

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF UZ TRANS LLC,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-396-TR-CVF
(21-CR-417018)

FINDING AND ORDER

Entered in the Journal on October 6, 2021

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and UZ Trans 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.

{¶ 3} On December 18, 2020, Staff conducted a compliance review of UZ Trans LLC's (Respondent) facility. As a result of the inspection, 12 violations of the FMCSR were discovered, resulting in the assessment of a forfeiture in the amount of \$20,165.36. During the compliance review, Staff noted the following apparent violations of the C.F.R.:

- 1) 382.303(a); failing to conduct post-accident testing on driver for alcohol;
- 2) 382.303(d)(1); failing to keep record of reason for not performing a post-accident alcohol test;

- 3) 382.305; failing to implement a random controlled substance or alcohol testing program;
- 4) 382.601(b); failing to provide a written policy to employees;
- 5) 382.701(a); failing to conduct a pre-employment query;
- 6) 390.15(b)(1); failing to keep an accident register in the form and manner prescribed by the regulations;
- 7) 391.21(a); incomplete or no employment application
- 8) 391.23(a); failing to investigate driver's background;
- 9) 391.51(b)(3); road test certificate, license, or equivalent not kept in a driver qualification file;
- 10) 391.51(b)(7); no medical certificate in driver qualification file;
- 11) 392.2; operation of a vehicle in violation of local or state laws; and,
- 12) 395.8(a)(1); failing to require a driver to prepare a record of duty status.

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

{¶ 5} On April 12, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} A settlement conference was held on July 2, 2021, as scheduled.

{¶ 7} On August 5, 2021, Staff and Respondent filed a settlement agreement that, in the parties' opinions, resolves the issue raised in the notice of preliminary determination.

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 agrees to the 12 violations of the C.F.R., as listed above, and recognizes that they may be included in the Respondent's Safety-Net Record and Respondent's history of violations insofar as they may be relevant for purposes of determining penalty actions.
- B. Respondent agrees to adhere to and implement the safety management plan that Respondent provided to Staff in its corrective action statement.
- C. This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the Commission order adopting this settlement agreement shall be considered the effective date of the settlement agreement.
- D. The Respondent agrees to make payment of a civil forfeiture of \$15,015.75 for the 12 violations of the C.F.R., as listed above.
- E. Payments shall be made in 12 monthly payments, with the first payment due 30 days from the Commission approval of the settlement agreement.
- F. Payment shall be made payable to "Public Utilities Commission of Ohio" and shall be mailed to PUCO FISCAL, 180 E. Broad St., 4th Floor, Columbus, OH 43215-3793. Case Nos. 21-CR-417018 and 21-396-TR-CVF should appear on the face of the check.

G. This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding, except as described in Paragraph A.

{¶ 8} The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, it 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 \$15,015.75 in accordance with its settlement agreement. Monthly payments shall be made via the Commission website or by check or money order payable to "Public Utilities Commission of Ohio" and shall be mailed to PUCO FISCAL, 180 E. Broad St., 4th Floor, Columbus, OH 43215-3793. In order to assure proper credit, Respondent is directed to write case number 21-396-TR-CVF and inspection number 21-CR-417018 on the face of the checks or money orders. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters

JWS/mef

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 21-0396-TR-CVF

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