Transportation Compliance Evaluation/Assistance Program (TCEAP)

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INTRODUCTION

The United States Department of Energy (DOE) manages its site contractors through regulatory compliance and internal orders. For transportation related activities, DOE Order 460.2, *Departmental Materials Transportation and Packaging Management*, administered by the Office of Transportation, Emergency Management and Analytical Services (Headquarters), ensures that transportation and packaging operations across the DOE complex are fully compliant with applicable regulatory drivers. These drivers are primarily the Hazardous Materials Regulations, the Federal Motor Carrier Safety Regulations, and those of the Federal Railroad Administration. These three regulations are administered and enforced by the Department of Transportation (DOT) utilizing Title 49, Code of Federal Regulations.

TCEAP PURPOSE

Headquarters established the Transportation Compliance Evaluation/Assistance Program (TCEAP) as a systematic approach for DOE (Headquarters, Programs, Field Elements, and contractors) to evaluate and enhance its transportation and packaging requirements and policy. This approach provides a management tool for achieving and maintaining conformance with these regulatory requirements; providing the field with access to methodologies, guidance, and resources that augment management and operational practices; and addressing stakeholder concerns through effective interaction.

The TCEAP benefits different levels of DOE management, including Headquarters, located in Washington, D.C., which establishes policy, guidance, and budget

appropriations; Field Elements, which are regional, manage the site contractors, and distribute budget allocations; and contractors, who manage and operate specific sites around the country. DOE contractors perform work in support of defense, environmental restoration, energy, and research programs.

TCEAP was developed for use by Headquarters, Field Elements, and contractors to evaluate most DOE transportation and packaging activities. Additionally, Headquarters is responsible, under DOE Order 460.2, for evaluating the Field Element management performance and contractor transportation and packaging operations. When Field Elements utilize the program to conduct contractor evaluations, site-specific requirements are added that are more closely associated with a particular DOE site mission. The program is also designed so contractors can perform self-evaluations to assess compliance status prior to an external (DOT) or internal (DOE) evaluation. The primary benefit is that the program provides all three entities with a consistent standard for conducting Department-wide evaluations. Another benefit of this program is to supply the DOE complex with a quality, performance-based program and to avoid duplicative evaluation systems, thereby saving time and money that Field Elements and contractors would generally have to expend in developing a similar management tool. Addtionally, this program allows for the building of solid working relationships throughout the DOE complex.

In 1990, the President signed the Hazardous Materials Transportation Uniform Safety Act (HMTUSA), which was the first major revision of the Hazardous Materials Transportation Act of 1974 (HMTA). What was unique about this legislation was that Federal contractors were explicitly made subject to HMTA and other hazmat transportation safety requirements (HMTUSA-90, Section 23). With this legislation, for the first time, DOE's contractors were made subject to the DOT, which is the Federal agency responsible for enforcing the HMTA, compliance reviews. In particle, this concerned the requirements as a shipper of hazardous materials and a motor carrier transporting hazardous materials over roads available to the general public. While acting in its capacity of enforcing the HMTA, DOT has began conducting compliance reviews of DOE contractor transportation and packaging activities. These compliance reviews include drug and alcohol testing records, medical files, training records, vehicle inspection and maintenance files, driver qualifications records, and hazardous materials shipments documentation. Nineteen compliance reviews have been conducted by the DOT. Fifty-two different regulatory citations have been issued, with 27 citing the Hazardous Materials Regulations (HMR) and 25 citing the Federal Motor Carrier Safety Regulations (FMCSR). Only one site has received serious monetary fines. The predominant HMR citation concerned shipping papers and emergency response information, and the predominant FMCSR citation concerned qualification of drivers and hours of service. Hence, another obvious benefit of the Department's evaluation and assistance program is the support it provides to contractors and Field Elements in preparing for the DOT compliance reviews.

HEADQUARTERS EVALUATIONS

With TCEAP, Headquarters has the option of conducting three types of evaluations: 1) evaluation of the Field Element, including management of contractors; 2) comprehensive evaluation of all aspects of contractor transportation activities; and 3) evaluation of a specific contractor transportation activity, including packaging, operations, management, and hazardous materials. The Field Element evaluation can be requested by the Field Office or based on a Headquarter or Programmatic decision. The evaluation of contractors is generally requested by the Field or determined by Headquarters, but may also be solicited by the contractors.

To date, the TCEAP program has been solely conducted by Headquarters. This has allowed the program to proceed through the normal period of improvement and refinement. During the course of past TCEAPs, Field Element personnel participated as team members. With their participation, they had the opportunity to see firsthand how the program worked, what the status of the transportation operations were at sites under their responsibility, and the benefits of immediate lessons learned. In several cases, the TCEAP sponsored by Headquarters was combined with a scheduled evaluation by a Field Element. In effect, two evaluations were combined into one reducing the time and resources required by both DOE and the host site to support the TCEAP. One combined report was issued to the host site and all resolutions were coordinated with the applicable Field Element. This method allowed the Field Elements to be intimately involved and informed concerning the status of their sites.

FIELD ELEMENT EVALUATIONS

In accordance with DOE Order 460.2, Field Elements must conduct an evaluation of each site under their purview every 3 years. The Field Element TCEAP can utilize two of the three Headquarters evaluation types. The first method is to conduct a comprehensive evaluation of *all* contractor transportation and packaging activities. This can be done when resources are available and the Field Element has only a limited number of sites that require evaluation. The second method is to perform functional evaluations of *selected* activities such as operations, packaging, hazardous materials, rail operations, etc. Field Elements with limited budgets or resources, and/or many sites to evaluate, can request assistance from Headquarters in conducting an evaluation. This outsourcing option maximizes resources and efforts while facilitating a solid working relationship between Headquarters and the Field.

The principal difference between Headquarters and Field Element evaluations is the benefit that the Field Element has regarding awareness of State, Tribal, and local regulations, in addition to knowledge of local and regional area and site transportation

activities. Thus, the Field Element can readily focus on potential problem areas which will decrease the customary time required to conduct evaluations. This in turn will reduce the overall costs involved in performing these activities. Since focused evaluations identify problems more readily, appropriate resources can be applied at the suitable time and place. A Field Element evaluation is followed by a formal report to address and monitor corrective actions ensuring a smooth process with all participants agreeing on the next steps. Again, the idea is to continue to build solid working relationships throughout the DOE complex.

CONTRACTOR SELF-EVALUATIONS

Contractors are encouraged to use the TCEAP as a self-evaluation tool, particularly if, or when, a Headquarters or Field Element evaluation cannot be performed for a considerable length of time. For instance, the Deputy Secretary of Energy has initiated a Pilot Oversight Program of Line Environment, Safety, and Health Management. Under this pilot program, which will last for 1 year, several DOE laboratories have been exempted from certain internal DOE reviews, audits, assessments, etc. However, during this 1-year time frame, the contractors can use the TCEAP criteria to evaluate themselves in the areas of regulatory and DOE Order compliance status. Contractors, like Headquarters and Field Elements, have the flexibility of looking at the overall transportation and packaging operation or they may elect to evaluate a single function. Sites gain a more comprehensive understanding of the status of compliance within their own transportation and packaging activities during and following a self-evaluation.

A good practice for contractor self-evaluations is to have the team selected for that particular site evaluation review the TCEAP criteria and modify or adjust any questions that do not apply to site-specific function(s). For example, if there are criteria in the TCEAP for evaluation of an explosives packaging review, and if that activity is not at that particular site, the team would modify the criteria accordingly. Timing of any self-evaluations should always be a primary consideration. Because each site is cognizant of ongoing projects and work loads they are able to schedule preferred time periods for conducting self- evaluations. Once the schedule is determined, and the team feels comfortable with the program materials, the evaluation can begin. The process of conducting a self-evaluation should be similar to that of Headquarters or Field Elements, and should also facilitate a productive working relationship. Self-evaluations can be tools to benefit the sites by encouraging exchange of information and understanding the need for gaining compliance, knowledge of where to pursue expertise or training, and obtaining a better understanding about other transportation related activities at their site. TCEAP is a tool to assist contractors in ensuring that DOE transportation meets programmatic missions through the compliant, safe, and economic shipment of all DOE materials.

In addition to building confidence in understanding the need for compliant transportation operations and sound business practices, the TCEAP also provides for lessons learned, which in turn supports development of uniform, documented procedures and standards and identifies where to acquire help, such as management guidance, training, and resources to assist in achieving compliance. The importance of TCEAP and contractor self-evaluations is the reinforcement of compliant, safe, and sound business operations.

THE TRANSPORTATION COMPLIANCE EVALUATION/ASSISTANCE PROGRAM

The program consists of two phases. Phase one is the *technical evaluation* of systems and processes for compliance with DOE transportation management (including packaging) requirements and guidance. Phase two provides *technical assistance* to improve compliance and management of site transportation and packaging programs by identifying the root cause(s) of noncompliant activities, recommending solutions to correct site noncompliance, and providing examples of good transportation business practices. The initial action of the TCEAP process is site selection. Sites are selected based on defined criteria, including, but not limited to a series of noncompliant activities, stakeholder concerns and public perception, prior evaluation findings, and requests from Field Elements or contractors to evaluate their transportation management organization and/or related operations.

Phase I. Technical Evaluation

TCEAP procedures were developed to specify how evaluations will be conducted, the format of reports, and if necessary, a system to track problem resolution actions. As indicated previously, the process for conducting a DOE Headquarters evaluation differs little from those used by Field Elements and contractors. The initial phase of the process includes assembling teams consisting of trained, competent subject-matter experts from Headquarters, Field Element and/or contractor sites. Next, the team compiles and reviews information on site policies and procedures, previous evaluations and self-assessments, and other supporting documentation. The team then goes to the site, conducts the technical evaluation, based on appropriate criteria to determine whether regulatory, Headquarters, and Field requirements are being met. Evaluation results are presented to DOE and site management for further action. This provides assistance in identifying problems, and allows management to work pro-actively to address them and to identify and build on recognized strengths while enhancing and improving good business practices. Benefits of using various DOE contractors in performing evaluations is that each team member not only learns the TCEAP process but can participate in that process and share lessons learned with their individual sites.

Through this technical evaluation mechanism, the teams endeavor to assist transportation personnel in finding the cause(s) behind deficiencies, and support development of

management systems that continually maximize compliance, increase efficiencies, and enhance worker safety. Further, the process identifies how to improve transportation and packaging activities, thus increasing efficiency and producing economy of operations.

Phase II. Technical Assistance

The technical assistance phase of all evaluation activities is the most important segment of the TCEAP. Compliance and improvement cannot be achieved using only the technical evaluation phase of the TCEAP. Identifying deficiencies and offering potential solutions to recognized problems is where this program differs from traditional audit or assessment programs. The primary focus of Phase II of the TCEAP is to assist line personnel in finding the cause(s) behind deficiencies and to foster development of management strategies that continually maximize regulatory compliance, increase efficiency, and enhance worker safety. Technical assistance is offered throughout evaluation activities by providing recommendations, based on recognized transportation and fundamental business practices, and identifying information and training sources. When requested, Headquarters provides resources to assist sites in training staff to rectify technical problems regarding regulatory compliance (e.g., FMCSRs, HMRs). Sites may also request assistance in developing operational procedures, and revising the quality of their programs. All requests are contingent on availability of resources.

The intent of TCEAP is to provide a method to improve the quality of transportation and packaging operations throughout the DOE community. To ensure validation and appropriate maintenance of the program, the TCEAP is continually monitored. Following each evaluation, as part of a continuous improvement initiative, the program is reviewed and improvements are discussed and implemented. The program is a continual process and, as such, requires adjustments to ensure that it meets the broad scope of evaluation needs. TCEAP assistance is provided through access to technical experts who can recommend resolution actions to Field Elements and DOE contractors alike. If the problem is global, that is, DOE-wide, then guidance from Headquarters may be necessary: a regulation may need clarification or a computer system may need to be developed to correct a process.

CONCLUSION

In conclusion, the TCEAP was designed to provide a functional mechanism to evaluate compliance in DOE transportation and packaging activities and to provide assistance when necessary. The reality of support staff reduction and reduced transportation budgets limits Headquarters to conducting fewer evaluations each year. Field Elements are required by Order 460.2, to conduct evaluations of sites under their purview every 3 years. Due to limited resources, this could mean that many sites may not be evaluated for up to 3 years. Thus, in order to maximize the benefits of conducting evaluations, lessons learned must be distributed to the DOE transportation and packaging community.

Through self-evaluations, information dissemination, lessons learned, networking, and outsourcing, DOE and its contractors can keep abreast of the ever-changing regulations and continue to improve transportation related activities. As a result, DOE missions will continue to be successful, the safety of our workers secured, and the public and environment protected.

REFERENCES

Public Law 89-670, 49 United States Code 1651, *Department of Transportation Act*

Public Law 93-633, 40 United States Code 1801, *Hazardous Materials Transportation Uniform Safety Act*

Public Law 101-615 [104 Stat. 3244], *The Hazardous Materials Transportation Uniform Safety Act of 1990* (HMTUSA)

U. S. Department of Energy Order 460.2, *Departmental Materials Transportation and Packaging Management*, September 27, 1995.