



**Motor Carrier Attachment –Beaird Transport Post-Crash CR**

**Rushville, IL**

**HWY24MH005**

(14 pages)

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 1750062  
**MC/MX#:** 642624

**Legal:** BEAIRD TRANSPORT INC  
**Operating (DBA):**

**Investigation Date:**  
05/06/2024

**Investigation Type:** Onsite Focused Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

7132 E Seed Corn Road  
Astoria, IL 61501  
United States

**Mailing Address**

7132 E Seed Corn Road  
Astoria, IL 61501  
United States

**Contact Information**

**Contact Name:** Heather Beaird

**Email:** beairdtransport@hotmail.com

**Phone:** (309)329-9931    **Cell:** [REDACTED]    **Fax:** ( [REDACTED]

**Business and Financial**

**Business Type:** Corporation

**Name of Gross Revenue Provider:** Ted Perryman

**Title of Gross Revenue Provider:** Attorney

**Gross Revenue:** [REDACTED]    **For Year Ending:** 12/31/2023

**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, Building Materials, Machinery, Large Objects, Liquids/Gases, Grain, Feed, Hay

**Equipment**

	Owned	Term Leased	Trip Leased
Straight Trucks	3		
Truck Tractors	25		
Trailers	35		

**Driver Information**

Drivers	Intrastate	Interstate
< 100 Miles		20
>= 100 Miles		

**Power units used in the U.S.:** 28  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 20  
**Total Drivers:** 20

**Person(s) Interviewed**

**Name:** Heather Beaird    **Title:** President

**Name:** Richard "Sam" Beaird    **Title:** Vice President

**Person(s) Interviewed**

<b>Name:</b> Ted Perryman	<b>Title:</b> Attorney
<b>Name:</b> Rose Kastrup	<b>Title:</b> 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:	130 South Martin Luther King, Jr. Drive Springfield, IL 62703 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: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.



### 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: Eli Doyle

Trip Date: 12/28/2023

Hire Date: 12/08/2023

#### Drivers/Vehicles in Violation

Fed	State	Total
	3	3

#### Checked

Fed	State	Total
	4	4

## 2. Primary: 391.51(b)(2)

Failing to maintain inquiries into driver's driving record in driver's qualification file.



### Critical

At least 10% of the number checked had violations

#### Violations Discovered

Fed	State	Total
	5	5

#### Checked

Fed	State	Total
	5	5

#### BASIC Impacted

Driver Fitness

Rating Factor 2:  
Driver = Part 391

#### Example/Notes:

Driver Name: R Evans

Trip Date: 09/20/2023

#### Drivers/Vehicles in Violation

Fed	State	Total
	5	5

#### Checked

Fed	State	Total
	5	5

## 3. Primary: 382.305(i)(2)

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

#### Violations Discovered

Fed	State	Total
	2	2

#### Checked

Fed	State	Total
	20	20

#### Example/Notes:

#### Drivers/Vehicles in Violation

Driver Name: Gerald Gossage  
Selection Date: September 2023  
Trip Date: 09/26/2023

Fed	State	Total
<b>Checked</b>		
Fed	State	Total

**4. Primary: 382.601(b)(12)**

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601

<b>Violations Discovered</b>		
Fed	State	Total
	1	1
<b>Checked</b>		
Fed	State	Total
	1	1

**Example/Notes:**

Driver Name: David Coufal  
Trip Date: 03/11/2024

<b>Drivers/Vehicles in Violation</b>		
Fed	State	Total
<b>Checked</b>		
Fed	State	Total

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

Failing to conduct a pre-employment query

<b>Violations Discovered</b>		
Fed	State	Total
	3	3
<b>Checked</b>		
Fed	State	Total
	4	4

**Example/Notes:**

Driver Name: Eli Doyle  
Trip Date: 12/28/2023

<b>Drivers/Vehicles in Violation</b>		
Fed	State	Total
	3	3
<b>Checked</b>		
Fed	State	Total
	4	4

**6. Primary: 382.701(b)(1)**

Failing to conduct an annual query.

<b>Violations Discovered</b>		
Fed	State	Total
	1	1
<b>Checked</b>		

Fed	State	Total
	5	5

**Example/Notes:**

Driver Name: David Coufal  
 Trip Date: 03/11/2024

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	5	5

**7. Primary: 391.51(b)(4)**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	5	5

**Example/Notes:**

Driver Name: David Coufal  
 Trip Date: 03/11/2024

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	5	5

**8. 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
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver Name: David Coufal  
 Trip Date: 03/11/2024

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**9. Primary: 391.23(m)(2)(iii)**

Using a copy of a medical examiner's certificate as proof of the driver's medical certification beyond 15 days after the date of issuance.

**Violations Discovered**

Fed	State	Total
	4	4

**Checked**

Fed	State	Total
	5	5

**Example/Notes:**

Driver Name: David Coufal

Trip Date: 03/11/2024

**Drivers/Vehicles in Violation**

Fed	State	Total
	4	4

**Checked**

Fed	State	Total
	5	5

**10. Primary: 396.9(d)(3)**

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	9	9

**Example/Notes:**

Date of Inspection: 07/11/2023

Issuing Agency: Illinois State Police, Report Number: IL3998291433

Driver Name / Vehicle ID: Roger Crook / VIN 1M1AW02Y8HM080822

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

# 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 2: Driver = Parts 382, 383 and, 391	Unsatisfactory	0	2

## Vehicle OOS Rate:

OOS Vehicles (CR): 1

Number of Vehicles Inspected (CR): 8

OOS Vehicles (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 0

OOS Rate: 12.5%

## Crash Rate:

Total Miles Operated: 1,098,033

Recordable Accidents: 1

Recordable Accidents/Million Miles: 0.91

**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: Controlled Substances/Alcohol

### Process Breakdown: Monitoring and Tracking

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Beaird Transport, Inc. has not taken responsibility to properly monitor and track pre-employment and random testing procedures to ensure testing is completed in accordance with Federal regulations.

#### 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 drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
2. 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 controlled substances and alcohol. If a driver seems to have numerous violations, 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.
3. Monitor and adjust the testing program to ensure proper annual driver sampling.
4. Provide adequate oversight of all personnel hiring and training processes to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.

## BASIC: Driver Fitness

### Process Breakdown: Monitoring and Tracking

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Beaird Transport, Inc. has not properly monitored the maintenance of Driver Qualification files as required by Federal regulations, resulting in a serious violation.

#### 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 and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions to ensure that assignments are covered by qualified drivers.
2. Maintain each driver's investigation history file for as long as the driver is employed and for three years thereafter.
3. Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers and the effectiveness of the policies and procedures.
4. Implement a system for keeping accurate records of employee driver fitness training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
5. Regularly evaluate the company's driver fitness-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 driver-fitness regulations and company policies.

## **BASIC: Crash Indicator**

### **Process Breakdown: Training and Communication**

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Beaird Transport, Inc. has not implemented a sufficient training program with a focus on defensive driving skills and techniques and on crash avoidance. Due to the lack of training and understanding of defensive driving techniques being relayed to the drivers there were two crashes within the four months.

#### **Specific Recommended Remedies**

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

1. Communicate expectations for adhering to safe driving regulations and company policies and procedures to all staff and provide new hire and refresher training and company communication channels to support meeting those expectations.
2. 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.
3. Reinforce training by developing job aids and/or establishing communication channels for all staff.
4. Ensure that managers and supervisors regularly communicate with their drivers and demonstrate their commitment to the management of safety and safe driving, in particular.

# 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. Recommendations

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  
130 South Martin Luther King Jr. Drive  
Springfield, IL 62703

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 conditional 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:

Dan Brown  
Federal Motor Carrier Safety Administration  
Illinois Division  
130 South Martin Luther King Jr. Drive  
Springfield, IL 62703  
Phone: [REDACTED]

#### 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.

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>391.51(b)(2) - Inquiries into driving record not kept in qualification file</b>			
1	06/28/2022	Driver: Christopher Allen-Witt	
2	09/20/2023	Driver: R Evans	
3	07/07/2022	Driver: Richard Mull, Jr.	
4	11/21/2021	Driver: Gary Wiltermood, Jr.	
5	01/03/2024	Driver: David Coufal	
<b>382.301(a) - Using a driver before receiving a pre-employment result</b>			
1	12/28/2023	Driver: Eli Doyle	
2	09/18/2023	Driver: Byron Kinne	
3	10/03/2023	Driver: Dale Pittman	