



Motor Carrier Attachment – AGL Compliance Review April 21, 2021

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:
04/21/21

Investigation Type: Onsite Focused Investigation

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

Extent of Operations: Entire Operation

Physical Address

2983 SOUTH PLEASANT VALLEY ROAD
WINCHESTER, VA 22601
United States

Mailing Address

80 MORRISTOWN ROAD UNIT 3B -PMB315
BERNARDSVILLE, NJ 07924
United States

Contact Information

Contact Name: SHAWN SHARIFF, Shawn Miller

Email: [REDACTED]

Phone: [REDACTED] **Cell:** ()- [REDACTED] **Fax:** ()- [REDACTED]

Business and Financial

Business Type: Corporation

Gross Revenue: \$23,822,326.00 **For Year Ending:** 12/31/20

Federal Tax ID: [REDACTED] (EIN)

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

For-Hire Motor Carrier
Property
Other Non-Hazardous Freight

Cargo

General Freight, Other (auto parts)

Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	37		
Truck Tractors	40		
Trailers	79		

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles	48	63
>= 100 Miles	2	20

Power units used in the U.S.: 77

Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0

Drivers with CDL: 53

Total Drivers: 133

Person(s) Interviewed

Name: SHAWN SHARIFF

Title: PRESIDENT

Name: Shawn Miller

Title: Consultant

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:

400 N 8TH ST STE 780
RICHMOND, VA 23219-4827
Phone: (804) 771-8585
Fax: (804) 771-8670

This report will be used to assess your safety compliance.

Violations

1. Primary: 392.2

Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Unsafe Driving.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

[4/21/2021] - The FMCSA and State partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the Unsafe Driving BASIC of the Carrier Safety Measurement System, including: [Speeding, Failing to wear seat belt, failing to obey traffic control device].

Vehicle License or Company Number-270310

Driver Name-Jose Molina-Rodriguez

Trip Date-3/17/21

Description of Violation-On 3/17/21, Jose Molina-Rodriguez operated a commercial motor vehicle from Boyertown, PA to Winchester, PA. The driver was stopped for an inspection and was cited for speeding 15 miles or more over the speed limit.

Drivers/Vehicles

In Violation	Checked
1	1

2. Primary: 395.8(a)(1)(i)

Carrier failed to install and/or require driver to record the driver's duty status using an ELD.

Violations Discovered

Fed	State	Total
	11	11

Checked

Fed	State	Total
150	60	210

Example/Notes:

Driver name-Christopher Rankin

Date -On 2/10/21, Christopher Rankin operated a commercial motor vehicle from Winchester, VA to Newport News, VA. The carrier failed to have the driver use an ELD as required. The driver prepared a time card. The distance from Winchester, VA to Newport News, VA is 209 miles.

Drivers/Vehicles

In Violation	Checked
7	7

Safety Fitness Rating

Your proposed safety rating is: **NOT RATED** Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

Crash Rate:

Total Miles Operated: 11,153,645

Recordable Accidents: 5

Recordable Accidents/Million Miles: 0.45

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

This was a focused investigation, which did not review in full all factors in the safety fitness rating methodology in 49 CFR part 385, Appendix B. A focused investigation may be unrated or it may result in a Conditional or Unsatisfactory rating if sufficient violations are discovered in the factors examined.

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: Monitoring and Tracking

The carrier had an alert in the Unsafe Driving Basic. The carrier had violations for speeding, cell phone use and failing to wear seat belts. The company provided an Unsafe Driving policy that drivers had signed for. I advised the carrier to check the SMS scores on a regular basis so that they can monitor the violations and discipline the drivers. The Monitoring and Tracking Process Breakdown was selected.

Specific Recommended Remedies

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

1. Regularly evaluate the company's unsafe-driving-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with unsafe-driving regulations and company policies.
2. Implement a system for keeping accurate records of employee driving-safety training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
3. Ensure that the safety director/dispatchers ascertain that all routes can be completed within speed limits.
4. Maintain roadside inspection reports, moving violation records, and "How am I driving?" complaints to help evaluate the performance of all staff (drivers and managers) involved in safe driving and the effectiveness of the policies and procedures.
5. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to safe driving. If a driver seems to have license-related problems, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

BASIC: Crash Indicator

Process Breakdown: Training and Communication

The carrier had an alert in the Crash Basic. The carrier 8 crashes in the past 365 days (5 of the crashes were preventable). The carrier should conduct some type of refresher training with the drivers to help reduce crashes. One crash was caused by a driver sliding on ice. Another crash was the result of a driver falling asleep. The Training and Communication Process Breakdown was selected.

Specific Recommended Remedies

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

1. Implement a training/testing program that includes hands-on demonstrations of safe driving with a focus on defensive driving skills and techniques and crash avoidance. Create opportunities for individual instruction and coaching as appropriate.
2. Reinforce training by developing job aids and/or establishing communication channels for all staff.

3. Ensure that managers and supervisors regularly communicate with their drivers and demonstrate their commitment to the management of safety and safe driving, in particular.

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

The carrier also had an alert in the Hours of Service Basic. The carrier has shown improvement in the Basic over the past 3 to 4 months. Most of the violations that caused the carrier to be over the threshold are from 2019. The carrier has ELDs and some drivers do time cards. The Monitoring and Tracking Process Breakdown was selected.

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. Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
5. Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Recommendations

1. **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
400 N 8TH ST STE 780
RICHMOND, VA 23219-4827

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

2. **Additional Information**

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

3. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:

<http://www.fmcsa.dot.gov/forms/print/accident.htm>

4. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

5. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

6. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

7. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

8. **Retain supporting documents for 6 months.**

Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.

9. **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.

10. **Guide to understanding Federal safety regulations is available at website**

FMCSA's "MOTOR CARRIER SAFETY PLANNER" is a free online guide with forms and documents that can help you better understand and comply with safety regulations. Check: <https://csa.fmcsa.dot.gov/safetyplanner>

11. **Establish a system to control passenger-carrying drivers' HOS.**

Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.

12. **Who do I call?**

For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001

For questions about licensing, authority or MC numbers: 202-366-9805

For questions about insurance: 202-385-2423

13. **Required Recommendations**

1. Required recommendation for all CI's

For all Investigations:

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations mean violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. 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.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Division Administrator/State Director
Federal Motor Carrier Safety Administration
400 North 8th Street
Suite 780
Richmond, Virginia 23219-4827

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director
Federal Motor Carrier Safety Administration

400 North 8th Street
Suite 780
Richmond, Virginia 23219-4827

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

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

385.15

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

Your petition should be addressed to:

Chief Safety Officer

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE,

Washington, DC 20590

385.17

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

Field Administrator

Federal Motor Carrier Safety Administration

Linda Gilliam

Eastern Service Center

31 Hopkins Plaza, Suite 800

Baltimore, Maryland 21201

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

Division Administrator/State Director

FMCSA, Virginia Division

400 North 8th Street Suite 780

Richmond, Virginia 23219-4827

This letter should be submitted as soon as possible.

For all investigations with violations recorded in Part B.

If you believe the violations recorded in Part B of this investigation were an error, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the most effective way to remove violations on the investigation report that did not affect your safety rating data. 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>.

For all Investigations resulting in a proposed unsatisfactory rating:

Passenger & Placardable HM Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 45 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

3. Required Virginia DMV recommendation

Pursuant to Virginia Code 46.2-609, DMV may suspend or revoke the vehicle registration of vehicles associated with a Federal Motor Carrier Safety Administration out-of-service order. Generally, DMV will revoke the registration and repossess the license plates of vehicles operated by a carrier subject to a safety-related FMCSA out-of-service order. Should your vehicle registration be revoked, the vehicle's license plates cannot be reactivated and registration fees will not be refunded by DMV

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
-----------	------	-------------------------	-------------