

ATTACHMENT #3B

**GST 02/25/2011 COMPLIANCE REVIEW
DOCUMENTATION**

(19 Pages)



**U.S. Department of Transportation
Federal Motor Carrier Safety Administration**

**1200 New Jersey Ave., S.E.
Washington, DC 20590**

November 16, 2009

In reply refer to:
USDOT Number: 965318
PIN:

PETER BRUNT
MANAGER
GST TRANSPORT CORP
1897 ROUTE 38
SOUTHAMPTON, NJ 08088

Dear Motor Carrier:

A review of your company's motor carrier safety data suggests the performance of GST TRANSPORT CORP to be unacceptable in the area of Crash Indicator. Your company's safety data record shows a lack of compliance with motor carrier safety rules and regulations. The purpose of this letter is to inform you of your company's current safety deficiencies, explain how you can view your safety record, correct it if it contains erroneous data and describe what actions may be taken in the future if your safety performance does not improve.

This review was based on the roadside inspection and crash performance of GST TRANSPORT CORP. Based upon this review, the Federal Motor Carrier Safety Administration (FMCSA) has opened a case file regarding your company and will continue to assess the regulatory compliance of GST TRANSPORT CORP. Your performance will also be evaluated via roadside inspections that focus on the deficient area(s). Failure to improve your company's safety performance will result in further investigation of your safety management practices, which may include requests for additional data through offsite or onsite investigations.

You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/csi>. This website also contains instructions for requesting corrections to information that you believe to be incorrect. If you have difficulties accessing the web site, please call (617) 494-3164.

We urge you to take seriously this warning letter and are confident you will take appropriate steps to improve your safety record. However, if we see continued poor safety performance by your company, there may be future enforcement actions taken against your company.

You can find information about motor carrier safety rules and regulations on the FMCSA website: <http://www.fmcsa.dot.gov>. If you have additional questions regarding this matter, please call our division office for your state of domicile at (609) 275-2604.

Sincerely,

John Van Steenburg
Director, Office of Enforcement and Compliance



U.S. Department
of
Transportation

**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

March 9, 2011
In reply refer to:
Your USDOT No.: 965318
Review No.: 860465/CR

PETER BRUNT
OFFICER
GST TRANSPORT CORP
1897 ROUTE 38
SOUTHAMPTON, NJ 08088

Dear PETER BRUNT:

The proposed motor carrier safety rating for your company is:

CONDITIONAL

This proposed CONDITIONAL rating is the result of an onsite compliance review and evaluation of your safety fitness completed on February 25, 2011. A CONDITIONAL rating indicates that your company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences of violations listed in 49 C.F.R. 385.5(a-k).

This proposed CONDITIONAL rating becomes a final rating and goes into effect on April 24, 2011.

Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review. Your operation was found to be deficient with respect to the applicable safety regulations in the following areas:

- Part 390 GENERAL REGULATIONS
- Part 382 CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING

Please refer to the copy of the compliance review left at your office for more specific guidance regarding areas in need of corrective action.

You may obtain further information from the local Federal Motor Carrier Safety Administration office listed below:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
ONE INDEPENDENCE WAY, SUITE 120
PRINCETON, NJ 08540
Telephone No.: 609-275-2604

John Van Steenburg
Director, Office of Enforcement and
Compliance

[Skip to Main Content](#)

EMIS

Enforcement Management Information System

MENU

Choose Subsystem

[Main Content](#)[Exit EMIS](#)

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
---------	--------------	----------	------------	----------	--------------	----------	------------	-----------

[Return to Search](#)

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	ACTUAL	6640	NO	NO	NO	YES	Select
382.305(b)(2)		23	7	7	10570	7	ACTUAL	10570	NO	NO	NO	YES	Select
TOTALS:		39	11	11	17210	11		17210					

Total Amount Suspended:	0	Total Amount Due:	17210
--------------------------------	---	--------------------------	-------

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: ☒

Add Violation

Clear

Return to Search

Options for this Case: Pick Option



[Skip to Main Content](#)

Tuesday February 28, 2012 at 11:24:24

EMIS Production Database, v11.1.3

[EMIS User Guide](#)

[Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-ins](#)

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](#)

[Skip to Main Content](#)

MENU

Choose Subsystem



Main Content

[Exit EMIS](#)

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
---------	--------------	----------	------------	----------	--------------	----------	------------	-----------

[Return to Search](#)

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	

[Add Payment](#)[Return to Search](#)Options for this Case: [Pick Option](#)[Skip to Main Content](#)

Tuesday February 28, 2012 at 11:24:24

EMIS Production Database, v11.1.3

[EMIS User Guide](#)[Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-ins](#)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](#)



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Eastern Service Center

802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Phone: (443) 703-2240
Fax: (443) 703-2253

Sent UPS

March 14, 2011

Peter Brunt, Officer
GST Transport Corp
1897 Route 38
Southampton, NJ 08088

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 382.305(b)(1); 382.305(b)(2).

CIVIL PENALTY: \$17,210

Case Number: NJ-2011-0198-US0412

US DOT Number: 965318

Dear Mr. Brunt:

A compliance review was conducted at Southampton, New Jersey on February 25, 2011. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against GST Transport Corp for the amount of \$17,210.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit GST Transport Corp from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. Four (4) violations of 49 CFR § 382.305(b)(1)- 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.
2. Seven (7) violations of 49 CFR § 382.305(b)(2)- 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.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Ensure the number of random alcohol tests conducted annually equals or exceeds 10 percent of the average number of driver positions, in accordance with 49 CFR Part 382.
2. Ensure the number of random controlled substances tests conducted annually equals or exceeds 50 percent of the average number of driver positions, in accordance with 49 CFR Part 382.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 1490



(c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA)

A pattern of and/or repeated violations of the same or related acute or critical regulations will result in 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 an 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. Any violations with a checkmark in the “§ 222 Applied” column in the penalty table below are subject to the “Section 222” provision and maximum penalties have been assessed pursuant to statute. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
382.305(b)(1)	NR	4	\$1,660.00		\$6,640.00
382.305(b)(2)	NR	7	\$1,510.00		\$10,570.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$17,210.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, “Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings,” you have specific rights with respect to this Notice of Claim.

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commerical Regulations.

You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) PAYMENT OF PENALTY: Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 443-703-2259. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Personal or company checks will not be accepted and will be returned

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii).

Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Case Number: NJ-2011-0198-US0412

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

Christopher Rotondo
Division Administrator
Federal Motor Carrier Safety Administration

Enclosures

APPLICABLE STATUTES

Section 521(b)(2)(A) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under subchapter III of chapter 311 (49 USC §§ 31131 et seq.) (except sections 31138 and 31139) or 49 USC §§ 31301 and 31306, or section 31502 of 49 USC, shall be liable for a civil penalty in an amount not to exceed \$11,000 for each offense. No civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,750 (49 USC § 521(b)(2)(A) and 68 Fed. Reg. 15381 (March 31, 2003)). Section 5123(a) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under chapter 51 shall be liable for a civil penalty in an amount not to exceed \$50,000 (71 FR 8487; February 17, 2006) for each offense. If the violation results in death, serious illness, or severe injury to any person, or in substantial destruction of property, the civil penalty may be increased to not more than \$ 105,000 for each offense (72 FR 55102; September 28, 2007).

Section 521(b)(2)(B)(ii) of 49 USC provides for a maximum civil penalty of \$10,000 for anyone who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in a record about an operation or business fact or transaction, or knowingly makes, prepares or preserves a record in violation of a regulation or order of the Secretary, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation. (49 USC § 521(b)(2)(B)(ii); August 10, 2005).

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 382.305(b)(1) - 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.

CHARGE #1:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random alcohol testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 10% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 23 drivers for alcohol to meet the 10% annual testing rate. The carrier failed to meet this rate by only testing 7 drivers for alcohol.

CHARGE #2:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random alcohol testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 10% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 23 drivers for alcohol to meet the 10% annual testing rate. The carrier failed to meet this rate by only testing 7 drivers for alcohol.

CHARGE #3:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random alcohol testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 10% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 23 drivers for alcohol to meet the 10% annual testing rate. The carrier failed to meet this rate by only testing 7 drivers for alcohol.

CHARGE #4:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random alcohol testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 10% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 23 drivers for alcohol to meet the 10% annual testing rate. The carrier failed to meet this rate by only testing 7 drivers for alcohol.

STATEMENT OF CHARGES

Violation 2 --- 49 CFR 382.305(b)(2) - 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.

CHARGE #1:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

CHARGE #2:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

CHARGE #3:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

CHARGE #4:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled

STATEMENT OF CHARGES

substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

CHARGE #5:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

CHARGE #6:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

CHARGE #7:

On or about 12/20/10, GST Transport Corp used driver _____ to operate a 54 passenger school bus from Southampton, NJ to local schools within NJ, although the carrier failed to conduct random controlled substance testing pursuant to 49 CFR Part 382, a total number of tests equal to at least 50% of the average number of driver positions.

In calendar year 2010, GST Transport Corp. operated 54 passenger school buses and had an average of 224 CDL drivers. Therefore, the carrier was required to randomly test 112 drivers for controlled substances to meet the 50% annual testing rate. The carrier failed to meet this rate by only testing 89 drivers for controlled substances.

SERVICE LIST

This is to certify that on March 14, 2011, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Peter Brunt, Officer
GST Transport Corp
1897 Route 38
Southampton, NJ 08088

Original
Sent UPS

Christopher Rotondo, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
One Independence Way
Suite 120
Princeton, NJ 08540

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail or Electronic Mail

UNIFORM FINE ASSESSMENT

Subject Information

Name: GST TRANSPORT CORP
Case #: NJ-2011-0198-US0412
Review Date: 2/25/2011
Gross Revenue:
Case Type: CR or CR/SCR
Prior Cases: 0
History(FMCSR): No Enforcement History
USDOT #: 965318
Factor 6 Rating: Satisfactory
Number of Drivers: 224
Power Units: 242
Fleet Mileage: 5,110,888

Penalty Information

	Safety
Statutory Criteria Adj. Score :	52%
Maximum Fine Possible:	\$33,000
Maximum Fine Possible Cap:	\$17,160
Adjusted Gross Revenue:	
Gross Revenue Cap:	\$85,800
Absolute Cap:	\$200,000
Recommended Penalty:	\$17,160 (\$15,440 to \$18,880)
Assessed Penalty:	\$17,130
Within Range?	Yes

Notes:

Violations Documented

FMCSR Violations

Primary #: 382.305(b)(1)

Category: Non-Recordkeeping Medium

Secondary #:

Recommended Penalty: \$1,640

of Records Checked: 22

Number Documented: 4

of Violations Discovered: 15

Documented Fine Total: \$6,560

Normalized # of Violations: 15

History: No Enforcement History

Extent: 68%

Gravity: Violation is unlikely to cause or contribute to an accident

Activity: Should have known of the activity

Rule: Did know of the rule

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.

Violations Documented

FMCSR Violations

Primary #: 382.305(b)(2) **Category:** Non-Recordkeeping Medium

Secondary #:

Recommended Penalty: \$1,510
Number Documented: 7
Documented Fine Total: \$10,570

of Records Checked: 112
of Violations Discovered: 23
Normalized # of Violations: 23

History: No Enforcement History

Extent: 21%

Gravity: Violation is unlikely to cause or contribute to an accident

Activity: Should have known of the activity

Rule: Did know of the rule

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.

Primary #: 382.305(b)(1) **Category:** Non-Recordkeeping Medium

Secondary #:

Recommended Penalty: \$1,640
Number Documented: 4
Documented Fine Total: \$6,560

of Records Checked: 22
of Violations Discovered: 15
Normalized # of Violations: 15

History: No Enforcement History

Extent: 68%

Gravity: Violation is unlikely to cause or contribute to an accident

Activity: Should have known of the activity

Rule: Did know of the rule

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.

Primary #: 382.305(b)(2) **Category:** Non-Recordkeeping Medium

Secondary #:

Recommended Penalty: \$1,510
Number Documented: 7
Documented Fine Total: \$10,570

of Records Checked: 112
of Violations Discovered: 23
Normalized # of Violations: 23

History: No Enforcement History

Extent: 21%

Gravity: Violation is unlikely to cause or contribute to an accident

Activity: Should have known of the activity

Rule: Did know of the rule

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.