

FILE

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PUCO EXHIBIT FILING

Date of Hearing: 8-19-10

Case No. 10-235-TR-CVF

PUCO Case Caption: In the Matter of Robert Williams,
Notice of Apparent Violation and Intent to
Assess Forfeiture

List of exhibits being filed:

Staff Exhibit 1 - Driver/Vehicle Examination Report
~~Richard Crossin's information~~
3 - Forfeiture Assessment
4 - Civil Forfeiture Violations Chart
5 - 11-13-09 letter - Notice of Apparent Violation

Exhibit A - Multimodal Dangerous Goods Form
B - Crow Dock Receipt
D - General Requirements - Placards
E - Specification-Based Packaging Rules

PUCO

Reporter's Signature: Karen Sue Gibson

Date Submitted:

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Robert :
Williams, Notice of :
Apparent Violation and : Case No. 10-235-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr. Scott E. Farkas, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10 a.m.
on Thursday, August 19, 2010.

- - -

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

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Public Utilities
Commission

Transportation Department
Phone: (614) 466-0429
Fax: (614) 752-9274

Report Number: OH3202304873
Inspection Date: 10/22/2009 Certification Date: 10/29/2009
Time Started: 11:35 Time Ended: 12:10
Inspection Level: I - Full Inspection
HM Inspection Type: Non-Bulk Inspection

MARINE TRANSPORT INC
200 CENTRAL AVE SUITE 202
MOUNTAINSIDE, NJ 07092-1961
Phone #: (908)232-1400
USDOT #: 569258
State #:

Fax #:
MC/MX #: 235262

Driver: WILLIAMS, ROBERT A
License #: RH940096 State: OH
Date of Birth: 11/16/1951

Location: ROADSIDE (PLAIN CITY, OH)
Highway: US RT 42
County: UNION
Shipper: CROWN EQUIPMENT CO

MilePost: 4
Origin: CELINA, OH
Destination: COLUMBUS, OH

Bill of Lading: 271834
Cargo: HAZ MAT/OTHER CARGO

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Company #	Unit VIN	GVWR	Issued Decal#	Exsting Decal#	OOS Stkr.#
1	TT	INTL	1996	OH	PVM9787	12131	2HSFMATR7TC073949	0			
2	IC	AJAX	1999	TN	T274752	FLXZ204162	1AJCG2326WH004637	0			3202304873

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 1/8	1 1/4	1 3/8	1 1/2	INOP
Left	1	1 1/8	1 1/4	1 5/8	INOP
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS:

Section Code	St	Unit	OOS	Lvl 6	Citation #	Verify*	Crash	Violation Description
392.10(a)(3)	2-4	D	N	N	2280	N	N	Failing to stop at railroad crossing-placarded class 8
393.48(a)	73	2	Y	N		U	N	Inoperative Brake (axle 5 L)
393.48(a)		2	Y	N		U	N	Inoperative Brake (axle 5 R)

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

HazMat: 8 Corrosive Material,

Placard: Yes Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
Arrests:

Inspection Notes: target inspection (OBVI) vehicle failed to stop at grade crossing while transporting placardable HM-vehicle passed through crossing (CSX crossing near Plain City, OH) driver stated he "was not paying attention and forgot about the tracks"
intermodal container-placed OOS for inoperative brakes (trailer rear axle) "no push-rod movement"
*HM shipment consisted of batteries/fork lifts/equipment

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
Ship Docs Prep by Carrier(Y/N): N
Haz Class A: 8
Packing Group A: III
For-Hire Carrier: Y
Driver Address: 573 FREBIS AVE

Loaded by Shipper (Y/N): Y
Ship Doc Prep by Shipper(Y/N): Y
ID # A: UN2794
Gross Weight A: 2330
Fatalities (Y/N): N
Driver City: COLUMBUS

Report Prepared By:

Badge #:

Copy Received By:

P Haskins

3202

WILLIAMS, ROBERT A



DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission

Transportation Department
Phone: (614) 466-0429
Fax: (614) 752-9274

Report Number: OH3202304873
Inspection Date: 10/22/2009 Certification Date: 10/29/2009
Time Started: 11:35 Time Ended: 12:10
Inspection Level: I - Full Inspection
HM Inspection Type: Non-Bulk Inspection

MARINE TRANSPORT INC
200 CENTRAL AVE SUITE 202
MOUNTAINSIDE, NJ 07092-1961

Phone #: (908)232-1400

Fax #:

USDOT #: 569258

MC/MX #: 235262

State #:

Driver: WILLIAMS, ROBERT A
License #: RH940096 State: OH
Date of Birth: 11/16/1951

Driver State: OH	Driver Zip: 43206
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	

* 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.

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; 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.

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 Title: _____ Date: _____

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:

P Haskins

Badge #:

3202

Copy Received By:

WILLIAMS, ROBERT A



FORFEITURE ASSESSMENT

REPORT #

3202304873

COMPLETED BY T FORBES

REPORT DATE :

October 22, 2009

DATE ASSESSED

11/04/09

RESPONDENT :

Williams, Robert A

DRIVER CITED
CARRIER CITED

Marine Transport Inc

	VIOLATION CODE/ DESCRIPTION	392.10A3 Fail to stop RR Crossing - HM			
	NATURE GRAVITY 0 -10 PTS.	4	0	0	0
	EXTENT OF VIOL. '-10 TO +10 PTS.'	0	0	0	0
	ACTUAL HARM 0 - 20 PTS.	0	0	0	0
	OTHER CIRCUMST. '-10 TO +10 PTS.'	0	0	0	0
(A)	SUBTOTAL POINTS 0-50 PTS.	4	0	0	0
(B)	MATERIAL HAZARD	0.6	0.6	0	0
(C)	AMOUNT OF MATERIAL	0.4	0.4	0	0
(D)	SUBTOTAL POINTS = A*(B+C)	4.00	0.00	0.00	0.00
(E)	RESPONDENT CULPABILITY	1	1	1	1
(F)	RESPONDENT HISTORY 1,2,OR 4	1	1	1	1
(G)	TOTAL POINTS = D*E*F	4.00	0.00	0.00	0.00
	FORFEITURE ASSESSED AMOUNT = G * \$100.00	\$400.00	\$0.00	\$0.00	\$0.00

Civil Forfeiture Violations Chart
Nature & Gravity Points

10 points Leaking Container Violations

- 10 Package integrity failure
 Package valves and closures not securely closed

6-8 points Packaging, Segregation, & Handling Violations

- 8 Segregation & Loading
 Non-specification or non-performance packaging
 HM Vehicle attendance
 Relative motion among HM packages
 Over 5% outage in propane home storage tank in transportation
- 6 Specification/performance packaging does not meet req.
 (CT Double bulkhead drain/vent plugged 3 Pts)
 Bulk package weight or temperature exceeds that allowed by specification
 Packaging qualification and maintenance violations – CT test marking not
 displayed or CT tests not completed (Cargo Tanks: 6 points for first
 test/insp. Not Conducted OR DISPLAYED; +1 extent for each
 additional cargo tank Test/inspection not conducted OR DISPLAYED)
 LPG Cargo Tank handheld remote shutoff inoperable
 Violation of PHSMA Special Permit requirements
 CT manual remote shutoff inoperable
 Fail to have a HM Safety Permit on file as required.
 HM Training Not As Required
 (-2 extent for each completed, ie. Awareness)

6 points Hazard Communication Violations

- 6 Proper HM placards not offered/affixed
 (+6 for each additional hazard class missing)
 (1 not affixed=NAV, +1 extent for each additional)
 Proper HM markings not offered/affixed
 (+6 for each additional hazard class missing)
 (1 not affixed=NAV, +1 extent for each additional)
 No proper HM shipping paper
 (+1 extent 172.203 violations for PIH, DWW; +3
 For each technical names per 172.203 (c) or (k)
 **each element worth 1 point
 **If 1 element missing = NAV
 Packages offered/accepted without proper HM markings
 (+1 for required additional info)

Packages offered/accepted without proper HM labels
(+6 for subsidiary hazard class)
Hazardous waste manifest not as required
Misrepresenting hazmat present on vehicle

4 Points Hazardous Material Handling Violations

- 4 Failure to secure packages (no movement)

3 Points Hazardous Communications Violations

- 3 HM shipping papers – no technical names per 172.203 (c) or (k)
HM Marking – no technical name
Emergency response information (Subpart G) not as required
 ** No Written ER info
 ** No telephone no.
No emergency marking on CT emergency remote shutoff
Package not marked with special permit number when required
No emergency discharge procedure with LPG CT
Fail to maintain a copy of the HM safety Permit on the vehicle when required

2 Points Hazardous Communications Violations

- 2 Displaying a sign (drive safely, ect.) that could be confused with a Placard, as per 172.502 –NAV if only 1

3 Points Shipping Paper/ER Information Accessibility

- 3 Shipping papers/ER information not accessible
HM shipping papers not tabbed or first
HM entries not distinguished

0 Points Minor Hazard Communication Violations

- 0 Placard/markings/labeling visibility & display
No ltd. Qty, RQ, DOT-E on shipping papers
Unauthorized abbreviation used in proper shipping name
Tech. Name not in association with proper shipping name – (out of sequence, not in parenthesis)
Minor shipping description sequence
 “UN” instead of “NA”
Minor typographical errors
One placard visibility & display
CT Part 180 marking not properly placed

1-5 Points FMCSR Handling Violations

- 5 No route plan for radioactive materials or explosives
No emergency plan for radioactive materials
- 4 Failure to comply with local routing requirements
Locking devices on an intermodal container not secure while transporting hazardous materials
Non-English speaking driver
- 2 Railroad grade crossing violations – Only cite-carrier for 2nd RR violation within a 24 month period. Issue NAV for first violation.
- 1 Failure to comply with local or state laws

2-3 Points FMCSR Violations (Must meet specific CVSA OOS Criteria)

- 3 Inoperative brake OOS
Hours of service violation
Ill or fatigued driver
Unauthorized passenger
Failure to have proper Commercial Drivers License
– Includes improper class, endorsement or operating in violation of restriction or in violation of learners permit
- 2 Slider handle assembly-Pin OOS; missing/broken OOS
5th wheel OOS Violation
Frame stress cracks OOS
Air brakes system (reserve pressure loss) OOS
- 1 Brake/Pushrod adjustment or defective brakes
If 20% of brakes out of adjustment or defective = 1 point violation
If > 20 % out of adjust., +1 extent for each full brake out of adjust or defective.
Broken leaf spring or spring hanger OOS
Defective air suspension system - OOS
Inoperative low air warning device OOS violation
- 0 Driver Smoking
Log Book Violations – form & manner only

0-1 Points FMCSR Violations (Must be 2 or more OOS Violations) –

- 1 Brake pad violations OOS
Cracked wheel/tire rim OOS
Other OOS Suspension Violations

Cut tire OOS

Worn tire, cord showing, OOS Violation, 4/32" & 2/32"

Lug nuts missing, OOS violation

- 0 Stoplights out OOS
Emergency brake inoperable
Improperly attached cargo tank appurtenance
No emergency equipment
Failure to carry Part 397 on vehicle placarded Class 1
Flat tire, OOS violation
Leaking tire OOS violation
Blocking and bracing of non-HM

1-4 points FMCSR Driver Violations

- 4 Failure to stop at check point
Driving after consumption of alcohol or controlled substance
Driving while disqualified
Failure to stop at railroad grade crossing
- 3 Improperly parked HM vehicle
Possession of alcohol or controlled substance upon a CMV
- 1 No log book OOS
Falsification of log book OOS
Late log book OOS
No or improper commercial driver's license –
Driver smoking
Seat belt violation
Radar detector in use/possession
Unauthorized passenger

ADDITIONAL ASSESSMENTS

Insurance violation	\$500.00 - C
Scope & Authority violation	\$500.00 - C
Avoiding or Bypass inspection	\$500.00 - D
Uniform HM Permit violation	\$500.00 - C
Uniform HW Permit violation	\$1,000.00 - C
Driving after being placed out of service	\$1,000.00 - D
Unified Carrier Registration (UCR)	\$100.00 - C

Chart Effective Date: On Inspection Occurring After October 1, 2008

MATERIAL HAZARD CHART

<u>POINTS</u>	<u>HAZARD CLASS/DIV.</u>
1.5	1.1 2.3 6.1 7 Any PIH
1.3	1.2 1.3 4.3
1.1	2.1 3 4.1 4.2
0.9	5.1 5.2 8
0.7	1.4 1.5
0.5	1.6 2.2 PGIII (Combustible Liq.) 6.2 9 ORM-D

Point Modifiers

PGI = + .3

PGII = 0.0

PGIII = - .3

Hazardous Waste = +.1

Hazardous Substance = + .1

MARPOL = + .1

HAZARDOUS AMOUNT CHART

<u>POINTS</u>		<u>AMOUNT (WEIGHT)</u> Pounds/Kilograms
1.0		35,000+ lbs 15,876+ kg (Cargo Tank w/flammable – Class 3 & 2.1)
0.6		10,000 – 34,999 lb. 4,536 – 15,875 kg
0.4		1,000 – 9,999 lb. 454 – 4,535 kg
0.2		<1,000 lb < 454 kg Residue (Not Flammable)
Less		
0.1	If package < 100 lb./45 kg	
0.2	If package < 5 lb./2 kg	

November 13, 2009

3202304873D
ROBERT A WILLIAMS
573 FREBIS AVE
COLUMBUS, OH 43206

RE: NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE
Case No. 3202304873D

Dear Sir or Madame:

On October 22, 2009, a vehicle operated by MARINE TRANSPORT INC, was inspected within the State of Ohio by staff of the Transportation Department of the Public Utilities Commission of Ohio. As the result of discovery of the following apparent violation, of rule 4901:2-5-02,O.A.C., the Commission intends to make a civil monetary assessment against ROBERT A WILLIA in the following amount:

CODE	UNIT	VIOLATION	FORFEITURE
392.10A3	D	FAIL STOP RR XING- ANY PLA	\$ 400.00

Within 30 days, you must pay the forfeiture or send a written request for conference. Failure to pay the forfeiture or send a written request for a conference within 30 days will result in this forfeiture amount being referred to the Attorney General's office for collection, and may adversely affect your authority with the Public Utilities Commission of Ohio.

Please review the enclosed information concering this notice.

"NOTICE REGARDING OFFENSES 392.10A3 AND 392.10A4.

If you pay this assessment, fail to dispute the charges, or are found guilty of the offense, your commercial vehicle driving privileges MAY BE DISQUALIFIED for a length of time specified by law."

Sincerely,
Jonathan Frye, Chief
Compliance Division
Public Utilities Commission of Ohio
614-466-0351

TF



Public Utilities Commission

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

February 12, 2010

STEVE MOYER

9 E KOSSUTH ST
COLUMBUS, OH 43206

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. 3202304873D

Officer:

Dear Sir or Madame:

On October 22, 2009, a vehicle operated by MARINE TRANSPOR and driven by ROBERT A WILLIAMS, was inspected within the State of Ohio. As the result of discovery of the following apparent violation the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation	
392.10A3	FAIL STOP RR XING- ANY PLA	\$ 400.00

Total Forfeiture Assessed :

A conference was conducted pursuant to Rule 4901:2-7-10(B), 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.

(continued)

TK
10-27



Public Utilities Commission

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

February 12, 2010
STEVE MOYER

3202304873D

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against ROBERT A WILLIAMS in the following forfeiture:

Code	Violation	
392.10A3	FAIL STOP RR XING- ANY PLA	\$ 400.00

Total Forfeiture Agreed :

Please include a certified check or money order for the N.P.D. forfeiture total, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 10th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio

MULTIMODAL DANGEROUS GOODS FORM

This form may be used as a dangerous goods declaration as it meets the requirements of SOLA 74, chapter VII regulation 4; MARPOL 73/78, Annex II, regulation 4.

1 Shipper/Consignor/Endor Crown Equipment Corporation 410 Grand Lake Road Catsburg, OH 45822		12 Transport document number 3 Page 1 of 1 pages		4 Shipper's reference 667333, 667334	
6 Consignor Mapalecuador S.A. Av. Isaac Ibarra 154 Quito ECUADOR		7 Carrier (to be completed by the carrier) SHIPPER'S DECLARATION I hereby declare that the contents of this consignment are fully and accurately described below by the Proper Shipping Name, and are classified, packaged, marked and labeled / placarded and are in all respects in proper condition for transport according to the applicable international and national government regulations.			
8 This shipment is within the limitations prescribed for: (Circle non-applicable)		9 Additional handling information 24 hr Emergency Phone # 419-629-2311 x3664 Crown			
10 Vessel/Flight No. and date Sun Rowan	11 Port/place of loading				
12 Port/place of discharge Quayaguil, Ecuador	13 Destination ECUADOR				
14 Shipping marks	*Number and kind of packages, description of goods		Gross mass (kg)	Net mass (kg)	Cube (m³)
(1) battery banded to (1) wood skid	UN2734; Battery, wet, filled with acid, electric storage, Class 8, EMMS F-A, S-B.		274 k 608#	282 k 565#	19 cu
(3) batteries banded to wood (1) skid	UN2734; Batteries, wet, filled with acid, electric storage, Class 8, EMMS F-A, S-B.		782 k 1728#	780 k 1675 #	19 cu
16 Container identification No./ vehicle's registration No. E124 374962-5		15 Seal number(s) 003079	17 Container/vehicle size & type 20'	18 Total mass (kg)	19 Total gross mass (including tare) (kg)
CONTAINER/VEHICLE PACKING CERTIFICATE I hereby declare that the goods described above have been packed/loaded into the container/vehicle identified above in accordance with the applicable provisions. MUST BE COMPLETED AND SIGNED FOR ALL CONTAINER/VEHICLE LOADS BY PERSON RESPONSIBLE FOR PACKING/LOADING. 20 Name of company Crown Equipment Corporation Name/status of person Shipping Clerk Place and date New Bremen OH 45869 Signature of declarant [Signature]			21 RECEIVING ORGANIZATION RECEIPT Received the above number of pre-packaged containers in apparent good order and condition, unless stated herein: RECEIVING ORGANIZATION REMARKS 22 Name of company (if different from preparer of this note) Crown Equipment Corp Name/status of declarant Leon Hansen, Ttl Mgr Place and date New Bremen, OH Signature of declarant [Signature]		

You must specify Proper Shipping Name, Hazard class, UN No., packing group, (where assigned) marine pollutants and observe the mandatory requirements under applicable national and international governmental regulations. For purposes of the IMDG Code see 5.4.1.4
For the purpose of the BMDG Code, see 5.4.2

Exhibit

A

RW000011



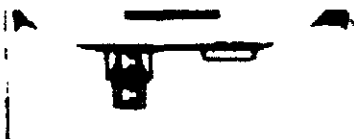
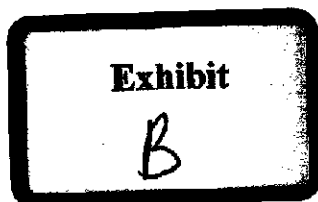
New Bremen, Ohio 45869 USA
Phone: 419/629-2311
Fax: 419/629-3772

Dock Receipt

Only Clean Dock Receipt Accepted

Shipper/Exporter Crown Equipment Corporation 410 Grand Lake Road Celina, OH 45822 EIN # 34-44-12691		Document No.	
Consignee Mepalecuador S.A. Av. Isaac Alberiz E3-154 Y Wolfgang Mozart Quito, Ecuador		Export References	
Notify Party Mepalecuador S.A. Av. Isaac Alberiz E3-154 Y Wolfgang Mozart Quito, Ecuador		Forwarding Agent-Reference Kuehne & Nagel Middleburg Hts, OH 440-243-6070	
Pier or Airport New York		Point and Country of Origin New Bremen, OH 45869	
Exporting Carrier (Vessel/Airline) Sun Round		Port of Loading New York	
Air/Sea Port of Discharge Quaysquil, Ecuador		For Transshipment To	
Overland Inland Routing			
Particulars Furnished by Shipper			
Marks and Numbers	No. of Pkgs.	Description of Packages and Goods	Gross Weight
Container # EISU 374962-5	(1) 20' container :	Description of Packages and Goods	Measurement
Booking # 84194103		(1) 20' container : Schedule B # 8507-20-0090	
Booked with Kuehne & Nagel		(2) new forklifts Schedule B # 8427.10.8090	1664 lbs 108 c/f
Emergency Contact Crown 419-629-2311 x3854		(2) chargers Schedule B # 8504.40.9550	390 lbs 28 c/f
		Packaged using HTKD wood	4274 lbs 170 c/f
		Crown Seal# 003079	
		Received the above described goods or packages subject to all the terms of the undersigned's regular form of dock receipt and Bill of Lading which shall constitute the contract under which the goods are received, copies of which are available from the carrier on request and may be inspected at any of its offices	
DELIVERED BY			
Lighter Truck			
Arrived	--	Date	Time
Unloaded	--	Date	Time
Checked By		By	
Placed In Ship/On Dock Location		Date	

OF-2778 PG-6/93



RW000010

the text "PG III" instead of "POISON" or "TOXIC" below the mid line of the label.

Label illustrations can be found at the back of this pocketbook.

Placards

The Hazardous Materials Regulations require most vehicles hauling hazardous goods to be placarded. In most situations **the shipper is responsible for providing the appropriate placards to the carrier for a shipment. The carrier is responsible for applying them correctly to the vehicle and maintaining them during transport.** In addition, carriers are responsible for any placarding necessitated by aggregate shipments. Large freight containers (640 cubic feet or more) must be placarded by the shipper.

Placards are diamond-shaped and should measure at least 273 mm (10.8 in) on each side. Placards must be displayed on-point with the words or identification number displayed horizontally, reading from left to right.



Placards must be affixed on all four sides of the vehicle, trailer or cargo carrier. The front placard may be on the front of the tractor or the cargo body. Placards must be removed from any vehicle not carrying hazardous materials.

In general, some basic rules apply to placards:

- **Placards must be securely attached to the vehicle or placed in a proper placard holder.**

- **Placards must be located at least 76.0 mm (3 in) from any other type of marking on the vehicle.**
- **Words and numbers on placards must read horizontally.**
- **Placards must be clearly visible and maintained in a legible condition throughout the trip.**

As a rule, a driver may not move a vehicle that is not properly placarded, if placards are required for the cargo carried in the vehicle. However, in certain emergency situations, a vehicle not properly placarded may be moved if at least one of these three conditions is met:

- **Vehicle is escorted by a state or local government representative.**
- **Carrier has received permission from the Department of Transportation.**
- **Movement is necessary to protect life and property.**

Placards are chosen according to tables found in §172.504. Table 1 lists categories of hazardous materials which require placarding no matter what amount of material is being hauled. **Any quantity of hazardous material covered by Table 1 must be placarded as specified in Table 1.**

Table 2 also lists categories of hazardous materials and the placards required, but, there are some exceptions.

When the gross weight of hazardous materials in non-bulk packages covered by Table 2 is less than 454 kg (1,001 lb), **no placard is required** on a transport vehicle or freight container. This does not apply to bulk packagings (such as portable tanks or cargo tanks) or hazardous materials subject to §172.505-Placarding for subsidiary hazards.

Non-bulk packaging that contains only the residue of Table 2 materials does not have to be included in determining placarding, except for materials subject to §172.505, subsidiary placarding.

A transport vehicle or freight container which contains non-bulk packagings with two or more categories of materials, requiring

Exhibit

D

different placards specified in Table 2, may be placarded DANGEROUS in place of the separate placarding specified for each of the categories in Table 2. However, when 1,000 kg (2,205 lb) or more of one category of materials is loaded at one loading facility on one transport vehicle or container, the placard specified for that category in Table 2 must be applied.

In the following tables the bold face entry describes the category of the hazardous material, the light face entry indicates the placard required for that type of shipment.

TABLE 1

CATEGORY OF MATERIAL	PLACARD
1.1	EXPLOSIVES 1.1
1.2	EXPLOSIVES 1.2
1.3	EXPLOSIVES 1.3
2.3	POISON GAS
4.3	DANGEROUS WHEN WET
5.2 (Organic peroxide, Type B, liquid or solid, temperature controlled)	ORGANIC PEROXIDE
6.1 (material poisonous by inhalation (see §171.8 of this subchapter))	POISON INHALATION HAZARD
7 (Radioactive Yellow III label only)	RADIOACTIVE ¹

¹RADIOACTIVE placard also required for exclusive use shipments of low specific activity material and surface contaminated objects transported in accordance with §173.427(b)(4) and (5) or (c) of this subchapter.

TABLE 2

CATEGORY OF MATERIAL	PLACARD
1.4	EXPLOSIVES 1.4
1.5	EXPLOSIVES 1.5
1.6	EXPLOSIVES 1.6
2.1	FLAMMABLE GAS
2.2	NON-FLAMMABLE GAS
3	FLAMMABLE
Combustible liquid	COMBUSTIBLE
4.1	FLAMMABLE SOLID
4.2	SPONTANEOUSLY COMBUSTIBLE
5.1	OXIDIZER

TABLE 2, Continued

CATEGORY OF MATERIAL	PLACARD
5.2 (Other than organic peroxide, Type B, liquid or solid, temperature controlled)	ORGANIC PEROXIDE
6.1 (other than material poisonous by inhalation)	POISON
6.2	(None)
8	CORROSIVE
9	CLASS 9
ORM-D	(None)

Placarding Exceptions

- When more than one division placard is required for Class 1 materials on a transport vehicle, rail car, freight container or unit load device, only the placard representing the lowest division number must be displayed.
- A FLAMMABLE placard may be used in place of a COMBUSTIBLE placard on—
 - A cargo tank or portable tank.
 - A compartmented tank car which contains both flammable and combustible liquids.
- A NON-FLAMMABLE GAS placard is not required on a transport vehicle which contains non-flammable gas if the transport vehicle also contains flammable gas or oxygen and it is placarded with FLAMMABLE GAS or OXYGEN placards, as required.
- OXIDIZER placards are not required for Division 5.1 materials on freight containers, unit load devices, transport vehicles or rail cars which also contain Division 1.1 or 1.2 materials and which are placarded with EXPLOSIVES 1.1 or 1.2 placards, as required.
- For transportation by transport vehicle or rail car only, an OXIDIZER placard is not required for Division 5.1 materials on a transport vehicle, rail car or freight container which also contains Division 1.5 explosives and is placarded with EXPLOSIVES 1.5 placards, as required.

§172.502 Prohibited placarding.

(a) Except as provided in paragraph (c) of this section, no person may affix or display on a transport vehicle, portable tank or freight container any placard described in this subpart unless:

[51 FR 5968, Feb. 18, 1986]

(1) The material being offered or transported is a hazardous material, and

(2) The placard represents a hazard of the hazardous material being offered or transported.

(b) No person may affix or display any sign or other device on a transport vehicle, portable tank, or freight container, that by its color, design, shape, or content could be confused with any placard prescribed in this subpart.

[51 FR 5968, Feb. 18, 1986]

(c) The restrictions in paragraphs (a) and (b) of this section do not apply to transport vehicles, portable tanks, or freight containers which —

[51 FR 5968, Feb. 18, 1986]

(1) In addition to any placards required by this part, may be placarded in conformance with the IMDG Code; or

(2) Are placarded in conformance with the TDG Regulations.

[50 FR 41516, Oct. 11, 1985]

§172.503 Identification number display on placards.

For procedures and limitations pertaining to the display of identification numbers on placards, see §172.334.

§172.504 General placarding requirements.

(a) Except as otherwise provided in this subchapter, each transport vehicle and freight container containing any quantity of a hazardous material must be placarded on each end and each side with the type of placards specified in the following tables and other placarding requirements of this subpart, including the specifications for the placards named in the tables and described in detail in §§172.519 through 172.558.

[51 FR 5968, Feb. 18, 1986]

(b) A transport vehicle or freight container containing two or more classes of materials requiring different placards specified in Table 2 may be placarded DANGEROUS in place of the separate placarding specified for each of those classes of material specified in Table 2. However, when 5,000 pounds or more of one class of material is loaded therein at one loading facility, the placard specified for that class in Table 2 must be applied. This paragraph does not apply to a portable tank, cargo tank, or tank car.

[51 FR 5968, Feb. 18, 1986]

(c) Except for transport vehicles and freight containers subject to §172.505, portable tanks, cargo tanks, tank cars, or transportation by aircraft or vessel, placards for hazardous materials covered by Table 2 are not required on—
[50 FR 11048, March 19, 1985; 50 FR 41092, Oct. 8, 1985; 51 FR 5968, Feb. 18, 1986; 54 FR 38794, Sept. 20, 1989.

TABLE 1

If the transport vehicle, or freight container contains a material classed (described) as —	The transport vehicle, or freight container must be placarded on each side and each end —
Class A explosives	EXPLOSIVES A. ¹
Class B explosives	EXPLOSIVES B. ²
Poison A	POISON GAS. ³
Flammable solid (DANGEROUS WHEN WET label only)	FLAMMABLE SOLID W. ⁴
Radioactive material	RADIOACTIVE. ^{5,6}
Radioactive material: Uranium hexafluoride, fissile (containing more than 1.0 pct U ²³⁵)	RADIOACTIVE ⁶ and CORROSIVE. ⁶
Uranium hexafluoride, low specific activity (containing 1.0 pct or less U ²³⁵)	RADIOACTIVE ⁶ AND CORROSIVE. ⁶

¹See sec. 172.510(a).

²EXPLOSIVES B placard not required if the transport vehicle or freight container contains class A explosives and is placarded EXPLOSIVES A as required.

[51 FR 5968, Feb. 18, 1986]

³FLAMMABLE SOLID "W" placard is required only when the DANGEROUS WHEN WET label is specified in §172.101 for a material classed as a Flammable solid.

⁴Applies only to any quantity of packages bearing the RADIOACTIVE YELLOW III label. (See §172.403.)

⁵For exclusive use shipments (see §173.403) of low specific activity radioactive materials transported in accordance with §173.425 (b) or (c).

[51 FR 5968, Feb. 18, 1986]

⁶CORROSIVE placard is required for implementation of the following table.

TABLE 2

If the transport vehicle, or freight container contains a material classed (described) as —	The transport vehicle, or freight container must be placarded on each side and each end —
Class C explosives	DANGEROUS. ^{1,9}
Blasting agents	BLASTING AGENTS. ^{9, 10}
Nonflammable gas	NONFLAMMABLE GAS. ⁸
Nonflammable gas (Chlorine)	CHLORINE.
Nonflammable gas (Fluorine)	POISON.
Nonflammable gas (Oxygen, cryogenic liquid)	OXYGEN.
Flammable gas	FLAMMABLE GAS. ⁸
Combustible liquid	COMBUSTIBLE. ^{3, 4}
Flammable liquid	FLAMMABLE.
Flammable solid	FLAMMABLE SOLID. ⁵
Oxidizer	OXIDIZER. ^{9, 10}
Organic peroxide	ORGANIC PEROXIDE.
Poison B	POISON.
Corrosive material	CORROSIVE.
Irritating material	DANGEROUS.

[48 FR 27674, June 16, 1983, effective Jan. 1, 1984, compliance authorized Sept. 15, 1983]

¹Applies only to a class C explosive required to be labeled with an EXPLOSIVE C label.

²[Reserved]

³COMBUSTIBLE placard required only when a material classed as a combustible liquid is transported in a packaging having a rated capacity of more than 110 gallons, a cargo tank, or a tank car.

⁴A FLAMMABLE placard may be used on a cargo tank or portable tank during transportation by highway, rail or water, and on a compartmented tank car containing materials classed as flammable liquid and combustible liquid.

[51 FR 23075, June 25, 1986]

⁵Except when offered for transportation by water, a FLAMMABLE placard may be displayed in place of a FLAMMABLE SOLID placard except when a DANGEROUS WHEN WET label is specified for the material in sec. 172.101. (See table 1, this section.)

⁶See §173.245(b) of this subchapter for authorized exceptions.

[48 FR 28064, June 20, 1983]

⁷CHLORINE placard required only for a packaging having a rated capacity of more than 110 gallons; the NON-FLAMMABLE GAS placard for packaging having a rated capacity of 110 gallons or less.

⁸A NON-FLAMMABLE GAS placard is not required on a motor vehicle displaying a FLAMMABLE GAS placard. [Effective November 20, 1980]

⁹BLASTING AGENTS, OXIDIZER and DANGEROUS placards need not be displayed if a transport vehicle or freight container also contains Class A or Class B explosives and is placarded EXPLOSIVES A or EXPLOSIVES B as required.

[51 FR 5968, Feb. 18, 1986]

¹⁰Except for shipments by water, OXIDIZER placards need not be displayed if a freight container, motor vehicle or rail car also contains blasting agents and is placarded BLASTING AGENT as required. [Effective July 10, 1980]

effective Nov. 15, 1989]

(1) A transport vehicle or freight container which contains less than 1,000 pounds of hazardous materials covered by Table 2, or

[54 FR 38794, Sept. 20, 1989, effective Nov. 15, 1989]

(2) A rail car loaded with transport vehicles or freight containers, none of which is required to be placarded.

[54 FR 38794, Sept. 20, 1989, effective Nov. 15, 1989]

The exceptions provided in this paragraph do not prohibit the display of placards in the manner prescribed in this subpart, if not otherwise prohibited [see Sec. 172.502], on transport vehicles or freight containers which are not required to be placarded.

[54 FR 38794, Sept. 20, 1989, effective Nov. 15, 1989]

[Sec. 172.504(c)(2)]

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Robert :
Williams, Notice of :
Apparent Violation and : Case No. 10-235-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr. Scott E. Farkas, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10 a.m.
on Thursday, August 19, 2010.

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