

Date of Hearing: 4/1/2016

Case No. 15-1428-JR-CVF

PUCO Case Caption: Ronald J. Kasperek

Stoff Exhibit 142

Reporter's Signature: Cher Sue Gibson
Date Submitted: _____

RECEIVED-DOCKETING DIV.
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Technician MA Date Processed **APR 05 2016**

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Ronald J.:
Kasperek, Notice of :
Apparent Violation and : Case No. 15-1428-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr. Nick Walstra, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10 a.m.
on Friday, April 1, 2016.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

Thomas W. Johnson
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

06/30/2015

OH3230008411D
Ronald J Kasperek
5650 S WAYNE RD
WAYNE, MI 48184

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3230008411D

Dear Sir or Madam:

On 04/15/2015, a vehicle operated by CRYOGENIC TRANSPORTATION LLC, and driven by RONALD J KASPEREK, 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 RONALD J KASPEREK (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 |
|----------|-------|--|------------|
| 392.10A4 | 4 | Failure to stop at railroad crossing - HM Cargo Tank vehicle(obvi) | 500.00 |
| | | Total of Group 4 | 500.00 |

TOTAL AMOUNT DUE: \$500.00

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 RONALD J KASPEREK in the following amount:

| CODE | GROUP | VIOLATION | FORFEITURE |
|----------|-------|--|------------|
| 392.10A4 | 4 | Failure to stop at railroad crossing - HM Cargo Tank vehicle(obvi) | 500.00 |
| | | Total of Group 4 | 500.00 |

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
www.PUCO.ohio.gov

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Public Utilities Commission

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Andre Porter, Chairman

Commissioners

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Lynn Slaby
M. Beth Trombold

TOTAL AMOUNT DUE: \$500.00

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: Alla Magaziner-Tempesta

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3230008411
Inspection Date: 4/15/2015 Certification Date: 05/01/2015
Time Started: 11:45 Time Ended: 12:40
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk Inspection

CRYOGENIC TRANSPORTATION LLC
1690 SUMNEYTOWN PIKE SUITE 300
LANSDALE, PA 19446-4882

USDOT #: 00210140
MC/MX #: 160798
State #:

Phone #: (267)371-5007
Fax #:

Driver: KASPEREK, RONALD J
License #: K216744367376 State: MI
Date of Birth: 5/18/1962

Location: ROADSIDE
Highway: SR 4
County: HURON
Shipper: LINDE, LLC

MilePost: 4
Origin: FOSTORIA, OH
Destination: BRADDOCK, PA

Bill of Lading: 112801
Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION:

| Unit Type | Make | Year | State | License# | Equipment ID | Unit VIN | GVWR | CVSA # | CVSA Issued # | OOS Stkr.# |
|-----------|------|------|-------|----------|--------------|----------|-------------------|--------|---------------|------------|
| 1 | TT | INTL | 2005 | OH | PVU6011 | 4110 | 2HSCEAHRX5C053156 | 52,000 | | |
| 2 | ST | ALLO | 2002 | OH | TQA4311 | 5108 | 1A9PA43292D503038 | 68,000 | | |

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS:

| Vio Code | Section | Unit | OOS | State Citation Number | Verify* | Crash | Violation Description |
|----------|--------------|------|-----|-----------------------|---------|-------|---|
| 392.10A3 | 392.10(a)(3) | 1 | N | | N | N | Failure to stop at railroad crossing - CMV requiring display of HM placards |

* N - Non-OOS or Driver OOS Violation

HazMat: 2.2 Nonflammable Gas,

Placard: Yes Cargo Tank: NON

Special Checks:

- | | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBBT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |
| <input type="checkbox"/> EScreening | | |

Inspection Notes: was behind driver for 2 sets of railroad tracks in 2 different counties 1st set went over tracks at 35 mph 2nd set in huron county on sr 4 at us 20 went over at 20 mph with 4 ways on he was stopped by light on opposite side of tracks I tried to stop there but driver went through light until he saw other oshp unit Driver stated hee slowed down and turned 4 ways on and that should count. tracks were not marked exempt tracks driver required to stop. judge speed by my vehicles speedometer as i was behind cmv.

Deleted violation 393.10A4 and added violation 393.10A3 on 06/23/2015 by dfe per jrf.
DataQ 1332454

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:

| | |
|-----------------------------------|----------------------------------|
| Loaded by Carrier (Y/N): N | Loaded by Shipper (Y/N): Y |
| Ship Docs Prep by Carrier(Y/N): N | Ship Doc Prep by Shipper(Y/N): Y |
| Haz Class A: 2.2 | ID # A: 1073 |
| Gross Weight A: CARGO TANK | For-Hire Carrier: Y |
| Fatalities (Y/N): N | Driver Address: 5650 S WAYNE RD |
| Driver City: WAYNE | Driver State: MI |

Report Prepared By:
J D ANDERSON

Badge #:
3230

Copy Received By:
KASPEREK, RONALD J

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OH3230008411

X

X

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3230008411
Inspection Date: 4/15/2015 Certification Date: 05/01/2015
Time Started: 11:45 Time Ended: 12:40
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk Inspection

CRYOGENIC TRANSPORTATION LLC
1690 SUMNEYTOWN PIKE SUITE 300
LANSDALE, PA 19446-4882

USDOT #: 00210140

MC/MX #: 160798

State #:

Phone #: (267)371-5007

Fax #:

Driver: KASPEREK, RONALD J
License #: K216744367376 State: MI
Date of Birth: 5/18/1962

Driver Zip: 48184

FMCSA Credentials Verified(Y/N): Y

FMCSA OOS Order Issued(Y/N): N

Reason Code: OBVI

CDL Verified (Y/N): Y

HM Safety Permit Verified(Y/N): N

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

Date: _____

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:
J D ANDERSON

Badge #:
3230

Copy Received By:
KASPEREK, RONALD J

Page 2 of 2



OH3230008411

X _____ X _____