

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CENTRAL  
TRANSPORT LLC, NOTICE OF APPARENT  
VIOLATION AND INTENT TO ASSESS  
FORFEITURE.

CASE NO. 20-1804-TR-CVF  
(OH3209302119C)

## FINDING AND ORDER

Entered in the Journal on March 10, 2021

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Central Transport, LLC regarding violations of the Commission's transportation rules.

### II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission 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 (FMCSR), published in the Code of Federal Regulations (C.F.R.), 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, per violation, against any person who violates the safety rules adopted by the Commission. Ohio Adm.Code 4901:2-7-20 requires that, at the hearing, Staff prove the occurrence of a violation by a preponderance of the evidence.

{¶ 3} On September 23, 2020, a commercial vehicle operated by Central Transport, LLC (Respondent) was inspected within the state of Ohio. As a result of the inspection, three violations of the FMCSR were discovered, resulting in the assessment of a forfeiture in the amount of \$2,080.00. Specifically, the Respondent was cited with violating 49 C.F.R. 177.834(a), for failing to secure a package containing hazardous materials; 49 C.F.R. 393.75(a)(3), for operating a commercial vehicle with a flat or audibly leaking tire; and 49

C.F.R. 395.24(d), for failing to produce and transfer the driver's hours-of-service records from the electronic logging device.

{¶ 4} Staff served a notice of preliminary determination (NPD) upon Respondent in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 5} On December 15, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13, on behalf of Respondent.

{¶ 6} By Entry dated May 13, 2020, the attorney examiner scheduled a telephonic prehearing conference in this matter for June 17, 2020. During the conference, the parties were able to reach a settlement in this matter.

{¶ 7} On February 11, 2021, the parties filed a settlement agreement (Settlement Agreement) that, in the parties' opinions, 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 of 49 C.F.R. 177.834(a), 393.75(a)(3), and 395.24(d), as cited on September 23, 2020, and agrees that the violations may be included in Respondent's history of violations insofar as it may be relevant for purposes of determining penalty actions for future violations.
- B. Respondent shall pay a reduced total forfeiture of \$1,456.00 within 30 days of the Commission's order approving the Settlement Agreement. Payment shall be made by certified check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO, FISCAL, 180 East Broad Street, 10th Floor, Columbus, OH 43215-3793.

- C. The Settlement Agreement shall not become effective until adopted by the Commission. The date of the order of the Commission adopting the Settlement Agreement shall be considered the effective date of the Settlement Agreement.
- D. The Settlement Agreement is intended to resolve factual or legal issues raised in this case; it is not intended to have any effect on 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. Of note, while the settlement agreement states payment should be made to PUCO FISCAL, 180 East Broad Street, 10th Floor, Columbus, Ohio 43215-3793, payment should be made to the 4th Floor at the above address instead of the 10th Floor.

### 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 \$1,456.00 in accordance with the Settlement Agreement. Payment shall be made by certified check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO FISCAL, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 20-1804-TR-CVF and the inspection number OH3209302119C on the face of the certified check or money order. It is, further,

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

COMMISSIONERS:

*Approving:*

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MJS/kck

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 20-1804-TR-CVF**

Summary: Finding & Order approving the settlement agreement filed between Staff and Central Transport, LLC regarding violations of the Commission's transportation rules. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio