BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Norris Crane and Rigging Ltd., Notice of Apparent Violation and Intent to Assess Forfeiture.))))	Case No. 11-680-TR-CVF (OH3281007714C)

FINDING AND ORDER

The Commission finds:

(1)   On September 16, 2010, a commercial motor vehicle operated by Norris Crane and Rigging Ltd. (respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of the following apparent violations of the Code of Federal Regulations (C.F.R.): failing to secure cargo as specified in 49 C.F.R. 393.100 through 393.136 in violation of 49 C.F.R. 392.9(a)(1) (two violations); inadequate brakes for safe stopping in violation of 49 C.F.R. 393.47(a); inoperative or defective brakes in violation of 49 C.F.R. 393.48(a); inadequate or damaged securement device in violation of 49 C.F.R. 393.104(a); and brakes out of service (the number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination) in violation of 49 C.F.R. 396.3(a)(1).

(2)   Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). A total civil forfeiture of $600.00 was assessed against respondent.

(3)   On February 7, 2011, respondent filed a request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held on the matter.

(4)   On September 22, 2011, the parties filed a settlement agreement, which, in the parties' opinion, resolves all of the issues raised in the notice of preliminary determination.

(5)   In the settlement agreement, the parties agree and recommend that the Commission find:

(a)   Respondent agrees to the violations of 49 C.F.R. 392.9(a)(1), 393.47(a), 393.48(a), 393.104(a), and 396.3(a)(1) and recognizes that they may be included in respondent's Safety-Net Record and history of violations, insofar as they may be relevant for purposes of determining future penalty actions.

(b)   Respondent agrees to pay the total civil forfeiture of $600.00 for the violations. Respondent may make monthly payments in the amount of $50.00 for a period of no more than 12 months, with the first payment being due 30 days from Commission approval of the settlement agreement. The civil forfeiture payments shall be made by certified check or money order made payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215.

(c)   The settlement agreement shall not become effective until adopted by the Commission. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.

(d)   The settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

(6)   The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.
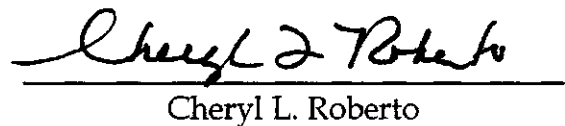
It is, therefore,

ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That respondent pay a total civil forfeiture of $600.00 in accordance with the settlement agreement. Payments shall be made by certified check or money order made payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, respondent is directed to write the inspection number (OH3281007714C) on the face of each check or money order. It is, further,

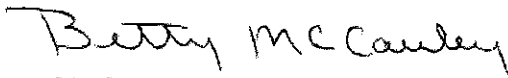ORDERED, That a copy of this finding and order be served on each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Paul A. Centolella

Steven D. Lesser

Andre T. Porter

Cheryl L. Roberto

SJP/sc

Entered in the Journal

OCT 0 3 2011

Betty McCauley
Secretary