


PUBLIC UTILITIES COMMISSION OF OHIO/ENFORCEMENT DIVISION

	US DOT # 1649958	Legal: JOHNSON TRUCKING LLC Operating (DBA):
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MC/MX #: 638550	Federal Tax ID: 20-3764046 (EIN)
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Review Type: Non-ratable Review - CSA

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

Operation Types	Interstate	Intrastate	Business: Corporation	
Carrier:	Non-HM	Non-HM	Gross Revenue: \$8,985,934.00	for year ending: 12/31/2012
Shipper:	N/A	N/A		
Cargo Tank:	N/A			

Company Physical Address:

2701 SOUTH EBER ROAD STE B
MONCLOVA, OH 43542

Contact Name: Bobby Jo Johnson-Raferty
Phone numbers: (1) 419-868-4647 (2) **Fax** 419-868-4672
E-Mail Address:

Company Mailing Address:

2701 SOUTH EBER ROAD STE B
MONCLOVA, OH 43542

Carrier Classification

Authorized for Hire

Cargo Classification

Commodities Dry Bulk

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

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	46	11	Total Drivers: 57	
>= 100 Miles:			CDL Drivers: 57	

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	54	0	0				

Power units used in the U.S.: 54

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





JOHNSON TRUCKING LLC
U.S. DOT #: 1649958

Review Date:
03/28/2013

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Federal Motor Carrier Safety Administration at:

180 East Broad Street, 4th Floor
Columbus, OH 43215 - Attention Chris May
(614) 728-9128 fax (614) 728-2133

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Bobby Jo M. Johnson - Raferty

Title: Office Manager/Safety

Name: Brandon R. Johnson

Title: Sole Member





Part B Violations

1 FEDERAL	Primary: 382.303(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to conduct post accident alcohol testing on driver following a recordable crash.</p> <p>Example Driver (b)(6); (b)(7)(C), accident date 04/05/2012 (Monclova to Sylvania, OH - local). Driver (b)(6); (b)(7)(C) was involved in a recordable crash in Sylvania Twp, OH resulting in one (1) bodily injury and one (1) disabled/towed unit and was cited for "Improper Passing". ORC - 4511.27. (b)(6); (b)(7)(C) did not submit to a post-accident alcohol test.</p>					
2 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to conduct post accident testing on driver for controlled substances.</p> <p>Example Driver (b)(6); (b)(7)(C), accident date 04/05/2012 (Monclova to Sylvania, OH - local). Driver (b)(6); (b)(7)(C) was involved in a recordable crash in Sylvania Twp, OH resulting in one (1) bodily injury and one (1) disabled/towed unit and was cited for "Improper Passing", ORC - 4511.27. (b)(6); (b)(7)(C) did not submit to a post-accident controlled substance test.</p>					
3 FEDERAL	Primary: 382.303(d)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<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 Driver (b)(6); (b)(7)(C), accident date 04/05/2012 (Monclova to Sylvania, OH - local). Driver (b)(6); (b)(7)(C) was involved in a recordable crash in Sylvania Twp, OH resulting in one (1) bodily injury and one (1) disabled/towed unit and was cited for "Improper Passing". ORC - 4511.27. (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..</p>					
4 FEDERAL	Primary: 382.303(d)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to prepare and maintain on file a record stating the reasons the controlled substances post-accident test was not properly administered.</p> <p>Example Driver (b)(6); (b)(7)(C), accident date 04/05/2012 (Monclova to Sylvania, OH - local). Driver (b)(6); (b)(7)(C) was involved in a recordable crash in Sylvania Twp, OH resulting in one (1) bodily injury and one (1) disabled/towed unit and was cited for "Improper Passing". ORC - 4511.27. (b)(6); (b)(7)(C) did not submit to a post-accident control substance test and the carrier failed to maintain a record as to why the test was not administered..</p>					
5 STATE	Primary: 391.23(a) Secondary: 4901:2-5-02 CFR Equivalent: 391.23(a)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
<p>Description Failing to investigate driver's background.</p> <p>Example Driver (b)(6); (b)(7)(C) - Carrier failed to make a good faith effort to obtain the drivers safety performance history on the past employers referenced on his application. Intra-state trip date on 09/27/2012 - Genoa, OH to Toledo, OH. No Federal equivalent violations found.</p>					





JOHNSON TRUCKING LLC
U.S. DOT #: 1649958

Review Date:
03/28/2013

Part B Violations

6 STATE	Primary: 396.9(d)(3) Secondary: 4901:2-5-02 CFR Equivalent: 396.9(d)(3)	Discovered 4	Checked 28	Drivers/Vehicles In Violation 4 Checked 28
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Description

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business.

Example

Driver (b)(6); (b)(7)(C) - Ohio inspection on 05/02/2012, Perrysburg, OH to Northwood, OH in unit #332, a 2000 Western Star Dump Truck. Carrier failed to produce a copy of this inspection report (OH1554005156). See Federal equivalent.

7 FEDERAL	Primary: 396.9(d)(3)	Discovered 4	Checked 8	Drivers/Vehicles In Violation 4 Checked 8
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Description

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business.

Example

Driver (b)(6); (b)(7)(C) - Roadside inspection date on 02/12/2013 in the state of Michigan - Ida, MI to Toledo, OH in unit #329 - a 1996, 7 axle Ford Dump Truck. Carrier failed to produce a copy of this inspection report (MICMAM001607).

8 STATE	Primary: 396.11(c)(1) Secondary: 4901:2-5-02 CFR Equivalent: 396.11(c)(1)	Discovered 5	Checked 330	Drivers/Vehicles In Violation 1 Checked 11
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Description

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

Example

Driver (b)(6); (b)(7)(C), operated unit #300 on 01/22/2013 in local intrastate commerce. Driver stated on DVIR that their was air loss inside the cab, with no certification that repairs were corrected or not corrected.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	3,685,684	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	3	OOS Vehicle (MCMIS): 6	
		Number of Vehicles Inspected (MCMIS): 13	

Your proposed safety rating is :

This Review is not Rated.





Safety Management Process Breakdowns and Remedies

1. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN:

Johnson Trucking LLC's lack of monitoring and tracking drivers DVIR's has led to violations of DVIR's not being certified by their mechanics. Johnson Trucking LLC needs to monitor the DVIR's more efficiently to determine if drivers and mechanics are knowledgeable enough with this part, or if possible recurring training may be needed.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

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

Seek Out Resources:

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

2. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN:

The USDOT / FMCSA recommends ongoing driver training on topics inclusive of accident prevention, accident countermeasures, defensive driving, distracted driving, and related behaviors to impact both the number and severity of crashes experienced by your drivers. This recommendation is being provided due to the high Crash





Safety Management Process Breakdowns and Remedies

BASIC value noted at the time of this investigation. Utilize the FMCSA's DataQ System (if needed) in the future to have crashes removed/amended on your records.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

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

Seek Out Resources:

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

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

DESCRIPTION OF PROCESS BREAKDOWN:

Johnson Trucking LLC's lack of management oversight in monitoring and tracking recordable accidents, in which drivers have been cited, has caused a critical violation in the drug and alcohol post accident testing requirements.

BASIC SPECIFIC RECOMMENDED REMEDIES:

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

- 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.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Monitor and adjust the testing program to ensure proper annual driver sampling.
- Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
- 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.
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.
- 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





Safety Management Process Breakdowns and Remedies

(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.

- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies.
- 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. *CHAMELEON ACTIVITY PROHIBITED*****

The practice of "re-incarnation" by creating a successor or affiliated company and transferring operation to a new USDOT / MC number in order to evade prior safety history or Agency action is prohibited.

The FMCSA may issue an out-of-service order to prohibit a motor carrier, intermodal equipment provider, broker, or freight forwarder from conducting operations subject to FMCSA jurisdiction upon a determination that the motor carrier, intermodal equipment provider, broker, or freight forwarder or an officer, employee, agent, or authorized representative of such an entity, operated or attempted to operate a motor carrier, intermodal equipment provider, broker, or freight forwarder under a new identity or as an affiliated entity to:

- (1) Avoid complying with an FMCSA order;
- (2) Avoid complying with a statutory or regulatory requirement;
- (3) Avoid paying a civil penalty;
- (4) Avoid responding to an enforcement action; or
- (5) Avoid being linked with a negative compliance history.

Violations of any order resulting from the discovery of "chameleon" activity under these requirements may apply in amounts of up to \$16,000 per day the operation continues in violation.

A copy of Federal Register Vol. 77, No. 81 published 4/26/2012 regarding Agency Rules of Practice may be obtained from www.gpo.gov. Rules relating to chameleon activity are found in 49 CFR Part 386.

5. You must establish a controlled substance and alcohol testing program that meets the requirements of CFR 49 Part 382. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR. Owner operators must join a consortium to meet compliance with the random testing requirements.
6. Maintain all required controlled substance testing records including yearly summaries, bi-annual summaries, test information, test results, reasons for why post accident testing was not performed in the allotted times, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .





Safety Management Process Breakdowns and Remedies

7. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
8. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

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

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





Safety Management Process Breakdowns and Remedies

Employees. Note: There will be only one Company Official for each USDOT#. To request a Company Official user account, you must have the PIN associated with your USDOT#. If you do not have a PIN, or do not know your PIN, go to the USDOT PIN Request. An Access Company Information Account is for a person who needs access to limited company information, but is not responsible for managing accounts or other users. For additional information about COMPASS, go to <http://www.fmcsa.dot.gov/about/what-we-do/keyprograms/compass-factsheet.htm>.

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

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





JOHNSON TRUCKING LLC
U.S. DOT #: 1649958

Review Date:
03/28/2013

Part C

Reason for Review: Focused CR
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

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

<u>Prior Reviews</u>	<u>Prior Prosecutions</u>	Reason not Rated: CSA
1/5/2012		
7/21/2010		
10/14/2009		

Unsat/Unfit Information

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

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: Bobby Jo Raferty	Special Study Information:
Corporate Contact Title: Vice President	

Remarks:

REASON FOR INVESTIGATION:

The reason for this investigation's assignment was that the carrier was deficient in the following BASIC(s) at the time of assignment: Crash = [REDACTED] & Vehicle Maintenance = 95.4%. The last CR performed on this carrier indicated Serious Violations in part 391, therefore the Driver Fitness Basic was also investigated. The original assignment date was 03/13/2013. The type of investigation originally assigned was onsite focused. A Drug & Alcohol Supplemental Review was not assigned (see caption below named "Controlled Substance and Alcohol Supplemental Review" for further information).

SCOPE OF INVESTIGATION:

The original assignment was an onsite focused investigation with no D & A Supplemental review based on two (2) Basics at or above their intervention threshold, and Serious Violations in Part 391 on the last carrier review. It was discovered that the carrier's current data indicates two (2) BASIC(s) at or above their intervention thresholds. At the time this investigation was initiated (03/20/2013) the following BASIC(s) were at or above their intervention threshold: Crash = [REDACTED] & Vehicle Maintenance = 95.4%. This investigation remains a onsite focused investigation. There were no Red Flag Drivers noted in the past 365 days.

CARRIER OPERATION DESCRIPTION: The carrier described its' financial condition as "not good" and is contemplating bankruptcy at this time. The gross revenue listed in Part A was provided by Bobby Jo Raferty, Office Manager. The major assets of the company include the trucks and trailers that are owned by the carrier. The carrier is currently leasing the office location in Monclova, Ohio.

Carrier Officials include:

Sole Member: Brandon R. Johnson.
Office Manager/Safety: Bobby Jo M. Johnson - Raferty.

This carrier hauls dry commodities in bulk (sand, stone, gravel, dirt, etc.) in a for-hire dump truck operation. An example of an Interstate trip was on 02/12/2013 when driver (b)(6); (b)(7)(C) made an interstate trip from Ida, MI to Toledo, OH. Most of the drivers are currently in lay-off status, and will return to work in April. This operation is seasonal, with the busiest being during the spring to fall season.





Part C

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 is/are: Brandon Johnson, Sole Member and Bobby Jo M. Johnson - Raferty, Office Manager/Safety. The carrier's previous Safety Director is no longer employed with the company. It was advised to this Investigator by Bobby Jo Raferty, that the responsibility for compliance with the FMCSR would be divided between Brandon Johnson and her-self. It was further stated that they can not afford to pay a Safety Director at this time. Brandon Johnson has three (3) other DOT numbers assigned to him, two (2) of which were registrant only and have been inactivated. The third USDOT number assigned to Brandon Johnson is USDOT #1837368 - Unlimited Recovery Solutions LLC, which is a separate operation which is currently using tractor trailer units to transport general freight for hire. Since the carrier had a total of four (4) separate USDOT numbers, and is currently contemplating going out of business, and that they currently have a "Conditional" safety rating, the carrier was given the recommendation on "Chameleon Activity Prohibited". The consequences of operating as a "Chameleon Carrier" were also discussed with the carrier.

PRE-INVESTIGATION:

I scheduled this investigation on 03/18/2013. The appointment was made via Fax. The written appointment letter (Fax) 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, Corporate Officials, and Gross Revenue. On 03/20/2013, I met with carrier official Bobby Jo Raferty at 2701 South Eber Road Suite B in Monclova, Ohio. This review was initiated on 03/20/2013 and was completed on 03/28/2013. This review took longer than anticipated as another compliance review was initiated prior to this close-out; two (2) Safety Audits were conducted, the weekend falling in between initiation and closeout dates and a possible false medical certificate being investigated.

CDLIS (DRIVER LICENSE) CHECK:

The carrier employs forty-five (45) drivers, all requiring CDL's to operate the carriers CMV's. Per FMCSA guidance, while CDLIS is non-functional, if driver qualification files are required to be sampled, then CDL verifications must be performed on the number of qualification files sampled. A total of eight (8) CDL verifications were attempted, as a total of eight (8) driver files were sampled for the Driver Fitness Basic. One (1) of the eight (8) drives holds an out of state CDL (b)(6); (b)(7)(C) and could not be verified at this time. No violations were noted with the other seven (7) drivers that were checked on the Ohio BMV web site, with all indicating a "Valid" status.

DRIVERS WITH RED FLAG VIOLATIONS:

The carrier had no red flag driver violations in the past 365 days.

INVESTIGATION:

Full documentation is included in electronic form.

Fleet miles were provided by Bobby Jo Johnson-Raferty and were determined by latest 4 quarter IFTA reports.

PART 367:

All fees paid.

PART 382:

CONTROLLED SUBSTANCES AND ALCOHOL SUPPLEMENTAL REVIEW:

A Drug and Alcohol Supplemental Review was not performed. The reason for no supplemental review is that the carrier had a complete compliance review back in 2010 (within 5 years), with no serious violations noted.

There was a partial review of the drug and alcohol testing requirements for Post Accident Testing. Of the carrier's three (3) recordable accidents, one (1) required post accident testing. It was found that on 04/05/2012, driver (b)(6); (b)(7)(C) was in a recordable crash and was cited. The carrier failed to have the driver tested as required, and furthermore did not have a letter advising why the tests were not performed. The carrier was given a process breakdown of "Tracking and Monitoring", as their failure to track and monitor this situation had caused a critical violation in this part.

PART 383:





Part C

Seven (7) CDL verifications were conducted on the Ohio BMV's website, with all indicating a "Valid" status. The eighth driver holds a (b)(6); (b)(7)(C) CDL and was not able to verify this driver's CDL status.

PART 387:

Insurance level required: \$750,000
Insurance level maintained: \$1,000,000
MCS-90: Provided with proper level shown.

PART 390:

ACCIDENTS:

The carrier has had three (3) reportable accident(s) in the last 365 days.

07/10/2012, report #OH0129147442, driver (b)(6); (b)(7)(C) was heading northbound on US-127 in Defiance County (Washington Twp), when the right front tire fell off. The crash report indicated that this was a non-collision accident with the unit being towed. No citations were issued per the Ohio crash report (local report no. 20-0504-20). This crash was handled by the Ohio State Highway Patrol.

04/05/2012, report #OH0128046087, driver (b)(6); (b)(7)(C) was heading west on Sylvania Ave in Sylvania Twp., when he noticed a slow moving car ahead. (b)(6); (b)(7)(C) entered the eastbound lane to pass. The car in front of driver (b)(6); (b)(7)(C) proceeded to turn left at 7901 Sylvania Ave. Driver (b)(6); (b)(7)(C) then hit the rear of the vehicle, causing injury and tow. The driver of the car was transported to Flower Hospital by ambulance and the vehicle was towed by P & J Towing. (b)(6); (b)(7)(C) was cited for "Improper Passing" ORC: 4511.27 - citation #62365. The carrier could not provide any documentation that a post accident controlled substance or alcohol test was performed on this driver. This crash was handled by the Sylvania Twp. Police Dept. On 03/21/2013 the carrier called the Sylvania Twp. PD to verify the date of the citation. It was advised that the citation was issued on the same date of the accident report on 04/05/2012.

11/29/2012, local crash report #87-0569-87, driver (b)(6); (b)(7)(C) was northbound on Oregon Road in Perrysburg Twp., OH, when a passenger car heading west on Ayers Road had failed to yield the right of way from a stop sign while turning left, and was then struck by driver (b)(6); (b)(7)(C). This accident caused injury to both individuals, with both being transported to local hospitals for emergency treatment. The pedestrian in the car was life-flighted, while the driver for this company was taken by ambulance. The accident also caused disabling damage to the passenger car. The driver of the passenger car was cited under 451 1(a) "Ex ept when directed o proceed by a aw citation #A68 341 Reporting agenc was the Ohio State Highway Patrol - Post #87.

The accidents listed above consisted of both at fault, and not at fault. The standard Process Breakdown of Training and Communication was given to the carrier to ensure that drivers are properly trained.

BIENNIAL UPDATE:

The carrier last updated their MCS-150 on 10/12/2012. The carrier's MCS-150 indicated that they are an INTRA-STATE ONLY NON HAZ MAT carrier. The carrier was advised that they need to update that they are an interstate motor carrier, as they have gone interstate after the update of the MCS-150 on 10/12/2012.

PART 391:

A total of eight (8) driver qualification files were sampled, as the carrier had "Serious Violations" noted in the last Focused CR on 01/05/2012. Driver's selected for sampling were from the top 50% in the Driver Fitness Basic and then by e-Fotm sampling requirements. Most files appeared to be in good order except for driver's (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (possible false medical). The driver file for (b)(6); (b)(7)(C) did not contain a good faith effort to obtain the driver's safety performance history on the driver's last employer. The driver worked for (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) was employed as a driver from (b)(6); (b)(7)(C) as stated on the application. The carrier indicated "phone disconnected" as their only attempt to make contact. Bobby Jo Raferty is currently handling the driver qualification files and was advised of the proper requirements for obtaining the driver's safety performance history with prior employers. All driver files are maintained in the office of Bobby Jo Raferty. Ms. Raferty was the person that obtained all requested driver files.

A Medical Examiner Certificate Authentication (MEC) was conducted on:





Part C

1). Driver: (b)(6); (b)(7)(C)

Driver's DOB: (b)(6); (b)(7)(C)

Driver's Licenser Number: (b)(6); (b)(7)(C)

ME's License or Certificate Number and Issuing State: 35-096587J/OH

Date of Issuance of the MEC: 05/20/2011

The result was: NOT CONFIRMED - ME did not issue the certificate as provided by driver. Verification was on 03/27/2013 at 12:10 hours by Pam at Northwest Ohio Urgent Care located in Toledo, OH (419) 726-6500. A copy of this driver's medical was faxed to Northwest Ohio Urgent Care for her review. I called the facility back at 13:50 hours on 03/27/2013 and was advised that they had no records of this driver ever being a patient at their facility. Further investigation took place on 03/28/2013 when I returned to the carrier to discuss this possible false medical certificate. The driver was questioned and stated that he obtained his medical certificate at the Maumee Ohio Urgent Care. Further investigation found that Northwest Ohio Urgent Care in Toledo had bought out the Maumee Urgent Care, and were using the pre-stamped medical certificates with information for the Toledo Ohio facility at both locations (phone number). I called the Maumee Ohio facility on 03/28/2013 and spoke with the Manager, Jamie Chase, who confirmed that this driver was seen at the Maumee, OH location, and validated that the card on file with the carrier is the one they had issued.

2) Driver: (b)(6); (b)(7)(C)

Driver's DOB: (b)(6); (b)(7)(C)

Driver's Licenser Number: (b)(6); (b)(7)(C)

ME's License or Certificate Number and Issuing State: 35-067037/OH

Date of Issuance of the MEC: 12/17/2011

The result was: NO CONTACT - no answer or staff authorized request information not available (see explanation). At the time of the initial phone call, there was no one available, just an answering device to leave a message. I tried calling the number back at 13:49 hours and had gotten a busy signal.

PART 392:

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

PART 395:

As stated earlier, the carrier has had three (3) recordable crashes in the past 365 days. Two (2) of the accidents were found to be beyond the six (6) months retention period for the drivers records of duty status, therefore no records of duty status could be checked on the two (2) drivers. The third driver was checked for the day of the crash, and the previous seven (7) days. No violations documented for this part.

PART 393 & 396:

The carrier's current Vehicle Maintenance Basic is scored at 95.4%. The carrier's OOS score was calculated to be 46.15% using the most current thirteen (13) level 1, 2, or 5 inspections. Annual inspections sampled on all units were verified as current with no lapse in between inspections. The carrier has a total of fifty-four (54) dump trucks requiring a total of thirteen (13) maintenance files to be sampled, and three hundred thirty (330) DVIR's for eleven (11) trucks. Since the last review on 01/05/2012, the carrier has spent a total of \$1,400,000 in the maintenance of their trucks. However, with this type of operation come the problems of tires, lights, etc. due to the nature of the business. The carrier has improved since the last Compliance Review, but needs to become more efficient in the tracking and monitoring areas of DVIR's and roadside inspections.

Maintenance Files:

The carrier is performing preventative maintenance and repairs as required. The carrier profile was checked to verify that all defects found on roadside inspections had been repaired. The carrier will have all drivers complete DVIR's, however





JOHNSON TRUCKING LLC
 U.S. DOT #: 1649958

Review Date:
 03/28/2013

Part C

there still is a problem between mechanic and safety personnel (currently Bobby Jo and Brandon), as to the repairs that are made, are not being certified by the mechanic. It was verified by maintenance records that these repairs were made, however they are not being indicated on the DVIR's as certified. This breakdown is linked to the carrier not tracking and monitoring the DVIR's as efficiently enough as they should. The same could be said for the roadside inspections, as the carrier was found to have several missing from their files. A Process Breakdown of Tracking and Monitoring was given to the carrier to assist with compliance issues of this part. The carrier was also advised to have recurring training to ensure drivers are performing their post trip inspections thoroughly.

FOLLOW-ON ACTION:

During closeout on 03/28/2013, I was joined by carrier official's Brandon Johnson, Sole Member, and Bobby Jo Johnson-Raferty, Office Manager and interim Safety Director. I discussed each violation in detail with the carrier and provided guidance to help achieve compliance with the FMCSR. Enforcement action on PUCO reviews is handled by the staff Compliance Division.

DOCUMENTS PROVIDED TO CARRIER:

I provided the carrier with the following; A Safety Management Cycle for the Vehicle Maintenance/Cargo Basic, a copy of this review and my business phone number for any future related safety questions.

REPORT DISPOSITION:

A copy of the compliance review was given to Brandon R. Johnson, Sole member, phone number (419) 868-4647 on 03/28/2013.

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