



US DOT #
1649958

Legal: JOHNSON TRUCKING LLC
Operating (DBA):

MC/MX #: 638550

Federal Tax ID: 20-3764046 (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office **Location of Review/Audit:** Company facility in the U. S. **Territory:** E

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation
Gross Revenue: \$3,402,690.00 **for year ending:** 12/31/2008

Company Physical Address:

2701 SOUTH EBER ROAD
MONCLOVA, OH 43542

Contact Name: Christina M. Pichette
Phone numbers: (1) 419-868-4647 (2) **Fax** 419-868-4672
E-Mail Address: johnsontrucking@att.net

Company Mailing Address:

13205 DEER RUN
WAUSEON, OH 43567

Carrier Classification

Authorized for Hire

Cargo Classification

Commodities Dry Bulk

Does carrier transport placardable quantities of HM? No
Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:	17	24	Total Drivers: 41
>= 100 Miles:	0	0	CDL Drivers: 41

Equipment

	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased
Truck	41	0	0			

Power units used in the U.S.:41

Percentage of time used in the U.S.:100





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Review Date:
10/14/2009

Part A

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

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Christina M. Pichette

Title: Safety Coordinator

Name: Bobby Jo Marie Johnson

Title: Vice President





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Part B Violations

1 FEDERAL CRITICAL	Primary: 382.303(a)	Discovered 3	Checked 4	Drivers/Vehicles In Violation 3	Checked 4
Description Failing to conduct post accident alcohol testing on driver following a recordable crash. Example Driver (b)(6); (b)(7)(C), accident date 07/08/2009 @ 15:21 hours. Driving local in Montpelier, Ohio. Unit # 336, 1998 International - GVWR=80,000lbs.					
2 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1	Checked 4
Description Failing to conduct post accident testing on driver for controlled substances. Example Driver (b)(6); (b)(7)(C) - Accident date 08/06/2009, Monclova, Ohio to Sylvania, Ohio.					
3 STATE	Primary: 391.45(b)(1) Secondary: 4901:2-5-02 CFR Equivalent: 391.45(b)(1)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
Description Using a driver not medically examined and certified during the preceding 24 months. Example Driver (b)(6); (b)(7)(C) - Intra-state 09/13/2009 Custar, OH to Napoleon, OH - Unit #306, 1997 Ford GVWR=65,000lbs. All eight drivers sampled are subject to intra-state regulations. Medical expired on 08/21/2008.					
4 STATE	Primary: 395.8(a) Secondary: 4901:2-5-02 CFR Equivalent: 395.8(a)	Discovered 0	Checked 150	Drivers/Vehicles In Violation 0	Checked 7
Description Failing to require driver to make a record of duty status. Example No intra-state violations found.					
5 FEDERAL	Primary: 395.8(a)	Discovered 1	Checked 60	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to require driver to make a record of duty status. Example Driver (b)(6); (b)(7)(C), interstate trip date 09/09/2009 Monclova Twp, Ohio to Hillsdale, Michigan. Driver had a total of 14 hours worked on time card and did not complete a drivers record of duty status as required.					
Safety Fitness Rating Information: Total Miles Operated 322,585 Recordable Accidents 4 Recordable Accidents/Million Miles 12.40			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 8		





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Part B Violations

Your proposed safety rating is :

CONDITIONAL

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	C	0	1
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	U	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

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 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.
Null





Part B Requirements and/or Recommendations

1. 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>
2. Notice: A pattern of and/or repeated violations of the same or related acute or critical 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 a six year period.
3. 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>.

4. This compliance review/safety audit is closed pending the completion and findings of required CDLIS checks.
5. Ensure that all drivers subject to post accident controlled substance and alcohol testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR. You must educate you're drivers on the requirements for post accident testing to ensure compliance.
6. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption. Logs must be prepared if a driver does not meet the 100 air mile radius requirement. Ensure drivers complete logs on days operating over 12 hours or 100 air miles. Educate the drivers on the proper way to complete drivers records of duty status. Establish a policy with your drivers on log book requirements. Take action against drivers who fail to complete records of duty status when required.
7. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months. You must retain in the driver qualification file a copy of the actual medical examiners certificate. A copy of the drivers long form medical does not meet the requirements of this part. If you accept a copy of a medical certificate from the driver, ensure it is not altered or falsified. Contact the facility that performed the medical certificate to verify the certificates validity.





Part B Requirements and/or Recommendations

8. 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 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.

9. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.
10. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)





Part C

Reason for Review: Priority List (including Safestat)
Planned Action: Compliance Monitoring
Safestat Category: B

Parts Reviewed Certification:

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

Prior Reviews

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: Christina M. Pichette
Corporate Contact Title: Safety Coordinator

Special Study Information:

Remarks:

This review was performed from the current safe-stat listing, with this carrier being rated as a category "B" at the time this review was initiated on 10/06/2009.

The carrier will operate as a for hire motor carrier, operating dump trucks that will transport dry commodities in bulk, for various contractors in the state of Ohio. The carrier operates to the states of Michigan and Indiana, and will remain within a 100 air mile radius on all trips. The review took place with the Safety Coordinator, Christina M. Pichette, and the vice president, Ms. Bobby Jo Marie Johnson. The president/owner of the corporation, Mr. Brandon R. Johnson, was in and out of the office during this review. The carrier had a desk available in the office of Christina M. Pichette, with minimal room to set up equipment and to review documents.

Prior to this review, the carrier status was checked on the L&I web site to verify registration and insurance. The carrier was also checked on the Ohio Secretary of State's web site to verify the correct legal name. UCR registration was also checked and verified.

ACCIDENTS:

1). 5/11/2009 @ 16:36 - Driver (b)(6); (b)(7)(C) was heading west bound on SR 2 in the left lane in Springfield Twp, Ohio. (b)(6); (b)(7)(C) then proceeded to the right lane, hitting a car and knocking it off the road, down a ditch, flipping the car over and causing injury to the people inside. One of the two pedestrians in the car was taken to Toledo Hospital for injuries sustained, and the car was towed by Rowe's Towing Service due to disabling damage. The driver, (b)(6); (b)(7)(C) was cited for turn and stop signals (ORC 4511.39 - citation number Y764236) Driver has since been terminated. Driver did receive a post accident drug and alcohol test on 05/11/2009 @ 21:17 for alcohol, and 21:23 hours for drug.

2). 07/08/2009 @ 15:21 - Driver (b)(6); (b)(7)(C) was traveling east bound on US 20A in Jefferson Twp, Ohio. A car was traveling westbound on US 20A. Driver (b)(6); (b)(7)(C) lost control while attempting to slow down for a vehicle turning left onto CR-15 SB. Driver (b)(6); (b)(7)(C) then hit the car traveling eastbound on the left side, causing the car to go off the roadway and strike a guard rail, before coming back to rest on the roadway. Driver (b)(6); (b)(7)(C) was cited for operating a vehicle without reasonable control - ORC 4511:202, citation number Y529712. The driver of the car was taken to Montpelier ER by his wife. The car was towed by Hutch's due to disabling damage. Driver was tested for drugs on 07/08/2009 @ 19:20 hours. No post accident alcohol test was performed.

3). 08/06/2009 @ 14:30 - Driver (b)(6); (b)(7)(C) was traveling southbound on I-280 in Lake Twp, Ohio. Driver stated





Part C

that while approaching the Ohio Turn Pike entrance ramp, a red truck was merging onto I-280. Driver (b)(6); (b)(7)(C) slammed on the brakes to avoid hitting the red truck, and then lost control and slid off the road into the middle of the I-280 express way. He then hit the guard rail and flipped the truck on its side. Driver (b)(6); (b)(7)(C) was cited for failure to maintain reasonable control - ORC 4511.202, citation number - Y717528. The unit was towed due to disabling damage. No accident report was obtained by the carrier. All information was obtained by driver's statement and citation that was issued. Driver was not sent for a post accident drug or alcohol test.

4). 09/17/2009 @ 09:00 - Driver (b)(6); (b)(7)(C) was stopped at the red light at the intersection of Galena and Summit Street. The driver then backed up for another truck that was turning, and while backing up, hit the vehicle behind him. The vehicle that was hit was towed due to disabling damage. The radiator was damaged and leaking anti-freeze. (b)(6); (b)(7)(C) was cited for backing limitations. The information was obtained from the city of Toledo police report #200907301. Drug test was administered on 09/17/2009 @ 18:35. No alcohol test was performed.

Driver Qualification Files:

Drivers were selected per the FOTM. The carrier has a total of 41 drivers requiring 8 drivers to be sampled (A total of 20 drivers were checked on CDLIS). Of the drivers sampled, only 2 were found to be interstate drivers. The CDLIS run's indicated that one of the carrier's drivers, (b)(6); (b)(7)(C), was not eligible. It was found that this driver's CDL was suspended on 08/28/2009. The carrier did not have knowledge of this, and was advised by this Investigator to remove the driver immediately until his license had been re-instated. The carrier did run this driver's initial MVR when hired on (b)(6); (b)(7)(C) and was valid at that time. As noted in the accidents above, this driver was involved in a recordable accident on 09/17/2009, at which time his license was under a suspension.

1). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C) (intra-state only driver). After reviewing the driver qualification file, it was found that the driver had falsified his medical certificate. The carrier (Christina M. Pichette) had stated prior to me looking at the file, that this driver's medical was only good for 6 months, and that it was probably no good/expired. After this statement, and looking at the medical certificate on file, it was found that the exam date was definitely altered, and that the card on file indicated that it was good for 2 years, expiring on 05/20/2010. This raised a flag and was checked further.

The carrier was advised to contact the facility that performed the medical examination, and verify the dates on this driver's medical certificate. The facility had advised the carrier that the driver was there on 08/21/2006, and that the medical certificate was good for two years, expiring on 08/21/2008. The facility also advised that the doctor on the medical certificate wasn't even employed on the date that the medical exam date stated. The president, Mr. Brandon R. Johnson, contacted the driver by phone, and was advised by the driver that he altered the medical card because he did not have the money at the time he was suppose to have it performed on or before 08/21/2008. It could not be 100% verified that the carrier was involved with, or had knowledge of this false medical, therefore the carrier was cited for using a driver not medically examined and certified every 24 months.

- 2). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.
- 3). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.
- 4). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.
- 5). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.
- 6). Driver (b)(6); (b)(7)(C) (interstate driver) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.
- 7). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.
- 8). Driver (b)(6); (b)(7)(C) - hired on (b)(6); (b)(7)(C). No violations found with D.Q. file.

Hours of Service:

Drivers selected were per the FOTM. The carrier has a total of 41 current drivers, requiring 7 drivers, and 210 time records to be sampled. Of the drivers that were sampled, only 2 were found to be interstate drivers. As stated, the carrier will remain within a 100 air mile radius, and will have the drivers complete daily time records and activity reports. The carrier is very strict on the paperwork that the drivers complete, with very detailed information being documented. Of the 7 drivers sampled, only 1 driver was found to be in violation of working more than 12 hours, and did not complete a driver's record of





Part C

duty status.

- 1). Driver (b)(6); (b)(7)(C) (interstate driver) - Month sampled was September 2009. On 09/09/2009, the driver's time card indicated a total of 14 hours worked, with no record of duty status being completed.
- 2). Driver (b)(6); (b)(7)(C) (intra-state driver) - Month sampled 09/2009 - No violations found.
- 3). Driver (b)(6); (b)(7)(C) (intra-state driver) - Month Sampled 09/2009 - No violations found.
- 4). Driver (b)(6); (b)(7)(C) (intra-state driver) - Month sampled 09/2009 - No violations found.
- 5). Driver (b)(6); (b)(7)(C) (interstate driver) - Month sampled 09/2009. No violations found.
- 6). Driver (b)(6); (b)(7)(C) (intra-state driver) - Month sampled 09/2009. No violations found.
- 7). Driver (b)(6); (b)(7)(C) (intra-state driver) - Month sampled 09/2009 - No violations found.

Controlled substance and alcohol testing program:

Random Testing - The carrier belongs to a consortium to assist with the random selection process for both drug and alcohol. The consortiums name is DDH Industries located in Holland, Ohio. The carrier averaged a total of 33 driver positions during calendar year 2008. The consortium advised that a total of 4 drivers were selected for random alcohol testing, and 17 drivers were selected for random controlled substance testing. Nothing from the consortium indicated that they were actually tested. At this point, proof of testing was requested from the carrier to ensure the actual people selected were actually sent, and that the number of selections made was actually performed. It was determined that one of the driver's that had been sent for a random controlled substance and alcohol test, was given a controlled substance test only. The collection site had sent a fax stating that when this driver showed up, he indicated that is was for a random drug only. The carrier therefore was 1 driver short on the random alcohol testing rates, testing only 3 when 4 tests were required.

Post Accident - As defined in the accident section listed above, three of the four drivers required to have a post accident alcohol tests failed to have them performed. The carrier did not have a record to why the tests were not performed, as required by 382.303(d)(1). There was also one post accident controlled substance test not performed, again with no reason on file [(382.303(d)(2)].

Maintenance:

The carrier currently operates a total of 41 dump trucks. The units selected for sampling was per the FOTM, with a total of 8 units selected. The carrier will have maintenance performed by their own in house mechanics. The carrier has a total of nine mechanics, running 3 shifts - 24 hours, 6 days a week. After sampling of the maintenance records and annual inspections, no violations were found.

Carrier officials are as follow:

- 1). Brandon R. Johnson- President/Owner.
- 2). Bobby Jo Marie Johnson - Vice President.
- 3). Christina M. Pichette - Safety Coordinator.

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:

