


PUBLIC UTILITIES COMMISSION OF OHIO TRANSPORTATION DEPARTMENT ENFORCEMENT DIVISION

	US DOT # 401385	Legal: PREDATOR TRUCKING COMPANY Operating (DBA):					
MC/MX #: 235117		Federal Tax ID: 34-1747365 (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		Business: Corporation			
Carrier: HM		Non-HM		Gross Revenue: \$0.00			
Shipper: N/A		N/A		for year ending: 12/31/2010			
Cargo Tank:	N/A						
Company Physical Address:							
3181 TRUMBULL AVE MCDONALD, OH 44437							
Contact Name: GARY L GOLDEN SR							
Phone numbers: (1) 330-530-0712		(2)	Fax 330-530-0715				
E-Mail Address: GARYGOLDEN@PREDATORTRUCKING.COM							
Company Mailing Address:							
P O BOX 315 MCDONALD, OH 44437							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
General Freight			Commodities Dry Bulk				
Hazardous Materials							
9 (Hazardous waste)		Carried	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:			Total Drivers: 84				
>= 100 Miles:	84		CDL Drivers: 84				
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	100	3	0	Trailer	172	0	0
Power units used in the U.S.: 103							
Percentage of time used in the U.S.: 98							





PREDATOR TRUCKING COMPANY
U.S. DOT #: 401385

Review Date:
09/15/2011

Part A

QUESTIONS regarding this report or the Federal Motor Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

180 EAST BROAD STREET, 4 TH FLOOR
COLUMBUS, OHIO 43215 ATTN: PAUL BARGAR
PHONE: (614) 728-9128 FAX: (614) 728-2133

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: GARY L GOLDEN SR

Title: TREASURER

Name: TRINA DASCH

Title: SAFETY DIRECTOR





Part B Violations

1 FEDERAL	Primary: 40.309(a) Secondary: 382.105	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
<p>Description Using a driver to perform safety sensitive functions without conducting follow-up testing as directed by the Substance Abuse Professional.</p> <p>Example (b) (6), (b) (7)(C) submitted to a post accident controlled substances test on 4/15/2011; (b) (6), (b) (7)(C) submitted to a return to duty controlled substances test on 5/24/2011, MRO informed the carrier of a negative test result on 6/1/2011. (b) (6), (b) (7)(C) has not yet completed the SAP evaluation and treatment process. (b) (6), (b) (7)(C) required by the SAP to submit to a follow-up test, twice a month for the first 6 months, and once a month for the next six months. As of this date driver (b) (6), (b) (7)(C) has submitted to one follow-up test (on 6/22/2011). Interstate trip 8/5/2011, Woodville, OH to River Rouge, MI.</p>					
2 FEDERAL CRITICAL	Primary: 177.800(c)	Discovered 2	Checked 14	Drivers/Vehicles In Violation	Checked 14
<p>Description Failing to train hazardous material employee as required by Subpart H of Part 172.</p> <p>Example (b) (6), (b) (7)(C), Driver, transported hazardous waste on manifest no. 000371020WAS although he has not yet received required General Awareness/Familiarization, Function Specific, Safety, Security Awareness and In-depth Security training. Interstate trip 9/8/2010, Ghent, KY to Ellwood City, PA; Carrier transported 40,360 lbs. of RQ, Hazardous Waste, Solid, n.o.s. (K061), 9, NA3077, PGIII.</p>					
3 FEDERAL CRITICAL	Primary: 177.817(a) Secondary: 172.604(a)(2)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
<p>Description Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper.</p> <p>Example (b) (6), (b) (7)(C), Hazardous Waste Manifest No. 007635768JJK, Interstate trip 8/2/2011, Warren, OH to Palmerton, PA. Transported 43,780 lbs of RQ, Hazardous Waste Solid, n.o.s. (K061), 9, NA3077, PGIII; shipping paper fails to include an emergency response telephone number that is monitored at all times the hazardous material is in transportation.</p>					
4 FEDERAL CRITICAL	Primary: 382.303(a)	Discovered 4	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), Interstate trip 6/26/2011, Woodville, OH to Crawfordsville, IN. (b) (6), (b) (7)(C) was involved in a recordable crash in Richmond, Huron County, OH resulting in 2 bodily injuries and 1 disabled/towed unit and was cited for "Improper Passing". Driver (b) (6), (b) (7)(C) did not submit to a post-accident alcohol test. (5 of the 12 reportable accidents in the past 365 days subject to post-accident controlled substances testing requirements.)</p>					





Part B Violations

5 FEDERAL	Primary: 382.303(d)(1)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
Description Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered. Example (b) (6), (b) (7)(C), Interstate trip 5/25/2011, Grand River, OH to Butler, PA. (b) (6), (b) (7)(C) was involved in a recordable crash near Vienna, OH, resulting in 1 disabled/towed unit and was cited for "Failing to Control". (b) (6), (b) (7)(C) did not submit to a post-accident alcohol test and the carrier failed to maintain a record as to why the test was not administered.					
6 FEDERAL CRITICAL	Primary: 387.7(d)	Discovered 27	Checked 27	Drivers/Vehicles In Violation	Checked
Description Failing to maintain at principal place of business required proof of financial responsibility. Example (b) (6), (b) (7)(C) Interstate trip 8/2/2011, Warren, OH to Palmerton, PA. Transported 42,780 lbs of RQ, Hazardous Waste Solid, n.o.s. (K061), 9, NA3077, PG III, in a dry bulk trailer (hopper type trailer). Carrier has \$5,000,000 financial responsibility coverage (Policy No. GPL0938186302, & SEO0938185002) but does not have MCS-90 for the required \$5,000,000 of general liability insurance.					
7 FEDERAL	Primary: 387.301(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to file evidence of public liability insurance with the Federal Motor Carrier Safety Administration. Example (b) (6), (b) (7)(C), Interstate trip 7/5/2011, Ghent, KY to Ellwood City, PA. Transported 48,700 lbs of RQ, Hazardous Waste Solid, n.o.s. (K061), 9, NA3077, PG III, in a dry bulk trailer (hopper type trailer). Carrier does not have proper level (\$5,000,000) of public liability and property damage insurance on file with the FMCSA's Office of Enforcement & Compliance.					
8 FEDERAL	Primary: 390.15(b)(1)	Discovered 2	Checked 12	Drivers/Vehicles In Violation	Checked
Description Failing to keep an accident register in the form and manner prescribed. Example (b) (6), (b) (7)(C), Interstate trip 5/8/2011, Grand River, OH to Butler, PA. (b) (6), (b) (7)(C) was involved in a recordable crash in Ashtabula County, OH resulting in 1 disabled/towed unit. The carrier's accident register fails to include this accident.					
9 FEDERAL ACUTE	Primary: 390.35 Secondary: 395.8(k)	Discovered 5	Checked 335	Drivers/Vehicles In Violation	Checked
Description Fraudulent or intentional alteration of a supporting document. Example (b) (6), (b) (7)(C), Interstate trip 5/20/2011, Butler, KY to Canton, OH. Carmeuse Lime bill of lading no. BR00311096 dated 5/20/2011 shows Time in: and Time out: The in and out time stamps on the bill of lading have been removed.					





Part B Violations

10 FEDERAL	Primary: 395.3(a)(1)	Discovered 28	Checked 330	Drivers/Vehicles In Violation	Checked 11
<p>Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours</p> <p>Example (b) (6), (b) (7)(C), Interstate trip 8/27/2011, Staunton, PA to Girard, OH. (b) (6), (b) (7)(C) drove 32.5 hours since his last 10 hours on-duty.</p>					
11 FEDERAL CRITICAL	Primary: 395.3(a)(2)	Discovered 38	Checked 330	Drivers/Vehicles In Violation	Checked 11
<p>Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.</p> <p>Example (b) (6), (b) (7)(C), Interstate trip 7/22/2011, Woodville, OH to Wysox, PA. (b) (6), (b) (7)(C) drove 11.0 hours after being on-duty 14 hours.</p>					
12 FEDERAL CRITICAL	Primary: 395.3(b)(2)	Discovered 37	Checked 253	Drivers/Vehicles In Violation	Checked 11
<p>Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days.</p> <p>Example (b) (6), (b) (7)(C), Interstate trip 4/28/2011, Woodville, OH to Albion, MI. From 4/23/2011 through 4/30/2011, Driver was on-duty a total of 101 hours, of which he drove 19 hours after having been on-duty 70 hours.</p>					
13 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 20	Checked 55	Drivers/Vehicles In Violation	Checked 21
<p>Description False reports of records of duty status.</p> <p>Example (b) (6), (b) (7)(C), Interstate trip 5/8/2011, Grand River, OH to Butler, PA. (b) (6), (b) (7)(b) (6), (b) (7)(C) record of duty status shows him on duty in Girard, OH, from 5/5/2011 at 5:30 AM to 5/9/2011 at 9:00 AM, when in fact, a company fuel report/receipt dated 5/7/2011 indicates he fueled in Perrysburg, OH at 8:24 PM, a bill of lading and driver's delivery receipt dated 5/8/2011 indicates he loaded in Grand River, OH enroute to Butler, PA, and an Ohio State Highway Patrol accident report dated 5/8/2011 indicates that he was in a two vehicle crash (while loaded) on IS 71 near Ashland, OH at 3:48 PM.</p>					
14 FEDERAL	Primary: 395.8(e)	Discovered 8	Checked 55	Drivers/Vehicles In Violation	Checked 21
<p>Description False reports of records of duty status.</p> <p>Example (b) (6), (b) (7)(C), Interstate trip 8/22/2011, Brackenridge, PA to Grand River, OH. (b) (6), (b) (7)(C) record of duty status for 8/22/2011 shows him finishing his day, and off-duty in Grand River, OH, from 11:30 AM to 12:00 midnight, when in fact, a Federal Custody and Control form dated 8/22/2011 indicates he submitted to a random drug test, in Hubbard, OH at 1:15 PM.</p>					





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Part B Violations

15 FEDERAL	Primary: 395.8(f)	Discovered 101	Checked 330	Drivers/Vehicles In Violation 10	Checked 11
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

(b) (6), (b) (7)(C) Interstate trip 7/8/2011, Girard, OH to Ghent, KY. (b) (6), (b) (7)(C) record of duty status for 7/8/2011 fails to include total miles driven and a shipping document numbers(s) or name of shipper and commodity.

16 FEDERAL CRITICAL	Primary: 395.8(k)(1)	Discovered 317	Checked 652	Drivers/Vehicles In Violation 10	Checked 11
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Description

Failing to preserve driver's records of duty status supporting documents for 6 months.

Example

(b) (6), (b) (7)(C), Interstate trip 7/7/2011, Ghent, KY to Ellwood City, PA. (b) (6), (b) (7)(C) received a dated, time stamped, shipping paper from North American Stainless, and a consignee scale ticket (pink in color) from Inmetco, and a dispatch record was created at the carrier's terminal, however, carrier failed to maintain this shipping paper and scale ticket receipts that were generated for this trip, and also failed to maintain dispatch records.

17 FEDERAL	Primary: 395.13(d)	Discovered 2	Checked 7	Drivers/Vehicles In Violation 1	Checked 4
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Description

Operating a commercial motor vehicle after having been declared out-of-service before the prescribed off-duty time has been accumulated.

Example

(b) (6), (b) (7)(C), Interstate trip 4/25/2011, River Rouge, MI to Butler, IN. (b) (6), (b) (7)(C) was stopped for an inspection in Branch County, MI and declared out-of-service from 3:35 AM to 1:35 PM as a result of operating while fatigued (falling asleep while driving) (Inspection No. MIEMAK001249), however, driver's log book, shipping papers, and delivery receipts, indicate driver (b) (6), (b) (7)(C) entered the sleeper berth for 4 hours, then continued on, delivering in Butler, IN, drove back to Woodville, OH, and did not get a 10 hour break until May 2011. (driving over his 70 hour rule every day till end of month).

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated 5,836,554		Number of Vehicle Inspected (CR): 0
Recordable Accidents 12		OOS Vehicle (MCMIS): 7
Recordable Accidents/Million Miles 2.06		Number of Vehicles Inspected (MCMIS): 20

Your proposed safety rating is : UNSATISFACTORY	Rating Factors	Acute	Critical
	Factor 1: U	1	1
	Factor 2: C	0	1
	Factor 3: U	0	8
	Factor 4: C	0	0
	Factor 5: U	0	2
	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





Part B Violations

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 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: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

Predator Trucking Company has no written policies to deal with hazardous materials training, and in fact the certificates of training presented, were found to be fraudulent. This lack of policy and procedure has led to Predator Trucking Company's current state of non-compliance with the Driver Fitness basic. (Haz-Mat Training)

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy for the timely review of driver hazmat training files. The motor carrier should not rely on creating fraudulent hazmat training records, but should conduct required training properly. The procedure should include proper documentation of required training.
- Initial training must occur prior to employees performing hazmat functions, unless under the direct supervision of a properly trained employee (for a maximum of 90 days).
- Ensure all employees undergo recurrent HM training every three years as required.
- Develop a policy for document retention and recordkeeping.
- If within 30 days HM training can not take place for all employees identified as having training deficiencies, cease using these employees until such time as their HM training can take place.

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. CARGO RELATED BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF SAFETY MANAGEMENT AREA BREAKDOWN

Although Predator Trucking Company has policies in place to require drivers to maintain proper hazardous waste manifests, it has no current method to insure emergency response telephone numbers listed on the waste manifests are proper. This lack of cargo related shortages has led to Predator Trucking Company's current state of vehicle maintenance shortages.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Implement a system for keeping accurate records of hazardous waste manifests used by Predator Trucking Company.
- Evaluate personnel who are monitoring drivers' cargo-handling, loading, and securement performance by making sure they are using inspection and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- Implement an effective process for monitoring and documenting the compliance of all relevant staff with cargo-handling, loading, and securement regulations and company policy for addressing complaints of shippers and receivers.

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.





Part B Requirements and/or Recommendations

3. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Predator Trucking Company's Drug and Alcohol Program is not post accident testing for alcohol. This lack of monitoring and tracking has led to Predator Trucking Company's current state of non-compliance with controlled substances and alcohol requirements.

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 tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures. Require all drivers to follow a Substance Abuse Professional's evaluation and requirements.
- Ensure that all required post accident alcohol testing is being performed along with controlled substance tests. If tests can not be conducted within time limits, or at all, make sure to document reasons why, as required by 382.303.
- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch; lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent 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.

4. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN

Of the 12 crashes for Predator Trucking Company, which occurred within the past 365 days, 10 were the result of drivers' operator errors. The lack of a training program that teaches and remind drivers of the hazards of driver inattention and driving too fast for conditions, could be a contributing factor for this process breakdown. This training should also include refresh information about driving in inclement weather. Also driver fatigue seems to play a part in numerous crashes in the past year.

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





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coaching as appropriate.

- Reinforce training by developing job aids and/or establishing communication channels for all staff.
- Ensure that managers and supervisors regularly communicate with their drivers and demonstrate their commitment to the management of safety and safe driving, in particular.

HAZMAT Carriers:

- Ensure that drivers of HAZMAT loads are trained in special vehicle-handling characteristics, including high center of gravity;

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.

5. FATIGUE DRIVING (HOS) BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

Predator Trucking Company has no Policies specific to driver hours of service requirements which has led to poor maintenance and oversight of the hours of service record keeping requirements. Carrier is also altering supporting documents to circumvent accuracy checking. This breakdown has led to numerous hours of service violations, several Whistleblower complaints, and possibly led to several fatigue related crashes.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification. This policy and procedure should address ensuring that all supporting documents are turned in by drivers, not altered to circumvent accuracy checking, and properly maintain all required supporting documents.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time. Do not practice "forced dispatch" directly or indirectly.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that drivers comply with fatigued-driving-related regulations and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

HAZMAT Carriers:

- Develop a clearly written policy and procedures for all personnel involved in accepting loads, assigning drivers, and establishing delivery schedules, taking into account the full operational process and enabling dispatchers to safely manage all types of HAZMAT loads for which the carrier is qualified within Hours of Service (HOS).

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.





Part B Requirements and/or Recommendations

6. Retain on file a properly completed & current copy of your form MCS-90 financial responsibility endorsement.

Make sure your MCS-90 endorsement indicates the proper level of coverage, and all information is accurately listed, including the proper legal name, signature of authorized representative, and telephone number.

If a supplemental policy (i.e. umbrella policy) is used to meet the minimum level of coverage, make sure to have an additional MCS-90, for this umbrella policy.

The proof of minimum levels of financial responsibility required shall be considered public information and be produced for review upon reasonable request by a member of the public.

In addition to maintaining proof of financial responsibility as required by this section, for-hire motor carriers shall file evidence of financial responsibility with FMCSA in accordance with the requirements of subpart C of Part 387.

A properly executed copy of Form MCS-90, MCS-82 or self- insurance authorization showing the appropriate level of insurance must be maintained at the company's PPOB for safety and also be provided to the FMCSA, 200 North High Street, Room 609, Columbus, OH 43215 within 10 working days from the date of this document.

7. Motor carriers must maintain an accident register for three years after the date of each accident. The accident register must include all DOT reportable accidents.

8. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents.

A preventable accident is one which occurs because the driver fails to act in a reasonably expected manner to prevent it. In judging whether the driver's actions were reasonable, one seeks to determine whether the driver drove defensively and demonstrated an acceptable level of skill and knowledge. The judgment of what is reasonable can be based on a company-adopted definition, thus establishing a goal for its safety management programs.

Note that the above definition of preventable accident is focused on the actions of the driver. It is the commonly used definition in evaluating driver performance. A broader definition, which can be used to evaluate the driver's and the motor carrier's actions, is given by the Federal Motor Carrier Safety Regulations as follows: Preventable accident on the part of a motor carrier means an accident (1) that involved a commercial motor vehicle, and (2) that could have been averted but for an act, or failure to act, by the motor carrier, or the driver.

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>".

9. No motor carrier, its agents, officers, representatives, or employees shall make or cause to make a fraudulent or intentionally false entry on any application, certificate, report, or record required to be used, completed, or retained, to comply with the FMCSRs. Supporting documents may not be altered or defaced by changing the information, blacking out information and or removing information such as receipt date, location and/or time(s).

10. •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.





Part B Requirements and/or Recommendations

• **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 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





Part B Requirements and/or Recommendations

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, 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.

- 11. 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.

- 12. 385.15
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:





Part B Requirements and/or Recommendations

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.

- **Passenger & Placardable HM Carriers:** This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an 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 45 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/>.

- **All Other Motor Carriers:** This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an 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/>.





Part C

Reason for Review: Compliance Review
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

5/7/2007
1/25/2006
12/30/2004

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: GARY L GOLDEN SR
Corporate Contact Title: TREASURER

Special Study Information:

Remarks:

REASON FOR INVESTIGATION:

This Compliance Review was initialized on 9/2/2011, because Predator Trucking Company is a Mandatory High Risk carrier for the following reason(s): Crash BASIC SMS Score of 94.4% and Fatigued Driving BASIC SMS Score of 83.6%. I was also provided with an anonymous complaint, received by Headquarters, alleging violations in the Crash, Fatigued Driving, Maintenance, and Driver Fitness BASICS. See individual Parts below for more specifics of the complaint. The carrier's USDOT # 401385 and EIN were verified. A copy of Ohio Secretary of State Certificate was used to verify the proper legal name, and a copy is attached in electronic form.

SCOPE OF INVESTIGATION:

This is a FULL Review, upon orders from Headquarters.

CARRIER OPERATION DESCRIPTION:

The carrier did not discuss its' financial condition.

The carrier did not wish to disclose its' gross revenue. Gary L. Golden Sr., the corporate Treasurer, and contact person, stated that they would have no way of determining the gross income.

The major assets of the company include company's vehicles and facilities. The carrier owns terminals in Girard, OH, Woodville, OH, and Bedford, PA. Mr. Gary L. Golden Sr. reported that they bought The Tauro Brothers Co. (USDOT 150336) on April 1, 2011, and started hauling HazMat in July 2011. The carrier's business office (and the location where the paperwork was being maintained at) is 1775 North State Street, Girard, Ohio 44420. The carrier strongly did not wish to change their PPOB address, and they do still maintain a facility at the location listed as their PPOB. The carrier has been subject to a compliance review in 2008, 2007, 2006 and 2004. This was this investigators first dealing with this carrier. Upon initial contact (on 9/2/2011) with the carrier, Mr. Gary L. Golden Sr. did question me, as to where the investigator who did the past reviews was. He asked me the same question again on 9/5/2011.

Carrier Officials include:

President: Russell J. Golden
Vice President: Charles L Haselow
Secretary: Vacant
Treasurer: Gary L. Golden Sr.

Carrier officials or employees who were interviewed, but not listed in Part A include: None





Part C

Carrier hauls general freight, dry bulk, and aggregates in a for-hire operation. The carrier operates dry bulk (hopper type) trailers, dump trailers, and a few flat bed trailers. The carrier is transporting RQ, Class 9 Hazardous Waste in the dry bulk hopper type trailers. The carrier primarily operates interstate, but does operate intrastate also. An example of an Interstate trip was on 8/29/2011 when driver Aubrey F. Darr made an interstate trip from Elwood City, PA to Ghent, KY.

The carrier operates 103 truck tractors and 172 trailers.

Fleet miles were provide by Gary L. Golden Sr. and were determined by latest 4 IFTA reports.

The motor carrier was not involved in emergency relief efforts and did not operate under an exemption or waiver during the past 365 days.

The company personnel responsible for safety management are: Gary L. Golden Sr., and Trina Dasch, who was recently hired as Safety Director.

PRE-INVESTIGATION:

I initialized this investigation on 9/2/2011, with Gary L. Golden Sr., the Treasurer. The appointment was made in person, and I provided the carrier with an appointment letter which I left with them at the time of the appointment. The written appointment letter requested the following documents: Accident Register and files, MCS-90 Insurance Form (if for-hire or HM carrier), Drug and Alcohol Data (if applicable), Driver Qualification Files, Driver's List, Records of Duty Status for the past 6 months, RODS Supporting Documents, Maintenance Files, Equipment List, and DVIRs, Fleet Miles, HazMat shipping papers, HazMat training records and materials, Corporate Officials, and Gross Revenue. I obtained my sample of RODS, on this date, and left the carrier a receipt for them. I returned to continue the review on 9/5/2011.

CDLIS (DRIVER LICENSE) CHECK:

The carrier employs 84 drivers, including 84 CDL drivers.
20 CDLIS checks were conducted. See Part 383 for any violations.

RED FLAG DRIVER VIOLATIONS:

The carrier had 0 red flag driver violations.

DRUG & ALCOHOL SUPPLEMENTAL REVIEW:

N/A-Full Review

INVESTIGATION:

Full documentation is included in electronic form.

PART 367

All fees paid.

PART 382

The carrier is required a controlled substance and alcohol testing program and has implemented one.

Pre-employment: Carrier does not allow drivers to drive prior to receiving a negative test result. The carrier has hired 89 CDL drivers in the past 365 days. 13 new CDL hires were checked, verifying that they did not perform any safety sensitive functions, prior to the carrier receiving a negative result. I used log books, payroll and other records. The following violation(s) were discovered. None

Random: Carrier has implemented a random controlled substance and alcohol testing program. Carrier is using Foley Services as a TPA. Random Drug tested at 57% and Alcohol tested at 18% No Violations Discovered.

Post Accident: The carrier had 5 accidents requiring post accident testing. The carrier conducted post accident controlled substance testing properly, but the carrier failed to test for alcohol following 4 of these 5 accidents, and no reason stating why the alcohol tests were not administered was prepared. Violations are listed in part B. See Part 390 for accident information.

Positive Test(s): One positive test was discovered. (b) (6), (b) (7)(C) submitted to a post accident controlled substances test on (b) (6), (b) (7)(C); MRO informed the carrier of the (b) (6), (b) (7)(C) test result for marijuana on 4/22/2011 (b) (6), (b) (7)(C) submitted to a return to duty controlled substances test on 5/24/2011, MRO informed the carrier of a negative test result on 6/1/2011. (b) (6), (b) (7)(C) has not yet completed the SAP evaluation and treatment process. (b) (6), (b) (7)(C) required by the SAP to submit





Part C

to a follow-up test, twice a month for the first 6 months, and once a month for the next six months. As of this date, driver (b) (6), (b) (7) has submitted to one follow-up test (on 6/22/2011). Interstate trip 8/5/2011, Woodville, OH to River Rouge, MI.

PART 383

20 CDLIS checks were performed. No violations discovered.

PART 387

Insurance level required: \$5,000,000 ;The carrier is transporting hazardous substances (RQ) in dry bulk (hopper type) vehicles.

Insurance level maintained: \$5,000,000 Carrier's Acord 25 form shows primary insurance of \$1,000,000 liability (policy No. GPL0938186302) and an umbrella-excess liability insurance of \$4,000,000 liability (policy No. SEO0938185002).

MCS-90: Provided with insufficient level shown. Carrier provided a MCS-90 showing \$1,000,000. This MCS-90 was not signed, and the carrier's name was not its' legal name. On 9/25/2011 I asked Gary L. Golden Sr. and Trina Dasch to obtain an MCS-90 for the umbrella policy (additional \$4,000,000 liability). Carrier also only has \$1,000,000 of general liability registered with FMCSA L & I.

PART 390

ACCIDENTS

Below are listed the accidents for this carrier which I discovered. I also have obtained basic police reports for all of the accidents, and saved them in my documentation files. Carrier fleet miles were determined by the 4 most recent IFTA quarter reports. Copies are in the documentation files.

DATE: 7/28/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2 CITATIONS: None (neither); INJURIES: 2 Transported by Lawrence County EMS; TOW: 0; DESCRIPTION: (b) (6), (b) (7)(C) changed lanes and slowed in the path of a motorcycle. The motorcycle swerved and overturned, while avoiding (b) (6), (b) (7)(C). ON PROFILE: Yes; ON ACCIDENT REGISTER: No. (b) (6), (b) (7)(C) stated since no contact, was not aware it should be listed; D & A TESTING: Not applicable.

DATE: 7/16/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Pennsylvania; NUMBER OF VEHS: 2; CITATIONS: Salus cited for improper lane change several days after the crash; INJURIES: 0; TOW: Yes; DESCRIPTION: Salus was attempting to pass a farm tractor, as the tractor turned left; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Not applicable.

DATE: 7/7/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 1; CITATIONS: (b) (6), (b) (7)(C) cited for failure to control; INJURIES: 0; TOW: Timmison Towing; DESCRIPTION: (b) (6), (b) (7)(C) drove off the right side of the road and overturned; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Drug test done properly, no alcohol test administered, and no record was prepared or maintained stating the reasons the test was not administered.

DATE: 6/26/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: (b) (6), (b) (7)(C) cited for improper passing; INJURIES: 2 Transported by viward EMS; TOW: 1 Clark Brothers Towing; DESCRIPTION: (b) (6), (b) (7)(C) was attempting to pass 2 vehicles, on a two lane road, as the front vehicle was attempting to turn left into a private drive, and they collided; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Drug test done properly, no alcohol test administered, and no record was prepared or maintained stating the reasons the test was not administered.

DATE: 5/25/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 1; CITATIONS: (b) (6), (b) (7)(C) cited for failure to control; INJURIES: 0; TOW: T Geary's Towing; DESCRIPTION: (b) (6), (b) (7)(C) drove off the right side of the road and overturned; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Drug test done properly, no alcohol test administered, and no record was prepared or maintained stating the reasons the test was not administered.

DATE: 5/17/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: (b) (6), (b) (7)(C) (neither), but accident report coded both drivers at fault; INJURIES: 0; TOW: 1 Rich's Towing; DESCRIPTION: Ayers was turning left onto Chagrin Blvd, from an exit ramp, when the left rear of his trailer struck a car, that was stopped past the stop bar(line), in the left turn lane of Chagrin Blvd ; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Not Applicable.

DATE: 5/8/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: Other driver cited for failing to control (fell asleep), INJURIES: 0, TOW: 1 Mills's Towing; DESCRIPTION: (b) (6), (b) (7)(C) was driving in the center lane, when another vehicle in the left lane, fell asleep, and changed lanes, striking the side of (b) (6), (b) (7)(C) trailer ; ON PROFILE: Yes; ON ACCIDENT REGISTER: No-Over sight by carrier; D & A TESTING: Not Applicable.

DATE: 4/15/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: (b) (6), (b) (7)(C) cited for improper lane change; INJURIES: 0; TOW: T Army's Towing; DESCRIPTION: Buck was driving in the left lane, changed lanes, striking another vehicle who was in the right lane; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Drug and alcohol testing administered properly. (b) (6), (b) (7)(C)

DATE: 2/24/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 3; CITATIONS: None (neither driver) INJURIES: 0; TOW: 2; DESCRIPTION: A City salt truck was backing up the road, spreading salt. (b) (6), (b) (7) attempted to slow,





Part C

and his trailer started to jackknife on the icy road. Bake's trailer slid left of center and struck the salt truck. Another vehicle then slid into the first two; ON PROFILE: NO-discovered by CDLIS check; ON ACCIDENT REGISTER: Yes; D & A TESTING: Not Applicable.

DATE: 1/29/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: Other driver cited for failing to control; INJURIES: 2 Transported by Lane Ambulance Service; TOW: 1 Pantalone's Towing; DESCRIPTION: (b) (6), (b) (7)(C) was driving, when an oncoming vehicle lost control, slid left of center and struck him; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Not Applicable.

DATE: 1/17/2011; DRIVER: (b) (6), (b) (7)(C); STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: (b) (6), (b) (7)(C) cited for ACDA; INJURIES: 1 Transported by Troy Twp EMS; TOW: 1 VJ's Towing; DESCRIPTION: (b) (6), (b) (7)(C) rear ended another vehicle who was stopped, waiting to turn left; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Drug test done properly, no alcohol test administered, and no record was prepared or maintained stating the reasons the test was not administered.

DATE: 12/22/2010; DRIVER: (b) (6), (b) (7)(C) STATE: Ohio; NUMBER OF VEHS: 2; CITATIONS: Other driver cited for ACDA; INJURIES: 0; TOW: 2 Kusty's Towing; DESCRIPTION: (b) (6), (b) (7)(C) vehicle broke down on the road, and as he was attempting to set up his triangles, another vehicle struck his CMV in the rear; ON PROFILE: Yes; ON ACCIDENT REGISTER: Yes; D & A TESTING: Not Applicable.

2 of the 12 accidents were not listed on the carrier's accident register. Carrier's accident rate is 2.06 accidents per million miles, which adversely affects Factor 6 of this review. I provided Safety Director Trina Dash with written accident preventability determination instructions form and a blank carrier and driver statement form, on 9/5/2011.

FRAUDULENT RECORDS

As discussed in Part 395/Supporting document section of Part C, shipping papers supplied by the carrier, had all been altered (except for one driver) to remove the time stamps:

Carmeuse Lime-These bills of lading all had a line printed "Time in:" and "Time out:" The spaces provided for the time stamp are all blank. I documented 22 bills of lading from this shipper. I obtained copies of bills of lading from other carriers for this shipper that did not have the times removed. I called this shipper's Grand River plant, and the male person answering the phone stated that all the BOLs are time stamped, and transferred me to a voice mail. I ended up talking to Amy Kuhn at the shipper's Maple Grove plant. Ms. Kuhn stated she would e-mail me a copy of 17 BOLs, issued by their Grand River and Maple Grove plants. Ms. Kuhn ended up not assisting me. I obtained 5 specific BOLs in question, from consignees, and all had the time stamp present, when the shipment was received.

South Tamaqua Coal- I documented 3 "Tickets" (small BOL) from this shipper that had the time stamps removed. I also documented 1 that the carrier provided me with, that did not have the time stamp removed.

Graymont-I documented one bill of lading from Graymont that had the time stamp removed, and 1 bill of lading from Graymont, without the time stamp removed, which I obtained from driver Watters, during a roadside inspection.

As discussed in Part 172, the carrier also presented me with fraudulent HazMat Training Certificates.

PART 391

The sample size for driver qualification files for this carrier is 13. DQ files were very neat and complete. No violations were discovered.

PART 392

L & I website lists the carrier's authority as: Active

PART 395

HOURS OF SERVICE

I discussed HOS with both Gary L. Golden Sr. and Trina Dasch:

Gary L. Golden Sr. reported that the company does not have any written or oral policy concerning RODS. He advised that he has recently hired a new Safety Director (Trina Dasch) to address the RODS, because the old safety director was not doing the job. He stated that the company does not practice "forced dispatch".

Trina Dasch stated that she started with the carrier on June 20, 2011, and as of yet has not checked any RODS, developed any policies, or conducted any driver training. She stated the carrier has no policy on HOS. She also stated that drivers are required to turn their logs in, at least once a week.

I obtained the RODS that I had selected on the first date of contact with the carrier (9/2/2011), and provided the carrier with a receipt for them. The Whistleblower written complaint warned that logs, supporting documents and etc., would be destroyed or altered, if given a chance. The logs were returned to Safety Director Dasch on 9/6/2011.





Part C

The sample size for driver's records of duty status for this carrier is 11 drivers for 330 days. Sampling was based on the SMS Driver Fatigue BASIC down to the 50th percentile, and then supplemented per the eFOTM procedures. I checked RODS for Hours of Service, and discovered 28 (8%) 11hr rule violations, 38 (11%) 14hr rule violations, 37 (14%) 70 hr rule violations, and 101 (30%) form and manner violations. No overlaps in Critical violations of Part 395.

HOS was addressed in the (b) (6), (b) (7)(C) complaint, the (b) (6), (b) (7)(C) complaint, and interviews (b) (6), (b) (7)(C). I also discovered 2 recent comments on this company at Yahoo Business Reviews, one by an unknown party, and the other by a past driver (recently terminated, with full name listed). A summary of what these sources of information is as follows:

The carrier does not practice official "forced dispatch" but if drivers complain to dispatch about being out of hours, and refuse loads, dispatch will "become angry" and "yell", and if drivers refuse loads they will be forced to leave or be terminated in short order. Drivers are never asked about their HOS status when dispatched. Some drivers are averaging 5000 miles a week, and working 80-100 hours per week. It was also rumored that the old Safety Director was terminated for not "minding his own business", when it came to HOS compliance.

RODS ACCURACY CHECK

I discussed RODS accuracy with both Gary L. Golden Sr. and Trina Dasch:

Gary L. Golden Sr. reported that the company does not have any written or oral policy concerning accuracy of RODS. Trina Dasch stated that she started with the carrier on June 20, 2011, and as of yet has not checked any RODS, developed any policies, or conducted any driver training. She stated the carrier has no policy on RODS accuracy.

Driver's RODS were checked for accuracy. Complete discussion of supporting documents is listed below. I was able to use the following time, stamped documents: fuel report for 1 driver, shipping papers for 1 driver, MSCAP inspection reports, accident reports, and random drug testing forms. I used the following dated (no times) documents: hazardous waste manifests, driver's delivery receipts, and driver's settlement sheets. I found 20 of 55 (36%) critical false RODS, and 8 of 55 (14%) nominal false. Sample size was not met, because I was not being supplied with any non-altered supporting documents that I could use (see supporting documents below). I expanded my driver sampling to 21, and was only able to verify 55 days of RODS.

RODS accuracy was addressed in the complaints and interviews. Driver's logs are not being checked for accuracy. No allegations of company sponsored, or forced falsification was made. See the notes on supporting documents for the carrier's role in falsification.

SUPPORTING DOCUMENTS:

Below are listed the supporting documents that I requested, along with notes for each:

Dispatch Records- Gary L. Golden Sr. stated that the dispatch records are done on computer (which I observed) and that once a trip is delivered, no records are maintained. Dispatch records were requested in writing on 9/2/2011, and again orally on 9/5/2011 and 9/6/2011. Of the 11 driver's records requested, I found 242 days on-duty, during which they delivered at least 1 load per day on duty. 242 of 242 dispatch records not maintained.

Shipping Papers-All shipping papers provided had the times erased (appeared erased electronically), except for driver (b) (6), (b) (7)(C) (who had 39 HOS violations during the month selected, and was not falsifying) but the carrier did produce all except for those associated with the hazardous waste manifests (see below). See Part 390 for discussion of these altered documents. Shipping papers were requested in writing on 9/2/2011. I only used the shipping papers that had not been altered for accuracy checks, but did consider them as maintained at a rate of 1 for each day on-duty. 242 of 242 shipping papers maintained.

GPS Records-I stopped driver (b) (6), (b) (7)(C) on 9/2/2011, for a MCSAP inspection. As I was talking to him, he received a message on his GPS unit. He stated that all of the trucks have GPS units, but he didn't know who the provider is. The GPS unit itself was a Garmin brand, and looked like a unit that could be purchased at any store, except he did receive a message on it. I stopped 2 other carrier trucks, and they both had the same brand unit in them. Neither of these drivers would discuss the unit with me. Two of my other informants stated that all trucks have GPS units in them. Gary L. Golden Sr. stated that he only has GPS units in 6 trucks, and he is just testing them. He refused to acknowledge any other knowledge of these units except that he was testing them out, provided by Teletrec. On 9/12/2011 I called Teletrec Inc. at 1-800-500-6009 and spoke to customer service representative "Ronald". He stated that this carrier has 98 trucks with their units. 7 drivers have the full HOS compliant units, and the rest have what they call "Tracking Units". These tracking units have Messaging, G-Bus diagnostics, and GPS tracking and Navigation. Ronald reported that these units are not HOS compliant (the drivers would still have to do a paper log), but that the carrier can get "Dashboard Summary Reports, and





Part C

On/Off reports, including the times and locations of the vehicles, as supporting documents. Driver (b) (6), (b) (7)(C) had 25 days on-duty during the month selected. 25 of 25 GPS records not maintained.
Fuel Reports-I requested fuel reports/receipts on 9/2/2011 (in writing). The carrier provided fleet one fuel report/receipts for driver (b) (6), (b) (7)(C) and stated the other 10 drivers fueled at the terminal (supposedly no records produced) the entire time. 9 days fueling for driver (b) (6), (b) (7)(C) 9 of 9 fuel reports/receipts maintained.
Hazardous Waste Manifests- I requested 27 hazardous waste manifests and the carrier produced 27. 25 of these manifests were from North American Stainless in Ghent, KY to Inmetco in Ellwood City, PA. 27 of 27 waste manifests maintained.
Scale Receipts- Requested in writing on 9/2/2011. Information from informants revealed that for each shipment from North American Stainless in Ghent, KY to Inmetco in Ellwood City, PA, (25 in all) includes a shipping paper/time stamped scale receipt from North American Stainless, and a pink scale receipt from Inmetco. These were verified by Parker Howard of North American Stainless, and Michele at Inmetco. Informants also stated that these receipts are routinely destroyed by the drivers, and are not suppose to be turned in. 50 of 50 scale receipts not maintained.
Settlement Sheets-No times on these. Eventually were supplied (on 9/6/2011). They were prepared by the drivers on a weekly basis. 44 of 44 maintained.
Random Drug and Alcohol test forms. 13 of 13 maintained.

Supporting documents were addressed in the (b) (6), (b) (7)(C) complaint, and also in my follow-up discussions (b) (6), (b) (7)(C) complaint stated that "any paperwork that DOT requests will have the time and sometimes date taken off of them. Liz Carbone, Kim & Gary Golden are behind circumventing the law." Discussions (b) (6), (b) (7)(C) indicated that drivers are supposed to destroy scale receipts and other time stamped documents, generated during the trip. The shipping papers are turned into the dispatch office, and then processed by Kim Golden (Gary L. Golden's wife) and Liz Carbone. (b) (6), (b) (7)(C) identified Kim Golden and Liz Carbone as the individuals responsible for removing the times. I questioned Gary L. Golden Sr. and Trina Dasch about the altered documents. Trina Dasch stated she had no knowledge. She stated the documents went to the office, and she never sees them. On 9/6/2011 Gary L. Golden Sr. was shown several altered documents, and he agreed that they had been altered, but did not know who altered them. His exact comment was "I don't know who did it, but I will get to the bottom of it." Totals for supporting documents:
317 not maintained of 652 requested.

Gary L. Golden Sr. questioned me near the end of my log book examination. He wanted to know why I picked his worse drivers, instead of picking a few, and allowing him to pick the rest, so he could pick out drivers that were "good".

**PART 393 & 396
INSPECTIONS**

The sample size for vehicle inspections is 20. Of the 20 most recent Level 1, 2, or 5 inspections, 7 resulted in Out of Service vehicle violation. This is listed in Part A.

VEHICLE MAINTENANCE

The sample size for maintenance files is 32. I discovered the following violations: None

ANNUAL INSPECTIONS

I inspected the annual inspections for all 32 vehicles, and noted the following violations: None

DVIRs

Sample size for DVIRs is 17 vehicles for 510 DVIRs. DVIRs were being completed on the log form and maintained I discovered the following violation(s): None

HAZARDOUS MATERIAL REQUIREMENTS

PART 172/177

Security Plan

Not applicable.

Training

Written request for HM training records and materials was given to Gary L. Golden Sr. and Trina Dasch, on 9/2/2011. On 9/5/2011 I asked for this information. Safety Director Trina Dasch presented me with 14 training certificates. 11 of the certificates were dated 7/1/2011. The other 3 were dated between 7/1/2011 and 8/18/2011. The certificates were signed by Trina Dasch. The certificates were copyrighted by the J.J. Keller publishing company. Ms. Dasch stated that she had





Part C

done the training. The certificates did not include a description, copy, or the location of the training materials used to meet the requirements or the address of the person providing the training. I asked Ms. Dasch how she determined who received the training. She stated that as of July 2011 the carrier started transporting hazardous materials, and that she trained all of the hazmat drivers. I asked her how she determined who the hazmat drivers were. She stated that the drivers who had hazmat endorsements on their CDL. Neither Ms. Dasch nor Gary Golden was aware that Class 9 materials did not require a CDL. I asked Ms. Dasch what materials she used to train the employees. She stated that she used a video, and gave them a test. I asked to see the video and the tests. She disappeared and returned with a hazmat test, dated for 1996. This test was completed by an old driver. She stated that the training video was at their Woodville terminal. She stated she would have it "overnighted" so that I could review it. On 9/6/2011 I again inquired about the hazmat training. Ms. Dasch stated that she still didn't have the video. I asked for the individual driver's tests, and she stated that she didn't keep them after the training session. I asked her for a driver's sign in sheet, or etc., for the 7/1/2011 (14 drivers) training session. She stated she did not have anything like that. She further stated that 7/1/2011 was not the date they were trained, but the date she completed the certificates. This is not the date required by 172.704 (required date is the date training occurred), and also defies any logic as to why the date the training was completed was not on the certificate. I asked her when the training was completed. She stated she would have to look at the driver's log books, to see when they were at the terminal, sometime between 6/20/2011 and 7/1/2011. I asked her to provide me with the logs, indicating on-duty, not driving, at the terminal, for hazmat training. She stated that she knew the drivers didn't log it that way.

On 9/9/2011 at 9:30 AM, SI Kerns conducted a MCSAP roadside inspection, on the carrier's hazmat vehicle. The driver was (b) (6), (b) (7)(C) I spoke with driver (b) (6), (b) (7)(C) as SI Kerns was completing the inspection report, and asked him if he had any hazmat training. He stated no, but that he had a mandatory driver's meeting later this week. I asked him if he was sure he hadn't watched a video, and took a test, and he stated that the only test he ever took was when he got his CDL HM endorsement.

On 9/9/2011 at 1:14 PM, I conducted a MCSAP roadside inspection, on the carrier's hazmat vehicle. The driver was (b) (6), (b) (7)(C) I spoke with driver (b) (6), (b) (7)(C) and asked him if he had any hazmat training. He stated that he had been trained sometime in the past by his former employer, (b) (6), (b) (7)(C) I asked him if he has had any HM training with his current carrier. He stated no, but "we have a driver's meeting tomorrow". I asked him if he was sure he hadn't watched a video, and took a test, and he looked at me with a bewildered look, and assured me that he had never had any hazmat training with this carrier.

After talking to the two HM drivers and the other circumstances listed above, it was very obvious that the HM Training Certificates that Ms. Dasch had created were fraudulent, and that actual HM training had never occurred.

Shipping Papers-Emergency Response Phone Number

The carrier is transporting Class 9 hazardous waste. I examined 27 hazardous waste manifests. The manifests were completed properly, with the exception of the emergency response telephone requirements. Of these 27 manifests I identified two generators, and two emergency response telephone numbers. This is why the I considered the count as 2 of 2, rather than 27 of 27.

330-847-7085-Generator's (Warren Steel Holdings) general phone number. On 9/7/2011 at 7:12 AM I called to inquire about this emergency response number. I identified myself, and told the answering party that I was calling in reference to this emergency response number listed on a hazardous waste manifest. The answering party stated I would have to call Chris Green at 330-847-6119. I called this number and got a voice mail. I never did make contact.

502-347-6111-Generator's (North American Stainless). On 9/7/2011 at 2:50 PM I called to inquire about this emergency response number. I identified myself, and told the answering party that I was calling in reference to this emergency response number listed on a hazardous waste manifest. The answering party stated that they didn't know who to transfer me to. They transferred me to the Security Department. Security transferred me to "Environmental". No one answered at "Environmental" and a voice mail picked up.

FOLLOW-ON ACTION:

During closeout on 9/15/2011, I was joined by carrier official, Gary L. Golden Sr, the Treasurer, and Trina Dasch, the Safety Director. I discussed each violation in detail, and explained the SMP explanation instructions. Enforcement action on State of Ohio PUC reviews is handled by the staff Compliance Division.

DOCUMENTS PROVIDED TO CARRIER:

I provided the carrier with the following educational materials:

Written accident preventability determination instructions form and a blank carrier and driver statement form
MWSC 2011 Safety Management Plan form





PREDATOR TRUCKING COMPANY
U.S. DOT #: 401385

Review Date:
09/15/2011

Part C

REPORT DISPOSITION:

A copy of the compliance review was given to Gary L. Golden Sr., the Treasurer, of Predator Trucking Company, telephone number 330-530-0712, on 9/15/2011.

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

