

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of CN Transportation Ltd.,)	Case No. 15-787-TR-CVF
Notice of Apparent Violation and Intent)	(OH3229011809C)
to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.
- (2) On February 17, 2015, a vehicle operated by CN Transportation Ltd. (Respondent) was inspected within the State of Ohio. Respondent is a for-hire motor carrier, as defined in R.C. 4923.01, and subject to the jurisdiction of the Commission. As a result of the inspection, Respondent was cited for the following violation: 49 C.F.R. 177.817(a) (operating a commercial motor vehicle without proper shipping papers). The total forfeiture for this violation is \$780.00.
- (3) Respondent was timely served a notice of preliminary determination (NPD) in accordance with Ohio Adm.Code 4901:2-7-12, alleging the above violation of the Commission's transportation regulations. The NPD assessed Respondent a total civil forfeiture of \$780.00 for the violation.
- (4) On April 20, 2015, Respondent filed a request for an administrative hearing in the above-captioned case in accordance with Ohio Adm.Code 4901:2-7-13. Thereafter, a prehearing conference was held.

- (5) On June 19, 2015, Staff and Respondent filed a settlement agreement, which, in the parties' opinion, resolves all of the issues raised in the NPD. The following is a summary of the provisions agreed to by the parties and is not intended to replace or supersede the settlement agreement. In the settlement agreement, the parties agree and recommend that the Commission find:
- (a) For purposes of settlement only, and not as an admission that the violations occurred as alleged, Respondent agrees to pay a reduced forfeiture amount of \$546.00 (\$780.00 - \$234.00) and agrees that the violation may be included in Respondent's Safety-Net Record and history of violations, insofar as it may be relevant for purposes of determining future penalty actions. The reduction of the forfeiture is premised upon Staff's recognition that Respondent has taken remedial action by requiring the driver to take a refresher course on transporting hazardous materials.
 - (b) Respondent shall pay a civil forfeiture of \$546.00 within 30 days of the Commission's approval of the settlement agreement. Payment should be made by check or money order to "Treasurer State of Ohio," and mailed to: PUCO FISCAL, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. The case number (OH3229011809C) shall appear on the face of the check.
 - (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement. The settlement agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect 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,

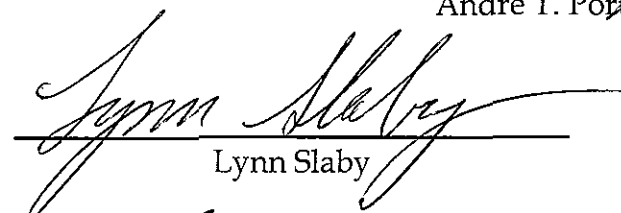
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That Respondent pay a total civil forfeiture of \$546.00 in accordance with the settlement agreement. Payment shall be made by check or money order made payable to "Treasurer of 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 (OH3229011809C) on the face of the check or money order. It is, further,

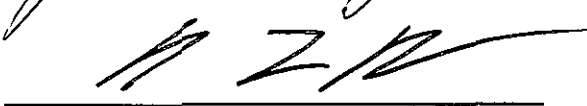
ORDERED, That a copy of this Finding and Order be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Andre T. Porter, Chairman


Lynn Slaby


M. Beth Trombold

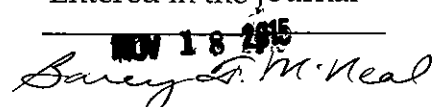

Asim Z. Haque


Thomas W. Johnson

MJA/sc

Entered in the Journal

NOV 18 2015


Barcy F. McNeal
Secretary