



**MOTOR CARRIER FACTORS GROUP CHAIRMAN'S  
FACTUAL REPORT**

**Williston, FL**

**HWY16FH018**

**(9 pages)**

**NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF HIGHWAY SAFETY  
WASHINGTON, D.C.**

**MOTOR CARRIER FACTORS GROUP CHAIRMAN'S  
FACTUAL REPORT**

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**A. CRASH INFORMATION**

Location: US 27A, milepost 29, near Williston, Levy County, Florida.

Vehicle #1: 2015 Tesla Model S 70D

Operator #1: Private operator

Vehicle #2: 2014 Freightliner Cascadia truck tractor in combination with a 2003 Utility 3000R refrigerated semi-trailer

Operator #2: Okemah Express, LLC  
Palm Harbor, FL

Date: May 7, 2016

Time: 4:36 P.M. EDT

NTSB #: HWY16FH018

**B. MOTOR CARRIER FACTORS GROUP**

Jerome F. Cantrell, Motor Carrier Factors Group Chairman  
NTSB Office of Highway Safety  
490 L'Enfant Plaza East, S.W., Washington, DC 20594

**C. CRASH SUMMARY**

For a summary of the crash, refer to the *Crash Summary Report* in the docket for this investigation.

**D. DETAILS OF THE MOTOR CARRIER FACTORS INVESTIGATION**

This investigative report addresses the motor carrier history and operations of the commercial vehicle involved in this crash, which was a 2014 Freightliner truck tractor and 2003 Utility semi-trailer, owned and operated by Okemah Express, LLC. This report also details the employment history of the commercial driver, along with the safety culture and regulatory oversight of Okemah Express's operations.

## 1. Okemah Express LLC History and Operations

The motor carrier in this crash was Okemah Express, LLC. According to the Federal Motor Carrier Safety Administration (FMCSA) Motor Carrier Management Information System (MCMIS), the carrier was issued USDOT number 1065141. This number was issued on November 17, 2005. The carrier was registered as a “for-hire” motor carrier with a primary place of business in Palm Harbor, FL. The carrier had active operating authority and was issued MC # 443585 This MC Number was issued on December 2, 2002 which indicates the carrier was operating under another DOT number or name prior to the current carrier. Investigation of the MCS-150 history indicated that the carrier was started as Frank Baressi DBA Okemah Express. This company was operated with a Principle Place of Business (PPOB) in Okemah, OK. In 2005 the carrier changed its name and corporate structure to Okemah Express, LLC was a “for-hire” carrier of general freight, fresh produce, grain, meat, and refrigerated food. Per the MCS-150, the carrier had 1 vehicle and 1 driver.<sup>1</sup>

During a telephone conversation with the owner/driver, it was discovered that the carrier had retained an attorney. A subpoena was presented to the carrier’s attorney with the following documents requested:

- (FMCSR 395.8(k)) Driver’s log books for the last six months
- (FMCSR 396.3(c)) All maintenance, service, and inspection records for both the 2014 Freightliner truck-tractor and 2003 Utility semitrailer for the last 12 months
- (FMCSR 391.51) All driver records such as:
  - medical long form
  - motor vehicle record
  - driver qualification file
- (FMCSR 382.405(c)) Drug and alcohol testing information (name of consortium, random test results, post-crash test results)
- (FMCSR 379.3 appendix A) Freight bills and/or bills of lading (last 12 months)
- Name of the driver’s primary care physician
- Name of the driver’s health care provider (insurance company)
- Copy of driver’s CDL
- Driver’s working history for the last 6 years (name of the employers, particularly if in driving capacity)
- Driver’s fuel and food receipts between May 4, 2016 and May 8, 2016

These were the items that were delivered to NTSB staff from the carrier’s attorney:

- Driver’s log book pages from December 31, 2015 through June 30, 2016
- 39 maintenance records from March 12, 2015 through February 26, 2016
- A copy of the Medical Certificate and Long Form Medical Examination Form.
- A copy of the front of the accident driver’s Florida State CDL.

No other requested records were obtained from the motor carrier or the motor carrier’s attorney.

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<sup>1</sup> See Motor Carrier Attachment #1 – MCS-150

## **2. Carrier History**

No interview was conducted with the carrier, therefore; the carrier history was obtained from the MCMIS reports as well as the accident driver's CDLIS report.

### **2.1. Company Hiring Practices**

According to information provided by the motor carrier, there are no other drivers; the owner is also the solo driver for the carrier. When a carrier's operation is identified as a company or corporation, the owner becomes an employee for the company or corporation and therefore, is required to abide by all the regulations required for a company and an employee. The following records are required to be maintained by the carrier:

- Employment Application 49 CFR 391.21
- Request for driver's license and history 49 CFR 391.5 (b)2
- Previous employer check 49 CFR 391.53
- Road test or Equivalent 49 CFR 391.51(b)3
- Annual Abstract of Driving Record 49 CFR 391.51(b)4
- Annual Review of Driving Record 49 CFR 391.51(b)5
  - After first year of employment and every year thereafter.
- Annual List of Violations 49 CFR 391.51(b)6
- Medical Certificate with expiration 49 CFR 391.41
- Pre-Employment Drug test 49 CFR 382.301

NTSB investigators requested this information from the carrier through a subpoena to the carrier's attorney. The response was that the accident driver is the owner/operator and sole employee of the carrier and does not maintain a driver qualification file on himself.

### **• 2.2 Commercial Driver History**

- The commercial vehicle driver was identified as a 62-year-old male. At the time of the crash, the driver held a valid Florida Class A commercial driver's license (CDL), with no endorsements. His CDL was due to expire in January 2021.

A CDLIS report was obtained for the accident driver and it indicated that the driver had three convictions as follows:

- December 12, 2015 Failure to Use/Improper Signal in a CMV.

- August 9, 2013 Failure to obey Sign/Traffic Control Device in a CMV.
- June 17, 2013 Failure to Obey Traffic Signal/Light in a Non-CMV.

Additionally, the CDLIS report listed that the driving privilege had been withdrawn on five occasions since 1984 to 2013 as follows:

- October 28, 2013 in Florida for failure to surrender license for a commercial conviction.
- April 6, 2005 in Oklahoma for failure to appear for trial/court.
- December 20, 1991 in Pennsylvania for speeding.
- October 21, 1991 in Pennsylvania for speeding.
- April 26, 1984 in Pennsylvania for unsatisfied judgement.

At the time of the crash the CDL was valid and did not list any restrictions.<sup>2</sup>

### **2.3 Medical Certification**

- Effective May 21, 2014, medical examiners that conduct DOT medical examinations must be listed on the National Registry of Certified Medical Examiners. The truck driver's DOT medical card indicated National Registry number 8557666228, as the medical professional who performed the DOT physical. According to the FMCSA National Registry, this medical professional held the proper certifications under the federal regulations.
- At the time of the crash, the driver held a valid DOT medical certificate with an issue date of 09/28/2015 and an expiration date of 09/28/2017. For further medical certificate information see the Human Performance Group Chairman's Factual Report.
- **2.4 Crash Driver's Crash History**
- According to the MCMIS carrier and the driver's CLDIS records, the driver had no previous reportable crashes.

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<sup>2</sup> See Motor Carrier Attachment #2- Accident Driver CDLIS Report.

## 2.5 Drug and Alcohol Testing

The FHP had requested blood work to be done on the commercial driver. The report from the FHP as well CAMI were returned with a positive for THC. See Human Performance Factor's factual for the results and further information.

## 2.6 Hours of Service

At the time of the crash, the driver was using a logbook for accountability of the driver's hours of service. A review by the FHP of the driver's hours of service records indicated a total of 15 hours on duty, 14.25 hours driving, and .75 of an hour on duty not driving from 04/30/2016 to 5/07/2016. On the day of the crash, the hours of service records indicated 5.5 total hours on duty, 5.25 hours driving, and .25 of an hour on duty not driving.

Reviewing the roadside inspection history of the accident driver there have been a total of 18 roadside inspections across ten state jurisdictions and 11 of those inspections had violations listed in the hours of service basic. This history of HOS violations resulted in the carrier being alert in the HOS basic during two different time periods From November 10, 2010 until September 23, 2011 and again from July 27, 2012 until April 24, 2015. This history resulted in a warning letter from FMCSA.<sup>3</sup>

While the motor carrier did not supply all the documents requested by a subpoena issued by the NTSB, they did supply records of duty status reports from December 31, 2015 to June 30, 2016. In a spot check for accuracy, three roadside inspections were compared to the reports.

- Virginia State Police report VA6354001058 dated January 27, 2016 a level three inspection started at 09:15am and ended at 10:07am. The driver was cited for three Hours of Service violations and was put Out of Service for Driving beyond the 14-hour duty period. The drivers RODS show him in the Sleeper Berth and Off duty from 17:00pm on January 26, 2016 until 18:45pm on January 27,2016 in Kenly, N.C. The distance between the Inspection Point and Kenly, N.C. is 132.8 miles.
- Virginia State Police report VA4430003985 dated March 16, 2016 a level three inspection started at 07:30am and ended at 07:44am. The driver was cited for Failure to obey a traffic control device: NO PARKING ZONE. The vehicle was parked on the entrance ramp into a rest area. The drivers RODS show him Off duty and in the sleeper berth from 07:00am on March 15, 2016 until 13:45pm on March 16,2016 in Kenly, N.C. The distance between the Inspection Point and Kenly, N.C. is 192.6 miles.

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<sup>3</sup> See Motor Carrier Attachment #3-CSA Warning letter for Hours of Service Alert.

- North Carolina State Highway Patrol report NC0005812211 dated May 26, 2016 a level three inspection started at 18:20pm and ending at 18:55pm. This was the first trip after the crash in Williston, FL. The driver was cited for Driving beyond the 14-hour duty period on May 22, 2016. The drivers Rods show him Off duty and Sleeper berth from 09:15am to 24:00 pm in Kenly, N.C. The distance between Lumberton, N.C I-95 northbound weigh station and Kenly, N.C. is 91.4 miles. Lumberton is south of Kenly, N.C.

These three inspections indicate a continuing issue of noncompliance with the hours of service regulations found in 49 CFR 395.

### 3. FMCSA Oversight

#### 3.1. CSA and SMS

In 2010, the FMCSA introduced the Compliance, Safety, Accountability (CSA) system as an initiative to improve large truck and bus safety and ultimately reduce crashes, injuries, and fatalities that are related to Commercial Motor Vehicles. It introduced a new enforcement and compliance model that allows the FMCSA and its state partners to contact a larger number of carriers earlier to address safety problems before crashes occur. Along with CSA, the FMCSA also rolled out a new operational model called the Safety Measurement System (SMS), which replaced its predecessor, known as the SAFESTAT model. SMS uses a motor carrier’s data from roadside inspections, (including all safety-based violations), state-reported crashes, and the Federal Motor Carrier Census to quantify performance in the following Behavior Analysis and Safety Improvement Categories (BASICS).

After a measurement is determined, the carrier is then placed in a peer group (i.e., other carriers with similar numbers of inspections). Percentiles from 0 to 100 are then determined by comparing the BASIC measurements of the carrier to the measurements of other carriers in the peer group. A percentile of “100” indicates the worst performance.


The FMCSA established threshold levels that would require agency action. Unsafe Driving, HOS, and Crash BASICS were set at lower thresholds because of their inherent risk. Additionally, passenger and hazmat carriers have lower thresholds than all other carriers because of their inherent risk. **Table 2** represents the thresholds set by the FMCSA that help prioritize agency intervention and resource management.<sup>4</sup>

**Table 2.** BASIC thresholds.<sup>5</sup>

BASIC	Passenger Carrier	HM Carrier	All Other Motor Carriers
Unsafe Driving, HOS, Crash	50%	60%	65%
Driver Fitness, Drug & Alcohol, Maintenance	65%	75%	80%
Hazardous Materials	80%	80%	80%

<sup>4</sup>Retrieved from [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

<sup>5</sup>Retrieved from <http://csa.fmcsa.dot.gov/FAQs.aspx>.

On a carrier's SMS profile  which is publicly available on the SAFER website for passenger carriers, an alert symbol is displayed in any designated BASIC where the carrier has exceeded the corresponding threshold.<sup>6</sup> This is also referred to as having an "alert" in a BASIC.

At the time of the crash the carrier displayed no alerts. The SMS profile also showed that at the time of the crash, the carrier's vehicle out-of-service rate was 0.0 percent. The carrier's driver out-of-service rate was 16.7 percent, exceeding the national average of 5.5 percent.

Okemah Express has received two warning letters from FMCSA for being alert in one of the BASIC's. The first letter dated March 25, 2011 for exceeding the threshold in the Hours of Service Basic 49 CFR 392 and 395. The second letter dated February 10, 2017 for being alert in the Unsafe Driving Basic 49 CFR 392 and 397. This was a result of a roadside inspection conducted in Richmond, KY that cited the driver for Failing to use seat belt while operating CMV. A state citation C195969 was issued. These alerts were prior to the crash and after the crash for the Unsafe Driving Basic.

### **3.2. Carrier Roadside Inspections**

According to the MCMIS carrier profile, Okemah Express LLC had 6 roadside or terminal inspections during the period from 05/05/2015 to 05/07/2016.<sup>7</sup> These inspections resulted in 1 driver out-of-service (OOS) or 16.7 percent and 0 vehicle OOS or 0.0 percent. This is in comparison to the National Average of 5.5 percent OOS for drivers and 20.7 percent for vehicle's OOS.<sup>8</sup> The MCMIS profile also indicated the carrier had no DOT reportable crashes in 2015.

### **3.3 Drug and Alcohol Testing**

The FHP had requested blood work to be done on the commercial driver. See Human Performance Factor's factual for the results.

### **3.4. Hours of Service**

At the time of the crash, the driver was using a logbook for accountability of the driver's hours of service. A review by the FHP of the driver's hours of service records indicated a total of 15 hours on duty, 14.25 hours driving, and .75 of an hour on duty not driving from 04/30/2016 to 5/07/2016. On the day of the crash, the hours of service records indicated 5.5 total hours on duty, 5.25 hours driving, and .25 of an hour on duty not driving.<sup>9</sup>

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<sup>6</sup>FMCSA BASIC information publicly available for passenger and Hazardous Material carriers only. See additional information at the FMCSA Safer website: <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>.

<sup>7</sup> See Motor Carrier attachment #4 – Okemah Express LLC SMS Profile

<sup>8</sup> Roadside Inspection OOS Rates for both Large Truck and Bus Statistics Fiscal Year 2015, retrieved from: <https://csa.fmcsa.dot.gov/>

<sup>9</sup> Florida Highway Patrol Post-Crash Inspection report number FHBP16OFF012226 Dated 05/07/2016.



#### **4. Commercial Driver History**

##### **4.1. Commercial Driver's Driving Record**

The commercial vehicle driver was identified as a 62-year-old male. At the time of the crash, the driver held a valid Florida Class A commercial driver's license (CDL), with no endorsements. His CDL was due to expire in January 2021. There were no restrictions on the CDL.

##### **4.2. Medical Certification**

Effective May 21, 2014, medical examiners that conduct DOT medical examinations must be listed on the National Registry of Certified Medical Examiners.<sup>10</sup> The truck driver's DOT medical card indicated National Registry number 8557666228, as the medical professional who performed the DOT physical. According to the FMCSA National Registry, this medical professional held the proper certifications under the federal regulations.

At the time of the crash, the driver held a valid DOT medical certificate with an issue date of 09/28/2015 and an expiration date of 09/28/2017. For further medical certificate information see the Human Performance Group Chairman's Factual Report.

##### **4.3. Crash Driver's Crash History**

According to the carrier's records, the driver had no previous reportable crashes.

#### **E. DOCKET MATERIAL**

The following attachments are included in the docket for this investigation:

##### **LIST OF ATTACHMENTS**

Attachment #1 -	MCS-150
Attachment #2-	Accident Driver CDLIS Report
Attachment #3-	CSA Warning Letter
Attachment #4 -	Okemah Express LLC SMS Profile

END OF REPORT

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Jerome F Cantrell  
Motor Carrier Factors Group Chairman

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<sup>10</sup> 49CFR§391.42 Schedule for use of medical examiners listed on the National Registry of Certified Medical Examiners