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PUCO EXHIBIT FILING

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Date of Hearing: January 12, 2017

Case No. 16-2039-TR-CVF

PUCO Case Caption: In the matter of: Jerry
Sigman

List of exhibits being filed:

STAFF EXHIBITS

- 1 - Notice of preliminary determination
- 2 - Driver/vehicle examination report
- - -

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Technician AN Date processed JAN 23 2017

Reporter's Signature: _____

Date Submitted: _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
 :
Jerry Sigman : Case No. 16-2039-TR-CVF
 :
 :

- - -

PROCEEDINGS

before Kerry Sheets, Attorney Examiner, held at the
offices of the Public Utilities Commission of Ohio,
180 East Broad Street, Room 11-C, Columbus, Ohio, on
Thursday, January 12, 2017, at 10:00 a.m.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

Staff Ex. 1



Public Utilities Commission

John R. Kasich, Governor
Arlin Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
M. Howard Petricoff

10/07/2016

OH3235003733D
Mr Jerry L Sigman
11768 REID RD NW
JEFFERSONVILLE, OH 43128

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3235003733D

Dear Sir or Madam:

On 08/16/2016, a vehicle operated by RUSH EXPEDITING INC, and driven by JERRY L SIGMAN, 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 JERRY L SIGMAN (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
392.82A1	4	Using a hand-held mobile telephone while operating a CMV	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

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 JERRY L SIGMAN in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.82A1	4	Using a hand-held mobile telephone while operating a CMV	250.00
		Total of Group 4	250.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3018
www.PUCO.ohio.gov





Public Utilities Commission

John R. Kasich, Governor
Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
M. Howard Petricoff

TOTAL AMOUNT DUE: \$250.00

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: Mark Banks



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: OH3235003733
Inspection Date: 8/16/2016 Certification Date:
Time Started: 14:52 Time Ended: 15:43
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

RUSH EXPEDITING INC

P O BOX 2810

DAYTON, OH 45401

USDOT #: 01143070

MC/MX #: 461323

State #:

Phone #: (937)297-6182

Fax #:

Driver: SIGMAN, JERRY L
License #: RJ286806 State: OH
Date of Birth: 7/4/1938

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:

ACCESS

Highway: RICKENBACKER PKWY

Origin: COLUMBUS, OH

Bill of Lading:

County: FRANKLIN

Destination: COLUMBUS, OH

Cargo: INTERMODAL

Shipper: RAIL

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	INTL	2016	OH	PWB6641	96187	1HSDJAPR8GH277720	52,350			
2	IC	CIMR	2006	CA	4HF8030	NYKZ 406080	LJRC4126761026387	67,200			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.82A1	392.82(a)(1)	D	N		N	N	Using a hand-held mobile telephone while operating a CMV: Driver talking on cell phone
393.9	393.9(a)	2	N		N	N	Inoperable Required Lamp: right rear side marker
393.55E	393.55(e)	2	N		N	N	No or Defective ABS Malfunction Indicator Lamp for trailer manufactured after 03/01/1998: ABS missing

* 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
☐ ESscreening

☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

☐ Post Crash Inspection
☐ PBBT Inspection
Arrests:

Inspection Notes: Driver was talking on cell phone when he passed me. The phone was in drivers left hand when he went by and when he was stopped. He stated he was talking to his wife.

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

Fatalities (Y/N): N

Driver Address: 11768 REID RD NW

Driver City: JEFFERSONVILLE

Driver State: OH

Driver Zip: 43128

Supplemental Report #: N

Reason Code: OBVI

Paper Report #: N

FMCSA Credentials Verified-Y/N: Y

Report Prepared By:

Badge #:

Copy Received By:

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S Morgan

3235

SIGMAN, JERRY L



OH3235003733

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: OH3235003733
Inspection Date: 8/16/2016 Certification Date:
Time Started: 14:52 Time Ended: 15:43
Inspection Level: 11 - Walk-Around
HM Inspection Type: No HM Inspection

RUSH EXPEDITING INC

P O BOX 2810

DAYTON, OH 45401

USDOT #: 01143070

MC/MX #: 461323

State #:

Phone #: (937)297-6182

Fax #:

Driver: SIGMAN, JERRY L

License #: RJ286806

State: OH

Date of Birth: 7/4/1938

CDL Verified (Y/N): Y

Crash Report #: N

FMCSA OOS Order Issued(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, TAD - 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:
S Morgan

Badge #:
3235

Copy Received By:
SIGMAN, JERRY L

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OH3235003733

X

X

INTERMODAL EQUIPMENT PROVIDER 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: OH3235003733
Inspection Date: 8/16/2016 Certification Date:
Time Started: 14:52 Time Ended: 15:43
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

INTERMODAL EQUIPMENT PROVIDER INFORMATION

Name: Chicago Ohio Valley Consolidated Chassis Pool, LLC
US DOT#: 01962242 Data Source: Intermodal Equipment Web Service Look-up

MOTOR CARRIER INFORMATION

RUSH EXPEDITING INC Driver: SIGMAN
P O BOX 2810
DAYTON, OH 45401
USDOT #: 01143070 Phone #: (937)297-6182
MC/MX #: 461323 Fax #:
State #:

Origin: COLUMBUS, OH Destination: COLUMBUS, OH

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

VEHICLE IDENTIFICATION

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	Issued Decal#	Existing Decal#	OOS Stkr.#
2	IC	CIMR	2006	CA	4HF8030	NYKZ 406080	LJRC4126761026387	67,200		

Brake Adjustments : No brake adjustments recorded.

VIOLATIONS ATTRIBUTABLE TO THE INTERMODAL EQUIPMENT PROVIDER : No violations were discovered

VIOLATIONS ATTRIBUTABLE TO THE MOTOR CARRIER

Vio Code	Section	Unit OOS	State Citation	Number	Verify*	Crash Violation Description
393.9	393.9(a)	2 N		N	N	Inoperable Required Lamp: right rear side marker
393.55E	393.55(e)	2 N		N	N	No or Defective ABS Malfunction Indicator Lamp for trailer manufactured after 03/01/1998: ABS missing

* N - Non-OOS or Driver OOS Violation

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:
S Morgan

Badge #:
3235

Copy Received By:
Drivers Initials

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