

FILE

PUCO EXHIBIT FILING

RECEIVED
2017 AUG 31 PM 2:55
PUCO

Date of Hearing: 8/8/17

Case No. 17-1092-TA-CVF

PUCO Case Caption: CLIFF NEELY

List of exhibits being filed:

STAFF Exhibits 1, 2 and 3

AUG 31 2017

Reporter's Signature: Michael O. Spore

Date Submitted: 8/31/17

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
Clifford R. Neely Notice : Case No.
of Apparent Violation and : 17-1097-TR-CVF
Intent to Assess Civil :
Forfeiture. :

- - -

PROCEEDINGS

Before Nick Walstra and Stacie Cathcart,
Attorney Examiners, held at the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-D, Columbus, Ohio, on Tuesday,
August 8, 2017, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

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: OH0187000352
Inspection Date: 12/5/2016 Certification Date: 12/30/2016
Time Started: 10:23 Time Ended: 12:07
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

CLIFFORD R NEELY
3381 CLAPPER ROAD
BUTLER, OH 44822
USDOT #: 01232357
MC/MX #: 625050
State #:

Phone #: (419)938-3402
Fax #:

Driver: NEELY, CLIFFORD R
License #: RN921485 State: OH
Date of Birth: 8/2/1966

Location: BESSEMER AVE AT EAST 55TH ST
Highway: N/A
County: CUYAHOGA
Shipper: KOTTLER METAL PRODUCTS

MilePost: N/A
Origin: WILLOUGHBY, OH
Destination: CLEEL, OH

Bill of Lading: 68879
Cargo: BUILDING MATERIALS

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Strkr.#
1	TT	PTRB	1985	OH	PWB6799	02	1XP9D29X2FP186775	52,000			
2	ST	FONA	2008	IN	P205427	20	13N4482CX83546077	20,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.110B	393.110(b)	2	Y		U	N	Insufficient tiedowns to prevent forward movement for load not blocked by headerboard, bulkhead, or other cargo.: ONLY ONE STRAP
392.2DL	392.2	1	N		N	N	Miscellaneous Drivers License Violation: OPERATING WITHOUT DOT PERMIT

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

HazMat: No HM Transported.

Placard: NA **Cargo Tank:**

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:

Special Study Fields:

Special Study1:
Special Study2:
Special Study3:
Special Study4:
Special Study5:

Special Study6:
Special Study7:
Special Study8:
Special Study9:
Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y;Fatalities (Y/N): N;Driver Address: 3381 TWP RD 1089;Driver City: BUTLER;Driver State: OH;Driver Zip: 44822;Reason Code: OBVI;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): Y

* 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.

Report Prepared By:
J E DRAKE

Badge #:
0187

Copy Received By:
NEELY, CLIFFORD R

Page 1 of 2



OH0187000352

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: OH0187000352
Inspection Date: 12/5/2016 Certification Date: 12/30/2016
Time Started: 10:23 Time Ended: 12:07
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

CLIFFORD R NEELY
3381 CLAPPER ROAD
BUTLER, OH 44822

USDOT #: 01232357

MC/MX #: 625050

State #:

Phone #: (419)938-3402

Fax #:

Driver: NEELY, CLIFFORD R
License #: RN921485 State: OH
Date of Birth: 8/2/1966

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, T ASD - 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 E DRAKE

Badge #:
0187

Copy Received By:
NEELY, CLIFFORD R

Page 2 of 2



OH0187000352

X

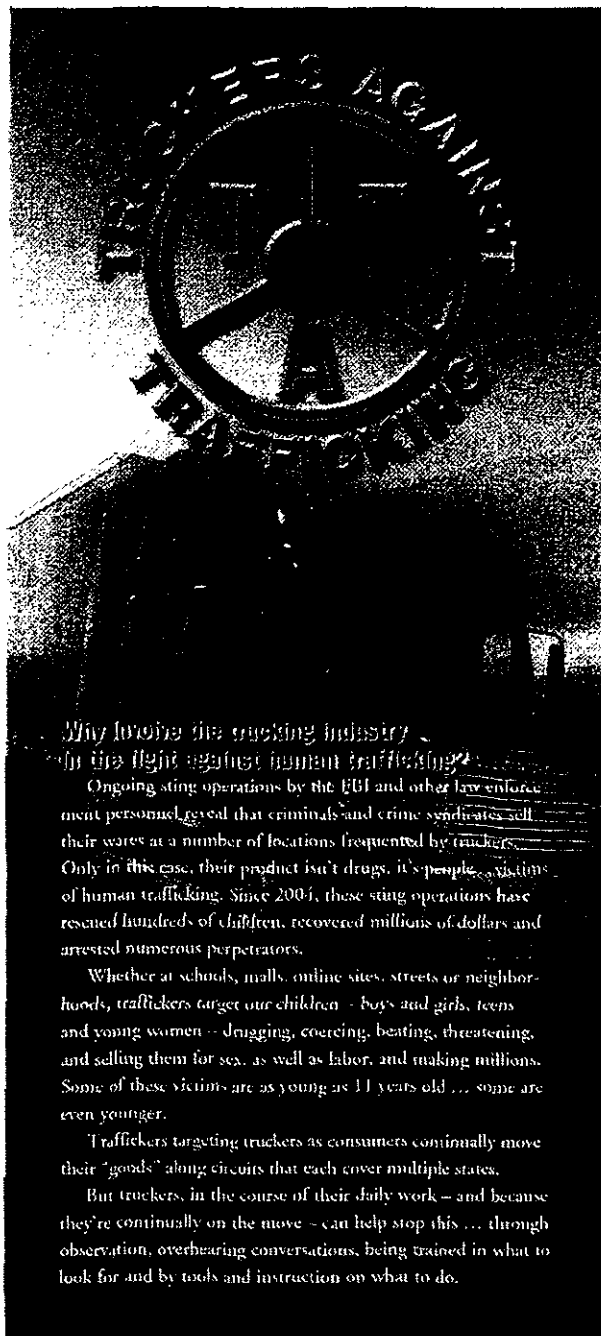
X

TRUCK DRIVERS

G U I D E B O O K



OHIO STATE HIGHWAY PATROL
OFFICE OF FIELD OPERATIONS
LICENSING AND COMMERCIAL STANDARDS SECTION
MOTOR CARRIER ENFORCEMENT UNIT



Trucking Against Trafficking

Truckers Against Trafficking (TAT)* began in March 2009 as an initiative of Chapter 61 Ministries to educate, equip, empower and mobilize members of the trucking industry on the critical role they can play in fighting one of the most lucrative and destructive crimes in the United States and globally.

Today, TAT is a 501c3 organization with three main goals to accomplish our mission:

- Have our TAT materials made a regular part of training/orientation for members of the trucking industry, so when they suspect human trafficking, they'll call the National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888 and report what they know.
- Partner with law enforcement to facilitate the investigation of human trafficking.
- Marshal the resources of the trucking industry to combat this crime.

We provide a website, www.truckersagainstrafficking.org; a trucking-industry-specific training DVD; webinars; human trafficking presentations; wallet cards truckers can carry with information to help them recognize trafficking and call the NHTRC number when it is suspected; posters and other materials the trucking industry can use for publicity and promotion; and the Freedom Drivers Project — a 48' mobile exhibit designed to educate audiences about the realities of domestic sex trafficking and how the trucking industry is combating it.

TAT also works to build coalitions between members of law enforcement, anti-trafficking organizations and key industry stakeholders, including general managers of truck stops and travel plazas, large carriers and state trucking associations, to further the apprehension of traffickers and the recovery of victims. We interact with appropriate state and national agencies to have our materials used in all venues involving trucking and strategize with state and local law enforcement and government on additional ways the trucking industry can provide invaluable help. And we continually strive to help the trucking industry develop its unique contribution and leadership in the fight against human trafficking.

For more information on Truckers Against Trafficking or how you can help, contact tat.truckers@gmail.com or visit www.truckersagainstrafficking.org.

Make the Call, Save Lives.
1-888-373-7888

TO REPORT SUSPECTED HUMAN TRAFFICKING CALL:

1-888-3737-888 (NATIONAL HOTLINE)

OR

#677 (OHIO ONLY)

National Hotline: 1-888-3737-888 (Multi-Lingual)

1-800-222-TIPS (Canada)

Text INFO or HELP to BeFree (233733)

Report by Email: nhtc@PolarisProject.org

Warning: Please do not approach traffickers. Call the hotline, and if instructed, the local police (911). Allow law enforcement to deal with traffickers and rescue victims. Approaching traffickers is not only dangerous for you and their victims but could lead to problems in the eventual prosecution of traffickers. Also, if at a truck stop/travel plaza, please notify the manager-on-duty of the suspicious activity; she/he needs to be aware of what is taking place on the lot and assist in ending it.

If you have seen the TAT Training DVD and reviewed this wallet card, please register as TAT Trained at <http://tat8.nodelistsu.com>.



HSY 7000 11/15 [760-1109]

**Make the Call,
Save Lives.**

**TRUCKERS AGAINST
TRAFFICKING**

1-888-3737-888 (US)
1-800-222-TIPS (Canada)
Text INFO or HELP to BeFree (233733)
www.truckersagainsttrafficking.org



**OHIO DEPARTMENT
OF PUBLIC SAFETY**
SAFETY • SERVICE • PROTECTION



Ohio State Highway Patrol
Office of Field Operations
Licensing and Commercial Standards Section
Motor Carrier Enforcement Unit

TRUCK DRIVERS

G U I D E B O O K

General Information.....	7
Contact Information.....	10
Ohio State Highway Patrol, Motor Carrier Enforcement Unit	
District Headquarters & Scale Locations.....	10
Platform Scale Facility	11
State of Ohio Agencies & Departments.....	12
United States Federal Agencies	12
Trade Associations.....	12
Vehicle Registration & Motor Fuel Tax.....	13
Definitions.....	14
Commercial Driver License (CDL).....	16
Driver's Hours of Service	
Property-Carrying Commercial Motor Vehicles.....	20
Passenger-Carrying Commercial Motor Vehicles	27
Inspection, Repair & Maintenance.....	28
Safety Devices	30
Brakes.....	31
Load Securement.....	33
Wheel Protectors	35
Vehicle Size/ Special Hauling Permits	36
Motor Vehicle Weight Law	38
Motor Vehicle Weight Law Exceptions	41
Motor Vehicle Weight Law Restrictions.....	43
Bridge Formula Definitions.....	44
Bridge Formula Examples	45
Interstate Bridge Formula Reference Chart ORC 5577.041B.....	46
Non-Interstate Weight Formula	47
Non-Interstate Weight Formula Reference Chart ORC 5577.041D	48
http://codes.ohio.gov/orc/5577	49

This book has been prepared as a guide to applicable laws and regulations. State law may be more restrictive than Federal Regulations. For specific questions, please refer to the applicable local, state and federal laws and rules themselves. If you need an explanation or clarification of any law or rule, you should contact the appropriate agency. Available online at www.statepatrol.ohio.gov.

Load Securement

SOURCE: FEDERAL MOTOR CARRIER SAFETY REGULATIONS

A person shall not drive or move a commercial motor vehicle on a highway unless the CMV is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off or otherwise escaping from the vehicle. This would include the use of chains, binders, tie downs and other approved securement devices to ensure the load is secure.

Cargo must be contained, immobilized, or secured to prevent shifting upon or within the vehicle to such an extent that the vehicle's stability or maneuverability is adversely affected.

GENERAL LOAD SECUREMENT

The general and cargo specific rules for load securement are found in the Federal Motor Carrier Safety Regulations.

- Cargo must be firmly immobilized and secured on or within a vehicle by structures of adequate strength, dunnage or dunnage bags, shoring bars, tiedowns or a combination of these.
- Articles of cargo that are likely to roll must be restrained by chocks, wedges, a cradle or other equivalent means to prevent rolling.
- Articles of cargo placed beside each other and secured by transverse (from left side to the right side) tiedowns must be loaded in direct contact with each other or prevented from shifting towards each other.
- All vehicle structures, systems, parts, and components used to secure cargo must be in proper working order when used to perform that function with no damaged or weakened components.
- Each tiedown, or its associated connectors, or its attachment mechanisms must be designed, constructed, and maintained so the driver of an in-transit CMV can tighten them.
- When articles of cargo are in contact with the front end structure (headerboards, bulkheads, other cargo, or other appropriate blocking devices), the front end structure must:
 - Extend above the floor of the vehicle to a height of 4 feet or to a height at which it blocks forward movement of the cargo, whichever is lower;
 - Have a width which is at least equal to the width of the vehicle or which blocks forward movement of the cargo, whichever is narrower; and
 - Must be designed, constructed, and maintained so that it is capable of resisting penetration by any article of cargo that contacts it and must not have any opening large enough to permit any article of cargo to pass through it.

**Consult Federal Motor
Carrier Safety Regulations
for specific compliance
requirements for load
securement.**

Load Securement

SOURCE: FEDERAL MOTOR CARRIER SAFETY REGULATIONS

WORKING LOAD LIMITS

Working Load Limits are established in the FMCSR for load securement devices such as chains, webbing, rope, cord and strapping when they have not been marked by the manufacturer. Working load limits are listed in charts in the FMCSR.

- Tiedown assemblies must be of adequate number and working load limit strength to prevent a load from shifting or falling.
- The aggregate (total) working load limit of the tiedown assemblies used to secure an article against movement, in any direction, must be at least ½ times the weight of the article.
- The aggregate working load limit is the sum of:
 - One-half the working load limit of each tiedown that goes from an anchor point on the vehicle to an anchor point on an article of cargo;
 - One-half the working load limit of each tiedown that is attached to an anchor point on the vehicle, passes through, over, or around the article of cargo, and is then attached to an anchor point on the same side of the vehicle.
 - The working load limit for each tiedown that goes from an anchor point on the vehicle, through, over, or around the article of cargo, and then attaches to another anchor point on the other side of the vehicle.
- If an article of cargo is not blocked or positioned to prevent movement in the forward direction by a headerboard, bulkhead, other cargo, or other appropriate blocking devices, it must be secured by at least:
 - One approved tiedown for articles 5 feet or less in length, and 1,100 pounds or less in weight,
 - Two approved tiedowns if the article is:
 - ♦ 5 feet or less in length and more than 1,100 pounds in weight; or
 - ♦ Longer than 5 feet but less than or equal to 10 feet in length (no matter the weight of the article).
 - If the article is longer than 10 feet in length:
 - ♦ Two tiedowns for the first 10 feet of length; and
 - ♦ One additional tiedown for each 10 feet of article length, or fraction thereof, beyond the first 10 feet of length.
- If an article of cargo is blocked or positioned to prevent movement in the forward direction by a headerboard, bulkhead, other cargo, or other appropriate blocking devices it must be secured by at least one tiedown for every 10 feet of article length, or fraction thereof.

SPECIFIC SECUREMENT REQUIREMENTS BY COMMODITY TYPE

In addition to the general securement requirements listed above, the Federal Motor Carrier Safety Regulations contain specific securement requirements for the following types of articles of cargo:

1. Logs
2. Dressed lumber or similar building products
3. Metal coils
4. Paper rolls
5. Concrete pipe
6. Intermodal containers
7. Automobiles, light trucks and vans
8. Flattened or crushed vehicles
9. Roll-on/roll-off or hook lift containers
10. Large boulders.

Note:

Please refer to the Federal Motor Carrier Safety Regulations for the specific requirements for each of these types of articles of cargo.

Ohio | **Public Utilities
Commission**
Asim Z. Haque, Chairman

Commissioners
Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedman

03/08/2017

OH0187000352C
Mr. Cliff Neely
3381 TWP 1089
BUTLER, OH 44822

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH0187000352C

Dear Sir or Madam:

On 12/05/2016, a vehicle operated by CLIFF NEELY, and driven by CLIFFORD R NEELY, 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 CLIFF NEELY (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
392.2DL	0	Miscellaneous Drivers License Violation	
393.110B	1	Insufficient tiedowns to prevent forward movement for load not blocked by headerboard, bulkhead, or other cargo.	
		Total of Group 0	0.00
		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 CLIFF NEELY in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
180 East Broad Street Columbus, Ohio 43215-3793			(614) 466-3016 www.PUCO.ohio.gov





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

Lynn Sleby
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedman

392.2DL	0	Miscellaneous Drivers License Violation	
393.110B	1	Insufficient tiedowns to prevent forward movement for load not blocked by headerboard, bulkhead, or other cargo.	
		Total of Group 0	
		Total of Group 1	100.00

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

