


UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 401385	Legal: PREDATOR TRUCKING COMPANY Operating (DBA):					
MC/MX #: 235117		Federal Tax ID: 34-1747365 (EIN)					
Review Type: Compliance Review (CR)		Focused Investigation					
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.		Territory:				
Operation Types		Business: Corporation					
Interstate	Intrastate						
Carrier: HM	N/A	Gross Revenue: \$20,000,000.00					
Shipper: N/A	N/A	for year ending: 12/31/2013					
Cargo Tank:	N/A						
Company Physical Address:							
3181 TRUMBULL AVE MCDONALD, OH 44437							
Contact Name: Trina Dasch							
Phone numbers: (1) 330- 530-0712		(2)	Fax 330-530-0715				
E-Mail Address: trinadasch@predatortrucking.com							
Company Mailing Address:							
P O BOX 315 MCDONALD, OH 44437							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
General Freight		Coal / Coke	Commodities Dry Bulk				
Hazardous Materials							
9 (Hazardous waste)		Carried	Bulk				
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	84	16	0	Trailer	179	0	0
HM Cargo Tank Trailer	17	0	0				
Power units used in the U.S.: 100							
Percentage of time used in the U.S.: 100							
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:			Total Drivers: 88				
>= 100 Miles:	88		CDL Drivers: 88				





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Review Date:
06/23/2014

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: Gary Golden

Title: Treasurer

Name: Trina Dasch

Title: Safety Director





Part B Violations

1 FEDERAL CRITICAL	Primary: 382.303(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation	Checked 5
<p>Description Failing to conduct post accident alcohol testing on driver following a recordable crash.</p> <p>Example (b) (6), (b) (7)(C), intrastate trip 12/17/2013 between Genoa, OH and Middletown, OH. (b) (6), (b) (7)(C) was involved in a recordable crash on I-75 N, near Sidney, OH resulting in a vehicle being towed and was cited for violating "Rules for driving in marked lanes". (b) (6), (b) (7)(C) did not submit to a post-accident alcohol test. (5 of 13 recordable accidents in the past 365 days subject to post-accident alcohol testing requirements)</p>					
2 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 151	Checked 330	Drivers/Vehicles In Violation	Checked 11
<p>Description False reports of records of duty status.</p> <p>Example (b) (6), (b) (7)(C), interstate trip 4/1/2014 between Herndon, PA and Oregon, OH. Driver's log is false because it shows driver using truck 1814 off duty 2:00 pm-midnight in Girard, OH. In fact, GPS record shows Truck 1814 in Lamar, PA at 2:29 pm. Girard, OH and Lamar, PA are 187 miles apart.</p>					
3 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
<p>Description Failing to conduct post accident testing on driver for controlled substances.</p> <p>Example (b) (6), (b) (7)(C), intrastate trip 12/17/2013 between Genoa, OH and Middletown, OH. (b) (6), (b) (7)(C) was involved in a recordable crash on I-75 N, near Sidney, OH resulting in a vehicle being towed and was cited for violating "Rules for driving in marked lanes". (b) (6), (b) (7)(C) did not submit to a post-accident controlled substance test. (5 of 13 recordable accidents in the past 365 days subject to post-accident controlled substance testing requirements)</p>					
4 FEDERAL	Primary: 382.303(d)(1)	Discovered 3	Checked 5	Drivers/Vehicles In Violation	Checked 5
<p>Description Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered.</p> <p>Example (b) (6), (b) (7)(C), interstate trip 4/16/2014 between Woodville, OH and Butler, PA. (b) (6), (b) (7)(C) was involved in a recordable crash near Butler, PA resulting in injury and towed unit. (b) (6), (b) (7)(C) den was cited for traveling at a speed not safe for the conditions. The crash occurred at 7:48 am, however, (b) (6), (b) (7)(C) did not submit to a post-accident alcohol test until 1:08 pm. No record was on file stating the reasons the alcohol test was not administered within a 2 hour window of the accident.</p>					





Part B Violations

5 FEDERAL	Primary: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Unsafe Driving. Date of Investigation 6/23/2014 the FMCSA and State or local commercial vehicle safety partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the BASIC of the Carrier Safety Measurement System. A representative example was Brian Golden, interstate trip 4/16/2014 between Woodville, OH and Butler, PA. (b) (6), (b) (7)(C) was involved in a recordable crash near Butler, PA resulting in injury and towed unit. (b) (6), (b) (7)(C) was cited for unsafe driving.					

6 FEDERAL	Primary: 395.8(e)	Discovered 36	Checked 330	Drivers/Vehicles In Violation 11	Checked 11
Description False reports of records of duty status (inaccurate) Example (b) (6), (b) (7)(C), interstate trip 4/23/2014 between Barkeyville, PA and Girard, OH. Driver's log is false because it shows drive using truck 1014 sleeper berth 1:15am-4:00pm in Girard, OH. In fact, GPS record shows Truck 1814 in Barkeyville, PA at 1:00 am. Girard, OH and Barkeyville, PA are 41 miles apart.					

7 FEDERAL	Primary: 395.8(i)	Discovered 23	Checked 360	Drivers/Vehicles In Violation 4	Checked 12
Description Failing to require driver to forward within 13 days of completion, the original of the record of duty status. Example (b) (6), (b) (7)(C), interstate trip 4/17/2014 between Woodville, OH and River Rouge, MI. Driver failed to prepare a record of duty status showing his change of reporting location from McDonald, OH to River Rouge, MI. Instead the driver submitted a log in timecard format.					

Safety Fitness Rating Information:		OOS Vehicle (CR): 0			
Total Miles Operated	9,144,715	Number of Vehicle Inspected (CR): 0			
Recordable Accidents	13	OOS Vehicle (MCMIS): 0			
Recordable Accidents/Million Miles	1.42	Number of Vehicles Inspected (MCMIS): 0			

Your proposed safety rating is : CONDITIONAL	Rating Factors			Acute	Critical
	Factor 1:	S	0	0	
	Factor 2:	C	0	1	
	Factor 3:	U	0	2	
	Factor 4:	S	0	0	
	Factor 5:	S	0	0	
	Factor 6:	S	-	-	

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





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Part B Violations

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

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed.

A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.





Part B Requirements and/or Recommendations

1. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Trina Dasch, Safety Director, has implemented a system of checking driver logs against supporting documents such as toll receipts and fuel reports. Driver logs are matching these point checks the majority of the time. However, a review of driver logs compared to GPS records show that the drivers at Predator have figured out a way to circumvent the supporting document checks. When compared to GPS records, 46% of logs reviewed were critically false. In many instances, the falsification was used to cover up violations of the hours of service regulations.

Drivers who violate hours of service regulations pose a risk to the safety of the motoring public. It is recommended that Ms. Dasch and the Predator Safety Department utilize the technology available with the electronic monitoring systems installed in each truck to monitor driver hours and ensure drivers submit true and accurate logs. This will ensure drivers operate within the regulatory hours of service limits and will increase Predator Trucking driver safety on the nation's highways.

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, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-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.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in 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. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN

Two instances were discovered during this compliance review of drivers not submitting to post-accident alcohol tests. One was due to no test sites being open for business and the other was due to the driver and dispatcher not properly





Part B Requirements and/or Recommendations

communicating with Trina Dasch about the severity of the accident within a timely manner. When post-accident alcohol tests are not conducted, it is impossible for Predator Trucking to determine if alcohol abuse played a role in the accident and prevent future alcohol-related incidents. Many steps can be taken to eliminate this problem such as placing kits in trucks and making contact with agencies that can assist during off-duty hours. In addition to taking practical steps, Predator Trucking should thoroughly train dispatchers, drivers, and all other personnel with regard to what must be done in the event of an accident. Predator Trucking should use tools to communicate with drivers and dispatchers such as laminated checklists placed beside computer terminals and in trucks, for example. With communication and training, the safety department should be able to eliminate deficiencies in post-accident alcohol testing, which will give the company the ability to properly screen for alcohol-related incidents, thereby making Predator's transportation safer.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts: for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.
- Encourage disclosure of personal problems with controlled substances and alcohol within a safe environment by having an open-door policy with management or using an Employee Assistance Program (EAP). An EAP enables drivers to alert management of concerns about other personnel and to seek help for their own substance abuse and/or alcohol problems.
- After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
- Ensure that managers and supervisors regularly communicate and demonstrate their ongoing commitment to abiding by regulations and company policies regarding controlled-substance and alcohol use.
- Communicate the carrier's Controlled Substances and Alcohol BASIC percentile to all staff, and explain to them individually what they can do to help improve compliance.
- Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a Substance Abuse Professional (SAP); and confidentiality requirements in relation to recordkeeping.
- Ensure that personnel in safety-sensitive positions receive required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled-substance and alcohol use.
- Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives.
- Ensure that drivers are trained on driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to controlled-substance and alcohol-use regulations and related company policies and procedures.

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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If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) 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

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) 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 Conditional Rating the letter must be submitted prior to the effective date of your Conditional Rating, in order to be considered for a revised rating.

4. **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. The violations discovered by the FMCSA during this review/inspection may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table I, which identifies all the documented violations which were discovered during the course of this compliance review.

5. **•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





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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.

- **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 are available online. 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, lumber 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,





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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.





Part C

Reason for Review: Focused CR

Planned Action: Prosecution

OH-2014-0143-US1463

Parts Reviewed Certification:

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

Prior Reviews

11/30/2012
9/15/2011
7/17/2008

Prior Prosecutions

4/17/2002
10/24/1996

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? No

Unsat/Unfit rule:

60-Day - no Interstate Passengers or Placardable HM

Corporate Contact: Trina Dasch

Corporate Contact Title: Safety Director

Special Study Information:

Remarks:

REMARKS:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Trina Dasch

Title: Safety Director

Carrier/Shipper Name: Predator Trucking Company

Date: 6/23/2014

List of Vehicles and Drivers uploaded to EDMS.

Predator Trucking Company has not corrected the pattern of unsafe driving behavior (392.2). Additionally, the Dec 2011CF revealed a 5.5% critical false log rate and the Sept 2011 CR revealed a 36% false log rate. This investigation revealed a 45% critical false log rate.

REASON FOR INVESTIGATION:

A focused compliance review was assigned for Predator Trucking Company for evaluation under the Imminent Hazard policy because the carrier's Crash Indicator BASIC was 97.2% in addition to the Unsafe Driving BASIC at 67% and HOS BASIC at 85.8% at the time of assignment on 3/24/2014. At the time of the CR, the carrier's scores were the following: Crash Indicator at 97.2%, Unsafe Driving at 65%, and HOS at 87.3%. The review was conducted June 9-12, 16, 17, and 23, 2014.

Carrier has had 13 prior reviews: 11/30/2012, 09/15/2011, 07/17/2008, 05/07/2007, 01/25/2006, 12/30/2004, 02/25/2004, 12/11/2002, 02/06/2002, 08/10/2000, 03/05/1997, 07/11/1996, 05/01/1991.

SCOPE OF INVESTIGATION:

This investigation was assigned as a Focused CR based on 3 BASICs at or above their intervention threshold. The Crash Indicator BASIC was included in the investigation as well as a PCI due to the 10/14/2013 fatal crash. Three drivers with rec flag violations noted. No violations outside the scope were discovered. The review was conducted June 9-12, 16, 17, and 23, 2014.

CARRIER OPERATION DESCRIPTION:

Predator Trucking Company is operated by carrier official Gary Golden, Treasurer. Other listed officers are Russell Golden, President and Charles Haselon, Vice President. Predator Trucking Company is a for-hire carrier that transports





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general freight, lime, and HM in interstate commerce staying mostly in the northeastern US. The carrier has several terminals in Ohio and the main terminal and headquarters is out of McDonald, OH. Ms. Trina Dasch is the Safety Director and is responsible for driver qualification, hiring, firing, hours of service monitoring, and D&A. Mr. Gary Golden's brother is a driver for the company and his son is also a driver. Several years ago, Predator purchased Tauro Brothers and integrated some of the personnel and equipment. He stated they have mostly worked through the issues related to that merger.

PRE-INVESTIGATION:

On 6/9/2014, I initiated an unannounced compliance review by showing up at the carrier's place of business. The carrier was provided a Contact Letter and an Investigation Questionnaire on the same date.

Documents requested for this review were made available for the investigator's review at the carrier principal place of business (PPOB).

A copy of the carrier's Company Safety Profile was obtained and reviewed on 11/1/2013. The 2 previous CRs were reviewed.

CDLIS (DRIVER LICENSE) CHECK:

A review of the carrier driver Commercial Driver's License (CDL) was conducted using CDLIS and it revealed 20 of 20 drivers requiring CDL have valid CDLs. No suspension or revocations were shown at this time.

AUTHORITY:

Motor Carrier Operating Authority has been active since 2004 with no lapses.

INSURANCE:

A review of the carrier Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980 revealed that the carrier insurance is primary and the company shall not be liable for amount in excess of \$1,000,000 for each accident.

DRIVERS WITH RED FLAG VIOLATIONS:

Two drivers with Red Flag violations were identified by FMCSA.

1. ose igueroa OH RQ30 64) was put OOS or operating while his DL was uspended on 2/19/2013 The incident occurred while the driver worked for another carrier. Predator Trucking had an MVR in the driver's DQ file that did not show the suspension. A review of the driver's CDLIS report did not show the suspension. The inspection report from the roadside stop showed the state took enforcement for this violation. No further action will be taken.
2. Kevin Ward OH RP 42906) was topped n l and put OOS or driving on a uspended cense or ailure o pay a previous traffic ticket. A review of the driver's CDLIS report showed the driver was disqualified for a period of one year. The driver's DQ file MVR from Dec 2013 did not show the disqualification. Ms. Dasch immediately removed the driver from driving for Predator. Interview of Ms. Dasch revealed the driver had an unstable living situation recently and has been staying with friends and living out of his truck recently. She stated he may not have received notification of the disqualification because of his transient situation, however, this could not be verified. No violations were found in how the carrier handled the qualification process of this driver and the carrier terminated the driver as soon as they were made aware of his disqualification. No further action will be taken.

CONTROLLED SUBSTANCES AND ALCOHOL SUPPLEMENTAL REVIEW:

D&A Supplemental not indicated for this review.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW

HM Supplemental Review not indicated for this review.

INVESTIGATION:

Mr. Golden and Ms. Dasch both participated in the opening interview and facility tour. Mileage was determined from carrier quarterly IFTA reports. Gross revenue was provided by Ms. Dasch.

UNSAFE DRIVING:

At the time of this investigation, Predator Trucking Company's Unsafe Driving BASIC was at 65%. The majority of the carrier's violations were speeding, failure to obey traffic control devices, and failure to wear seatbelts. The carrier was cited for unsafe driving at the prior compliance review in Dec 2012. Since that time the carrier was in alert in Unsafe Driving from





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November 2013-the time of this CR (7 months). Unsafe driving appeared to be contributing to Predator's tracking. After this review, I discussed Predator's disciplinary policy for drivers who engage in unsafe driving behavior with Ms. Dasch. She stated the carrier's policy had not been that effective up until this point and that she had recently (beginning of June) made the policy stricter. We discussed potential causes and possible solutions to unsafe driving behavior.

HOURS OF SERVICE

A few things that influenced the investigative process during the HOS review:

1. Interview of the dispatchers revealed they do not track driver hours when the investigator asked how dispatchers knew how many hours the driver had left to do their work, the dispatchers they asked the drivers if they had the hours.
2. During a discussion with the dispatchers it was discovered the carrier had PS units on all trucks. Mr. Golden stated he purchased Qualcomm units to communicate with drivers and eventually move to electronic logging if it became mandatory. At the time of this CR, the GPS function only was enabled.
3. Conversations with Ms. Dasch revealed she was unaware that the GPS units could be used to verify the accuracy of the logs.

Drivers was selected per current policy. Drivers selected were:

- (b) (6), (b) (7)(C) OS 83.53%, HOS 97.86%, Crash 84.87%
- (b) (6), (b) (7)(C) OS 95.13%, Unsafe Driving 35.22%
- (b) (6), (b) (7)(C) HOS 95.06%
- (b) (6), (b) (7)(C) OS 92.37%, Crash 84.87%
- (b) (6), (b) (7)(C) HOS 84.87%, Crash 84.87%
- 7. (b) (6), (b) (7)(C) HOS 87.83%
- 8. (b) (6), (b) (7)(C) HOS 86.04%, Unsafe Driving 93.61%
- 9. (b) (6), (b) (7)(C) HOS 84.84%, Unsafe Driving 33.59%
- 10. (b) (6), (b) (7)(C) HOS 52%, Crash 69%, Unsafe 86%
- 11. (b) (6), (b) (7)(C) HOS 83.21%, Crash 84.02%

Two drivers that scored high on the CSMS list no longer worked for Predator: (b) (6), (b) (7)(C) were substituted based on their scores. During the falsification check, it was discovered that (b) (6), (b) (7)(C) logs were timecard logs. Therefore, (b) (6), (b) (7)(C) was added from the SMS data to reach the full sample for falsification checks. Mr. (b) (6), (b) (7)(C) logs were checked for accuracy and inaccurate timecards were counted as missing RODS.

Ms. Dasch had a comprehensive system for checking supporting documents against driver logs. In fact, when I spot checked the supporting documents against the logs, they matched the majority of the time. Had I used supporting documents alone to check for falsification, I would have had a low falsification rate. However, when compared to GPS records, it became obvious the drivers were very aware of what types of documents were being used to check their logs for accuracy and were making the logs appear to be true and accurate based on those records. A high rate of falsification was discovered using the GPS records. In many instances, the falsification was being used to cover up driving time. Ms. Dasch seemed very surprised and distraught that the falsification rate was so high because she spent so much time checking against supporting documents. She had not expected that outcome. Discussion were had with Mr. Golden and Ms. Dasch about utilizing the technology they had available to them with the Omnitrac's GPS tracking-which is a Qualcomm system; and also the option of utilizing electronic logging. Ms. Dasch and Mr. Golden brought in training for Ms. Dasch on using and implementing the e-logging system on their Qualcomm units (already installed in the trucks). Ms. Dasch selected her first drivers to switch over from paper logs to e-logs and stated she would be incrementally changing over all drivers by the end of 2014 to curtail the HOS violations that were discovered during the review. See Part B for violations discovered.

DRIVER FITNESS:

Two MEC checks were completed based on reviewing DQ files during the Crash BASIC:

(b) (6), (b) (7)(C)

MEC's License Number: OH 3919
Date of Issuance of the MEC: 3/19/2013
Date of Check: 6/26/2014
Time of Check: 2:00 pm





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Name of Person contacted: Dr. Andrew Lockshaw
Position of person contacted: DO
Telephone Number of test site: 330-755-3233
Results: Confirmed

(b) (6), (b) (7)(C)

ME's License Number: PA MD067371L
Date of Issuance of the MEC: 12/10/2013
Date of Check: 6/26/2014
Time of Check: 3:16 pm
Telephone Number of test site: 814-308-8155
Results: Not confirmed, left messages

CRASH INDICATOR:

Predator Trucking Company had 13 recordable crashes in the previous 12 months. Of the 13, Predator contributed to 6 of them. The evaluation of crashes which were contributed to by Predator drivers revealed a pattern of unsafe behavior which led to some accidents. This is a potential area of weakness for the carrier moving forward. Below is a review of the crashes in the previous 12 months.

5/30/2014- Predator Driver (b) (6), (b) (7)(C) was traveling NB on US127 near Bryan, OH when he was T-boned by another car that ran a red light. Predator driver not cited. Another CMV was struck as a result of the crash. Tow and injury accident. No drug and alcohol required.
Investigator Comments: Predator did not cause accident

4/16/2014- Predator Driver (b) (6), (b) (7)(C) was traveling SB on Pittsburgh Rd near Butler, PA and attempting to change lanes just prior to an intersection. The vehicle in front of the Predator CMV stopped for the red light and the Predator driver rear-ended the stopped vehicle. Predator Driver cited. Tow and injury accident. Occurred at 7:48 am. Alcohol test was done at 1:08 pm and drug test was done at 1:10 pm. Review of the driver logs and GPS data show the driver had adequate time off. No explanation in files as to why the alcohol test was not accomplished within 2 hours.
Investigator Comments: Predator driver contributed to the crash by attempting to change lanes near/at intersection. Unsafe driving.

3/27/14- Predator Driver (b) (6), (b) (7)(C) was traveling EB on SR 8010 behind another unit. Predator Driver failed to stop and rear-ended the other unit. Predator CMV towed. Predator cited. Crash occurred at 6:14 am. Alcohol: completed at 1:25 pm (7 hours and 10 min). No explanation in file as to why the test was not completed within the 2 hour window. Interview with Safety Director, Trina Dasch, stated the mechanic went to pick up the driver and bring him back to the local lab for testing which is standard procedure. Ms. Dasch was unaware the testing was to be completed as soon as possible or a note was to be in the file if it was not completed within 2 hours. Drug testing done at 2:10 pm on that date. Logs compared to GPS show that Predator driver had required off duty periods. Driver stated to police that he put on brakes, but truck did not stop (Truck 113). Driver stated to safety department that a pocket knife fell under his brake pedal and that was why the brakes did not work. A review of the maintenance records for Truck 113 revealed the vehicle was undergoing regular monthly inspections. No issues with the brakes were noted in the vehicle maintenance record. A review of DVIRs showed no write ups on the brakes in the days leading up to the accident.
Investigator Comments: Predator Driver contributed to the accident by rear-ending another vehicle. Reason unknown. Mechanical failure of CMV ruled out.

3/5/2014- Predator Driver (b) (6), (b) (7)(C) was traveling WB on Fort Pitt Bridge near Pittsburgh, OH at 9:00 am. Driver was going too fast for traffic conditions and truck/trailer overturned, pinning another car between the CMV and the guardrail. Tow and Injury accident. Driver cited. Alcohol accomplished at 1:52 pm, Drug testing done at 1:50 pm. No note in file about alcohol test being given outside 2 hour window. Review of logs and GPS record shows driver had adequate time off duty, logs were accurate.
Investigator Comments: Predator Driver contributed to accident by driving too fast for conditions (Unsafe driving)

2/28/2014- Predator Driver (b) (6), (b) (7)(C) was traveling SB on I-81 at approximately 9:05 pm when he slowed and attempted to turn around in the emergency vehicle turn around. A CMV that had been following behind the Predator CMV and struck the Predator CMV from the rear. Tow accident. Predator driver cited. Drug test accomplished at 11:44 am. Alcohol test not performed. Note in file shows Trina's attempts to contact a location to have the alcohol test performed.





Part C

Investigator: Predator Driver contributed to accident by violating traffic laws. (Unsafe driving)

2/9/2014- Predator (b) (6), (b) (7)(C) was traveling on I-80 in PA. Driver slid into center ditch after his truck started sliding. Predator driver was not cited. Tow accident. No police report available-Trina sent request, request was returned several times. A review of logs and GPS show driver had adequate time off/breaks.

Investigator Comments: Predator Driver contributed to accident

1/16/2014- Predator Driver (b) (6), (b) (7)(C) was traveling SB on I-69 near Muncie, IN. Other driver lost control of his vehicle and struck Predator CMV. Tow accident. Predator driver not cited. Driver did not turn in logs. Logs were recreated from GPS. Driver was in violation of 14 hour rule.

Investigator Comments: Predator driver did not cause accident, however, driver was in violation of 14 rule prior to crash.

12/17/2013- Predator Driver (b) (6), (b) (7)(C) was traveling NB on I-75 when he changed lanes from the Left lane to the right lane and struck another vehicle with 2 occupants. The other vehicle spun out of control and flipped over off the right side of the median. Tow accident. Predator Driver cited. No D&A completed. Driver reported to dispatcher, dispatcher notified safety department on Friday morning. Trina Dasch provided explanation. Logs and GPS showed adequate off duty time.

Investigator Comments: Predator Driver caused accident, did not see other car

11/12/2014- Predator Driver (b) (6), (b) (7)(C) was traveling WB on I-76 in the left lane. Other CMV was WB in right lane. Other CMV lost control, struck Predator CMV, then overturned. Predator driver went into median and struck barrier. Predator driver not cited. Tow and injury accident.

Investigator comments: Predator driver did not cause accident

11/11/2014- Predator Driver (b) (6), (b) (7)(C) was traveling EB on IR 70 near Westland, OH at 12:43 am and hit a bull that was standing in the middle of the road. Road conditions were dark, bull had escaped from a local farm, and was standing in the middle of the roadway. Driver was not cited. Tow accident.

Investigator comments: Predator driver did not contribute to accident through any type of negligence.

11/7/2014- Predator Driver (b) (6), (b) (7)(C) was traveling EB on Ohio turnpike. Another vehicle merged onto the turnpike from Exit 180, attempted to change lanes and was struck by Predator driver. Predator driver explained that the vehicle merged on and then just kept coming over into his lane, which was when contact happened. Tow and injury accident. Predator driver not cited.

Investigator comments: Predator driver appears not to have contributed to the accident

9/9/2014- Predator Driver (b) (6), (b) (7)(C) was traveling SB on I-75 approaching Eureka, MI alongside another car. Driver of the other car changed lanes and struck the Predator vehicle. Predator driver not cited. Tow accident.

Investigator comment: Predator Driver did not contribute to the accident.

8/14/2014- Predator Driver (b) (6), (b) (7)(C) was stopped WB on US 6 awaiting traffic to clear and was rear-ended by another car. After rear-ending the Predator CMV, the other car swung out and caused an oncoming truck to swerve, then overturn on the opposite side of the road. Tow and injury. Predator Driver not cited.

Investigator comment: Predator driver did not contribute to the accident

Based on 13 crashes, a sample of 5 DQ files were selected for review: John (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were also selected due to flags raised during the CDLIS review. No issue was found with the carrier's qualification of drivers.

IMMINENT HAZARD EVALUATION

Predator Trucking Company was not determined to be an imminent hazard at the time of this CR based on an evaluation of management and operational controls against the criteria set forth in policy. The carrier was Unsatisfactory in Factor 3 (Parts 392, 395) due to a high falsification rate and conditional in Factor 2 (Part 382) due to a critical rate of failing to post-accident alcohol tests, but did not meet the full criteria of being Unsat in 3 Factors. While the carrier's BASIC scores met IH prioritization criteria for IH assignment, the carrier did not have 3 BASICs at or above 85% at the time of the CR. A review of the Crash BASIC revealed unsafe driving behavior was related to the majority of crashes that Predator drivers contributed to. The carrier was taking corrective action (See HOS investigation) even before the CR closed out. Therefore, it was determined traditional enforcement methods should be sufficient to curtail unsafe and risky behavior.





PREDATOR TRUCKING COMPANY
 U.S. DOT #: 401385

Review Date:
 06/23/2014

Part C

FOLLOW-ON ACTION:

At the conclusion of the review the carrier was found non-compliance in Part 382, 392, and 395. The out briefing was attended by Trina Dasch, Safety Director. Enforcement actions for falsification will be taken for a critical rate of falsification. Enforcement action will be taken for a pattern of failing to post-accident alcohol test drivers because it reached a critical rate. All other enforcement actions will be discussed with Ohio Division. All violations discovered during this review were discussed sequence by sequence with Ms. Dasch. The carrier was advised that this review resulted in a conditional rated and the implications were discussed with Ms. Dasch.

DOCUMENTS PROVIDED TO CARRIER:

A copy of the Compliance Review dated 6/23/2014, Table 1, and the Midwestern Service Center "How to Request an Upgrade to Your Safety Rating Determination Based on Corrective Action" letter was given to Ms. Trina Dasch, Safety Director on 6/23/2014.

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