



Motor Carrier Attachment – AGL Compliance Review February 4, 2020

Louisville, NY

HWY23FH005

(13 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 2447319 MC/MX#: 844580	Legal: AERO GLOBAL LOGISTICS Operating (DBA):	Investigation Date: 02/04/20
Investigation Type: Onsite Comprehensive Investigation		Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation	
Physical Address		Mailing Address	
5 EMLEY RD PITTSTOWN, NJ 08867 United States		5 EMLEY RD PITTSTOWN, NJ 08867 United States	
Contact Information			
Contact Name: SHAWN SHARIFF Email: s [REDACTED] Phone: [REDACTED] Cell: ()- [REDACTED] Fax: (845)398-0940			
Business and Financial			
Business Type: Corporation Gross Revenue: \$13,825,669.00 For Year Ending: 12/31/19 Federal Tax ID: [REDACTED]			
Operation Classification and Type		Cargo	
Type of Operation: Non-HM Interstate Carrier, HM Interstate Carrier Operation Classification For-Hire Motor Carrier Property Hazardous Materials Other Non-Hazardous Freight		Other (Auto Parts), General Freight	
Hazardous Materials			
Which of the following hazardous materials requiring a Safety Permit does the company transport?		None	
Does the company have a satisfactory security program in place as required in 49 CFR Part 385, Subpart E?		N/A	
Is an HM Permit required by any State?		No	
Hazardous Materials		Class 9 Miscellaneous hazardous material = C, NB	

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks		31			Intrastate	Interstate
Truck Tractors		22		< 100 Miles	18	7
Trailers		44		>= 100 Miles	3	49
Power units used in the U.S.: 53 Percentage of time used in the U.S.: 100.0%				Average trip leased driver/month: 0 Drivers with CDL: 14 Total Drivers: 77		

Person(s) Interviewed	
Name: TONY RAMDASS	Title: Operation Manager
Name: SHAWN SHARIFF	Title: President
Name: CHRIS MITCHELL	Title: Safety Director

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:	FIVE INDEPENDENCE WAY SUITE 250 PRINCETON, NJ 08540 Phone: (609) 275-2604 Fax: (609) 275-5107

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.215

Using a driver known to have tested positive for a controlled substance.



Acute

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver Joey Stretton
Trip date: 12/27/2019
Date of positive test: 10/18/2019 Verified.

Drivers/Vehicles

In Violation	Checked
1	1

2. Primary: 391.23(a)

Failing to investigate driver's background.

Violations Discovered

Fed	State	Total
5		5

Violations Checked

Fed	State	Total
13		13

Example/Notes:

Driver Brian Tarwick
Trip date: 5/4/2019
Driver Qualification File does not contain State Abstract/Motor Vehicle Record.

Drivers/Vehicles

In Violation	Checked
5	13

3. Primary: 391.23(c)

Failing to investigate driver's background within 30 days of employment.

Violations Discovered

Fed	State	Total
5		5

Violations Checked

Fed	State	Total
13		13

Example/Notes:

Driver James Soyars
 Trip date 2/18/2019

Driver Qualification File does not include a previous employer inquiry. Carrier must verify driver's previous employment activities within 30 days of hire.

Drivers/Vehicles

In Violation	Checked
5	13

4. Primary: 391.23(e)(1)

Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.

Violations Discovered

Fed	State	Total
7		7

Violations Checked

Fed	State	Total
10		10

Example/Notes:

Driver Descott Fedee
 Trip date: 10/31/2019

Carrier fails to conduct controlled substance and alcohol previous inquiry - previous three years.

Drivers/Vehicles

In Violation	Checked
7	10

5. Primary: 391.51(a)

Failing to maintain driver qualification file on each driver employed.

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
14		14

Example/Notes:

Driver Constancio Jose Gonzalez
 Trip date: 2/15/2019

Driver subject to inspection by MD State Police (Inspection Report #MD0279001610. Driver placed Out of Service *license suspended in VA. Driver's employment was terminated immediately following.

Drivers/Vehicles

In Violation	Checked
1	14

6. Primary: 391.51(b)(3)

Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

Example/Notes:

Driver James Soyars

Trip date 2/18/2019

Non CDL Drivers must undergo a Road Test followed by a Road Test Certificate. Certificate is required to be placed in Driver File.

Drivers/Vehicles

In Violation	Checked
1	1

7. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Violations Discovered

Fed	State	Total
5		5

Violations Checked

Fed	State	Total
9		9

Example/Notes:

Driver Joey Stretton

Trip date: 12/20/2019

Carrier failed to prepare the Annual Review of driving record.

Drivers/Vehicles

In Violation	Checked
5	9

8. Primary: 391.51(b)(6)

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Violations Discovered

Fed	State	Total
5		5

Violations Checked

Fed	State	Total
9		9

Example/Notes:**Drivers/Vehicles**

Driver Joey Stretton
 Trip date: 12/20/2019

Carrier failed to require driver to prepare a list of violations every year. The driver must list all moving violations in car or truck from previous year.

In Violation	Checked
5	9

9. Primary: 395.3(a)(3)(ii)

Driving after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.

Violations Discovered

Fed	State	Total
21		21

Violations Checked

Fed	State	Total
180		180

Example/Notes:

Driver Christopher Gilles
 Trip date: 12/27/2019
 Drivers MUST take a 30 minute break after 8 hours of on duty time.

Drivers/Vehicles

In Violation	Checked
4	6

10. Primary: 395.8(f)

Failing to require driver to prepare record of duty status in form and manner prescribed.

Violations Discovered

Fed	State	Total
180		180

Violations Checked

Fed	State	Total
180		180

Example/Notes:

Driver Maurice Willis
 Trip date: 12/2/2019
 Local drivers meeting the 150 Air Mile Short Haul Exemption or 100 Air Mile Radius Exemption MUST include the Total Hours worked each day. Currently carrier only identifies the time the driver reported to work and time released from work.

Drivers/Vehicles

In Violation	Checked
6	6

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors 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	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 3 Number of Vehicles Inspected (MCMIS): 13 OOS Rate: 23.1%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Satisfactory		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 5,125,000 Recordable Accidents: 4 Recordable Accidents/Million Miles: 0.78	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

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: Driver Fitness

Process Breakdown: Policies and Procedures

Driver Qualification Files reviewed disclosed that some files did not include a copy of a motor vehicle record abstract/driver record. Aero Global Logistics must immediately establish policies and procedures to be shared with their Terminals in VA and MA to include the requirements of retaining abstracts within the driver file within 30 days of hire and each year there after.

Specific Recommended Remedies

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

1. Review all Driver Qualification Files to ensure the files are complete. Driver Abstracts are required to be placed in the Driver File within 30 days of hire and every year there after.

BASIC: Hours-of-Service Compliance

Process Breakdown: Training and Communication

Drivers are continuously failing to take the required 30 minute break following 8 hours of on duty time. Aero Global Logistics must train drivers on the 30 min. break requirement and monitor and track the driver's ELDs to ensure the drivers are compliant.

Specific Recommended Remedies

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

1. Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
2. Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
3. Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
4. Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
5. Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

In 2019 34 drivers were included in the random CST and Alcohol Pool. Aeor Global advised that there were only 14 drivers that hold CDLs and operate CDL required CMVs. Drivers that do not operate CDL required equipment should NOT be included in the random Pool.

Specific Recommended Remedies

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

1. Drivers that are not operating CDL required trucks should not be placed in the random pool

BASIC: Driver Fitness

Process Breakdown: Qualification and Hiring

Driver Constancio Jose Gonzalez was subject to a MD inspection on 2/15/2019 and placed OOS because his license was suspended by VA. Carrier could not supply a Driver Qualification File on this driver. Aero Global Logistics must ensure drivers are fully qualified to operate a Commercial Motor Vehicle prior to operating. Driver Qualification Files must be established to ensure qualifications.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Qualification and Hiring:

1. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
2. Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
3. Check the Motor Vehicle Record (MVR) to ensure that drivers have the proper class of license and "P" or "S" endorsement, and to see if the applicable endorsement on the license has a specific restriction, such as an air-brake restriction.

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Driver Joey Stretton tested positive for a Controlled Substance on 10/18/2019. Carrier was advised by a Substance Abuse Professional that the driver was evaluated. Driver was required by the SAP to attend 3 Twelve Step Meetings and undergo a Return to Duty Test. Driver Stretton did not undergo a Return to Duty Test prior to operating a Commercial Motor Vehicle.

Specific Recommended Remedies

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

1. Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and

qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the 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. **Carrier 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
FIVE INDEPENDENCE WAY SUITE 250
PRINCETON, NJ 08540

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

4. **Additional Information**

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

5. **Driver Qualification Files**

Review Driver Qualification Files on a regular basis to ensure they are accurate and complete.

6. **If you have any questions concerning this report, contact FMCSA.**

If you have any questions concerning this report,, please contact the Federal Motor Carrier Safety Administration, Five Independence Way, Suite 250, Princeton, NJ 08540 609-275-2604.

7. **Maintain a complete file documenting the qualification process.**

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.

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
382.215 - Using a driver who has tested positive for a drug (carrier)			
1	12/27/19	Driver: Joey Stretton	