

FILE

PUCO EXHIBIT FILING

8

Date of Hearing: 2/26/15

Case No. 14-2045-TR-CVF

PUCO Case Caption: In The Matter of Liberty
Transportation, Inc., Notice of Apparent
Violation and Intent to Assess Penalties

List of exhibits being filed:

Staff Ex. No. 1

Staff Ex. No. 2

Staff Ex. No. 3

Staff Ex. No. 4

PUCO

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Reporter's Signature: Valerie Stora
Date Submitted: _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Liberty :
Transportation, Inc., :
Notice of Apparent : Case No. 14-2045-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

Before Nicholas Walstra, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:03
a.m. on Thursday, February 26, 2015.

- - -

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

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3263001239
 Inspection Date: 7/21/2014 Certification Date:
 Time Started: 11:30 Time Ended: 12:30
 Inspection Level: I - Full Inspection
 HM Inspection Type: No HM Inspection

LIBERTY TRANSPORTATION INC
 838 CROFT ROAD
 GREENSBURG, PA 15601
 USDOT #: 00254513
 MC/MX #: 180417
 State #:

Phone #: (724)668-2772
 Fax #:

Driver: SORRELL, JOSEPH A
 License #: RU386643 State: OH
 Date of Birth: 8/30/1942

Location: HARRISON SCALES MilePost: 2
 Highway: IR74 Origin: GREENSBURG, IN Bill of Lading: 3000896152
 County: HAMILTON Destination: SPRINGBORO, OH Cargo: GENERAL FREIGHT
 Shipper: KACE LOGISTICS

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FRHT	2007	PA	AF42417	3549	1FUJA6CK27LX83549	52,000			3263001239
2	ST	STOU	2007	PA	PT1725K	LT7246	1DW1A53237S947246	65,000			

BRAKE ADJUSTMENTS:

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

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.209D	393.209(d)	1	Y		U	N	Steering system components worn, welded, or missing - Pitman arm is loose on the steering output shaft

* U - Unknown

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 Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y	Driver Address: 2830 LINDALE AVE
Driver City: DAYTON	Driver State: OH
Driver Zip: 45414	Reason Code: ISSS
FMCSA Credentials Verified-Y/N: Y	CDL Verified (Y/N): Y
FMCSA OOS Order Issued(Y/N): N	

Report Prepared By:
 D S Mowen

Badge #:
 3263

Copy Received By:
 SORRELL, JOSEPH A

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OH3263001239

Stack 1

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3263001239
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Inspection Level: 1 - Full Inspection
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LIBERTY TRANSPORTATION INC

838 CROFT ROAD

GREENSBURG, PA 15601

USDOT #: 00254513

Phone #: (724)668-2772

MC/MX #: 180417

Fax #:

State #:

Driver: SORRELL, JOSEPH A

License #: RU386643

State: OH

Date of Birth: 8/30/1942

* 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 - 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 Title: _____ 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:

D S Mowen

Badge #:

3263

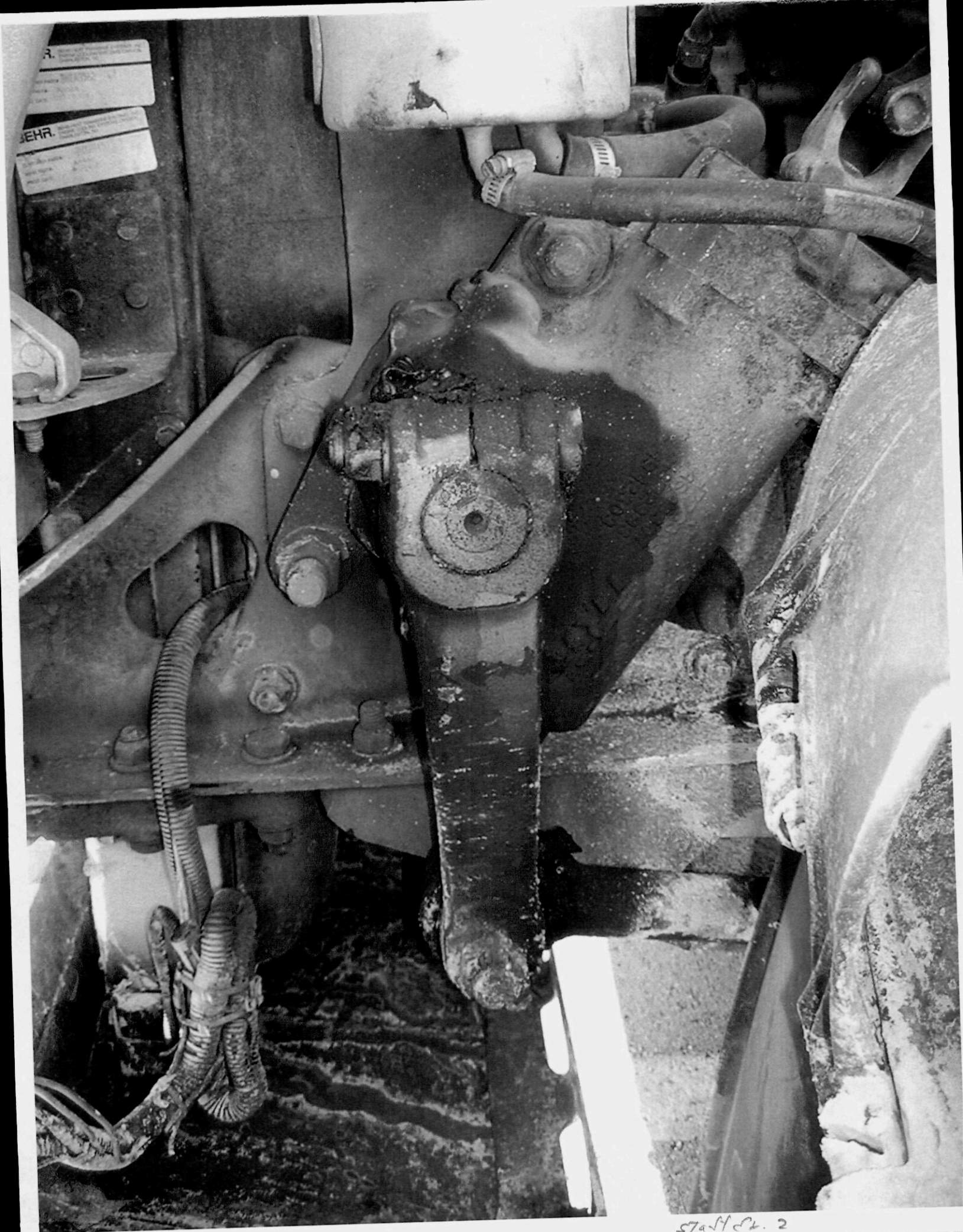
Copy Received By:

SORRELL, JOSEPH A

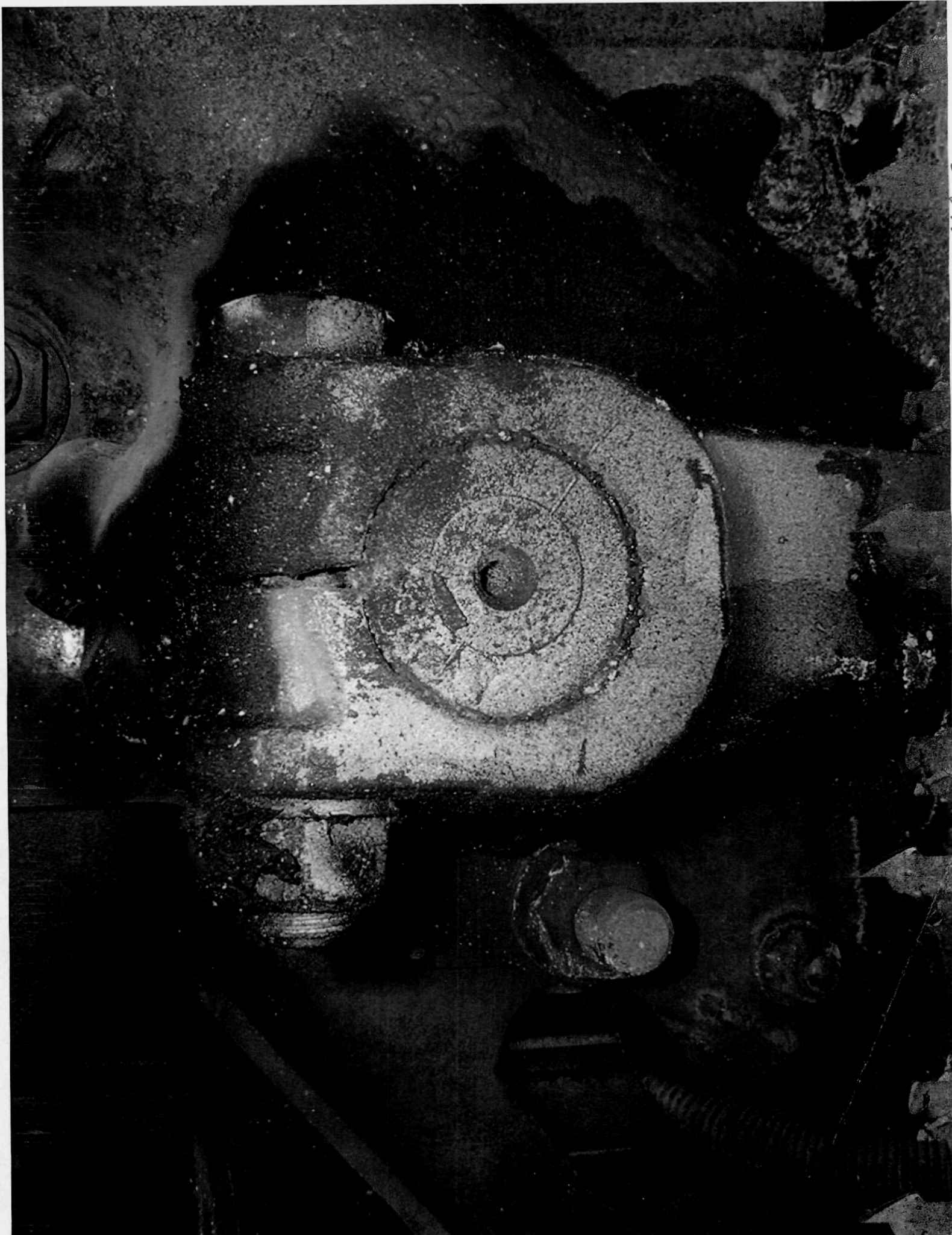
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OH3263001239



57a/H/2. 2



STANLEY



Public Utilities Commission

John R. Kasich, Governor
Thomas W. Johnson, Chairman

Commissioners

Steven D. Lesser
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

11/04/2014

OH3263001239C
JOSEPH HUTH
P. O. BOX 377
NEW ALEXANDRIA, PA 15670

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3263001239C

Dear Sir or Madam:

On 07/21/2014, a vehicle operated by LIBERTY TRANSPORTATION INC, and driven by JOSEPH A SORRELL, 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 LIBERTY TRANSPORTATION INC (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
393.209D	1	Steering system components worn, welded, or missing - Pitman arm is loose on the steering output shaft	
		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 LIBERTY TRANSPORTATION INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
393.209D	1	Steering system components worn, welded, or missing - Pitman arm is loose on the steering output shaft	
		Total of Group 1	100.00

180 East Broad Street
Columbus, Ohio 43215-3793

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

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ST 9-18-16 4



Public Utilities Commission

John R. Kasich, Governor
Thomas W. Johnson, Chairman

Commissioners

Steven D. Lesser
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

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: Wanda Williams