



Florida Department of TRANSPORTATION

Office of Inspector General

Kristofer B. Sullivan, Interim Inspector General

A handwritten signature in black ink, appearing to read "KSullivan".

Audit Report No. 18P-1001
Motor Carrier Size and Weight Program

July 5, 2018

What We Did

The Office of Inspector General (OIG) performed a review of the Department of Transportation's (department) Motor Carrier Size and Weight Program (MCSAW). This was completed by evaluating compliance with current laws and regulations. We also reviewed the issuance of citations and the compliance of the Quality Assurance Review program (QAR).

What We Found

The MCSAW QAR program has not been fully implemented in accordance with the QAR program procedures of the MCSAW Manual, Chapter 20. The MCSAW QAR team has conducted the QARs of the weigh stations per policy. However, management indicated the "Post-Inspection Activity", and "Follow-Up Inspection" have not been completed. In addition, while the "Post Review Reports" are being conducted on-site after each QAR visit, there is no documentation of the process.

MCSAW Manual Chapter 13, citation control and penalty, is not fully aligned with the Florida Administrative Code (F.A.C.). Additionally, incorrect content and responsibilities included in the manual no longer apply to the MCSAW Office. Chapters 10 and 11 regarding weight enforcement and size and permit enforcement were aligned with F.A.C. rules.

MCSAW weight facility onsite processes and MCSAW Manual subject matter in Chapters 10 and 11 are aligned with subject matter requirements with judgmentally selected sections of Florida Statutes (F.S.) and Code of Federal Regulations (C.F.R.).

We have also provided opportunities to improve the MCSAW Manual and Quality Assurance Review program.

What We Recommend

We recommend the Statewide Scale Operations Manager fully implement and document the Quality Assurance Review program and revise the MCSAW Manual to reflect current and accurate regulations and requirements.

TABLE OF CONTENTS

BACKGROUND AND INTRODUCTION	3
RESULTS OF REVIEW	4
Finding 1 – Quality Assurance Review (QAR) Program & Report Follow Up	4
Finding 2 – Regulations, Procedures, and Manual Alignment	5
APPENDIX A – Purpose, Scope, and Methodology	7
APPENDIX B – Management Response	8
DISTRIBUTION	10
PROJECT TEAM	11
STATEMENT OF ACCORDANCE	11

BACKGROUND AND INTRODUCTION

Senate Bill 2000 (July 1, 2011) appropriated the move of Motor Carrier Compliance, from the Florida Department of Transportation (department) to the Florida Department of Highway Safety and Motor Vehicles and the Florida Highway Patrol (FHP). The weigh stations and their operations remained under the department within the Maintenance Office as the Motor Carrier Size and Weight Office (MCSAW). MCSAW is staffed by regulatory weight inspectors who perform commercial vehicle size and weight enforcement. The primary purpose of the MCSAW weight enforcement program is to protect Florida's highway system and bridges from damage from overweight vehicles. Vehicles are weighed at MCSAW's 20 interstate weigh-in-motion station and its 7 non-interstate manned weigh stations. Over 20 million vehicles are weighed annually.

All states are federally mandated by 23 C.F.R. 657 to have a size and weight program to protect the national network consisting of interstates, federal primary and secondary highways. States failing to enforce size and weight laws are subject to losing federal highway funds. Overweight vehicles damage the state's roads and enforcement of penalties for overweight and oversize commercial vehicles help to fund the Transportation Trust Fund used to repair the resulting damage to roads and bridges within the state.

During the OIG's annual risk assessment meeting, management expressed concern over the risk of non-compliance with regulatory requirements. In addition to evaluating the compliance of the commercial vehicle enforcement process and resulting citations, it was determined a review of the new Quality Assurance Program (QAR) implemented by MCSAW in 2015 could identify areas of opportunity and improvement to the performance of the weight facilities.

RESULTS OF REVIEW

We evaluated the MCSAW Quality Assurance Review program and determined it has not been fully implemented, see Finding 1. We also performed a review of selected chapters of the Motor Carrier Size and Weight Manual to determine alignment with laws, rules, regulations, and internal policies and procedures. We determined the department's MCSAW Manual is in alignment with Florida Statutes and Federal Regulations. In addition, we also determined the internal policies and procedures regarding Citation Control/ Penalty Collection subject matter are not in agreement with the Florida Administrative Code, see Finding 2.

Finding 1 – Quality Assurance Review (QAR) Program & Report Follow Up

We determined the QAR program has not been fully implemented in accordance with the MCSAW Manual Chapter 20 QAR program and report follow-up policy and procedures. The MCSAW Office has implemented one out of four tested program criteria of the QAR program. The MCSAW QAR team has conducted the QARs of the weigh stations per policy. However, management indicated the “Post-Inspection Activity”, and “Follow-Up Inspection” have not been completed. In addition, while MCSAW management indicated the “Post Review Reports” are being conducted on-site after each QAR visit, there is no documentation of the process.

We reviewed a sampling of five weigh station facility QAR reports that were completed between August 31, 2016 and October 30, 2017.

1. Of the five reports tested, we concluded the QAR inspections were conducted per policy; however,
2. Management indicated post-inspection conferences are held between the QAR team lead and affected scale supervisors before the QAR team leaves the station to provide an informal report of findings and recommendations. However, no documentation of these conferences is retained (Section I).
3. Post-inspection activity reports by station scale supervisors have not been completed within 30 days following a QAR report with areas of non-compliance or corrective recommendations (Section K).
4. The Statewide Scale Operations Manager did not follow up on resolutions of any non-compliance or corrective recommendations listed in individual QAR reports within 90 days after initial inspection completion (Section L).

We recommend the Statewide Scale Operations Manager fully implement and document the QAR program and all follow up procedures. We also recommend using the department's QAR organizational SharePoint resources to assist with QAR development and activities.

Opportunities for Improvement:

We observed a lack of measurement detail and standardized formatting of the QAR reports. The following improvements to the final reporting would increase the effectiveness of the data provided and add value for management:

- The QAR team utilize a Rubric rating scale to better assess compliance in each of the reviewed processes to more accurately reflect the target benchmark percentages.
- For each process area reviewed, the final report should keep the outstanding area, findings, noncompliance, and corrective recommendations together for a more complete understanding.

Finding 2 – Regulations, Procedures, and Manual Alignment

1. Citation Control/Penalty Collection

We determined the MCSAW Manual Chapter 13 regarding citation control and penalty subject matter is not in agreement with two out of the four tested judgmentally selected sections of the Florida Administrative Code (F.A.C.). We found the references to the F.A.C. to be outdated, no longer applicable, or non-existent. Additionally, incorrect content and responsibilities are included in the manual which no longer apply to the MCSAW Office.

- a) MCSAW Manual Chapter 13 incorrectly cites Rule Chapter 14-87, F.A.C., as its authority. Effective October 9, 2005, Rule Chapter 14-87, F.A.C., was transferred to Rule Chapter 15B-15, F.A.C.
- b) MCSAW Manual Chapter 13 incorrectly cites Rule Chapter 14-108, F.A.C., as its authority. This Rule has been deleted and the content was moved into Rule Chapter 15B-15, F.A.C., and additional rules. Also, referenced Rule 14-108.002, F.A.C., was removed from the Florida Administrative Code but the content is included in Rule Chapter 15B-15, F.A.C.
- c) The penalty payment timeframe outlined in Rule 15B-15.002, F.A.C., is misstated in Chapter 13. It is also inconsistent with documents provided to CMV drivers. The correct penalty payment timeframe is 20 days after citation is issued.
- d) The MCSAW Manual uses the incorrect F.A.C. code as its authority for the citation penalty collection. Rule Chapter 14-87, F.A.C., was transferred to Rule Chapter 15B-15, F.A.C.; however, penalty collection responsibility was moved from the department to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) and the Commercial Motor Vehicle Review Board.

2. F.A.C. Compliance Review

We determined the MCSAW weight facility onsite processes and the MCSAW Manual subject matter in Chapter 10 Weight Enforcement and Chapter 11 Size and Permit Enforcement are aligned with 9 out of the 10 F.A.C. sections tested.

Although there are charts, exemptions, and confiscation items in Rules 14-26.008, 14-26.009, and 14-26.014, F.A.C., respectively, the MCSAW Manual Chapters 10 and 11 do not specifically reference these Rules. Out of the 10 F.A.C. rules reviewed, 1 was not in alignment with MCSAW internal procedure. The information listed in Chapter 11, Section D's list of noncompliance items for confiscation of permits is limited in comparison to the list in Rule 14-26.014, Noncompliance, F.A.C., and the Rule itself is not referenced in Chapter 11.

The nominal issue above is within the manual only. Onsite staff are provided with the appropriate charts and noncompliance documentation.

3. Florida Statutes Compliance Review

We determined MCSAW Manual procedures in Chapter 10 Weight Enforcement and Chapter 11 Size and Permit Enforcement were aligned with 17 out of the 17 reviewed sections of subject matter requirements with judgmentally selected sections of Florida Statutes (F.S.). However, we found some references to Florida Statutes outdated.

- a) Section 316.545(9), F.S., specifically refers to the FHP or weight inspector of the department as authorized issuers of citations. MCSAW Manual Chapter 10 does not mention the term "law enforcement officer" or reference under what circumstances law enforcement would be summoned, such as safety violations.
- b) Section 316.550(9)(b), F.S., is incorrectly referenced in section K(a) & (b) of MCSAW Manual Chapter 11; the reference should be Section 316.550(10)(b), F.S.

We recommend the Statewide Scale Operations Manager revise the MCSAW Manual to include:

- current and accurate regulation references and requirements;
- charts and tables where appropriate; and
- current Florida Statute references.

APPENDIX A – Purpose, Scope, and Methodology

Section 20.055, Florida Statutes, requires the OIG to conduct audits, examinations, investigations, and management reviews related to programs and operations of the department. This audit was performed as part of the OIG’s mission to promote accountability, integrity, and efficiency for the citizens of Florida by providing objective and timely audit and investigative services.

The **purpose** of this engagement was to conduct an operational audit of the MCSAW Office to ensure compliance of the MCSAW Manual and onsite processes with judgmentally selected Florida Statutes, Florida Administration Code, and to review the newly implemented QAR program.

The **scope** of this audit included the processes and responsibilities of the MCSAW Weigh Stations for oversight as detailed in the MCSAW Manual and current Florida Statutes for state fiscal years 2015/2016 and 2016/2017. Due to the implementation of the QAR program in 2015, the QAR portion of the audit included only state fiscal year 2016/2017.

The **methodology** included:

- reviewing applicable federal, state, and department laws, rules, and regulations;
- reviewing internal manuals, procedures, and processes;
- conducting on-site visits of judgmentally selected weigh stations;
- interviewing appropriate weigh station staff; and
- analyzing a judgmentally selected group of QAR reports.

APPENDIX B – Management Response

The Statewide Scale Operations Manager, Paul Clark, provided the following responses by email on June 22, 2018:

Finding 1 – Quality Assurance Review (QAR) Program & Report Follow Up

Finding: We determined the QAR program has not been fully implemented in accordance with the MCSAW Manual Chapter 20 QAR program and report follow-up policy and procedures. The MCSAW Office has implemented one out of four tested program criteria of the QAR program. The MCSAW QAR team has conducted the QARs of the weigh stations per policy. However, management indicated the “Post-Inspection Activity”, and “Follow-Up Inspection” have not been completed. In addition, while MCSAW management indicated the “Post Review Reports” are being conducted on-site after each QAR visit, there is no documentation of the process.

Recommendation: We recommend the Statewide Scale Operations Manager fully implement and document the QAR program and all follow up procedures. We also recommend using the department’s QAR organizational SharePoint resources to assist with QAR development and activities.

Response to Finding: We concur with the finding; however, an alternative correction will be taken.

Corrective Action: The Statewide Scale Operations Manager will ensure the QAR program is fully implemented. In addition to reviewing the QAR organizational SharePoint resources, MCSAW will review other offices QAR programs to determine the best solution and modify the QAR process and activities to ensure success.

Estimated Completion Date: October 2018

Finding 2 – Regulations, Procedures, and Manual Alignment

4. Finding: Citation Control/Penalty Collection

We determined the MCSAW Manual Chapter 13 regarding citation control and penalty subject matter is not in agreement with two out of the four tested judgmentally selected sections of the Florida Administrative Code (F.A.C.). We found the references to the F.A.C. to be outdated, no longer applicable, or non-existent. Additionally, incorrect content and responsibilities are included in the manual which no longer apply to the MCSAW Office.

5. F.A.C. Compliance Review

We determined the MCSAW weight facility onsite processes and the MCSAW Manual subject matter in Chapter 10 Weight Enforcement and Chapter 11 Size and Permit Enforcement are aligned with 9 out of the 10 F.A.C. sections tested.

6. Florida Statutes Compliance Review

We determined MCSAW Manual procedures in Chapter 10 Weight Enforcement and Chapter 11 Size and Permit Enforcement were aligned with 17 out of the 17 reviewed sections of subject matter requirements with judgmentally selected sections of Florida Statutes (F.S.). However, we found some references to Florida Statutes outdated.

Recommendation: **We recommend** the Statewide Scale Operations Manager revise the MCSAW Manual to include:

- current and accurate regulation references and requirements;
- charts and tables where appropriate; and
- current Florida Statute references.

Response to Finding: We concur with the finding and recommendation.

Corrective Action: The MCSAW Manual will be updated to reference the appropriate Statutes and Rules instead of repeating the information in the MCSAW Manual.

Estimated Completion Date: October 2018

**Office of Inspector General
Florida Department of Transportation**

DISTRIBUTION

Responsible Manager:

Rudy Powell, Jr., P.E., Director, Office of Maintenance
Paul Clark, Statewide Scales Operations Manager

Internal Distribution:

Mike Dew, Secretary, Department of Transportation
Shannan Schuessler, Chief of Staff and Legislative Programs
Brian Blanchard, P.E., Assistant Secretary for Engineering and Operations
Courtney Drummond, P.E., Chief Engineer
April Blackburn, Interim Assistant Secretary for Finance and Administration
Tom Byron, P.E., Assistant Secretary for Strategic Development
L.K. Nandam, P.E., District One Secretary
Greg Evans, P.E., District Two Secretary
Phillip Gainer, P.E., District Three Secretary
Stacy Miller, P.E., Acting District Four Secretary
Mike Shannon, P.E., District Five Secretary
Jim Wolfe, P.E., District Six Secretary
David Gwynn, P.E., District Seven Secretary
Paul Wai, Executive Director, Turnpike Enterprise

External Distribution:

Eric Miller, Chief Inspector General, Executive Office of the Governor
Sherrill Norman, Auditor General, State of Florida
James Christian, Florida Division Administrator, Federal Highway Administration
Teddi Pitts, Executive Director, Florida Transportation Commission

**Office of Inspector General
Florida Department of Transportation**

PROJECT TEAM

Engagement was conducted by:

Misha Jordan, Auditor
Christine Ouellette, Auditor
Michelle Candies, Auditor

Under the supervision of:

Amy Furney, Senior Audit Supervisor
Joseph W. Gilboy, Audit Manager
Kristofer B. Sullivan, Director of Audit

Approved by:

Kristofer B. Sullivan, Interim Inspector General

STATEMENT OF ACCORDANCE

The department's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities.

The Office of Inspector General's mission is to promote integrity, accountability, and process improvement in the Department of Transportation by providing objective, fact-based assessments to the DOT team.

This work product was prepared pursuant to section 20.055, Florida Statutes, in accordance with the Association of Inspectors General *Principles and Standards for Offices of Inspector General*, and conforms with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

Please address inquiries regarding this report to the department's Office of Inspector General at (850) 410-5800.