent in from the computers. These problems could result from bad diskettes or from some flaw in the computers that damages the diskettes. In either case, the inspection data that is lost must be manually rekeyed from the paper copy submitted with the diskette.

Recommendation

Commercial Vehicle Enforcement management should procure or construct mounts for the computers as soon as possible. Staff should work with Information Systems to take advantage of the computers' dial-up capabilities. Use of these capabilities should allow more timely, reliable entry of inspection data into Safetynet and should alleviate the problems encountered when transferring data by diskette. Once these problems have been solved, Commercial Vehicle Enforcement should work with Information Systems staff to investigate the possibility of also processing citations and assessments on the computers.

Management's Comment

We concur. As stated in the finding, a dispute with the vendor slowed our progress considerably. Mounts have been ordered to install computers in our vehicles and we currently are in the process of upgrading all our computers used in the inspection process to accommodate the next generation of software to be released by FHWA. The Wide Area Network system is being installed and transmission of data electronically will eliminate the necessity for data storage and retrieval by diskettes. We hope to begin testing of data transmitted by late summer.

3. Posting of citation dispositions to drivers' records is hindered because dispositions are not received or are not received in a timely manner from the courts

Finding

Section 55-50-409, *Tennessee Code Annotated*, states that courts shall notify the Department of Safety of citation convictions for moving violations against holders of commercial drivers' licenses within ten days of the conviction. However, our review of this process indicates that in many cases, conviction information never reaches Commercial Vehicle Enforcement for processing and that the information the division does receive is not timely. As a result, thousands of court convictions are not posted (or are not posted in a timely manner) to drivers' histories, points are not assessed against drivers' licenses, and (in some instances) licenses are not revoked when appropriate.

The flowchart on page 20 describes the processing of Commercial Vehicle Enforcement citations. After a citation is written, the citation information is entered into Commercial Vehicle Enforcement's computer system and remains there pending entry of a disposition to make the citation record complete. Dispositions that have not yet been received and entered into the system are referred to as open and the citations corresponding to these dispositions are referred to as open citations. Ideally, the court subsequently forwards one copy of the citation disposition to Commercial Vehicle Enforcement. Once this information has been received, central office staff microfilm the disposition and add the information to the original citation information, completing the citation record. Convictions for moving violations are separated from the rest of the dispositions and forwarded to the Driver Improvement section to be posted to the driver history

system. For convictions of out-of-state drivers, Driver Improvement notifies the licensing state of the conviction.

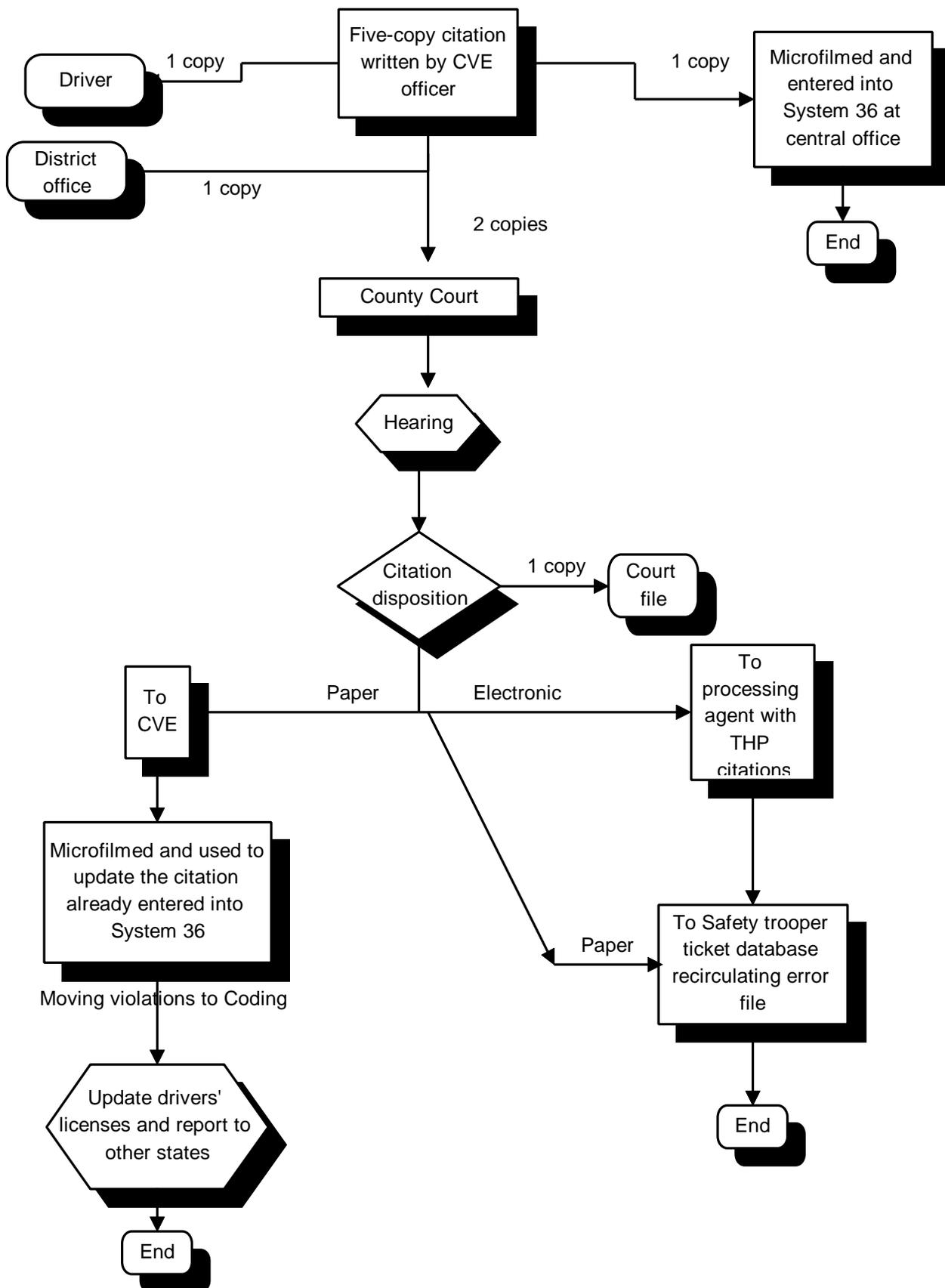
Some Dispositions Not Received

In practice, this system sometimes breaks down. As of September 18, 1998, Commercial Vehicle Enforcement had 91,616 open citations dating to 1988—77% of these were written between 1996 and 1998. Open citations occur for several reasons. First, there are the normal lag times in the processing of dispositions—based on estimates from staff, approximately 13,000 of the 91,616 open dispositions fall into this category. Second, the courts may simply fail to send the dispositions to Commercial Vehicle Enforcement. For example, one county General Sessions Court clerk recently found in the courthouse basement a box of citation dispositions (some of which dated to 1991) that had never been sent to the division for processing. The dispositions have since been forwarded to Commercial Vehicle Enforcement and entered into the system.

Third, Commercial Vehicle Enforcement dispositions are not always separated from Tennessee Highway Patrol (THP) dispositions before they are submitted to the Department of Safety. Because Commercial Vehicle Enforcement and the THP used separate citation processing systems prior to February 1999, Commercial Vehicle Enforcement dispositions submitted to the THP citation system were essentially lost. The THP ticket system identified the citation number of the Commercial Vehicle Enforcement disposition and searched for a matching number in the THP ticket files. Under these circumstances, no match was found and the disposition data were written to a “recirculating error file,” which was run each day in search of matches in the THP system records. These dispositions never made it into the driver history system because drivers’ records are not updated until the disposition is matched with a citation/ticket. Information Systems staff confirmed this problem and estimated that as of October 1998, between 10,000 and 15,000 Commercial Vehicle Enforcement dispositions were being held in the error file. Of these, as many as 3,000 to 4,000 may be for moving violations that have not been posted to the driver history records. Staff did state, however, that the Department of Safety was able to notify other states (in the case of out-of-state drivers) as required, as long as the paper copy of the disposition was received.

Further complicating the loss of Commercial Vehicle Enforcement citation dispositions in the THP system was some courts’ use of a software and data processing corporation. This corporation, which serves over 30 county General Sessions Courts throughout the state, transmits citation dispositions electronically to the Department of Safety’s central office. The corporation’s reporting process, however, was intended only for THP citation dispositions. Any Commercial Vehicle Enforcement dispositions included in the transmitted information were also lost in THP’s error file (see above). A 1997 memorandum from the corporation directed its court customers to stop submitting the paper copies of dispositions, except for specified cases, and to file or shred the paper dispositions. The memorandum further stated, near the bottom of the page, that these procedures apply only to THP tickets and that Commercial Vehicle Enforcement tickets must still be forwarded to that division. However, it is possible that some courts’ staff misunderstood the corporation’s directions. In any case, the courts served by the corporation are not the only ones with reporting problems—a study by Information Systems staff found little

CITATION PROCESSING



difference between disposition submission rates for courts that used the corporation's services and those that did not.

Several external audits and internal Department of Safety reviews conducted in recent years have noted problems with the processing of citation dispositions. In February 1999, the department converted THP's ticket system and Commercial Vehicle Enforcement's citation system to a combined on-line database. According to management, once the two systems were merged, the recirculating error file was run against the combined database in search of matching citations. The Commercial Vehicle Enforcement dispositions contained in the error file should have encountered matching citations and those citation records, as well as the drivers' history, should then have been updated.

Dispositions Not Received in a Timely Manner

Courts are not reporting convictions for moving violations to Commercial Vehicle Enforcement within the required ten days. Our review of a randomly selected sample of 38 citation dispositions received between July 1 and September 18, 1998, indicated that the length of time between the county court hearing date and Commercial Vehicle Enforcement's receipt of the disposition ranged from 16 days to 582 days, the median being 75 days. None of the dispositions were received within ten days.

In addition, Section 55-50-409, *Tennessee Code Annotated*, also states that within ten days of receiving a conviction report on a moving violation, the department shall notify the licensing state (for nonresident drivers) and the commercial driver's license information system. For our sample of citation dispositions described above, Commercial Vehicle Enforcement staff took between 31 and 78 days after receipt to post the citation dispositions. Because convictions are posted to driver histories only after they are processed, it is clear the department could not have met statutory requirements in these instances.

Recommendation

After the merged citation system is implemented, Commercial Vehicle Enforcement management should work with Information Systems staff to ensure that citation dispositions lost in the error file are retrieved, matched with existing citation records, and posted to the appropriate drivers' histories. Division staff should also work to minimize disposition processing times in order to meet statutory notification requirements. Finally, Commercial Vehicle Enforcement should communicate to the court clerks the necessity of submitting all citation dispositions in a timely manner and the effects of the failure to do so. Division management may wish to consider using the Alternative Commercial Enforcement Strategies officers (see page 15) to help educate judges and court staff.

Management's Comment

We concur. Prior to February 1999, two separate systems were used to process citation issuance and dispositions. Some courts were transmitting dispositions electronically and these transmissions were not captured by the CVE system. The two systems have been successfully merged and electronic dispositions are now accepted for both CVE and THP. We are also linking our CVE division offices with court systems to allow officers to check dispositions via desktop workstations. This will greatly facilitate the tracking of citations.

Some courts, however, continue to be late in submitting information. Officers assigned to the Alternative Commercial Enforcement Strategies (ACES) Program are being used to educate judges and clerks as to the importance of timely and accurate submission of dispositions.

4. Five officers failed to perform the minimum number of inspections needed to maintain their certification by the Commercial Vehicle Safety Alliance

Finding

State law requires that Commercial Vehicle Enforcement officers conduct their inspections in accordance with the North American Standard Uniform Inspection procedures outlined by the Commercial Vehicle Safety Alliance (CVSA), an association of state, provincial, and federal officials responsible for the administration and enforcement of motor carrier safety laws in the United States, Canada, and Mexico. According to the CVSA's bylaws, a certified inspector has completed a CVSA-approved course, passed a written examination, and conducted 30 Level 1 inspections under the guidance of a certified inspector. To maintain certification, an inspector must conduct at least 32 Level 1 or Level 5 inspections per year, preferably eight inspections per quarter. Our review of calendar year 1997 inspection activity for 146 officers indicated, however, that five CVSA-certified inspectors (two lieutenants and three sergeants) conducted less than the 32 inspections required to maintain certification. The number of Level 1 inspections conducted by the five inspectors ranged from 8 to 26; none of the inspectors had performed any Level 5 inspections.

The CVSA does not track officers' compliance with certification requirements. However, pursuant to CVSA bylaws, the officers' certifications were automatically suspended and they were required to become recertified by passing a written examination and conducting 30 inspections under the guidance of a certified inspector. As soon as the problem was identified, Commercial Vehicle Enforcement management ensured that the officers (with the exception of one who retired) took the written examination—they will be officially recertified following completion of 30 inspections. As of the end of August 1998, three of the remaining four officers had completed three or fewer Level 1 inspections in 1998.

The Department of Safety's training center organizes the CVSA-certification course but does not track officers' compliance with inspection requirements. According to Commercial Vehicle Enforcement management, if the individual officers retained a copy of each inspection

form, they could track their own compliance. However, most officers do not retain those forms. Inspection information could be obtained through Safetynet, but such information is not regularly generated or reported to officers or their supervisors.

If a Commercial Vehicle Enforcement officer fails to meet the requirements for continued certification, any actions he or she takes while conducting an inspection (e.g., taking a truck out of service or issuing a citation) could potentially be called into question. Furthermore, the officer's ability to conduct a complete and thorough inspection in accordance with required procedures may diminish over time.

Recommendation

Commercial Vehicle Enforcement management should require officers to meet CVSA certification requirements and to track (and keep documentation of) the number and level of inspections they perform. [If officers used the computers (see finding 2) as originally intended, they would have easy access to an archive of all the inspections they had conducted.] The officers' supervisors should periodically review this information to ensure that certification requirements are being met.

Management's Comment

We concur. Four of the five officers identified were assigned to administrative or K-9 duties. The fifth was a district Sergeant. All have been through a refresher course and have currently regained certification through testing and performing the required number of inspections.

RECOMMENDATIONS

ADMINISTRATIVE

The following areas should be addressed to improve the efficiency and effectiveness of the Commercial Vehicle Enforcement Division's operations.

1. Commercial Vehicle Enforcement management should ensure that data-entry staff receive sufficient training on Safetynet and its related programs, including training on program updates. Management should work with Information Systems (1) to develop and implement a plan for installing program updates and (2) to ensure that, when the wide-area network becomes available, all computers are able to receive program updates over the network.
2. Commercial Vehicle Enforcement field supervisors should comply with (and document their compliance with) the division's policy on reinspection.
3. Commercial Vehicle Enforcement needs to increase efforts to reduce scale downtime by ensuring that inoperative scales are repaired in a timely manner and by replacing old scales, as needed, including installing weigh-in-motion equipment.
4. Commercial Vehicle Enforcement management should procure or construct mounts for the computers as soon as possible. Staff should work with Information Systems to take advantage of the computers' dial-up capabilities. Use of these capabilities should allow more timely, reliable entry of inspection data into Safetynet and should alleviate the problems encountered when transferring data by diskette. Once these problems have been solved, Commercial Vehicle Enforcement should work with Information Systems staff to investigate the possibility of also processing citations and assessments on the computers.
5. After the merged citation system is implemented, Commercial Vehicle Enforcement management should work with Information Systems staff to ensure that citation dispositions lost in the error file are retrieved, matched with existing citation records, and posted to the appropriate drivers' histories. Division staff should also work to minimize disposition processing times in order to meet statutory notification requirements. Finally, Commercial Vehicle Enforcement should communicate to the court clerks the necessity of submitting all citation dispositions in a timely manner and the effects of the failure to do so. Division management may wish to consider using the Alternative Commercial Enforcement Strategies officers (see page 15) to help educate judges and court staff.
6. Commercial Vehicle Enforcement management should require officers to meet CVSA certification requirements and to track (and keep documentation of) the number and level of inspections they perform. [If officers used the computers (see finding 2) as originally intended, they would have easy access to an archive of all the inspections they had conducted.] The officers' supervisors should periodically review this information to ensure that certification requirements are being met.