

FILE

PUCO EXHIBIT FILING

Date of Hearing: 9/12/18

Case No. 18-121-JA-CVF

PUCO Case Caption: Seydou Sangare

PUCO

List of exhibits being filed:

STAFF Ex-1 and 2

Reporter's Signature: Michael O. Spence
Date Submitted: 10/9/18

2018 OCT -9 PM 2:14

RECEIVED-ROCKETING DIV.

8/16/01
RECEIVED-ROCKETING DIV.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Seydou :
Sangare Notice of Apparent : Case No.
Violation and Intent to : 18-121-TR-CVF
Assess Forfeiture. :

- - -

PROCEEDINGS

Before Stacie Cathcart, Attorney Examiner, held
at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Wednesday,
September 12, 2018, at 10:00 A.M.

- - -

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

- - -



Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

01/25/2018

OH3202306571D
Seydou Sangare
2207 JANE ST
GREENSBORO, NC 27407

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3202306571D

Dear Sir or Madam:

On 12/14/2017, a vehicle operated by SCHNEIDER NATIONAL CARRIERS INC, and driven by SEYDOU SANGARE, 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 SEYDOU SANGARE (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
392.10A3	4	Failure to stop at railroad crossing - CMV requiring display of HM placards	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 SEYDOU SANGARE in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.10A3	4	Failure to stop at railroad crossing - CMV requiring display of HM placards	500.00
		Total of Group 4	500.00

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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Thomas W. Johnson
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Daniel R. Conway

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: Thomas Persinger



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: OH3202306571
Inspection Date: 12/14/2017 Certification Date: 12/29/2017
Time Started: 08:40 Time Ended: 09:10
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk Inspection

SCHNEIDER NATIONAL CARRIERS INC
PO BOX 2545
GREEN BAY, WI 54306-2545
USDOT #: 00264184
MC/MX #: 133655
State #:

Phone #: (800)558-6767
Fax #:

Driver: SANGARE, SEYDOU
License #: 000030997710 State: NC
Date of Birth: 7/28/1965

Location: ROADSIDE (PLAIN CITY, OH)
Highway: US RT 42
County: UNION
Shipper: ALLNEX USA INC

MilePost: 4 SB
Origin: WALLINGFORD, CT
Destination: PLAINFIELD, IN

Bill of Lading: 4500197496
Cargo: HAZ MAT/OTHER CHEMICALS

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	KW	2017	IN	2512863	66282	1XKYDP9XBJJ189643	52,000			
2	ST	WANC	2008	IL	T336547	TA947219	1JJV532W64L873077	65,000			
Unit	Cargo Seal Removed#				Cargo Seal Replaced#						
2	096184				0019340						

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)	D	N		N	N	Failure to stop at railroad crossing - CMV requiring display of HM placards: *transporting Class 3 HM
177.817E	177.817(e)	1	N		N	N	Shipping paper accessibility

* N - Non-OOS or Driver OOS Violation

HazMat: 3 Flammable,

Placard: Yes 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: target inspection (OBVI) CMV was observed transporting placardable hazardous materials and failed to stop at grade crossing as required. driver approached CSX grade crossing (ID #2581 AAR # 513303C) and only slightly slowed and then accelerated through grade crossing. *driver stated he knew he was forced to stop at the crossing and thought he stopped long enough
driver had to remove seat belt to obtain HM shipping papers which were located on the floor of the cab and nearer the passenger seat than the driver seat.
*CSX intermodal train of 92 cars passed through crossing less than 10 minutes before violation
carrier has ISS elevated BASIC HM score of 64

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:

Report Prepared By:
P Haskins

Badge #:
3202

Copy Received By:
SANGARE, SEYDOU

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OH3202306571

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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: OH3202306571
Inspection Date: 12/14/2017 Certification Date: 12/29/2017
Time Started: 08:40 Time Ended: 09:10
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk Inspection

SCHNEIDER NATIONAL CARRIERS INC

PO BOX 2545

GREEN BAY, WI 54306-2545

USDOT #: 00264184

Phone #: (800)558-6767

MC/MX #: 133655

Fax #:

State #:

Driver: SANGARE, SEYDOU

License #: 000030997710

State: NC

Date of Birth: 7/28/1965

HM Incid/Crash w/release(Y/N): N;Placards Displayed (Y/N): Y;Placards Offered (Y/N): Y;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: 3;ID # A: UN1886;Packing Group A: III;Gross Weight A: 4285;Haz
Class B: 3;ID # B: UN1886;Packing Group B: III;Gross Weight B: 19596;For-Hire Carrier: Y;Fatalities (Y/N): N;Driver Address: 2207 JANE ST;Driver
City: GREENSBORO;Driver State: NC;Driver Zip: 27407;Photos Taken (Y/N): N;Supplemental Report #: N/A;Reason Code: OBVI;Paper Report #:
N/A;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N;Crash Report #: N/A;HM Safety Permit
Verified(Y/N): N;Shipper 1 Name: ALLNEX USA INC;Shipper 1 Street Address: 528 S CHERRY ST;Shipper 1 City: WALLINGFORD ;Shipper 1 State:
CT;Shipper 1 Zip Code: 06492;Orig Seal Placed by(C/D/S/U): S

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:

P Haskins

Badge #:

3202

Copy Received By:

SANGARE, SEYDOU

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OH3202306571