

ATTACHMENT #3

GST 02/25/2011 COMPLIANCE REVIEW

(11 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:	15	
>= 100 Miles:	209	

Average trip leased drivers/month: 0

Total Drivers: 224

CDL Drivers: 224

Equipment
Owned Term Leased Trip Leased

School Bus, 1-8	18	0	0
School Bus, 16+	224	0	0

Owned Term Leased Trip Leased

School Bus, 9-15	0	0	0
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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 CRITICAL	Primary: 382.305(b)(1)	Discovered 16	Checked 23	Drivers/Vehicles In Violation 16	Checked 23
Description Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. Example Driver Trip date: 12/20/10. In the year 2010 carrier employed an average of 224 drivers . Therefore, they were required to test 23 drivers for alcohol to meet the 10% annual testing rate. Carrier failed to meet this rate by only testing 7 drivers for alcohol.					
2 FEDERAL CRITICAL	Primary: 382.305(b)(2)	Discovered 23	Checked 112	Drivers/Vehicles In Violation 23	Checked 112
Description Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. Example Driver Trip date: 12/20/10. In the year 2010 carrier employed an average of 224 drivers . Therefore, they were required to test 112 drivers for controlled substances to meet the 50% annual testing rate. Carrier failed to meet this rate by only testing 89 drivers for controlled substances.					
3 FEDERAL	Primary: 390.15(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to maintain, for a period of three years after an accident occurs, an accident register. Example Driver was involved in a recordable accident on 06/24/10. No register was maintained.					
Safety Fitness Rating Information: Total Miles Operated 5,110,888 Recordable Accidents 1 Recordable Accidents/Million Miles 0.20		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 1			
Your proposed safety rating is : CONDITIONAL		Rating Factors			
		Acute Critical			
		Factor 1:	S	0	0
		Factor 2:	U	0	2
		Factor 3:	S	0	0
		Factor 4:	S	0	0
		Factor 5:	N	0	0
Factor 6:	S	-	-		

This rating will become the final rating 45 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and





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Part B Violations

385.17 provide for administrative review of and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

Null





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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. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
3. 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.
4. Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.
5. Obtain a copy of each driver's driving record and review it annually.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. Ensure that drivers provide a 10-year employment history on their employment application.
8. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
9. 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>





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Part B Requirements and/or Recommendations

• 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.

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
Mailing Address
City, State Zip Code

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
Mailing Address
City, State Zip Code

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

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative





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Part B Requirements and/or Recommendations

review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Field Administrator
Federal Motor Carrier Safety Administration
Mailing Address
City, State Zip Code

Ensure that a CC copy of the letter is mailed to:
Division Administrator/State Director
FMCSA, "Specific" Division
Mailing Address
City, State Zip Code

This letter should be submitted as soon as possible. If you have a proposed Unsatisfactory or Conditional Rating the letter must be submitted prior to the effective date of your Unsatisfactory or Conditional Rating.

For all Investigations resulting in a proposed unsatisfactory rating:

- Passenger & Placardable HM 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 45 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/>.

- 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/>.

For all Investigations that did not result in a Cooperative Safety Plan:

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to

Division Administrator/State Director
FMCSA, "Specific" Division





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Mailing Address

City, State Zip Code

10. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to maintain an accident register.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Maintain roadside inspection reports, moving violation records, crash reports, and "How am I driving?" complaints to help evaluate the performance of all staff (drivers and managers) involved in the effectiveness of company safety management policies and procedures.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, federal regulations, and state and local laws and ordinances related to safe driving. File the MVR in each driver's driver qualification file after review.
- Maintain and record crash accident details and evaluate the company's crash experience over time to identify potential patterns/trends.
- Ensure all training needs and training received are documented and monitored.
- Implement a system for keeping accurate records of employee driving-safety training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: [HTTP://AI.FMCSA.DOT.GOV/CSI](http://AI.FMCSA.DOT.GOV/CSI). You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
 - Resource Number:
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.



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Main Content

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Modify Existing Case (View Only)



Case Number	Subject Name	Case Status	Enforcement Action Type	Legal Status	Source
NJ-2011-0198-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 2 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
382.305(b)(1)		16	4	4	6640	4		6640	NO	NO	NO	YES	Select
382.305(b)(2)		23	7	7	10570	7		10570	NO	NO	NO	YES	Select
TOTALS:		39	11	11	17210	11		17210					

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: ☐

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Modify Existing Case (View Only)



Case Number	Subject Name	Case Status	Enforcement Action Type	Legal Status	Source
NJ-2011-0198-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	04/25/2011	11/09/2011	17210	17210	FINAL PAYMENT OF TOTAL DUE MADE. PAY.GOV = YES. (THIS FULL PAYMENT WAS MADE WITH NO SIGNED SETTLEMENT AGREEMENT ON FILE.)
TOTALS:			17210	17210	

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



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Saturday April, 07, 2012 at 19:27:46

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