

NC

08-797-TR-CVF

FILE



The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe, adequate and reliable utility services.

HAZ. MAT. COMPLIANCE

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

2008 JUN 23 PM 2:01

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

SETTLEMENT AGREEMENT

Case NO. CR08H021

Respondent: CONTRACT TRANSPORTATION SYSTEMS CO

Date of Agreement: March 25, 2008

This agreement was reached between CONTRACT TRANSPORTATION SYSTEMS CO the Respondent in the above case (Respondent), and the Staff of the Public Utilities Commission of Ohio (staff), pursuant to Rule 4901:2-7-11(A), Ohio Administrative Code (O.A.C.).

On November 13, 2007, a Compliance Review was conducted by Staff of the Transportation Department Hazardous Materials Division at the Respondent's facility located at:

101 PROSPECT AVE NW
CLEVELAND, OH 44115

As the result of discovery of the following apparent violations of rule 4901:2-5-02, O.A.C., the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amounts:

Code	Violation	Forfeiture
177.800(C)	Failing to provide recurrent training at leas	\$ 0.00
391.45(b)(1)	Using a driver not medically examined and cer	\$ 0.00
395.3(a)(2)	Requiring or permitting driver to drive after	\$ 0.00
395.3(b)(2)	Requiring/Permitting a property carrying CMV	\$ 0.00
395.8(e)	False reports of records of duty status	\$10300.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff. As the result, for purposes of settlement, and not as an admission or evidence that the violation occurred, Respondent agrees that the following findings of violations may be included in the Respondent's hazardous materials compliance record, and in Respondent's history of violations insofar as they may be relevant for purposes of determining future penalty actions, and agrees to make immediate payment of the following forfeitures:

Code	Violation	Agreed Forfeiture
177.800(C)	Failing to provide recurrent training at leas	\$ 0.00
391.45(b)(1)	Using a driver not medically examined and cer	\$ 0.00
395.3(a)(2)	Requiring or permitting driver to drive after	\$ 0.00
395.3(b)(2)	Requiring/Permitting a property carrying CMV	\$ 0.00
395.8(e)	False reports of records of duty status	\$ 8240.00

This agreement shall become effective when executed by both parties.
The Public Utilities Commission of Ohio is an Equal Opportunity Employer and Service Provider

2008 JUN 27 PM 3:02
RECEIVED-DOCKETING DIV
PUCO
I certify that the image is an accurate reproduction of a case file as it appears in the regular course of business.
Technician Date Processed

\$8240.00



The Public Utilities Commission of Ohio

Ted Strickland, Governor
Alan R. Schriber, Chairman

Monitoring marketplaces and enforcing rules to assure safe,
adequate and reliable utility services.

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C. If Respondent defaults in its obligations under this agreement, the commission may set this agreement aside and order the Respondent to pay the amount indicated in the Notice of Intention to Assess Forfeiture served in this case, pursuant to Rule 4901:2-7-11(E), O.A.C.

This agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the parties.

Date:

6/20

MR DONALD MCCONNELL

For: CONTRACT TRANSPORTATION SYSTEMS CO

Robert Marvin, Director
Transportation Department
Public Utilities Commission of Ohio

Date: May 23, 2008

Case no. CR08H021

Respondent: CONTRACT TRANSPORTATION SYSTEMS CO

Date of Agreement: March 25, 2008

Officer: AM

Page -2-