

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of R&R Trucking, Inc.,)	
Notice of Apparent Violation and Intent)	Case No. 15-519-TR-CVF
to Assess Forfeiture.)	(OH3230008116C)

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.
- (2) On December 22, 2014, a commercial motor vehicle operated by R&R Trucking, Inc. (Respondent) was inspected by Staff. The inspection resulted in the discovery of the following violations: 49 C.F.R. 395.3(a)(3) (driving beyond 11-hour driving limit in a 14-hour period, \$0.00), and 49 C.F.R. 395.3(a)(2) (driving beyond 14-hour duty period, \$100.00). The total forfeiture for all violations is \$100.00.
- (3) Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12, on February 25, 2015. The NPD assessed Respondent a total civil forfeiture of \$100.00.
- (4) On March 16, 2015, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.
- (5) A prehearing conference was conducted on May 1, 2015, and a hearing was scheduled but continued at R&R's request.
- (6) On January 25, 2016, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves all of the

issues raised in the NPD. The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.

- (a) For purposes of settlement only, and not as an admission that the violations occurred as alleged, Respondent agrees to pay a reduced forfeiture of \$50.00, and agrees that the violations may be included in its Safety-Net record and history of violations, insofar as may be relevant for purposes of determining future penalty actions. The reduced forfeiture is premised upon Respondent's assurance that it will undertake corrective measures to ensure proper documentation is maintained in future instances where it needs to avail itself of the adverse driving conditions provisions of 49 C.F.R. 395.1(b).
 - (b) Respondent shall pay \$50.00 within 30 days of the Commission order approving this Settlement Agreement. The payment shall be made by certified check or money order payable to "Treasurer of State of Ohio" and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. Case No. 15-519-TR-CVF and inspection number OH3230008116C should be written on the face of the check.
 - (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission order adopting the settlement agreement shall be considered as the effective date of the settlement agreement. The settlement agreement is made in settlement of all factual and legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
- (7) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

It is, therefore,

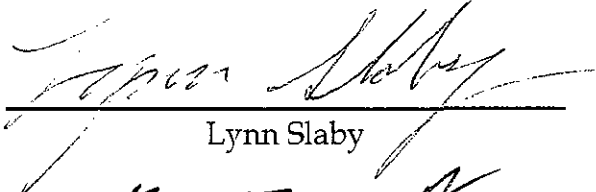
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

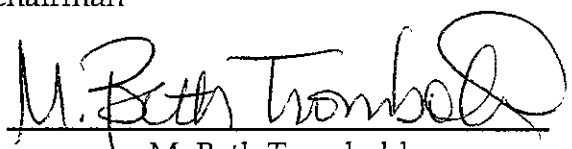
ORDERED, That Respondent pay a civil forfeiture of \$50.00 in accordance with the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 15-519-TR-CVF and inspection number OH3230008116C on the face of the check or money order. It is, further,

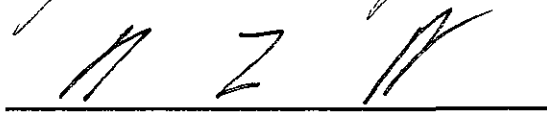
ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman

Lynn Slaby

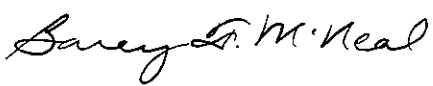
M. Beth Trombold

Asim Z. Haque

Thomas W. Johnson

JML/sc

Entered in the Journal **MAR 02 2016**



Barcy F. McNeal
Secretary