

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

CASE NO. 22-558-TR-CVF
(22-CR-CFA-00353519)

FINDING AND ORDER

Entered in the Journal on May 3, 2023

I. SUMMARY

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

{¶ 3} On December 22, 2021, Staff conducted a compliance review of Bayr Transport LLC (Respondent). The inspection resulted in the discovery of six violations of the FMCSR.

{¶ 4} Pursuant to Ohio Adm.Code 4901:2-7-07, on December 31, 2021, Staff timely served Respondent with a Notice of Intent to Assess a Forfeiture (NIA). The NIA assessed Respondent a total civil forfeiture of \$7,350.00 for the violations.

{¶ 5} Respondent requested a conference with Staff, which was held on April 28, 2022.

{¶ 6} On June 15, 2022, Staff and Respondent filed a settlement agreement (Settlement Agreement) that, in the parties' opinions, resolves the issues raised in this case. The Settlement Agreement states that it shall not become effective until adopted by the Commission, as noted below. The following is a summary of the conditions agreed to by the parties; it is not intended to replace or supersede the Settlement Agreement.

- (a) Respondent agrees to violations of 49 C.F.R. §§395.24(c); 395.8(e)(1); 177.800(c); 382.701(b)(1); 382.701(a); and 383.37(d). Respondent recognizes that these violations 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 future penalty actions.
- (b) Respondent has provided proof sufficient to Staff that it has a compliance plan in place to correct the violations found in this inspection. Staff therefore agrees to reduce the forfeiture amount from \$7,350.00 to \$5,565.00. Respondent agrees to pay a total civil forfeiture of \$5,565.00 for the violations.
- (c) Respondent shall pay the \$5,565.00 civil forfeiture in 12 monthly payments commencing 30 days after the Commission's order approving this Settlement Agreement. Payments shall be made via the Commission website or by certified check or money order made payable to: "Treasurer State of Ohio," and they shall be mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th Floor, Columbus, OH 43215-3793. The case numbers (22-CR-CFA-00353519 and 22-0558-TR-CVF) should appear on the face of the check.

- (d) This Settlement Agreement shall not become effective until adopted by the Commission. The date of the Commission's order shall be the effective date of the Settlement Agreement.
- (e) 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.

{¶ 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.

{¶ 8} In accordance with Ohio Adm.Code 4901:2-7-14(D), if the Respondent fails to comply with the provisions of the settlement agreement for a period exceeding 30 days, Respondent shall be in default and shall be deemed to have admitted the occurrence of the original violations and waived all further right to contest liability for the forfeiture originally assessed by Staff.

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 \$5,565.00 in accordance with the Settlement Agreement. Payment of such forfeiture shall be made via the Commission website or by certified check or money order made payable to: "Treasurer State of Ohio," and they shall be mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th Floor, Columbus, OH 43215-3793. The case numbers (22-CR-CFA-00353519 and 22-0558-TR-CVF) should appear on the face of the check. 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:

Jenifer French, Chair

Daniel R. Conway

Lawrence K. Friedeman

John D. Williams

MJS/dmh

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

Case No(s). 22-0558-TR-CVF

Summary: Finding & Order finding reasonable and approving the settlement agreement filed between Staff and Bayr Transport LLC regarding violations of the Commission's transportation rules electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.