


**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 1649958	<b>Legal:</b> JOHNSON TRUCKING LLC		
		<b>Operating (DBA):</b>		
<b>MC/MX #:</b> 638550		<b>Federal Tax ID:</b> 20-3764046 (EIN)		
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b>	Principal Office	<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>
<b>Operation Types</b>				
	<b>Interstate</b>	<b>Intrastate</b>		
<b>Carrier:</b>	Non-HM	N/A	<b>Business:</b> Corporation	
<b>Shipper:</b>	N/A	N/A	<b>Gross Revenue:</b> \$7,600,000.00	
<b>Cargo Tank:</b>	N/A		<b>for year ending:</b> 12/31/2010	
<b>Company Physical Address:</b>				
2701 SOUTH EBER ROAD STE B MONCLOVA, OH 43542				
<b>Contact Name:</b> Melissa Foster				
<b>Phone numbers:</b> (1) 419-868-4647		(2)	<b>Fax:</b> 419-868-4672	
<b>E-Mail Address:</b> mfooster.jti@att.net				
<b>Company Mailing Address:</b>				
2701 SOUTH EBER ROAD STE B Monclova, OH 43542				
<b>Carrier Classification</b>				
Authorized for Hire				
<b>Cargo Classification</b>				
Commodities Dry Bulk				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0	
<b>&lt; 100 Miles:</b>	2	53	<b>Total Drivers:</b> 55	
<b>&gt;= 100 Miles:</b>	0	0	<b>CDL Drivers:</b> 55	
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Owned Term Leased Trip Leased</b>
Truck	54	0	0	
Power units used in the U.S.: 54				
Percentage of time used in the U.S.: 100				





**JOHNSON TRUCKING LLC**  
U.S. DOT #: 1649958

Review Date:  
01/05/2012

**Part A**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

200 North High St, Room 609  
Columbus, OH 43215-2482  
Phone: (614)280-5657 Fax:(614)280-6875

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Bobby Jo Raferty

**Title:** Vice-President

**Name:** Melissa Foster

**Title:** Safety Director





**Part B Violations**

1 STATE	Primary: 391.21(a) Secondary: 4901:2-5-02 CFR Equivalent: 391.21(a)	Discovered 1	Checked 13	Drivers/Vehicles In Violation 1	Checked 13
<b>Description</b> Using a driver who has not completed and furnished an employment application.					
<b>Example</b> (b)(6); (b)(7)(C), DOH (b)(6); (b)(7)(C), Intrastate trip 12/7/2011, between Monclova, OH and Toledo, OH. Experience, employment history, accident history, and violation history sections were not completed.					
2 STATE	Primary: 391.23(a) Secondary: 4901:2-5-02 CFR Equivalent: 391.23(a)	Discovered 6	Checked 13	Drivers/Vehicles In Violation 6	Checked 13
<b>Description</b> Failing to investigate driver's background.					
<b>Example</b> (b)(6); (b)(7)(C), DOH (b)(6); (b)(7)(C) Intrastate trip 6/9/2011, between Monclova, OH and North Baltimore, OH. Carrier failed to investigate the driver's employment information, accident history, and alcohol & controlled substances history for the previous 3 years (b)(6); (b)(7)(C).					
3 STATE	Primary: 391.51(b)(5) Secondary: 4901:2-5-02 CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 6	Drivers/Vehicles In Violation 1	Checked 6
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).					
<b>Example</b> (b)(6); (b)(7)(C), DOH (b)(6); (b)(7)(C) Intrastate trip 8/30/2011, between Monclova, OH and Sylvania, OH. Carrier failed to maintain a copy of the annual driver's notation conducted during the 1/11/2011 annual review.					
4 STATE	Primary: 396.7(a) Secondary: 4901:2-5-02 CFR Equivalent: 396.7(a)	Discovered 2	Checked 11	Drivers/Vehicles In Violation 2	Checked 11
<b>Description</b> Operating a motor vehicle in such a condition as to likely cause an accident or breakdown.					
<b>Example</b> (b)(6); (b)(7)(C), Truck No. 340, Intrastate trip 9/22/2011, between Holland, OH and Swanton, OH. Truck No. 340 was placed OOS on 9/22/11 and cited for ten OOS defects during the roadside inspection.					
5 FEDERAL	Primary: 396.7(a)	Discovered 0	Checked 2	Drivers/Vehicles In Violation 0	Checked 2
<b>Description</b> Operating a motor vehicle in such a condition as to likely cause an accident or breakdown.					
<b>Example</b> No violations noted.					
6 STATE CRITICAL	Primary: 396.11(a) Secondary: 4901:2-5-02 CFR Equivalent: 396.11(a)	Discovered 31	Checked 256	Drivers/Vehicles In Violation 11	Checked 13
<b>Description</b> Failing to require driver to prepare driver vehicle inspection report.					
<b>Example</b> (b)(6); (b)(7)(C) Truck No. 332, Intrastate trip 11/7/2011, between Monclova, OH and Sylvania, OH. DVIR not prepared.					





**Part B Violations**

7 STATE	Primary: 396.11(b) Secondary: 4901:2-5-02 CFR Equivalent: 396.11(b)	Discovered 19	Checked 286	Drivers/Vehicles In Violation 7	Checked 13
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**Description**

Failing to ensure driver vehicle inspection report is complete and accurate.

**Example**

(b)(6); (b)(7)(C) Truck No. 332, Intrastate trip 11/10/2011, between Monclova, OH and Toledo, OH. Driver did not indicate if truck no. 332 is safe for operation, contains defects, or signed the DVIR.

8 STATE	Primary: 396.11(c)(1) Secondary: 4901:2-5-02 CFR Equivalent: 396.11(c)(1)	Discovered 4	Checked 256	Drivers/Vehicles In Violation 4	Checked 256
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**Description**

Failing to certify that repairs were made or were not necessary.

**Example**

(b)(6); (b)(7)(C) Truck No. 332, Intrastate trip 11/11/2011, between Monclova, OH and Swanton, OH. Driver indicated loose body part however mechanic did not certify if repair was necessary or not.

9 STATE	Primary: 396.19(b) Secondary: 4901:2-5-02 CFR Equivalent: 396.19(b)	Discovered 2	Checked 9	Drivers/Vehicles In Violation	Checked
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**Description**

Failing to maintain evidence of inspector's qualifications.

**Example**

(b)(6); (b)(7)(C) Intrastate trip 11/4/2011, between Bowling Green, OH and Swanton, OH. Mechanic Ben Komisarek performs brake inspections and repairs but does not have a certification on file.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
Total Miles Operated	2,050,000	<b>Number of Vehicle Inspected (CR): 0</b>	
Recordable Accidents	8	<b>OOS Vehicle (MCMIS): 10</b>	
Recordable Accidents/Million Miles	3.90	<b>Number of Vehicles Inspected (MCMIS): 13</b>	

Your proposed safety rating is :  <b>UNSATISFACTORY</b>	<b>Rating Factors</b>			<b>Acute</b>	<b>Critical</b>
	Factor 1:	S	0	0	
	Factor 2:	S	0	0	
	Factor 3:	S	0	0	
	Factor 4:	U	0	1	
	Factor 5:	N	0	0	
	Factor 6:	U	-	-	

Effective date: The unsatisfactory rating will take effect 60 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

PROHIBITION: Under 49 USC sections 13905(f)(1)(B) and 31144, and 49 CFR section 385.13 a motor carrier that receives a final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce and, if applicable, shall have its registration revoked unless and until such time the FMCSA determines the motor carrier is fit and the motor carrier has reinstated its registration.

49 U.S.C. 31144 provides that the prohibition takes effect unless the motor carrier, within 60 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from





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### Part B Violations

Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

**Administrative Review:** A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)





## Part B Requirements and/or Recommendations

### 1. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

#### DESCRIPTION OF PROCESS BREAKDOWN

Although Johnson Trucking as a whole conducts the appropriate annual review of drivers, it fails to use the information from roadside inspections to identify drivers that may need to be reviewed more often. This breakdown has caused Johnson Trucking to miss drivers who have had their driving privileges suspended.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, federal regulations, and state and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver-fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver-fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver-fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 2. VEHICLE MAINTENANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

#### DESCRIPTION OF PROCESS BREAKDOWN

Although Johnson Trucking has policies in place to require driver to perform driver vehicle inspection reports (DVIRs), it has no current method to insure the drivers are effectively reporting defects found or effectively conducting pre and post trip inspections. This lack of vehicle maintenance shortages has lead to Johnson Trucking's current state of vehicle maintenance shortages and breakdown of communication between the maintenance department and safety director.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.





## Part B Requirements and/or Recommendations

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov) and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.
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### 3. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Training and Communication

#### DESCRIPTION OF PROCESS BREAKDOWN

Of the eight crashes for Johnson Trucking, that occurred within the past 365 days, four were the result of drivers' operator errors. The lack of a training program that teaches and remind drivers of the hazards of driver inattention, driving too fast for conditions, and properly checking mirrors before changing lanes, could be a contributing factor for this process breakdown. This training should also include refresher information about driving in snow/ice during Northwest Ohio winters.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Communicate expectations for adhering to safe-driving regulations and company policies and procedures to all staff, and provide new hire and refresher training and company communication channels to support meeting those expectations.
- Implement a training/testing program that includes hands-on demonstrations of safe driving with a focus on defensive driving skills and techniques and crash avoidance. Create opportunities for individual instruction and coaching as appropriate.
- Reinforce training by developing job aids and/or establishing communication channels for all staff.





## Part B Requirements and/or Recommendations

- Ensure that managers and supervisors regularly communicate with their drivers and demonstrate their commitment to the management of safety and safe driving, in particular.

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: <http://www.fmcsa.dot.gov/forms/print/accident.htm>
5. Ensure that all drivers are properly trained and knowledgeable on federal, state, and local traffic laws. Conduct remedial training and hands-on demonstrations on identified problem areas. Review roadside inspections and policies to ensure drivers maintain knowledge and compliance with applicable traffic laws. Ensure routes are scheduled with sufficient time to avoid requiring drivers to speed.
6. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Daily Vehicle Inspection Reports (DVIR) are repaired and signed off before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.

The daily vehicle inspection report shall cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

7. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

**NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within







## Part B Requirements and/or Recommendations

a six year period.

**NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information: <http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>.

**COMPASS PORTAL COMPANY ACCESS ACCOUNT** - The COMPASS program is an FMCSA-wide initiative that is leveraging new technology to transform the way the FMCSA does business. The ultimate goal is to implement a customer-centric information technology (IT) solution that optimizes FMCSA's business processes and improves the Agency's ability to save lives. Key objectives include (1) creating a single source for crucial safety data via single sign-on access, (2) improving data quality to ensure better, more informed decision-making and (3) providing actionable information as well as data. For companies, the FMCSA Portal provides single sign-on access to L&I, DataQs, Analysis and Information (A&I) Online, and the National Consumer Complaint Database (NCCDB) via a single password and user ID. Company users can also access public functionality in L&I, SAFER, Commercial Vehicle Information Systems and Networks (CVISN), and the National Hazardous Material Route Registry (NHMRR) as well as the "Protect Your Move" and "Share the Road Safely" Web sites. To register for a COMPASS account, go to: <https://portal.fmcsa.dot.gov>.

Company access accounts are available to the following types of users: (1) carriers with a USDOT number and (2) carrier employees or other professionals (i.e. freight-forwarders, insurance companies) who need access to carrier information. Note: You must know the carrier's USDOT Number. In order to set up an account, you must know the user account type that you are requesting. A Company Official Account is for a person who will have full access to company information, and the ability and responsibility of approving and managing account requests from Company Employees. Note: There will be only one Company Official for each USDOT#. To request a Company Official user account, you must have the PIN associated with your USDOT#. If you do not have a PIN, or do not know your PIN, go to the USDOT PIN Request. An Access Company Information Account is for a person who needs access to limited company information, but is not responsible for managing accounts or other users. For additional information about COMPASS, go to <http://www.fmcsa.dot.gov/about/what-we-do/keyprograms/compass-factsheet.htm>.

Supporting documents are the records of the motor carrier which are maintained in the ordinary course of business and may be used by the motor carrier to verify the information recorded on the driver's record of duty status. Effective 12/19/2008, the FMCSA formally adopted a policy of including GPS and other advanced technology records as supporting documents (see Federal Register Vol. 73 No. 224, 11/19/2008). Failure to maintain such records for six months as required will result in your company being cited and/or penalized for failure to maintain supporting documents.

Other examples of supporting documents you should maintain are: Bills of lading, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumper receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, CVSA reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor carrier's operation, which are retained by the motor carrier in connection with the





### Part B Requirements and/or Recommendations

operation of its transportation business. Supporting documents may include other documents which the motor carrier maintains and can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded to the principal place of business upon a request by an authorized representative of the FMCSA or State official within 2 business days.

8. The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Linda D. Gilliam, Division Administrator  
Federal Motor Carrier Safety Administration  
200 North High Street, Room 609  
Columbus, Ohio 43215  
(614) 280-5657  
Fax: (614) 280-6875

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

9. If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
Linda D. Gilliam, Division Administrator  
200 North High Street, Room 609  
Columbus, OH 43215

Ensure that a CC copy of the letter is mailed to:

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
Midwestern Service Center  
Darin Jones, Field Administrator  
4749 Lincoln Mall Drive, STE 300A  
Matteson, IL 60443

This letter should be submitted as soon as possible. If you have a proposed Unsatisfactory Rating the letter must be submitted prior to the effective date of your Unsatisfactory Rating, in order to be considered for a revised rating.

This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an





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### **Part B Requirements and/or Recommendations**

unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.





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**Part C**

**Reason for Review:** Focused CR  
**Planned Action:** Compliance Monitoring

**Parts Reviewed Certification:**

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
		✓	✓	✓	✓		✓		✓									

**Prior Reviews**

7/21/2010  
10/14/2009

**Prior Prosecutions**

**Unsat/Unfit Information**

**Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?**

**Does carrier transport placardable quantities of hazardous materials?**

**Unsat/Unfit rule:**

60-Day - no Interstate Passengers or Placardable HM

**Corporate Contact:** Melissa Foster  
**Corporate Contact Title:** Safety Director

**Special Study Information:**

**Remarks:**

**REASON FOR INVESTIGATION:**

The purpose of the investigation was that the carrier had three basic deficiencies including Driver Fitness- 81.3%, Vehicle Maintenance- 98.9%, and Crash Indicator- [REDACTED] Basic.

**SCOPE OF INVESTIGATION:**

The scope of the investigation was a focused compliance review. SI Stoner conducted the compliance review January 3-5, 2012.

**CARRIER OPERATION DESCRIPTION:**

The Carrier is an authorized for-hire interstate dump truck carrier primarily delivering asphalt, stone, and dirt in the Toledo Metropolitan Area. The carrier primarily operates in large scale Toledo construction projects including I475, US24, Rossford Casino, TPS schools, and street repairs. An estimated 98-99% of the carriers operation is intrastate and the carrier currently does not have any construction projects out of state.

Carrier officials / corporate officers as stated by the carrier are:

President: Brandon Johnson  
Vice-President: Bobby Jo Raferty  
Safety Director: Melissa Foster

**PRE-INVESTIGATION:**

The first attempt to contact was a phone call on December 28, 2011 by SI Stoner. The phone call was followed up by an email confirming the appointment. A drivers list, MCS-150, MCS-90, and all relevant documents were requested. A copy of the carrier's profile was obtained and documents in the carrier's file in EDMS were reviewed. Roadside inspections in Query Central and SMS information in A&I were reviewed.

**CDLIS (DRIVER LICENSE) CHECK:**

CDLIS reported sample size was 20 drivers. A CDLIS check revealed no violations.

**RED FLAG DRIVERS:**

DSMS in A&I was reviewed and indicated one red-flag driver. (b)(6); (b)(7)(C) was driving a CMV without a CDL (due to a driver license suspension) (b)(6); (b)(7)(C). The driver was under a FRA suspension because the driver did not show proof





### Part C

of financial responsibility / car insurance during a previous citation. Upon notification of the infraction, the carrier sent another driver out to the inspection location. (b)(6); (b)(7)(C) was brought back to the carrier and terminated. There was no evidence to indicate the carrier used (b)(6); (b)(7)(C) turnover. The carrier last checked (b)(6); (b)(7)(C) CDL during the January 2011 annual review and the driver claimed he did not know about the suspension either. No case will be pursued against the carrier since they took proper action and were already cited by PUCO. No case will be taken against the driver since he has already been cited for the violation.

#### DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

A Drug and Alcohol Supplemental Review was not performed since a full CR was conducted in 2010.

#### INVESTIGATION:

##### Part 383 CDL-

A check of the carrier's drivers revealed the one red flag driver which was already addressed.

##### Part 387 Financial Responsibility-

The carrier is registered with the Uniformed Carrier Registration in Ohio current through 2012. The carrier furnished a current copy of their MCS-90 indicating appropriate insurance coverage.

##### Part 390 General-

A check of the carrier's operations revealed no deficiencies. The MCS-150 was current and last updated on 12/14/2011. The carrier had eight reportable accidents and was unsatisfactory in Category 6.

#### Accidents:

3/14/11, report no. OH118035449, driver (b)(6); (b)(7)(C), Woodville PD, driver stopped at light and rear-ended.

3/29/11, report no. OH 1-11-400, driver (b)(6); (b)(7)(C), Putnam County SO, driver was driving too far on the right side of road and passenger side tires went off pavement. Tires sunk in soft berm and pulled vehicle into ditch. Driver error.

4/26/11, report no. OH 2011-6835, driver (b)(6); (b)(7)(C), Perrysburg PD, driver was changing lanes on the interstate and clipped the back end of another vehicle. Driver error.

5/19/11, report no. OH 2011-03979, driver (b)(6); (b)(7)(C), Toledo PD, driver was traveling lawfully on 2 lane city street when oncoming vehicle, speeding, lost control and struck carrier's truck. Officer suspected alcohol/drug use on other driver.

6/1/11, report no. OH 10-0374-90, driver (b)(6); (b)(7)(C), OSP, driver was traveling lawfully on Ohio Turnpike traveling slowly due to traffic from road construction when an inattentive driver rear-ended driver (b)(6); (b)(7)(C).

6/3/11, report no. OH 87-0309-87, driver (b)(6); (b)(7)(C), OSP, driver traveling on 2 lane country road approaching another vehicle that was slowing down. Driver (b)(6); (b)(7)(C) did not stop in time and struck the other vehicle in the rear. Driver error.

8/13/11, report no. OH 48-1005-48, driver (b)(6); (b)(7)(C), OSP, driver was changing lanes on the interstate and broadsided another vehicle in his blind spot. Driver error.

12/6/11, report no. OH 48-1662-48, (b)(6); (b)(7)(C), OSP, driver was stopped at light and rear ended.

A review of accidents revealed a mix of not at fault and driver error problems. The carrier was given suggestions to conduct driver training and education to reduce the number of accidents. There were two accidents where a driver changed lanes and struck another vehicle, and the carrier was given suggestions to conduct training on the use of mirrors, changing lanes, and blind spots. The carrier was also suggested to conduct a post accident review after every accident to determine preventability, driver error, and corrective training.

##### Part 391 Driver Qualifications-

The sample size was 13 drivers. The carrier recently terminated their previous safety director due to poor performance. Almost all of the violations found occurred during the time of the previous safety director. The previous safety director frequently failed to conduct previous employer inquiries. The new safety director addressed the problems from the previous safety director and corrected the deficiencies of the previous CR.





**Part C**

**Part 396 Vehicle Maintenance-**

Due to the high SMS score the carrier terminated their previous maintenance shop foreman and hired a new supervisor. The new supervisor started several weeks ago and is still learning company operations and policies. The SI met with the new shop foreman to discuss solutions to the high SMS scores.

Carrier drivers are required to conduct pre and post trip inspections. Upon completion of the workday the driver is suppose to conduct a post-trip DVIR and turn it into the maintenance shop if there are defects. There was a breakdown in management supervision with the DVIR's not being correctly filled out by the drivers, properly turned in, being lost by the mechanics, or lost in the paperwork shuffle between the maintenance shop and main office. The new safety director created a new program last month to address this breakdown by tracking all DVIR's and randomly checking that drivers are conducting good inspections. The program has not been in place long enough for the SI to determine its effectiveness.

A check of maintenance records revealed the company is completing preventative maintenance and repairs. The carrier has a large repair facility with 10 mechanics who work nights to repair the defects reported on the DVIR's. Based on reviewing the DVIR's it appears the breakdown is due to the drivers not conducting good inspections. The safety director stated the company recently terminated twenty drivers due to not conducting inspections or properly utilizing the DVIR's. The carrier was cited for the missing DVIR's however the SI was unable to locate any interstate operations. The carrier stated they currently do not have any construction projects in Michigan and are only operating in the Toledo area.

**FOLLOW-ON ACTION:**

Continued monitoring for compliance.

**DOCUMENTS FURNISHED TO THE CARRIER:**

Bobby Jo Raferty, Vice-President of Johnson Trucking, received a copy of the compliance review and SMP guidance on January 5, 2012 by SI Brett Stoner.

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