



MOTOR CARRIER SAFETY PROGRAM

FC No.: 1040
Date: 05-15-17

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

This directive establishes policy, structure, and procedures for the Motor Carrier Safety Program (MCSAP). The purpose of the MCSAP is to promote and encourage the maintenance and operation of commercial motor vehicles in a manner that safeguards and protects the health and safety of the general public, to reduce delays to motorists caused by collisions and breakdowns, and to enforce the Federal Motor Carrier Safety Regulations and applicable sections of the Maryland Motor Vehicle Law. ***The Motor Carrier Safety Program will work jointly and cooperatively with all sections and units within the department to further the department's Traffic Safety / Homeland Security mission.***

II. Definitions

- A. ***Commercial Motor Vehicle: Any self-propelled or towed motor vehicle used on a highway in commerce to transport passengers or property when the vehicle: (§25-111 of the MD Transportation Article)***
 - 1. ***Has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight over 10,000 pounds; or***
 - 2. ***Is designed or used to transport more than 15 passengers, including the driver; or***
 - 3. ***Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding.***

III. Motor Carrier Safety Program

- A. ***The MCSAP Commercial Vehicle Unit is comprised of a supervisor with the rank of Sergeant, a Centralized Commercial Vehicle Unit, and a Decentralized Commercial Vehicle Unit.***
- B. ***Members of the MCSAP Commercial Vehicle Unit*** who have successfully completed a Maryland State Police (MSP) approved commercial vehicle inspection course and hold a current certification will conduct random roadside inspections of commercial motor vehicles ***on county, state, and interstate highways in Montgomery County*** during the course of their normal duties and participate in inspection details when they are on-duty and available.
- C. The MCSAP will be coordinated by a supervisor with the rank of sergeant. ***The supervisor's responsibility is to promote the MCSAP program, directly supervise the centralized Commercial Vehicle Unit and to coordinate the efforts of the inspectors. The decentralized inspectors do not work directly***

for the coordinator; rather they are under the direct supervision of their respective unit commanders. The coordinator only supervises the decentralized inspectors directly during details and evaluates their performance through review of inspection reports and the log of inspections performed by each inspector. The coordinator reports directly to the Deputy Director, Traffic Enforcement Section, in the Traffic Division.

- D. Officers certified as inspectors are available for call-out both on-duty and off-duty to assist officers with collision investigations when a commercial vehicle is involved or when an unsafe **commercial motor** vehicle is found on patrol and expert assistance is needed.
- E. Inspectors will complete a Maryland Driver Vehicle Inspection Report for each vehicle or combination of vehicles inspected. *Each inspector will utilize the current authorized electronic inspection software to document their inspections. All inspections will be uploaded to the U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) database at the completion of the inspectors shift. A copy of the inspection will be forwarded to the Motor Carrier Safety Program Supervisor (or designee).*
- F. Inspectors have the authority to order commercial vehicles and their drivers out of service when defects and/or violations *are found that meet the North American Standard Out-Of-Service* criteria established by the Commercial Vehicle Safety Alliance (CVSA). *These criteria identify violations that render drivers unqualified to drive, identify critical vehicle inspections items that are likely to cause a collision or breakdown, and identify unsafe conditions in the transportation of hazardous materials.* Vehicles ordered out of service may not be operated until *the* cited *out of service* defects are corrected. Drivers ordered out of service may not drive until they have complied with *the* requirements of the Federal Motor Carrier Safety Regulations cited by the inspecting officer.
- G. *The Motor Carrier Safety Program is a participant in the department's radiation detection program. Inspectors issued radiation detection equipment will conduct radiation screenings during the course of their duties. Inspectors will follow all department policies pertaining to radiation alarms and will request secondary screenings when needed.*

H. Inspector Certification

The MCSAP coordinator will select officers *for the MCSAP Commercial Vehicle Unit* based on job vacancy announcements. *The selected officer(s) will then be required* to attend the US DOT North American Standard Driver Vehicle Inspection course. *After successful completion of the Standard Driver Vehicle course the officer will be required to attend and successfully complete additional levels of training per the current unit requirements.* Certification criteria for *all* courses will be established by MSP. Officers will be responsible for meeting the annual criteria necessary to maintain *their certifications*. Officers must immediately notify the MCSAP coordinator of any change in certification status.

IV. Utilization of Inspectors

A. On-Duty Inspectors

Officers on the scene of collisions or other incidents involving commercial **motor** vehicles are encouraged to enlist the assistance of on-duty inspectors whenever possible, subject to the following guidelines:

1. Commercial **motor** vehicle involved in a serious collision.
2. **Commercial motor vehicle** appears to be unsafe and may need to be placed out of service.
3. Commercial **motor** vehicle involved in a collision where a mechanical defect appears to have caused/contributed to the collision.
4. **Commercial motor vehicle** driver in possession, or under the influence, of alcohol or drugs.

5. *Commercial motor vehicle driver operating without a valid license, without the proper class license, or without the proper endorsements for the type of vehicle being operated.*
6. *Incidents involving overweight / oversize vehicles where assistance is needed.*
7. *HAZMAT incidents on roadways where Montgomery County has the primary responsibility, or at the request of Fire/Rescue.*
8. Any incident or situation in which expert assistance would help to resolve the situation.

B. Call Out of Off-Duty Inspectors
Off-duty inspectors will only be called out to incidents on the authority of the duty commander involving the following:

1. Commercial vehicle involved in a serious personal injury or fatal collision.
2. *Commercial vehicle* appears to be unsafe and needs to be placed out of service immediately.
Continued operation of the *commercial vehicle* presents a danger to the public.
3. HAZMAT incidents on roadways where Montgomery County has the primary responsibility, or at the request of Fire/Rescue.

C. Call Out Procedure
The ECC supervisor will contact the Motor Carrier Safety Coordinator for call out of inspectors if none is on duty. The coordinator will arrange for the call out of inspectors.

D. Generally

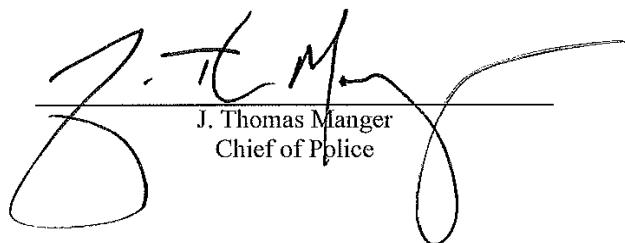
1. In all cases, two certified inspectors should respond to the scene to conduct the inspection as a team. This is primarily for the safety of the individual inspectors and to ensure a thorough and complete inspection. The on-duty inspector shall have the option of requesting the call-out of an off-duty inspector if the inspector deems it necessary.
2. Officers inspecting vehicles involved in collisions will not be responsible for investigating the collision.
3. Selective enforcement by inspector teams may be requested at the discretion of district commanders by submission of a memorandum to the Motor Carrier Safety Coordinator via the *Deputy Director, Traffic Enforcement Section, in the Traffic Division.*

V. **CALEA Standards: 1.2.1, 41.2.4, 61.1.1, 61.1.2, 61.1.5, 61.1.6, 61.1.10, 61.1.11, 61.2.1, 61.2.2, 61.2.3, 82.2.2, 83.1.1**

VI. Proponent Unit: Traffic Division

VII. Cancellation:

This directive cancels Function Code 1040, effective date **04-16-03**.



J. Thomas Manger
Chief of Police