

## **APPLICATION CHECKLIST**

### **Motor Common Carrier of Persons in Paratransit Service**

Use this checklist to make sure you have enclosed all required items or your application will not be processed. You cannot operate in Pennsylvania until you receive a Certificate of Public Convenience from the Commission.

- The original Application with original signatures (unless e-Filed with the Commission's online e-Filing system at [www.puc.pa.gov](http://www.puc.pa.gov) ).
- Verified Statement of Applicant.
- A certified check, money order, or check from your attorney for \$350 made payable to "Commonwealth of Pennsylvania."
- IF application is being made as an individual or sole proprietor.
- IF application is being filed by a Partnership, provide a list of the names and addresses of ALL partners.
- IF application is being filed by a Limited Partnership, provide a list of names and addresses of ALL partners, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Limited Liability Partnership, provide a list of names and addresses of ALL partners, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Limited Liability Company, provide a list of the names and addresses of ALL members and the Title of each member, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Corporation for Profit, provide a list of ALL corporate officers and titles, the name of each shareholder, distribution of shares, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Corporation Non-Profit, provide a list of ALL corporate officers and titles and those serving on the Board of Directors, and your PA Corporation Bureau Entity ID Number.

ALL Parties to proceedings pending before the Commission must open and use an e-filing account through the Commission's website, OR you may submit your filing by overnight delivery. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.

If not e-Filed, mail your application and attachments to: **SECRETARY PA PUBLIC UTILITY COMMISSION, 400 NORTH STREET, 2<sup>ND</sup> FLOOR, HARRISBURG, PA 17120**

Corporate entities (corporations, LPs, LLPs, and LLCs) and fictitious trade names must be registered with the PA Department of State. Companies incorporated in other states must register as a foreign business corporation. Individuals acting as sole proprietors and partnerships do not have to register.

If you are not registered with the PA Department of State, you can apply at its website at [www.dos.state.pa.us/corps](http://www.dos.state.pa.us/corps) on how to do business in Pennsylvania as:

PA Corporations (Profit and Non-Profit) – apply for Articles of Incorporation

Foreign Corporations – apply for a Certificate of Authority

PA Limited Partnerships (LPs), Limited Liability Partnerships (LLPs), and Limited Liability Companies (LLCs) – apply for an Application of Registration

Fictitious Name Registration – File ONLY IF Trade Name will be different than the business name you register with the PA Department of State.

## General Information for Preparing and Filing the Application for Motor Common Carrier of Persons in Paratransit Service.

1. This application is required to request a Certificate of Public Convenience to operate as a commercial carrier of people, when providing transportation on a nonexclusive, advance reservation basis. Service includes, but not restricted to:
  - Transportation of people whose personal convictions prevent them from owning or operating motor vehicles.
  - Transportation of people to correctional facilities for visitation.
  - Transportation of people in wheelchair and stretcher vans.

***\*Important Note: Paratransit carriers may not render service to or from airports.***

2. Upon approval of the application, you will be notified that prior to providing service in Pennsylvania you must submit evidence of insurance to the Public Utility Commission. **Your permanent evidence of insurance will be a Form E for bodily injury and property damage insurance.** This form is mailed to the Commission directly from the home office of your insurance carrier. The name and address on your Form E must **exactly** match the name and address you have provided on your application. Your insurance company must subscribe to the NIC Insurance Filing website at [www.nicinsurancefilings.com](http://www.nicinsurancefilings.com). You will request the insurance company (not the agent) to file the required insurance forms electronically through NIC. Mailed insurance forms are no longer acceptable. The minimum limits of insurance are as follows:

Minimum limit dependent upon manufactured rated seating capacity of the vehicle. Carriers operating any vehicle of

- |                        |     |  |
|------------------------|-----|--|
| 15 passengers or less: | (a) | \$35,000 to cover liability for bodily injury, death or property damage incurred in an accident (BIPD).  |
|                        | (b) | \$25,000 first party medical benefits, \$10,000 first party wage loss benefits, and conforming to 75 PA C.S. §§1701 - 1798 (relating to Motor Vehicle Financial Responsibility Law). |
|                        | (c) | First party coverage of the driver of certificated vehicles shall meet the requirements of 75 PA C.S. §1711 (relating to required benefits).   |

## Application for Motor Common Carrier of Persons in Paratransit Service

THIS APPLICATION IS TO BE USED FOR COMMON CARRIER PASSENGER SERVICE WHEN PROVIDING TRANSPORTATION ON A NONEXCLUSIVE, ADVANCE RESERVATION BASIS.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

PEACHEYS TRANSPORT SERVICES, LLC.

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents**.
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents**. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State**.

- X 2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

NOT APPLICABLE

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Vans" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Vans" or "J. Doe Vans" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?**  NO **Previous Authority?**  NO

**If YES, at PUC No. A-** N/A

4. **Are you a business entity registered with the PA Dept. of State?**  NO  
If NO, you must register (see checklist on how to register)

**If YES, provide your PA Corporation Bureau Entity ID Number** 2040187  
(See checklist and indicate type of business entity registered)

**\* SOLE MEMBER, LLC. : GALEN E. PEACHEY, PRES/CEO**

SOLE MEMBER

5. If either a corporation or limited liability company, please list members (LLC) or shareholders and officers (corporation).

GALEN E. PEACHEY PRESIDENT/C.E.O.

6. Mailing Address

64 DUCHESS STREET, SUITE 200

Street Address

REEDSVILLE PA 17084

City, State and Zip Code

MIFFLIN

County

7176676202

Telephone Number

INFO @ PEACHEYTRANSPORT.COM

E-mail Address

This is the e-mail address to which the Commission will send all official documents issued by the Commission until further notice.

X

Physical Address (If different than mailing address. Do not use a post office box.)

SAME AS MAILING

Street Address

City, State and Zip Code

County

Telephone Number

E-mail Address

The address entered here should reflect the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment. If left blank, it will be assumed that the PHYSICAL ADDRESS is the same as the MAILING ADDRESS

X

Attorney (if applicable)

NOT APPLICABLE

Attorney's Name & Telephone Number for this Filing

Attorney's Address

E-mail Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

9. Does applicant have a USDOT Number?

No

X

Yes, at No.

4515827

10. **Describe the service area proposed by this application.**  
(Use the space below or attach additional sheet if space provided is not sufficient).

TO TRANSPORT PEOPLE (PRIMARILY FROM THE AMISH COMMUNITIES BETWEEN POINTS PRIMARILY IN MIFFLIN, JUNIATA, SNYDER, CENTRE & HUNTINGDON COUNTIES.

*Examples:*

- To transport people whose personal convictions prevent them from owning or operating motor vehicles from points in Lancaster County to points in PA, and return.
- To transport people from the city and county of Philadelphia to correctional facilities in PA, and return.
- To transport people in wheelchair and stretcher vans from points in the city of Pittsburgh to points in Allegheny County, and return.
- To transport people between points in Northumberland County.

11. **Certification:**

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

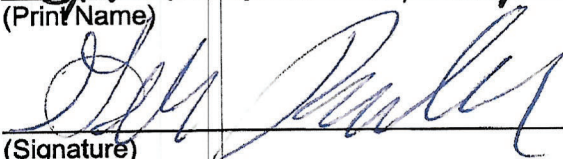
Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Persons in Paratransit Service; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

**Verification of Application**

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

GALEN E. PEACHEY  
(Print Name)  
  
(Signature) 01/28/2026  
(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

# VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

PEACHEYS TRANSPORT SERVICES, LLC / GALEN E. PEACHEY  
Legal Name of Applicant PRES./CEO

64 DUCHESS STREET STE 200, REEDSVILLE PA 17084  
Street Address (principal place of business) City or Municipality State Zip Code

The Verified Statement of the Applicant factual details about your proposed transportation service. Your Verified Statement must answer all of the items listed below and on the following pages. Provide as much information as possible to prevent delay in processing your application. If you need more space to provide your answer, please attach additional pages identifying the appropriate item number.

1. Identify the person making the Verified Statement on behalf of the applicant. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number.

MATTHEW L. TATE, MGR AT OTHER BUSINESS ;  
PEACHEY REPAIR SERVICE, LLC.  
64 DUCHESS STREET  
REEDSVILLE, PA 17084  
7176176202

2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

NO AFFILIATION(S) WITH ANY OTHER CARRIER(S)

3. Describe the applicant's business experience, particularly any experience relating to the operation of a transportation service. If practical experience is lacking, please provide an explanation and description of any education or training that you believe may be relevant.

NEARLY 50 YEARS DRIVING EXPERIENCE  
WELL KNOWN THROUGHOUT AMISH COMMUNITY  
HAVE HAILED AMISH & PASSENGERS MANY TIMES  
IN THE PAST.

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to including office machines that will be utilized, and the facility to house vehicles. As a carrier of household goods in use, applicant should include a description of storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers.

5. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the territory you will be serving. In addition, please explain:

- a. Your hiring standards for drivers;
- b. Your system for conducting criminal background checks;
- c. Your driver training program;
- d. Your system for conducting driver license checks;
- e. Your policies regarding alcohol and drug use by your drivers.

6. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

YEAR	MAKE	MODEL	SEATING CAPACITY*	VEHICLE ID #	MILEAGE
2005	CHEVROLET	EXPRESS 3500	15	16AH137U151002874	175946
2006	CHEVROLET	EXPRESS 3500	15	16AH137U161002874	314492
2008	CHEVROLET	EXPRESS 3500	15	16AH137U181002874	266883
2012	CHEVROLET	EXPRESS 3500	15	16AHV	280442
2013	CHEVROLET	EXPRESS 3500	15		280697
2015	CHEVROLET	EXPRESS 3500	15		337700
2016	CHEVROLET	EXPRESS 3500	15		92676

\*Vehicles with seating capacity of more than 15 passengers, including driver, can't be used in paratransit service.

7. Describe your vehicle safety program. Please include the following in your explanation:
- a. Your periodic vehicle maintenance plan
  - b. Your system for ensuring your vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175).

8. Please explain what steps you have taken to determine if you can obtain insurance and pay the required insurance premiums.

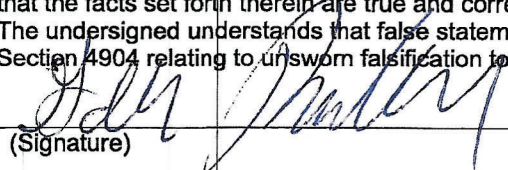
9. State whether the applicant has been convicted of a misdemeanor or felony. If applicant is partnership, limited liability partnership, corporation, or limited liability company this question applies to all members, officers, and/or shareholders. If "YES", explain.

YES  NO

10. Financial Data. Complete the "Statement of Financial Position", which follows this page. Please feel free to also provide additional information explaining why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.

### Verification of Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

  
(Signature)

2/2/26  
(Date)

(Name and Title, printed or typed)

**Statement of Financial Position (Balance Sheet)**  
**As of (date) \_\_\_\_\_**  
**(Must be less than 6 months old)**

ASSETS

Current Assets			
Cash		500	
Other Current Assets (specify)			
Total Current Assets			500
Tangible Assets			
Motor Vehicle Equipment		30000	
Property (buildings, land, etc.)			30000
Office Equipment			
			30500
	<b>TOTAL ASSETS</b>		

LIABILITIES

Current Liabilities (Due within one year of date)			
Loans		30000	
Credit cards/revolving credit			
Other Liabilities (Attach schedule)		500	
Total Current Liabilities			30500
Long Term Liabilities (Due after one year of date)			
Mortgage			
Long term commercial loan			
Other Liabilities (Attach Schedule)			
Total Long-Term Liabilities			
	<b>TOTAL LIABILITIES</b>		30500

Application for Motor Common Carrier of Persons in Paratransit Service

1. PEACHEY'S TRANSPORT SERVICES, LLC.
2. TRADE NAME: NOT APPLICABLE
3. NOT CURRENTLY HOLDING A PUC AUTHORITY
4. BUSINESS ENTITY REGISTERED WITH THE PA DEPT OF STATE (PA CORPORATION BUREAU ENTITY ID NUMBER: 2040187): PEACHEY'S TRANSPORT SERVICES, LLC. SOLE MEMBER, LLC. GALEN E. PEACHEY, PRESIDENT/CEO.
5. SOLE MEMBER LLC – GALEN E PEACHEY, PRESIDENT/CEO
6. 64 Duchess Street  
Suite 200  
Reedsville, PA 17084  
\*Mifflin County  
Ph. 717.667.6202
7. Physical Address: Same as Mailing
8. Attorney: Not Applicable
9. Currently holding USDOT Number: 4515827
10. The service area proposed by this application is in central Pennsylvania. Business entity plans to transport people/passengers, primarily members of local Amish communities between numerous points in Mifflin, Juniata, Snyder and Huntingdon Counties.
11. See Signature

Verified Statement of Applicant

Legal Name of Applicant:

Galen E. Peachey, Pres./CEO (Peachey's Transport Services, LLC.  
64 Duchess Street, Suite 200  
Reedsville, PA 17084  
Brown Township, Millin County  
Ph. 717.667.6202

1. Matthew L. Tate, GM (at alternate business)  
Peachey Repair Service, Inc.  
64 Duchess Street  
Reedsville, PA 17804  
Ph. 717.667.6202 Ext. 101
2. Applicant currently has no current affiliation(s) with any other carrier(s).
3. Applicant brings nearly 50 (fifty) years of safe-driving experience and is well-known throughout the Amish Community. Applicant has hauled Amish and passengers many times prior to the submission of this application.

4. The facility includes a 10,000SF (full-service automotive repair facility) building equipped with vehicle lifts and the ability to house, diagnose, maintain and repair all vehicles while not in use. In addition to the parking/storage/repair bays, the building includes 4 (four) office areas equipped with office equipment consistent with that of a typical office setting (ie. Printers, phones, computers, adequate lighting, waiting areas, desks, etc.). Meticulous records (normal business records and the records required by the PUC) will be maintained and stored electronically and in the bolted down safe located in a secured closet with steel door and dead bolt. Regarding the communication network, we plan to utilize (primarily) word-of-mouth advertising in addition to a website, email, SMS text messages and potentially traditional advertising methods. Since our target market clientele base is primitive, we may need to get slightly creative in reaching out target market.

5. Initially, we plan to employ 8 (eight) drivers for our business. This number is appropriate as it will allow to staff 7 (seven) of the vans we purchased and plan to use on a daily basis based upon a verbal agreement with local Amish-owned sawmills. We will plan to pickup passengers at their residence and take them to work and return them home each day. Employing 8 (eight) and using 7 (seven) will allow for one individual to be on standby in the case of emergency, breakdown or should somebody call off unexpectedly. Each employee shall undergo a criminal background check, child abuse clearances in case passengers under the age of 18 (eighteen) are aboard the transport vehicle. All employed drivers will be added to the insurance policy where the insurance agent will run a drivers history record and accept or deny the employment offer. All driver's license will undergo an annual verification check used at PAA/Dealertrack/Vitu website. Additionally, will use the attached document (found via Google search engine) as a general guide and to remain in compliance with PA PUC Regulations (where applicable).

6.

YEAR	MAKE	MODEL	SEATING CAPACITY	VIN	MILEAGE
2005	CHEVROLET	EXPRESS 3500	15	1GAHG39U651227578	175946
2006	CHEVROLET	EXPRESS 3500	15	1GAHG39U161254401	314412
2008	CHEVROLET	EXPRESS 3500	15	1GAHG39KX81106376	266883
2012	CHEVROLET	EXPRESS 3500	15	1GAZG1FG9C1143971	284812
2013	CHEVROLET	EXPRESS 3500	15	1GAZG1FG7D1134553	286697
2015	CHEVROLET	EXPRESS 3500	15	1GBZG1FF3F1267550	337300
2016	CHEVROLET	EXPRESS 3500	15	1GAZGNFF4G1253802	189055

7. Vehicle safety program will include periodic vehicle maintenance plan per manufacturer specifications, industry standards and annual and/or semi-annual safety inspections performed within our facility and per Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175; PUB45 (8-25)
8. Insurance company has already been contacted and a policy issued and payment received. The premiums will be paid each due date by using funds generated from service sales and daily runs already secured by local saw-mills.
9. Applicant has never been convicted of a misdemeanor or felony.

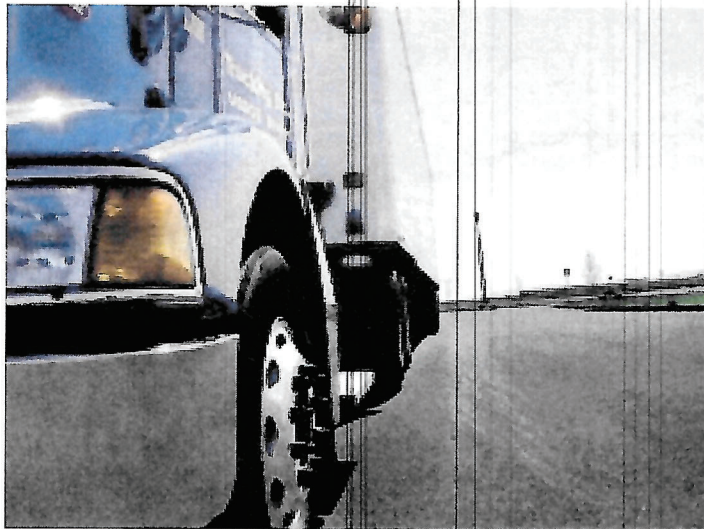


PA PUBLIC UTILITY COMMISSION  
BUREAU OF INVESTIGATION &  
ENFORCEMENT  
INSPECTION DIVISION

On the web:  
[www.puc.pa.gov](http://www.puc.pa.gov)

Revised September 2018

SAFETY FITNESS REVIEW PROGRAM  
**SAFETY FITNESS REVIEW PROGRAM**



Educational and Technical Assistance Package



**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF INVESTIGATION & ENFORCEMENT  
INSPECTION DIVISION  
PO Box 3265, Harrisburg, Pa 17105-3265**

Telephone:  
717-772-2254  
Fax:  
717-787-3114

Dear PUC Carrier:

You have recently applied for a PUC certificate of public convenience. As a result, you have agreed to undergo a Safety Fitness Review by the Motor Carrier Services and Enforcement Division of the Bureau of Investigation and Enforcement. An Enforcement Officer will contact you regarding an appointment to conduct the review. The Commission encourages you to begin transportation operations immediately upon receipt of your Certificate of Public Convenience.

The review will consist of an examination of the following areas: Controlled Substance/Alcohol Testing, General Requirements, Qualifications of Drivers, Driving of Motor Vehicles, Parts and Accessories for Safe Operation, Hours of Service Requirements, and Vehicle Inspection Repair and Maintenance. This review process is designed to assist you to become compliant with regulatory requirements.

Please utilize this package and obtain a current copy of the Federal Motor Carrier Safety Regulations so you can understand the requirements of the review process and become compliant with the applicable regulations. The Federal Motor Carrier Safety Administration and the Public Utility Commission are working to reduce accidents, injuries and most importantly, fatalities. A Safety Fitness Review of carrier operations provides the educational tools necessary for a carrier to develop safe practices.

Once your first review is completed, the Enforcement Officer will provide you with a list of recommendations of practices needed to be in full compliance. The Commission will then notify you of either a Satisfactory or Unsatisfactory rating. If you receive an unsatisfactory rating, a second review will be scheduled. If a satisfactory rating is not obtained after a second review, your certificate will be cancelled, which will require you to reapply. The Safety Fitness Review process and obtaining a satisfactory rating must be accomplished within 180 days from the issuance date of your certificate. Please feel free to contact our Motor Carrier Safety Office at 717-772-2254 with any questions you may have.

Sincerely,

*Inspection Division Staff*

Bureau of Investigation & Enforcement

# **PA PUBLIC UTILITY COMMISSION**

## **Safety Fitness Compliance Requirements**

### **General Applicability**

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The Pennsylvania Public Utility Commission has promulgated motor carrier safety requirements for certificated common carriers at Chapter 37 of 52 Pa. Code. These requirements have been established to reduce the potential for highway accidents. Motor common carriers should possess a working knowledge of these requirements, to pursue safe operations, as well as regulatory compliance.

The Commission has generally adopted Parts 382 and 390-396 of the Federal Motor Carrier Safety Regulations (FMCSR). These regulations have been incorporated to provide consistency with the Pennsylvania Department of Transportation's Motor Carrier Safety Regulations, as well as with the Federal Motor Carrier Safety Administration.

In adopting the FMCSRs, the Commission has incorporated most provisions verbatim, while revising and deleting a few regulations. Carriers will not find a specific FMCSR regulation rewritten within Chapter 37. Instead, Chapter 37 contains a reference to an adopted part or section of the FMCSR. Therefore, persons must locate the referenced part or section in a copy of the FMCSRs to read the provisions of the regulation. Those regulations, which have been changed in Chapter 37, contain the amended language, while all deleted FMCSR regulations are denoted.

The Commission's Safety Requirements in Chapter 37 are applicable to its certificated common carriers of property and passengers. Specifically, it applies to:

- Property common carriers, operating vehicles with a GVWR in excess of 10,000 lbs.
- Passenger carriers, operating buses with a seating capacity of 16 or more.
- Property carriers operating lightweight vehicles (gross weight rating of 10,000 lbs. or less). These carriers are excepted from some FMCSR driver regulations and must maintain their vehicles in accordance with the Commonwealth's Vehicle Equipment and Inspection Regulations (67 Pa Code, Chapter 175).

The safety requirements are applicable to all employees of the motor carrier. Therefore, the carrier should ensure that it has instructed all its employees about the Commission's safety regulations to ensure complete compliance.

Although the Public Utility Commission does not regulate the transportation of hazardous materials, carriers operating motor vehicles which transport hazardous material should ensure they are in compliance with the United States and the Pennsylvania Department of Transportation's Hazardous Material Regulations.

**NOTE: If the carrier has a SATISFACTORY safety rating from another state or the federal government within the last twenty-four (24) months, it is not required to submit to the Commission's Safety Fitness Review.**

The following information is intended as a brief overview of each of the adopted Parts but should not be considered a substitute for obtaining and becoming familiar with the Federal Motor Carrier Safety Regulations (49 CFR) and The Public Utility Code, (Title 52, Chapter 37).

### **Part 382 – Alcohol and Drug Testing Requirements**

**Applicability:** Drivers required to have a commercial drivers license (CDL), are subject to controlled substance and alcohol testing rules. This requirement includes drivers engaged in interstate or intrastate truck and motorcoach operations. Carriers are to have a testing program in place when certificated commercial motor vehicle operations commence.

#### **Types of Alcohol and Controlled Substance Tests:**

- **Pre-Employment (382.301)**- No person shall allow a driver to perform a safety sensitive function until they have received a negative controlled substance test result or complied with the exceptions.
- **Post Accident (382.303)**- As soon as practicable following an accident involving a commercial motor vehicle operating on a highway in commerce, but within 8 hours for alcohol and 32 hours for controlled substances, each employer shall test each surviving driver for alcohol and controlled substances:
  - Who was performing a safety sensitive function with respect to the vehicle
  - If the accident involved the loss of human life
  - Who received a citation under state and local law for a moving traffic violation arising from the accident, if the accident involved:
    - Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident.
    - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other vehicle.
- **Random (382.305)**- Companies are to randomly test a minimum of 10% of its drivers for alcohol, and 25% for controlled substances each year. The random alcohol test shall be performed immediately prior, during, or immediately after a driver is about to or has performed a safety sensitive function as defined in 49 CFR 382.107. All drivers must have an equal chance of being selected. Owner-Operators are required to participate in a consortium of two or more drivers to meet the random testing requirement. DOT and NON-DOT testing programs may not be commingled.

- **Reasonable Suspicion (382.307)**- An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. A supervisor or company official who is trained in accordance with 49 CFR 382.603 shall make and record the required observations. Owner-Operators are exempt from Reasonable Suspicion testing requirements.
- **Return to Duty (382.309)** - After engaging in prohibited conduct regarding alcohol or controlled substance misuse, a driver shall undergo a return to duty alcohol test or drug test before performing a safety sensitive function. The alcohol test result must indicate a breath alcohol concentration of less than 0.02. The controlled substance test result must indicate a verified negative result for drug use. In the event that a return to duty test is required, the driver must also be evaluated by a substance abuse professional (SAP).
- **Follow up Testing (382.311)**- A SAP shall schedule six unannounced follow-up tests for controlled substance and/or alcohol testing in the first 12 months for a driver returning to a safety sensitive function.

**Retention of Records:**

**Five years**

- Alcohol test of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Driver evaluation and referrals
- Required calibration of Evidential Breath Testing (EBT) devices
- Records related to the administration of testing programs
- A copy of the annual calendar year summary

**Two Years**

- Records related to the collection process and required training

**One Year**

- Negative and cancelled controlled substance test results
- Alcohol tests indicating a Blood Alcohol Concentration (BAC) of less than 0.02%

**Indefinite Period**

- Educational and Training Materials for drivers and supervisors

All required records shall be maintained in a secure location with limited access, and shall be made available for inspection by an authorized representative of the Federal Motor Carrier Safety Administration, which includes a PUC Enforcement Officer, within two business days of the request.

**Supervisor Training:** Except for owner/operators, employers must designate a person to receive training on alcohol/controlled substance misuse awareness and document such training.

**Designated Employer Representative (DER):** Employer representative authorized to receive tests results from service agents, remove employees from safety sensitive functions, and make required decisions in the testing and evaluation process.

**Driver Awareness:** Every motor carrier shall provide educational materials explaining the requirements of the regulations as well as the employer's policies regarding alcohol misuse and controlled substance abuse. Carrier's Drug Policy should conform to 49 CFR 382.601.

**Inquiries to Previous Employers:** A motor carrier, with a driver's written authorization, shall inquire about the following information on a driver from a driver's previous employers for a period of two years preceding the driver's date of application:

- Alcohol tests with a result of 0.04 alcohol concentration or greater
- Verified positive controlled substances test results
- Refusals to be tested
- Violations of DOT testing regulations
- Documentation of successful completion of a return to duty and follow-up testing program

## **Part 390 – General Regulatory Requirements**

### **Definitions Title 52, Chapter 37.202**

**Bus**—A motor vehicle designed, constructed and used for the transportation of passengers under certificates of public convenience and necessity issued by the Commission in scheduled route, airport transfer, or in group or party service. For the purpose of this chapter, the designed seating capacity of the bus shall be 16 or more passengers.

**Driver** — A person who drives or is in actual physical control of a vehicle.

**Employer** — A common or contract motor carrier as regulated by the Commission.

**Lightweight vehicle**—A motor vehicle, other than a vehicle that is being used to transport passengers for hire; or a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 CFR 177.823 (relating to marking and placarding motor vehicles) that are either:

(i) Manufactured on or after January 1, 1972 and has a manufacturer's gross vehicle weight rating of 10,000 pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of 10,000 pounds or less, in the case of an articulated vehicle.

Or

(ii) Manufactured before January 1, 1972, and has a gross weight including its load and the gross weight of a vehicle being towed by the motor vehicle of 10,000 pounds or less.

**Motor carrier**—includes the following:

(i) *Common carrier by motor vehicle*—Persons or corporations holding out or undertaking, directly or indirectly, to transport property, or a class of property or passengers between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of the vehicle; or providing or furnishing a motor vehicle with or without driver for transportation or for use in transportation of property as described in this definition, and including common carriers by rail, water or air and express or forwarding public utilities insofar as the common carrier or the public utilities are engaged in the motor vehicle operation, except as expressly exempted by the act.

(ii) *Contract carrier by motor vehicle*—A person or corporation who or which provides or furnishes transportation of property, or a class of property or passengers, between points within this Commonwealth by motor vehicles for compensation whether or not the owner or operator of the motor vehicle, or who or which provides or furnishes with or without driver a motor vehicle for the transportation or for use in the transportation other than as a common carrier by motor vehicle, except as expressly exempted by the act.

**Motor vehicle** – A vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or a combination thereof. The term includes a truck, truck tractor or combination having a gross vehicle weight rating or registered gross weight in excess of 10,000 pounds, and a vehicle defined as a bus in this section.

#### **Part 391 – Qualifications of Drivers.**

Motor Carriers must assure that all drivers meet the minimum qualifications specified in Part 391, meet the Physical Qualifications and Examinations required in Part 391.41 and possess a valid medical certificate.

**Driver Qualification File Checklist-** Every motor carrier must have a qualification file for each regularly employed driver. (Owner/Operators **MUST** comply with the provisions of this part.)

The file must include:

- Driver's Application for Employment
- Inquiry to previous employers – 3 years
- Inquiry to state agencies – 3 years
- Annual review of driving record-every 12 months
- Annual driver's certification of violations – every 12 months
- Driver's road test certificate or equivalent
- Medical Examiner's Certificate
- Any medical waivers
- Inquiry of positive alcohol/controlled substance results
- Previous 7 days on duty status record for first time drivers and/or intermittent drivers

### **Part 392 – Driving of Motor Vehicles.**

Motor Carrier shall ensure that drivers abide by the applicable sections in relation to the operation of vehicles on the highway. Some of the requirements include:

- Prohibitions on driving a Motor Vehicle while the driver is ill or fatigued
- Prohibitions regarding the possession and use of controlled substances
- Prohibitions regarding the possession of non-manifested alcohol or its use
- Schedules are to conform with speed limits
- Drivers satisfy themselves that the parts and accessories are in proper working order
- Emergency equipment is in place and ready for use
- Cargo is properly distributed and adequately secured
- Stopping requirements at railroad crossings for Motor Vehicles transporting certain Hazardous Materials or bus transporting passengers
- Prohibitions against transporting unauthorized passengers
- Prohibition against the use or possession of any radar detector

### **Part 393 – Parts and Accessories Necessary for Safe Operation.**

Motor Carriers shall ensure that vehicles used in the carrier's operations meet the minimum requirements for parts and accessories necessary for safe operation. These include:

- Lamps, Reflective devices and electrical lighting
- Brake systems
- Glazing and Window Construction
- Fuel Systems
- Coupling Devices and Towing methods
- Misc. Parts and Accessories, tires, horns, heaters, speedometers, rear protection
- Emergency Equipment
- Protection against shifting and falling cargo
- Frames, Cab & Body, Wheels, Suspension, Steering wheel systems

### **Part 395 – Hours of Service of Drivers.**

#### **Electronic Logging Device (ELD)**

The ELD Rule applies to most motor carriers and drivers who are currently required to maintain records of duty status (RODS). The rule applies to commercial buses as well as trucks. Canada- and Mexico-domiciled drivers are included, unless they qualify for one of the exceptions to the ELD rule. The following are not required to use ELDs (but carriers may choose to use ELDs even if they are not required):

Drivers who use paper logs no more than 8 days during any 30-day period.

Driveaway-towaway drivers (where the vehicle driven is the commodity) or the vehicle being transported is a motor home or a recreation vehicle trailer (at least one set of wheels of the vehicle being transported must be on the surface while being transported)

Drivers of vehicles manufactured before model year 2000.

Carriers must evaluate and select ELDs, and ensure they are installed and drivers and administrative staff are trained to use them by the deadline that applies (December 16, 2019 for carriers using AOBDRs or December 18, 2017) for those using paper logs or logging software. Prior to purchasing an ELD, motor carriers and drivers should confirm with the ELD provider/manufacture that the device is certified and registered with FMCSA.

View a list of self-certified and registered ELDs at <https://csa.fmcsa.dot.gov/ELD/List>  
Drivers must understand and be able to use ELDs by the required deadline, including how to annotate and edit RODS, certify RODS, and collect required supporting documents. You will also need to know how to display and transfer data to safety officials when requested.

The ELD final rule does not change any of the basic hours-of-service rules or exceptions. For more information regarding hours-of-service, visit FMCSA's Hours of Service page. <https://www.fmcsa.dot.gov/regulations/hours-of-service>

Motor Carrier drivers are required to complete a record of duty status or time records, when authorized, for each 24-hour period. Drivers are prohibited from exceeding the established hours of service limitations. The records must be maintained for a period of six months. Drivers of lightweight vehicles are authorized to utilize time records to maintain records of hours of service in lieu of a Record of Duty Status (Log Book).

**Applicability-** All property certificated carriers are subject to the hours of service requirements with some exceptions for lightweight vehicle operators.

#### **Property Carriers-**

These provisions apply to property carriers and drivers as follows:

- Driver shall not drive more than 11 cumulative hours, following 10 consecutive hours off duty.
- Driver shall not drive after the 14<sup>th</sup> hour after coming on duty, following 10 consecutive hours off duty.
- Driver shall not drive after being on duty 60/70 hours in 7/8 consecutive days. A driver may restart a 7/8-day consecutive period after taking 34 or more consecutive hours off duty.

#### **Passenger Carriers-**

These provisions apply to passenger carriers and drivers as follows:

- Driver shall not drive more than 10 hours following 8 consecutive hours off duty.
- Driver shall not drive for any period after having been on duty 15 hours following 8 consecutive hours off duty.

- Driver shall not drive after having been on duty 60/70 hours in 7/8 consecutive days.

**Short Haul Operations-**

**100 Air mile radius driver-**

Is exempt from the requirements of 395.8 (Requirement to prepare a logbook) if:

- The driver operates within 100 air mile radius of the normal work reporting location (115.08 statute miles).
- The driver returns to his normal work reporting location and is released from work within 12 consecutive hours.
- A property-carrying motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty.
- A passenger-carrying motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty.
- A property-carrying motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty.
- A passenger-carrying motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty.
- The motor carrier that employs the driver maintains and retains for a period of 6 months true and accurate time records showing:
  - The time the driver reports for duty each day
  - The total number of hours the driver is on duty each day
  - The time the driver is released from duty each day
  - The total hours in the preceding 7 days for first time or intermittent drivers

**Property-carrying Motor Vehicle drivers that do not require a CDL-**

Except as provided below, are exempt from 395.3 (Maximum driving time) and 395.8 (Requirement to complete a log book) and are not allowed to utilize the provisions of 395.1(e) (1) (100 air mile radius exception), 395.1 (g) (Sleeper berth operations), and 395.1 (o) (14-hour rule exception).

- The driver operates a vehicle for which a CDL is not required.
- The driver operates within 150 air miles of his normal work reporting location.
- The driver returns to his normal work reporting location at the end of his duty tour.
- The driver has 10 consecutive hours off duty separating each on duty period.
- The driver does not drive more than 11 hours following at least 10 consecutive hours off duty
- The driver does not drive:
  - After the 14<sup>th</sup> hour after coming on duty on 5 days of any period of 7 consecutive days
  - After the 16<sup>th</sup> hour after coming on duty on 2 days of any period of 7 consecutive days
  - After having been on duty 60 hours in 7 days or 70 hours in 8 days.
- Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours
- The motor carrier that employs the driver maintains and retains for a period of 6 months, true and accurate time records showing:
  - The time the driver reports for duty each day
  - The total number of hours the driver is on duty each day
  - The time the driver is released from duty each day
  - The total time for the preceding 7 days for drivers used the first time or intermittently

**Sleeper Berths-** A driver of a property-carrying motor vehicle equipped with a sleeper-berth must, before driving, accumulate:

- At least 10 consecutive hours off duty.
- At least 10 consecutive hours of sleeper-berth time.
- A combination of consecutive sleeper-berth and off-duty time amounting to at least 10 consecutive hours.
- The equivalent of at least 10 consecutive hours off duty if the driver has not already complied with the three previous mentioned methods of obtaining 10 consecutive hours.  
The equivalent includes:
  - A period of at least 8 but less than 10 consecutive hours in a sleeper berth, and
  - A separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination thereof.
- Driver may not drive more than 11 hours following one of the four methods of obtaining 10 consecutive hours off duty.
- Driver may not drive after the 14<sup>th</sup> hour after coming on duty following one of the four methods of obtaining 10 consecutive hours off duty.
  - Excluded from the 14-hour limit calculation is any sleeper period of at least 8 hours but less than 10 consecutive hours.

**Property-Carrying Driver-** A property carrying driver is exempt from the requirements of 395.3(a) (2) (14-hour rule) if:

- The driver has returned to the normal work reporting location and the carrier released the driver from duty at that location for the previous 5 duty tours the driver has worked,
- The driver returns to the normal work reporting location and the carrier releases the driver from duty within 16 hours after coming on duty, following 10 consecutive hours off duty, **and**
- The driver has not taken this exemption within the previous 6 consecutive days, except when the driver has begun a new 7 or 8 consecutive day period with the beginning of any off-duty period of 34 or more consecutive hours.

**Retention of Record of Duty Status/Time Records and supporting documents-** The driver must submit the original log sheet to the employing motor carrier within 13 days after completion.

Records of duty status or time records and supporting documents are required to be maintained for six months at the carriers' principal place of business. Supporting Documents may include, but are not limited to:

- Shipping papers and delivery receipts
- Toll Receipts
- Fuel Receipts
- EZ PASS logs
- Weigh Bills
- Phone Records
- Hotel Receipts
- Payroll Records

## **Part 396 - Vehicle Inspection, Repair, and Maintenance**

**Requirements-** Motor carriers must ensure that the vehicles under its control are systematically inspected, repaired and maintained.

**Maintenance Records** - Records containing due dates and completion dates of inspections, repairs, and maintenance must be maintained for each vehicle under the carrier's control for at least one year. Records shall include:

- Vehicle Identification, company number, make, serial number, year and tire size
- A schedule of inspections to include type and due date
- Records of inspections, repairs and maintenance procedures
- Records of test of push out windows and doors on buses

**Inspection Reports-** Carriers must ensure that its drivers complete vehicle inspection reports at the completion of the workday for each vehicle the driver operates. The driver of a passenger-carrying CMV must prepare and submit a report even if no defect or deficiency is discovered by the driver; the drivers of all other commercial motor vehicles are not required to prepare or submit a report if no defect or deficiency is discovered by the driver. These reports must be retained for 90 days. Carriers operating only one motor vehicle are exempt from this requirement.

**Annual Inspection-** Carriers must ensure that each vehicle under its control successfully completes an annual inspection in accordance with Appendix G of Part 396.

**Out-of-service Criteria** - The Commission has established out-of-service criteria for drivers and vehicles. This criterion has been developed by the Commercial Vehicle Safety Alliance, and it lists the violations and defects which have been determined to be so imminently hazardous to require immediate correction. Drivers found to be in violation of the out-of-service criteria may have to be replaced or be required to obtain a specified amount of rest prior to driving. Vehicles found to have defects listed in the out-of-service criteria must be repaired prior to continued operation.

## **LIGHTWEIGHT VEHICLE COMPLIANCE**

**Lightweight Vehicles** - Carriers operating lightweight vehicles (GVWR 10,000 lbs. or less) are generally subject to the same safety regulations as other property carriers.

- Part 390- General regulations
- Part 391- Qualifications of Drivers (see exceptions below)
- Part 392- Driving of Motor Vehicles
- Part 395-Hours of Service for Drivers (see exceptions below)

- Part 396-Inspection Repair and Maintenance

Lightweight Vehicles are excepted from the following requirements:

- Alcohol and Controlled Substance Testing (Part 382)
- Parts and Accessories Necessary for Safe Operation (Part 393)  
(Lightweight vehicles must be in compliance with Pennsylvania's Vehicle and Equipment Standards; 67 Pa. Code, Chapter 175)
- Driver's Record of Duty Status (395.8) Lightweight vehicle carriers are not required to maintain log books but must keep accurate time records for its drivers listing: starting time and total on duty time.

## **SAFETY FITNESS COMPLIANCE REVIEWS**

The Pennsylvania Public Utility Commission evaluates the safety fitness of each motor carrier who has received approval of their application for Pennsylvania intrastate operating authority. The Commission conducts this evaluation through a safety fitness review. This review is an evaluation of a carrier's safety management procedures to determine whether the carrier is prepared to comply with the Commission's driver and vehicle safety requirements. It consists of a brief interview with a carrier representative and a sampling of required carrier safety records.

Applicants from outside the Commonwealth of Pennsylvania will be requested to have a carrier representative come to one of our district office locations (Harrisburg, Harmarville, Scranton, and Philadelphia) and bring a sampling of the required safety records for review.

As a result of the review, a rating of either satisfactory or unsatisfactory is determined. Regardless of the rating, the carrier is required to correct all deficiencies noted on the review report. An unsatisfactory rating achieved on the first review requires the carrier to submit to a second review in approximately 60 days. An unsatisfactory rating earned on a second review subjects the carrier to the Commission's complaint process and cancellation of its certificate of public convenience.

The goal of the Safety Fitness Review is to identify carrier deficiencies and potential problems, and to provide recommendations to establish correct management controls to ensure future compliance.

The following is a list of items and records the motor carrier should have available for the safety fitness review, however, it is **not** a comprehensive list of records required to be maintained by the carrier:

1. Copy of Federal Motor Carrier Safety Regulations
2. Accident Records for preceding 365 days
3. Alcohol and Controlled Substance Testing Records
4. Driver Qualification Files
5. Vehicle Maintenance Files
6. Record of Duty Status or Time Records
7. Supporting Documents for Record of Duty Status
8. Written Policies for Drivers regarding prohibited use of alcohol and controlled substances, speeding and transportation of passengers

Copies of the Federal Motor Carrier Safety Regulations, as well as other required safety record forms, can be obtained from the following sources:

- American Trucking Association (800) 282-5463 <http://www.trucking.com>
- J.J. Keller & Associates (877) 564-2333 <http://www.jjkeller.com>
- Labelmaster (800) 621-5808 <http://labelmaster.com>
- Pennsylvania Motor Truck Association (717)761-7122 [www.pmta.org](http://www.pmta.org)
- A local truck stop in your area or any other service you wish to use.