

ATTACHMENT #2

GST 10/06/2011 COMPLIANCE REVIEW

(9 Pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION


 US DOT #
965318

 Legal: GST TRANSPORT CORP
Operating (DBA):

MC/MX #:

Federal Tax ID:

(EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory:

Operation Types Interstate Intrastate

 Carrier: Non-HM N/A
 Shipper: N/A N/A
 Cargo Tank: N/A

Business: Corporation

Gross Revenue:

for year ending: 12/31/2010

Company Physical Address:

 1897 ROUTE 38
SOUTHAMPTON, NJ 08088

Contact Name: Peter Brunt

Phone numbers: (1) 609- 267-3380

(2)

Fax 609-267-3939

E-Mail Address:

Company Mailing Address:

 1897 ROUTE 38
SOUTHAMPTON, NJ 08088

Carrier Classification

Exempt for Hire

Cargo Classification

Passengers

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:	8	231
>= 100 Miles:		

Average trip leased drivers/month: 0

Total Drivers: 239

CDL Drivers: 239

Equipment

Owned Term Leased Trip Leased

	Owned	Term Leased	Trip Leased
School Bus, 1-8	18	0	0

Owned Term Leased Trip Leased

	Owned	Term Leased	Trip Leased
School Bus, 16+	224	0	0

Power units used in the U.S.: 242

Percentage of time used in the U.S.: 100





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Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

USDOT FMCSA One Independence Way, Suite 120
Princeton, NJ 08540
Phone: 609-275-2604 Fax: 609-275-5108

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Peter Brunt

Title: Officer

Name:

Title:





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Part B Violations

1 FEDERAL	Primary: 382.305(k)(2)	Discovered 102	Checked 120	Drivers/Vehicles In Violation 102	Checked 120
Description Failing to ensure that random testing dates are reasonably spread throughout the calendar year. Example Driver Trip date: 08/23/11. Carrier currently employs 239 drivers and is required to test approximately 120 drivers for controlled substances and 24 drivers for alcohol to meet the required annual random testing rates. To date carrier has tested 18 drivers for controlled substances and 4 drivers for alcohol.					
2 FEDERAL	Primary: 382.305(l)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require a driver to proceed to a collection site immediately after notification of selection for random testing. Example Driver Trip date: 10/04/11. The driver was selected for both Random controlled substance and alcohol testing on 08/17/11.					
3 FEDERAL	Primary: 386.83(a)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Operating a commercial motor vehicle in interstate commerce during a period when the carrier has been prohibited from operating for failure to pay a civil penalty. Example Driver Sheila Wilmer; Trip date: 08/23/11.					
Safety Fitness Rating Information: Total Miles Operated 5,110,888 Recordable Accidents 4 Recordable Accidents/Million Miles 0.78		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 2			
Your proposed safety rating is : SATISFACTORY		Rating Factors			
		Acute Critical			
		Factor 1: S 0 0			
		Factor 2: S 0 0			
		Factor 3: S 0 0			
		Factor 4: S 0 0			
		Factor 5: N 0 0			
Factor 6: S - -					

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.



**Part B Requirements and/or Recommendations**

1. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:
<http://www.fmcsa.dot.gov/forms/print/accident.htm>
2. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
3. For all Investigations:
 - Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
 - Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
 - NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
 - NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.





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Part B Requirements and/or Recommendations

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Division Administrator/State Director
Federal Motor Carrier Safety Administration
One Independence Way, Suite 120
Princeton, NJ 08540

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director
Federal Motor Carrier Safety Administration
One Independence Way, Suite 120
Princeton, NJ 08540

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

• All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

4. GST Transport Corp is prohibited from operating in interstate commerce effective July 25th, 2011. This prohibition will remain in effect until the agency has received full payment in case #NJ-2011-0198-US0412.
5. Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
6. Ensure that a trained breath alcohol technician, using the prescribed testing forms, conducts each alcohol test.
7. Ensure that breath alcohol testing is conducted with approved devices. For information on approved devices check:





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www.nhtsa.dot.gov/people/injury/alcohol/getdoc.pdf.

8. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
9. Ensure that the Medical Review Officer (MRO) used in your drug testing program is knowledgeable about the reporting and review of test results requirements of 49 CFR 40.33.
10. Use only those laboratories certified by the Substance Abuse and Mental Health Services Administration for the analysis of urine specimens. For a list of certified laboratories check www.drugfreeworkplace.gov or call (301) 443-6014.



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Modify Existing Case (View Only)



Case Number	Subject Name	Case Status	Enforcement Action Type	Legal Status	Source
NJ-2012-0005-US0412	GST TRANSPORT CORP	OPEN	NOTICE OF CLAIM (NOC)	ACTIVE	CASERITE

Subject	Case Details	Contacts	Violations	Payments	Case History	Comments	Conditions	Documents
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Count: Found 1 Records

Primary Section	Secondary Section	Counts Disc.	Counts Doc.	Counts Claimed	Amount Claimed	Final Counts	Status	Final Amount	Third Strike	Outside UFA	HAZ MAT	Admitted	Action
386.83(a)(1)		1	1	1	7270	0	PROPOSED		NO	NO	NO		Select
TOTALS:		1	1	1	7270	0		0					

Total Amount Suspended:		Total Amount Due:	
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Add Violation

Penalty Type:

Primary Violation:

Custom Violation Desc:

Primary Violation Desc:

Secondary Violation:

Secondary Violation Desc:

Counts Discovered:

Counts Documented:

Counts Claimed:

Amount Claimed (e.g. 1200):

Final Counts:

Final Amount (e.g. 1200):

Status: Proposed: ☐ Actual: ☐

Third Strike / Outside UFA:

Third Strike:

Outside UFA:

None:

Admitted: Yes: ☐ No: ☐[Return to Search](#)

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Modify Existing Case (View Only)



Case Number	Subject Name	Case Status	Enforcement Action Type	Legal Status	Source
NJ-2012-0005-US0412	GST TRANSPORT CORP	OPEN	NOTICE OF CLAIM (NOC)	ACTIVE	CASERITE

Subject	Case Details	Contacts	Violations	Payments	Case History	Comments	Conditions	Documents
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Pay ID	Due Date	Paid Date	Amount Due	Amount Received	Comment
1	11/29/2011		7270		TOTAL AMOUNT CLAIMED FROM NOTICE OF CLAIM.
TOTALS:			7270	0	

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Options for this Case: [Pick Option](#)



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Saturday April, 07, 2012 at 19:30:04

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Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • [Field Office Contacts](#)

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