



**Post-Crash Compliance Review**

**Williamsburg, VA**

**HWY23MH004**

(16 pages)

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 2255842  
**MC/MX#:** 769725

**Legal:** TRITON LOGISTICS INC  
**Operating (DBA):**

**Investigation Date:**  
02/28/2023

**Investigation Type:** Onsite Focused Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

**Physical Address**

525 ANDERSON DRIVE  
ROMEDEVILLE, IL 60446  
United States

**Mailing Address**

525 ANDERSON DRIVE  
ROMEDEVILLE, IL 60446  
United States

**Contact Information**

**Contact Name:** [REDACTED]  
**Email:** safety@tritonlogistics.com  
**Phone:** [REDACTED]      **Cell:** [REDACTED]      **Fax:** (630)580-1117

**Business and Financial**

**Business Type:** Corporation  
**Name of Gross Revenue Provider:** Andrew Voveris  
**Title of Gross Revenue Provider:** Owner  
**Gross Revenue:** \$54,561,115.00      **For Year Ending:** 12/31/2021  
**Federal Tax ID:** [REDACTED]

**Operation Classification and Type**

**Type of Operation:** Non-HM Interstate Carrier, Non-HM Intrastate Carrier

**Operation Classification**

For-Hire Motor Carrier  
Property  
Other Non-Hazardous Freight

**Cargo**

General Freight, Metal; Sheets, Coils, Rolls, Building Materials, Fresh Produce, Household Goods, Commodities Dry Bulk, Beverages, Paper Products

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors		207	
Trailers		334	

**Driver Information**

Drivers	Intrastate	Interstate
	< 100 Miles	6
>= 100 Miles		173

**Power units used in the U.S.:** 207  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 179  
**Total Drivers:** 179

**Person(s) Interviewed**

**Name:** [REDACTED]      **Title:** OWNER  
**Name:** [REDACTED]      **Title:** Claims Manager

**Person(s) Interviewed**

<b>Name:</b> [REDACTED]	<b>Title:</b> HR Manager
<b>Name:</b> [REDACTED]	<b>Title:</b> HOS Manager
<b>Name:</b> [REDACTED]	<b>Title:</b> Safety Administrator

**Questions**

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:	3250 EXECUTIVE PARK DR SPRINGFIELD, IL 62703-4514 Phone: (217) 492-4608 Fax: (217) 492-4986
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**This report will be used to assess your safety compliance.**

# Violations

## 1. Primary: 390.35

### Secondary: 395.8(k)

Fraudulent or intentional alteration of a supporting document.



**Acute**

#### Violations Discovered

Fed	State	Total
1		1

#### Checked

Fed	State	Total
1		1

#### BASIC Impacted

Hours-of-Service Compliance

#### Rating Factor 1:

General = Part 390

#### Example/Notes:

Name(s) of person(s) involved: Driver- [REDACTED], Fictitious Co-driver- [REDACTED]

Trip Date: 12/07/2022

Violation: Carrier submitted false payroll document for a fictitious co-driver in effort to conceal an Hours-of-Service violation.

#### Drivers/Vehicles in Violation

Fed	State	Total
1		1

#### Checked

Fed	State	Total
1		1

## 2. Primary: 382.303(a)

Failing to conduct post accident alcohol testing on driver following a recordable crash.



**Critical**

At least 10% of the number checked had violations

#### Violations Discovered

Fed	State	Total
3		3

#### Checked

Fed	State	Total
4		4

#### BASIC Impacted

Controlled Substances/Alcohol

#### Rating Factor 2:

Driver = Part 382

#### Example/Notes:

Driver name: [REDACTED]

Accident date: 12/16/2022

Driver charged/ fatality? Yes/Yes

#### Drivers/Vehicles in Violation

Fed	State	Total
3		3

#### Checked

Fed	State	Total
4		4

## 3. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status



**Critical**

At least 10% of the number checked had violations

#### Violations Discovered

Fed	State	Total
91		91

#### Checked

Fed	State	Total
450		450

#### BASIC Impacted

Hours-of-Service Compliance

#### Rating Factor 3:

Operational = Part 395

**Example/Notes:**

Driver name: [REDACTED]

Trip Date: 08/07/2022

Description of violation: False by 1 hour or more, or off by 50 or more miles

**Drivers/Vehicles in Violation**

Fed	State	Total
9		9

**Checked**

Fed	State	Total
15		15

**4. Primary: 392.22(a)**

Failing to use hazard warning flashers

**Violations Discovered**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
174		174

**Example/Notes:**

Driver: [REDACTED]

Date: 07/20/2022

Violation: Failed to use hazard lights when stopped along roadway.

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**5. Primary: 382.303(b)**

Failing to conduct post accident testing on driver for controlled substances.

**Violations Discovered**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
4		4

**Example/Notes:**

Driver name: [REDACTED]

Crash date: 12/16/2022

Citation/fatality? Fatality

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
4		4

**6. Primary: 382.701(a)**

Failing to conduct a pre-employment query

**Violations Discovered**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
32		32

**Example/Notes:**

Driver: [REDACTED]  
 Hire Date: 03/23/2022  
 Query Received: 05/20/2022  
 Trip Date: 04/14/2022

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
32		32

**7. Primary: 392.2**

Operating a vehicle in violation of local/state laws - Unsafe Driving.

**Violations Discovered**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
174		174

**Example/Notes:**

12/19/2022 - The FMCSA and State partners have identified violations over the previous 365 days for which there are convictions, including:

Driver Name: [REDACTED]  
 Trip Date: 08/20/2022  
 Description of Violation: Improper lane usage

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**8. Primary: 392.2**

Operating a vehicle in violation of local/state laws - Unsafe Driving.

**Violations Discovered**

Fed	State	Total
33		33

**Checked**

Fed	State	Total
174		174

**Example/Notes:**

12/19/2022 - The FMCSA and State partners have identified violations across multiple inspections at the roadside over the previous 365 days, including:

Driver: [REDACTED]  
 Date: 03/11/2022  
 Violation: Improper Lane Usage

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**9. Primary: 392.16**

Operating a commercial motor vehicle that has a seat belt assembly installed at the driver's seat, or allowing a commercial motor vehicle with such assembly installed to be operated, when the driver has not properly restrained himself/herself with that seat belt assembly.

**Violations Discovered**

Fed	State	Total
5		5

**Checked**

Fed	State	Total
174		174

**Example/Notes:**

Driver Name: [REDACTED]

Trip Date: 05/23/2022

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**10. Primary: 392.71(b)**

Requiring or permitting a driver to operate a commercial motor vehicle equipped with or containing a radar detector, or while using a radar detector.

**Violations Discovered**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
174		174

**Example/Notes:**

Driver Name: [REDACTED]

Trip Date: 01/17/2022

Description of Violation: Possession of radar detecting equipment

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

**11. Primary: 392.82(a)(2)**

Allowing or requiring a driver to use a hand-held mobile telephone while driving a CMV.

**Violations Discovered**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
174		174

**Example/Notes:**

Driver Name: [REDACTED]

Trip Date: 03/28/2022

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Description of Violation: Illegal use of electronic device	<table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Fed	State	Total									
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<p><b>12. Primary: 395.3(a)(2)</b></p> <p>Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>34</td> <td></td> <td>34</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>450</td> <td></td> <td>450</td> </tr> </tbody> </table>	Fed	State	Total	34		34	Fed	State	Total	450		450
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34		34											
Fed	State	Total											
450		450											
<p><b>Example/Notes:</b></p> <p>Trip date: 12/21/2022</p> <p>Driver name: ██████████</p> <p>Violation: Travis Bland drove 2 hours and 27 minutes past the 14th hour since coming on duty.</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>7</td> <td></td> <td>7</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>15</td> <td></td> <td>15</td> </tr> </tbody> </table>	Fed	State	Total	7		7	Fed	State	Total	15		15
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<p><b>13. Primary: 395.3(a)(3)(i)</b></p> <p>Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>41</td> <td></td> <td>41</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>450</td> <td></td> <td>450</td> </tr> </tbody> </table>	Fed	State	Total	41		41	Fed	State	Total	450		450
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41		41											
Fed	State	Total											
450		450											
<p><b>Example/Notes:</b></p> <p>Trip date: 11/28/2022</p> <p>Driver name: ██████████</p> <p>Violation description.: ██████████ drove 12 hours and 15 minutes</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>9</td> <td></td> <td>9</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>15</td> <td></td> <td>15</td> </tr> </tbody> </table>	Fed	State	Total	9		9	Fed	State	Total	15		15
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9		9											
Fed	State	Total											
15		15											
<p><b>14. Primary: 395.3(a)(3)(i)</b></p> <p>Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 3 hours over the 11 hour maximum driving limits. This is an egregious violation, which allows FMCSA to impose a maximum penalty.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>25</td> <td></td> <td>25</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>41</td> <td></td> <td>41</td> </tr> </tbody> </table>	Fed	State	Total	25		25	Fed	State	Total	41		41
Fed	State	Total											
25		25											
Fed	State	Total											
41		41											



**Example/Notes:**

Trip date: 11/18/2022

Driver name: [REDACTED]

Violation description: [REDACTED] drove 24 hours and 31 minutes.

**Drivers/Vehicles in Violation**

Fed	State	Total
6		6

**Checked**

Fed	State	Total
15		15

**15. Primary: 395.8(a)(1)**

Failing to require a driver to prepare a record of duty status using the appropriate method.

**Violations Discovered**

Fed	State	Total
12		12

**Checked**

Fed	State	Total
450		450

**Example/Notes:**

Date: 01/12/2023

Driver name: [REDACTED]

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
15		15

**16. Primary: 395.22(b)(2)**

Motor carrier failed to manage ELD account(s) per 395.22(b)(2)(i-iv)

**Violations Discovered**

Fed	State	Total
6		6

**Checked**

Fed	State	Total
450		450

**Example/Notes:**

Driver name: [REDACTED]

Trip Date: 12/11/2022

Violation: Triton Logistics, Inc., did not de-activate the ELD account of terminated driver [REDACTED]. This allowed driver [REDACTED] to log into the ELD using [REDACTED] log in credentials.

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
13		13

**17. Primary: 396.3(b)(1)**

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

**Violations Discovered**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
2		2

**Example/Notes:**

Company number 1339  
Files do not indicate Serial #, year, or tire size

**Drivers/Vehicles in Violation**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
2		2

**18. Primary: 396.3(b)(2)**

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

**Violations Discovered**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
2		2

**Example/Notes:**

Company number : 1339  
Files do not contain maintenance schedule to indicate due dates of inspections and maintenance.

**Drivers/Vehicles in Violation**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
2		2

# Safety Fitness Rating

Your proposed safety rating is: **CONDITIONAL** 1 UNSATISFACTORY rating factor and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Conditional	1	0
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	0	1
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	1

**Effective date:** You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Conditional rating will take effect 60 days after the date of the official notice.

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

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15. You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

**Change to safety rating based on corrective action:** You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

**Administrative Review:** You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i). If the safety rating improves a previous Unsatisfactory rating, it becomes effective immediately and you must submit your appeal within 90 days of the final safety rating. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

**DataQs:** If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

## Process Breakdown and Remedies

### BASIC: Unsafe Driving

#### Process Breakdown: Training and Communication

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Triton Logistics Inc. failed to communicate expectations and responsibilities to employees responsible for ensuring compliance with Federal, State, and local laws and ordinance, especially speeding in addition to all other laws and regulations governing UNSAFE driving.

#### Specific Recommended Remedies

**To implement Safety Improvement Practices, the following list are recommended practices related to Training and Communication:**

1. Train all staff who are required to monitor and track unsafe-driving behaviors on appropriate company policies, including those related to discipline and incentives.
2. Train the hiring manager about issues associated with hiring "high-risk" drivers, such as the impact of drivers with road rage on insurance rates and how to identify these drivers.
3. Reinforce training about safe-driving polices, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.
4. Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to unsafe-driving regulations and company policies and procedures.
5. Communicate the carrier's Unsafe Driving percentiles to all staff, and explain to them individually what they can do to help improve the percentile.

### BASIC: Controlled Substances/Alcohol

#### Process Breakdown: Policies and Procedures

---

Triton Logistics Inc. failed to properly execute procedures designed to ensure drivers submit to post-crash testing in the time frame required. This resulted in the carrier failing to conduct post-crash alcohol tests three drivers involved in reportable crashes requiring a post-crash testing.

#### Specific Recommended Remedies

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.

### BASIC: Hours-of-Service Compliance

# Process Breakdown: Monitoring and Tracking

---

Triton Logistics Inc. failed to adequately review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. This failure contributed to the Hours of Service violations found during roadside inspections and violations found during this review

## Specific Recommended Remedies

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
4. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
5. Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.

# Recommendations

## 1. **Notice of Claim Violations**

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. 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.

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

## 2. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

## 3. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

## 4. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

## 5. **Hours-of-service regulations: 2003**

Drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then are released from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.

For more information on these regulations, please access the FMCSA website at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

## 6. **Division recommendation**

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 to ensure the actions you are taking are creating improvement in safety management and compliance.

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: <https://www.psp.fmcsa.dot.gov/psp/default.aspx>

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

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 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. This letter should be submitted as soon as possible. Address your written request to:

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
Midwestern Service Center  
Regional Field Administrator  
4749 Lincoln Mall Drive, Suite 300A  
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
Division Administrator  
3250 Executive Park Drive  
Springfield, IL 62703-4514

This letter should be submitted as soon as possible.

This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at a conditional level of safety compliance. A written notice of proposed conditional 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 rating will become final.

Seek Out Resources:

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>.

You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA. If you do not have a PIN Number, use the link below to request a PIN number for your DOT number and MC Number. The PIN number allows you to complete any updates on-line and much quicker than via the mail or fax. The PIN number is sent to you via U.S. mail and should take about a week.  
[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_PIN\\_START.PRC\\_INTRO](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_PIN_START.PRC_INTRO)

Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

FMCSA Rules and Regulations <http://www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm>

FMCSA Safety and Security <http://www.fmcsa.dot.gov/safety-security/safety-security.htm>

The Motor Carrier Safety Planner is available for free on the FMCSA website. This online guide provides simple explanations and

templates to help companies that operate CMVs understand and comply with Federal safety regulations.  
<https://www.fmcsa.dot.gov/safety/carrier-safety/motor-carriers-guide-improving-highway-safety>

For an overview of the complete North American Standard Inspection Level I process, you can obtain a brochure or view a video at <https://www.fmcsa.dot.gov/international-programs>

The CSA Safety Management Cycle is a model that provides a holistic system view of the management processes and safety improvement practices a carrier should have in place in order to ensure compliance with FMCSA regulations. The six safety management processes in the cycle are areas that a motor carrier can systematically explore to discover what safety management processes are ineffective or not in place, thus identifying the process breakdowns.

Policies and Procedures  
Roles and Responsibilities  
Qualification and Hiring  
Training and Communication  
Monitoring and Tracking  
Meaningful Action

If you have any questions concerning this report, please contact:

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Illinois Division  
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385.1005 Prohibition.

Two or more motor carriers shall not use common ownership, common management, common control, or common familial relationship to enable any or all such motor carriers to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with statutory or regulatory requirements prescribed under 49 U.S.C. Chapter 311, subchapter III, or with an order issued under such requirements.

385.1007 Determination of violation.

(a) General. The Agency Official may issue an order to suspend or revoke the registration of one or more motor carriers if he or she determines that the motor carrier or motor carriers have reincarnated or affiliated to avoid regulatory compliance or mask or otherwise conceal regulatory noncompliance, or a history of noncompliance.

(b) Reincarnation or affiliation. The Agency Official may determine that one or more motor carriers are reincarnated if there is substantial continuity between entities such that one is merely a continuation of the other. The Agency Official may determine that motor carriers are affiliates if business operations are under common ownership, common management, common control or common familial relationship. To make these determinations, the Agency Official may consider, among other things, the factors in 49 CFR 386.73(c) and examine, among other things, the records identified in 49 CFR 386.73(d).

(c) Regulatory noncompliance. The Agency Official may determine that a motor carrier or its officer, employee, agent, or authorized representative, avoids regulatory compliance or masks or otherwise conceals regulatory noncompliance, or a history of noncompliance by operating or attempting to operate a motor carrier as a reincarnated or affiliated entity to:

- Avoid complying with an FMCSA order;
- Avoid complying with a statutory or regulatory requirement;
- Avoid paying a civil penalty;
- Avoid responding to an enforcement action; or
- Avoid being linked with a negative compliance history.

385.1017 Penalties.

Any motor carrier that the Agency determines to be in violation of this subpart shall be subject to the civil or criminal penalty provisions of 49 U.S.C. 521(b) and applicable regulations.