

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TA TRUCKING LLC,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE No. 17-1319-TR-CVF
OH3242012046C

FINDING AND ORDER

Entered in the Journal on November 8, 2017

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding a violation of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} On December 16, 2016, an inspection of a commercial motor vehicle operated by Ta Trucking LLC (Respondent) was conducted within the state of Ohio. The inspection resulted in the discovery of violations of 49 C.F.R. 393.75(c) (tire tread depth less than 2/32 of an inch) and 49 C.F.R. 387.301(a) (lack of evidence of public liability and property damage insurance).

{¶ 4} Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12. The NPD assessed Respondent a civil forfeiture totaling \$500 for the alleged violations.

{¶ 5} On May 19, 2017, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A settlement conference was conducted on August 15, 2017.

{¶ 7} On August 21, 2017, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves 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) Respondent admits to the violations listed in the NPD and agrees that the violations may be included in its history of violations, insofar as it may be relevant for purposes of determining future penalty actions.
- (b) The civil forfeiture totaling \$500 shall be reduced to \$100 because of corrective action taken by Respondent. Since the inspection, Respondent has provided evidence of the proper amount of insurance.
- (c) Respondent shall pay the \$100 civil forfeiture within 30 days after the Commission's order approving this settlement agreement. The payments shall be made payable to "Treasurer State of Ohio," and mailed to PUCO Fiscal Division, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (Case No. 17-1319-TR-CVF) and inspection number (OH3242012046C) should appear on the face of each check or money order.
- (d) This settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting this settlement agreement shall be considered the effective date of the settlement agreement. This settlement agreement is intended to resolve only factual

or legal issues raised in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

{¶ 8} 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.

III. ORDER

{¶ 9} It is, therefore,

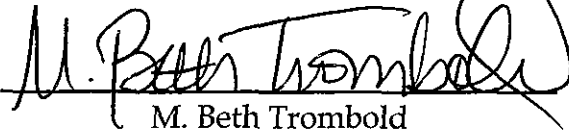
{¶ 10} ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

{¶ 11} ORDERED, That Respondent pay the civil forfeiture of \$100 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. 17-1319-TR-CVF and the inspection number OH3242012046C on the face of the check or money order. It is, further,

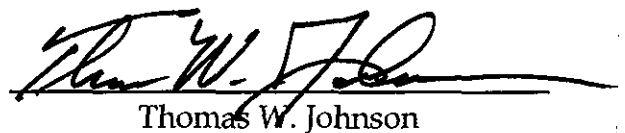
{¶ 12} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

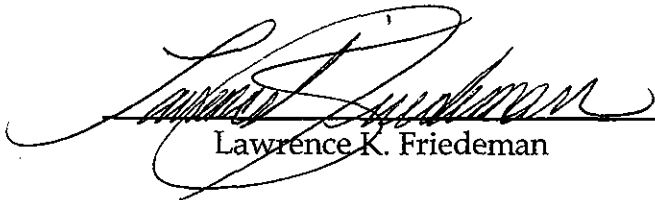
Asim Z. Haque, Chairman



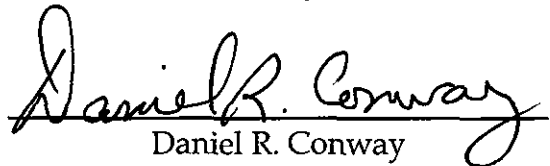
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

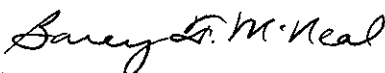


Daniel R. Conway

NW/SD/vrm

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Barcy F. McNeal
Secretary