



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



<b>POLICY NUMBER</b>	
OPR: 57	
<b>EFFECTIVE DATE:</b> 09/25/2017	<b>ORIGINAL ISSUED ON:</b> 09/25/2017
<b>REVISION NO:</b>	
ORIGINAL	

**SUBJECT: SAFETY INSPECTIONS**

**1.0 PURPOSE**

The purpose of this policy is to standardize the procedures for conducting safety inspections on commercial motor vehicles and their drivers in accordance with the Commercial Vehicle Safety Alliance, Federal Hazardous Material Transportation Regulations, Federal Motor Carrier Safety Regulations, and NMSA 1978, Sections 65-3-1 through 65-3-13, and NMAC Title 18, Chapter 2, Part 3.

**2.0 POLICY**

It is the policy of the Department of Public Safety to conduct commercial motor vehicle safety inspections in an effort to reduce crashes by removing unsafe drivers and imminently hazardous commercial motor vehicles from New Mexico highways. It is also the policy of the Department to conduct these standardized inspections to promote public awareness and highway safety for the motoring public.

**3.0 APPLICABILITY**

This policy is applicable to all personnel seeking certification and those personnel that are certified through the Commercial Vehicle Safety Alliance North American Standard Procedures.

**4.0 REFERENCES**

- A. NMAC, Title 18, Chapter 2, Part 3, Current Administrative Code**
- B. NMSA 1978, Chapter 65 Article 3, Current Statutes**
- C. US CFR 49, Volumes 2 through 5, Chapters 1 through 3, Current Promulgated Version**
- D. CVSA North American Standard Out-of-Service Criteria, Current Volume**
- E. CVSA North American Standard Out-of-Service Criteria for Transuranic Waste and Highway**
- F. Route Controlled Quantities (HRCQ) of Radioactive Material, Current Volume**
- G. Level/Inspection Procedure, Current CVSA Procedural Manual**
- H. Level 1 Passenger Vehicle Inspection Procedure Two Person Team, Current CVSA Procedural Manual**
- I. Level 1 Passenger Vehicle Inspection Procedure Three Person Team, Current CVSA Procedural Manual**
- J. Level 1/ Inspection Procedure, Current CVSA Procedural Manual**

## SAFETY INSPECTIONS

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- K. Level 1/2 Inspection Procedure, Current CVSA Procedural Manual Level V Inspection Procedure, Current CVSA Procedural Manual Level VI Inspection Procedure, Current CVSA Procedural Manual
- L. Hazardous Materials/TOG Inspection Procedure, Current CVSA Procedural Manual
- M. Cargo Tank/Other Bulk Packaging Inspection Procedure, Current CVSA Procedural Manual
- N. CVSA Operational Policy 4
- O. CVSA Operational Policy 5
- P. CVSA Operational Policy 7

### 5.0 DEFINITIONS

- A. **Bulk Package** – Bulk packaging means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment which has:
  - 1. A maximum capacity greater than one hundred nineteen (119) gallons as a receptacle for a liquid, or,
  - 2. A maximum net mass greater than eight hundred eighty-two (882) pounds and a maximum capacity greater than one hundred nineteen (119) gallons as a receptacle for a solid, or,
  - 3. A water capacity greater than one thousand (1000) pounds as a receptacle for a gas.
- B. **Certified** – The term "certified" as used in this section means personnel who have successfully completed a training program approved by CVSA.
- C. **Commercial Motor Vehicle** – Commercial Motor Vehicle (CMV) means the definition of Commercial Motor Vehicle in NMAC 18.2.3
- D. **CVSA** – Commercial Vehicle Safety Alliance
- E. **FMCSA** – Federal Motor Carrier Safety Administration
- F. **Out-of-Service Criteria** – Uniform Out-of-Service Criteria published by CVSA

### 6.0 PROCEDURE

The New Mexico Department of Public Safety is committed to promoting motor carrier safety in the state of New Mexico and conducting driver/vehicle safety inspections in accordance with CVSA policies and procedures.

#### A. NORTH AMERICAN STANDARD INSPECTION LEVELS

Refer to CVSA Operational Policy 5

#### B. GENERAL POLICY FOR DRIVER / VEHICLE SAFETY INSPECTIONS

- 1. Refer to CVSA Operational Policy 5
- 2. *Exception to Operational Policy 5 as allowed by DPS:*

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## SAFETY INSPECTIONS

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*Level 1 safety inspections may be conducted by a single person provided that the individual deems it necessary at the time and safety can be assured for all persons involved.*

### **C. CARGO INSPECTIONS**

When safe to do so, personnel shall incorporate the inspection of the cargo area in their routine inspection activities for all commercial motor vehicles.

#### **1. Replacement Seals**

Any seal used by personnel as a replacement seal should:

- a. Be compliant with the ISO 17712 Standard. (Note: agencies purchasing seals should request a copy of the certification to the ISO 17712 Standard from the manufacturer to ensure that the manufacturer actually meets the standard.)
- b. Have a unique identification number stamped or embossed on each seal.
- c. Be designed and constructed to prevent removal or undoing without breaking, or tampering, without leaving clear visible evidence that the seal has been altered.
- d. Not be reusable.

#### **2. Opening the Cargo Area and Officer Safety**

- a. Personnel shall use caution upon opening a cargo area due to unknown contents, or if hazardous materials are identified or suspected to be in the vehicle. Loose freight or toxic liquids or gasses may suddenly be released when the doors are opened. Generally speaking, officers should require the driver to open the doors.
- b. Prior to opening the doors to a cargo area, the inspector should review the shipping papers to determine the identity of the expected contents.
- c. Upon entering the cargo area, personnel shall be aware that the oxygen content in a van trailer, even with the doors open, can quickly be displaced or reduced by various chemicals.
- d. In addition, and whenever possible, personnel shall always have a back-up officer on scene before entering the cargo area to prevent an inspector from getting trapped in a cargo area.
- e. Every attempt should be made to have the driver voluntarily open the cargo area.
- f. Whenever possible, inspectors should contact the driver's company if the driver refuses to open it.
- g. In the event a trailer is locked and the driver does not have a key, the driver shall be given a reasonable amount of time to arrange to have a key delivered. Be sure to document that the driver was asked if he/she has a key and their response. If the driver is unable to arrange to have the lock opened, the lock

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## SAFETY INSPECTIONS

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shall be removed by the officer and replaced with a seal provided by the agency prior to releasing the vehicle. Personnel shall be equipped with the necessary tools to remove locks safely.

- h. Personnel should inspect existing seals very carefully to determine if the seal has already been broken. Broken seals may indicate contraband in the vehicle or that the vehicle has been subject to cargo theft.
- i. Officers with in-car video cameras should make every attempt to video the opening, inspection, and resealing of the cargo area. Have the driver serve as a witness to the breaking and the resealing of the cargo area whenever possible. Also, instruct the driver to notify the motor carrier that the seal of the cargo area has been broken and resealed. If in-car video is not available, other means of audio/visual documentation should be used if possible.

### **3. Documentation of Entry and Seal Replacement**

Personnel shall document the opening of any trailer, including unsealed trailers, whether opened voluntarily by the driver or opened by the inspector. Anytime a cargo area is opened, a driver/vehicle inspection report shall be completed and the original seal number and replacement seal number will be documented on the driver/vehicle inspection report.

## **D. CVSA OUT-OF-SERVICE CRITERIA**

1. Driver - The purpose of the Out-of-Service Criteria is to identify violations that render the commercial motor driver unqualified to drive or out-of-service.
2. Vehicle - The purpose of the Out-of-Service Criteria is to identify Critical Vehicle Inspection Items and provide criteria for placing vehicles out-of-service subsequent to a safety inspection.
3. All CVSA certified personnel shall comply with the current out-of-service violation standards which are updated annually and distributed to personnel.
4. Refer to CVSA Operational Policy 5.
5. Refer to current Out-of-Service Criteria when placing vehicles and/or drivers out of service.

## **E. CVSA CERTIFICATION**

A basic job requirement for the enforcement of the Federal Motor Carrier Safety Regulations is that officers, sergeants, and transportation inspectors obtain and maintain CVSA certification in North American Standard Level I; Hazardous Material/Transportation of Dangerous Goods; Cargo Tank; and Other Bulk Packaging inspections. Personnel shall attend certification classes as soon as practical and which shall be determined by the Deputy Chief or his/her designee. Personnel may be required to obtain and maintain CVSA Level VI inspector certification (radiological inspections). Commissioned personnel at the ranks of lieutenant, captain, and major are required, at a minimum, to obtain and maintain a CVSA certification in the North American Standard Level I and are encouraged to obtain and maintain advanced levels of CVSA inspector certification.

## SAFETY INSPECTIONS

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The Department will allow personnel two (2) attempts to obtain the full CVSA certification consisting of Part A and Part B. In the event only one (1) part is passed, the second attempt will only consist of passing the part previously failed. Two (2) attempts will be granted in Hazardous Material/Transportation of Dangerous Goods, Cargo Tank, Other Bulk Packaging, and Radiological as well. If the student is unsuccessful on the first attempt at certification, a refresher course will be provided and the individual re-tested. The re-test does constitute an additional attempt.

Personnel who pass the testing phase will be required to complete the minimum number of inspections within the required timeframes as set by CVSA six (6) months in each category in order to complete the certification process.

Failure to obtain CVSA certification after the second attempt or maintain CVSA certification in the above captioned areas will be just cause to seek dismissal of the incumbent from his/her position.

### **F. NORTH AMERICAN STANDARD INSPECTION COURSES AND INSPECTOR CERTIFICATION REQUIREMENTS**

Refer to CVSA Operational Policy 4

### **G. STANDARDS FOR MAINTAINING CVSA CERTIFICATION**

Refer to CVSA Operational Policy 4

### **H. CVSA MEMORANDUM OF UNDERSTANDING**

#### **GENERAL**

The State of New Mexico is a member of the Commercial Vehicle Safety Alliance and agrees, by virtue of signing the Memorandum of Understanding, to grant reciprocity to all other member jurisdictions by recognizing the validity of their inspections and honoring current CVSA decals unless obvious violations are present.

The Department has adopted the recommended Out-of-Service and other defect repair verification procedures as developed by CVSA.

The Department agrees to honor the CVSA inspection decals affixed to a vehicle by all authorized agencies. It further agrees that CVSA decals will be affixed to those vehicles which pass the Level I CVSA inspection **with no violations of critical inspection items.**

#### **CRITICAL VEHICLE INSPECTION ITEMS**

- Brake systems
- Coupling devices
- Exhaust systems
- Frame
- Fuel systems
- Lighting devices (turn signals, brake lamps, tail lamps, and head lamps)

- Safe loading
- Steering mechanism
- Suspension
- Tires
- Van and open-top trailer bodies
- Wheels and rims
- Windshield wipers
- Emergency exits for buses

In order to better implement and maintain the standards and agreements contained in this Memorandum of Understanding and to effectively administer the terms and conditions contained under Title IV of the Surface Transportation Act of 1982 (P.L. 97-424), the New Mexico Department of Public Safety agrees to:

1. Train, retrain (as necessary or desirable), test, and certify personnel as per the agreement with the CVSA.
2. Supply inspection forms for all inspections conducted in conformance with this agreement.
3. Supply vehicle out-of-service stickers and CVSA decals.
4. Supply monitoring services relative to inspection write-up techniques and violations recorded.
5. Supply processing, coding, and data services.

Pursuant to the Governor's directive, the New Mexico Department of Public Safety functions as the lead agency for purpose of administering participation in the Surface Transportation Assistance Act and to ensure the state's compliance, including its participating political subdivision, with the terms and conditions contained therein. The Department further agrees to the following conditions:

1. Inspections will only be conducted by CVSA certified personnel; however, non-certified personnel may assist certified personnel.
2. When performing inspections as described herein, said inspections shall be documented on forms provided by the Department.
3. Completed inspection documents shall be electronically uploaded within five (5) working days following the date of the inspection for processing and final compliance.

### **I. ANNUAL CVSA IN-SERVICE TRAINING**

In the interest of attempting to have CVSA certified personnel perform the highest quality safety inspections possible, annual CVSA in-service training will be offered. This training shall be mandatory for all CVSA certified personnel.

