

FILE

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PUCO EXHIBIT FILING

Date of Hearing: November 13, 2013

Case No. 13-1825-TR-CVF

PUCO Case Caption:

In the Matter of Bridge Terminal Transport, Inc. Notice of Apparent
Violation and Intent to Assess Forfeiture.

Exhibits being filed:

Staff Exhibit Nos. 1 and 2

RECEIVED-DOCKETING DIV
2013 NOV 27 PM 4:06
PUCO

Reporter's Signature: Maria Di Paolo Jones

Submitted by Armstrong & Okey, Inc.: 11-27-2013

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Technician [Signature] Date Processed NOV 27 2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Bridge :
Terminal Transport, Inc. :
Notice of Apparent : Case No. 13-1825-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

before Mr. Kerry K. Sheets, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:00
a.m. on Wednesday, November 13, 2013.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3298011114

Inspection Date: 4/4/2013 Certification Date: 04/09/2013

Time Started: 09:40 Time Ended: 10:40

Inspection Level: I - Full Inspection

HM Inspection Type: No HM Inspection

BRIDGE TERMINAL TRANSPORT INC

9300 ARROWPOINT BLVD

CHARLOTTE, NC 28273

USDOT #: 688143

Phone #: (704)571-2243

MC/MX #: 164032

Fax #:

State #:

Driver: BREAHA, JULIAN

License #: ST815212

State: OH

Date of Birth: 08/04/1971

Intermodal Equipment Provider Information

☒ Did the IEP provide the driver space to perform a pre-trip inspection?☒ Did the driver perform a pre-trip inspection?

Location: ROADSIDE

MilePost: 130

Highway: IR 77

Origin: CLEVELAND, OH

Bill of Lading:

County: SUMMIT

Destination: BARBERTON, OH

Cargo: INTERMODAL

Shipper:

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	VOLV	2000	OH	PGS2364	118216	4V4ND4RJ0YN249382	52,000		
2	IC	AJAX	1995	TN	U029938	MAEC 281069	1AJC23255S1005099	51,300		Y

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 1/8	1 5/8	1 3/4	2 3/8	1 1/8
Left	1 1/4	1 1/2	1 1/2	2 1/2	1 1/4
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS :

Vio Code	Section	Unit	OOS	Citation #	Verify*	Crash	Violation Description
396.3A1BOS	396.3(a)(1)	2	Y		U	N	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
393.47E	393.47(e)	2	N		N	N	Clamp or Roto type brake out-of-adjustment:#4 LEFT TYPE 30 CLAMP ALLOWED 2 INCH STROKE TRAVEL MEASURED AT 2 1/2 INCH,OOS
393.53B	393.53(b)	2	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	393.47(e)	2	N		N	N	Clamp or Roto type brake out-of-adjustment:#4 RIGHT TYPE 30 CLAMP ALLOWED 2 INCH STROKE TRAVEL MEASURED AT 2 3/8 INCH,OOS
393.9	393.9(a)	2	N		N	N	Inoperable Required Lamp:LICENSE PLATE LAMP INOP
393.70B	393.70(b)	1	N		N	N	Defective/improper fifth wheel assemblies:RIGHT SIDE 1 OF 10 FASTENERS (FIFTH WHEEL TO FRAME) IS MISSING (BOLT HEAD BROKEN OFF)

* U - Unknown; N - Non-OOS or Driver OOS Violation

HazMat:

No HM Transported.

Placard: NA

Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBS Inspection
 Arrests:

Inspection Notes: EMPTY,CARGO AREA CHECKED

Report Prepared By:
T L MichaelBadge #:
3298Copy Received By:
BREAHA, JULIAN

Page 1 of 2



OH3298011114

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

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BRIDGE TERMINAL TRANSPORT INC

9300 ARROWPOINT BLVD

CHARLOTTE, NC 28273

USDOT #: 688143

Phone #: (704)571-2243

MC/MX #: 164032

Fax #:

State #:

Driver: BREAHA, IULIAN

License #: ST815212

State: OH

Date of Birth: 08/04/1971

☒ Did the IEP provide the driver space to perform a pre-trip inspection?

☒ Did the driver perform a pre-trip inspection?

Special Study Fields:

Special Study1:

Special Study6:

Special Study2:

Special Study7:

Special Study3:

Special Study8:

Special Study4:

Special Study9:

Special Study5:

Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y; Driver Address: 9411 BIDDULPH RD; Driver City: BROOKLYN; Driver State: OH; Driver Zip: 44144; Photos Taken (Y/N): N; Reason Code: ISSS; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, TASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X Title: _____ Date: _____

Note to carrier this section applies to self adjusting brake.

Advisory: This vehicle has been identified to have brake adjustment violations. 49CFR Section 393.53 requires that a self-adjusting brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:

T L Michael

Badge #:

3298

Copy Received By:

BREAHA, IULIAN

Page 2 of 2



OH3298011114



Public Utilities Commission

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Steven D. Lessor
Andre T. Porter
Lynn Slaby
M. Beth Trombold

08/09/2013

OH3298011114C
MR RANDY EIDE
10900 MEMPHIS AVENUE
CLEVELAND, OH 44144

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3298011114C

Dear Sir or Madam:

On 04/04/2013, a vehicle operated by BRIDGE TERMINAL TRANSPORT INC, and driven by IULIAN BREAHA, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified BRIDGE TERMINAL TRANSPORT INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
396.3A1BOS	1	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	
		Total of Group 1	100.00

TOTAL AMOUNT DUE: \$100.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation 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 a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against BRIDGE TERMINAL TRANSPORT INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
396.3A1BOS	1	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	
		Total of Group 1	100.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 468-3016
www.PUCO.ohio.gov

An equal opportunity employer and service provider



Public Utilities Commission

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Steven D. Lesser
Andre T. Porter
Lynn Slaby
M. Beth Trombold

TOTAL AMOUNT DUE: \$100.00

Within 30 days of this notice, you must **either**: (1) pay the assessed civil forfeiture **or** (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Cheryl Streets