

# National Transportation Safety Board

Office of Highway Safety

Washington, DC 20594



## HWY23FH013 Group Chair's Factual Report Motor Carrier Factors

**A. CRASH INFORMATION**

Location: Millersburg, Marion County, Oregon  
Date: May 18, 2023  
Time: 2:45 P.M Pacific Daylight Time.

2018 Freightliner Truck-Tractor in combination with 2014 Utility soft-sided semitrailer.  
2001 Ford Econoline van towing a small utility trailer.  
2023 Freightliner Cascadia truck-tractor in combination with a 2023 Utility Semitrailer.

**B. MOTOR CARRIER GROUP**

Group Chair Michael LaPonte  
National Transportation Safety Board  
Washington, D.C 20594

Group Member Lieutenant Chris Zohner  
Oregon State Police  
Salem, Oregon 97317

Group Member Andrew E. Eno  
Federal Motor Carrier Safety Administration  
Salem, Oregon 97301

Group Member Robert A Corkwell  
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Indianapolis, Indiana 46204

Group Member Caitlin Hegg  
U.S. Department of Labor Wage and Hour Division  
Portland, Oregon 97205

Group Member Ritchie Huang  
Daimler Truck North America  
Portland, Oregon 97217

**C CRASH SUMMARY**

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

## **D SUMMARY DETAILS OF THE MOTOR CARRIER FACTORS INVESTIGATION**

This investigation will focus on the motor carriers in this crash, Waypoint Logistics and J. Ruiz Farm Labor Contractors, and C.R. England. Oversight of the maintenance of the accident vehicles, qualification, training, drug testing, hours of service, and medical qualification of the accident drivers. The report will also examine the regulatory oversight of the carriers by the Federal Motor Carrier Safety Administration, The Department of Labor, as well as the State of Oregon.

### **1. MOTOR CARRIER INFORMATION FOR**

#### **Waypoint Logistics LLC**

##### **1.1. Current Information**

Waypoint Logistics LLC, hereafter (Waypoint) was started in 1987 and was issued a US DOT Number 52384. The carrier has MC number 408107 because it is an interstate carrier and is required to have operating authority. The carrier started as the in-house carrier for Leer Group and operates (4) factories/ terminals in the United States. The crash driver operated out of the terminal in Woodland, California. The latest MCS-150 lists 74 trucks and 133 trailers and 75 drivers.<sup>1</sup>

The carrier's Principal Place of Business (PPOB) is 28858 Ventura Dr Elkhart, Indiana. The carrier is overseen by the Federal Motor Carrier Safety Administration (FMCSA). At the time of the crash, the carrier did not have an alert in the Safety Measurement System (SMS). The carrier has never had a new entrant audit as it received its USDOT number prior to the new entrant audit being implemented. The carrier has had 165 inspections since April 2021 resulting in 19 unsafe driving violations, 15 HOS violations, 1 drug/Alcohol and 1 driver fitness violation. Waypoint has had six (6) reportable crashes since December 2021.

Waypoint is the in-house carrier for Leer Truck Tops and delivers product in both interstate and intrastate commerce. These products are delivered nationally to retail dealers. Each terminal covers a geographic area, The carrier has locations in Milton, PA, Elkhart, IN, Woodland, CA and a plant in Mexicali, MX. Serviced from the U.S. side of the border.

Carrier strictly transports its own products and delivers to retail outlets that sell truck tops. All terminals report to the home office in Indiana. Each terminal has a fleet of drivers assigned to that terminal, and a terminal manager who oversees that terminal location and the drivers assigned to the terminal.

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<sup>1</sup> See Motor Carrier Attachment -Waypoint Logistics LLC MCS-150 dated April 13, 2023  
MOTOR CARRIER  
GROUP CHAIR'S FACTUAL REPORT

## **1.2. The Waypoint Driver**

The Waypoint driver is a 52-year-old male. The driver has a class A California Commercial Driver's License (CDL) with Tank and Doubles/Triples endorsement and no Restrictions. The CDL was issued on December,2021 and expires in October,2026.<sup>2</sup>

The driver has current two-year medical certificate issued on July 2021 and is valid until July 2023. The driver's current medical certificate and long form were provided by the carrier. The driver had worked for the motor carrier since January 2022. For further information on the medical certificates see the *Human Performance and Medical Officers Group Chairman reports* in the docket for this investigation.

## **1.3. Waypoint Driver's Driving Record**

A Commercial Driver License Information System (CDLIS) report was obtained, and it did list a conviction in 2021. This was based on a failure to obey traffic signal/light ticket issued by Sacramento, California on February 02, 2023. This violation was not in a Commercial Motor Vehicle (CMV) The CDLIS report did not list any other conviction or withdrawal. The report did not list any license restrictions.<sup>3</sup>

A California DMV report was obtained dated November 21, 2022, and listed the same information as the CDLIS report.<sup>4</sup>

## **1.4. Waypoint Driver's Driver Qualification File**

The Waypoint driver's driver qualification (DQ) The file followed the requirements found in the FMCSR's relating to DQ files as found in CFR Part 391. The file contained the following documents:

- A copy of the driver's CDL.
- application for employment.
- medical certificate.

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<sup>2</sup> 49 CFR Part 383 details the requirements for a Commercial Driver's License (CDL) A commercial driver's license (CDL) is a driver's license required to operate large, heavy, or placarded hazardous material vehicles in the United States. Certain specialized types of vehicles such as buses or tank trucks or carry hazardous materials, require the proper endorsements on your CDL. Endorsements include Passenger (P), allowing you to carry passengers; Tank (T), allowing you to drive trucks containing liquid cargo; and H (Hazardous Materials), allowing you to drive trucks containing such hazardous materials as flammable liquids, explosives, or radioactive substances. To obtain an endorsement, passing a specialized knowledge exam and a specialized driving skills test is required.

<sup>3</sup> See Motor Carrier Attachment - CDLIS Report for the Waypoint Driver dated May 23, 2023.

<sup>4</sup> See Motor Carrier Attachment -California Driver History Abstract for Waypoint Driver dated November 21, 2022

- motor vehicle report (MVR)
- copy of the Pre-Employment drug test.
- A PSP Driver Report.
- Past Employment Verification requests.
- Drug Clearinghouse Report.

### **1.5. Waypoint Hiring Guidelines**

The minimum driver qualification standards adopted by Waypoint for new hires consists of the following:

- Applicant's name, address, date of birth, and social security number.
- Applicant's address(es) for 3 years preceding date of application.
- Date of application.
- Issuing state, number, and expiration date of applicant's operator's license.
- Nature and extent of applicant's experience operating motor vehicles.
- List of all motor vehicle accidents in which applicant was involved during last 3 years.
- List of all violations of motor vehicle laws and ordinances of which applicant was convicted or forfeited bond or collateral during the last 3 years.
- A statement detailing facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle issued to the applicant, or a statement that no such denial, revocation or suspension has occurred.
- List of the names and addresses of applicant's employers during the last 3 years, including dates of employment and reason(s) for leaving. If the applicant will operate a commercial motor vehicle that has a GVWR of 26,001 pounds or more, is designed to carry more than 15 people, or is any size used to carry hazardous materials, he/she must also list employment for which he/she operated a commercial motor vehicle during the 7 years preceding the 3 years mentioned above.

- For each previous employer listed on the application, an indication whether the applicant was subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by that previous employer, and whether the job was designated as a safety sensitive function subject to the drug and alcohol testing requirements of 49 CFR Part §40.
- A certification statement that the information supplied is correct, the applicant's signature line and a date line.<sup>5</sup>

### **1.6. Waypoint Safety Policies.**

Waypoint did not offer any training. Waypoint did have a 42-page Drivers Handbook outlining company policies and procedures. This was last updated in 2014. Waypoint stated that they had a safety program which consisted of the Drivers Handbook and safety meetings that would review safety related topics or issues. The carrier provided copies of the meetings showing the waypoint driver last attended a meeting on March 12, 2023. This meeting covered trailer inspections, getting in and out of trailers, accident reviews and a wage increase. The last meeting was held on May 21, 2023. The driver did not attend this meeting.

Waypoint also offers a performance/safety bonus for over the road drivers<sup>6</sup>. The Waypoint driver was enrolled in this program in 2022 and received some bonus payments.

The Waypoint driver's manual contained the following documents some of which required the driver to acknowledge receipt of:

- Statement of Safety Policy.
- Commercial Driver License Standards.
- Texting, Cell Phone and Distracted Driving.
- Passenger Policy.
- Drug and Alcohol Policy.
- Defensive Driving.
- Driver Responsibilities, this section was an overview of the drivers would be held accountable for.

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<sup>5</sup> See Motor Carrier Attachment - Waypoint Driver Requirements from Driver's Handbook Page's 5-6

<sup>6</sup> See Motor Carrier Attachment - Waypoint Performance/Safety Bonus-OTR Drivers Info Sheet.

The manual was 42 pages and included a receipt showing the driver had received the manual and would comply with the contents. This receipt was not located in the driver’s DQ file, but the file did contain a signed copy of the notification of convictions for driving violations.<sup>7</sup>

Waypoint does not have any inward or forward-facing camera systems installed in their trucks. The carrier did however have a driver monitoring system that operated in conjunction with the electronic logging device (ELD). The ELD system is provided by GEO Tab.<sup>8</sup>

This system records all hard braking and acceleration events as well as sharp turns and crashes. Waypoint provided a “ Rules Report” of data captured from April 19, 2023, until May 18, 2023. From April 19 until May 17 the system recorded 6 events. On May 18 the system recorded 51 events leading up to the time of the crash. Waypoint also has governed its company trucks at 70 miles per hour.

### **1.7. Waypoint Driver’s Hours of Service**

In the seven days prior to crash the accident driver had been on duty for approximately 53.00 hours.

Date	Times worked	Source	Total Hours
May 12, 2023	Driving: 4.37 Hours	ELD and Payroll Records	On Duty & Driving 8.55 Hours
May 13, 2023	Driving: 4.54 Hours	ELD and Payroll Records	On Duty & Driving 10.09 Hours
May14, 2023	Driving: 6.52 Hours	ELD and Payroll Records	On Duty & Driving 10.78 Hours
May 15, 2023	Driving: 1:44 Hours	ELD and Payroll Records	On Duty & Driving 2.54 Hours
May 16, 2023	Off Duty 24 Hours	ELD and Payroll Records	Off Duty
May 17, 2023	Driving: 7.06 Hours	ELD and Payroll Records	On Duty & Driving 13.38 Hours

<sup>7</sup> See Motor Carrier Attachment - Waypoint Driver Handbook Table of Contents Page 2.

<sup>8</sup> See [One Platform - Total Fleet Management | Geotab](#)

May 18, 2023	Driving: 2.53 Hours	ELD and Payroll Records	On Duty & Driving 7.66 Hours at the Time of the Crash
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The Oregon DOT performed a post-crash inspection and listed four hours of service violations for the crash involver driver. Those violations included:

- Driving beyond 14-hour duty period (Property carrying vehicle) - Nominal Violation: 5/13/2023 driving at 14 hours 3 minutes.
- Driving beyond 14-hour duty period (Property carrying vehicle) - Nominal Violation: 5/15/2023 driving at 14 hours 53 minutes.
- Driving beyond 14-hour duty period (Property carrying vehicle) - Nominal Violation: 5/17/2023 driving at 14 hours 33 minutes.
- False Record of Duty Status- Improper use of Personal Conveyance Exception: False Log on 5/17/2023 used PC to drive 9 miles around Roseburg, OR and then used PC to drive 12 miles to Sutherlin, OR. BOL shows drop in Eugene, OR. PC used to advance load.

The driver was also cited for "Driver on duty and in possession of a narcotic drug/amphetamine: Driver arrested at the time of crash."<sup>9</sup>

### **1.8 Waypoint Hours of Service (HOS) Oversight**

The carriers' hours of service are overseen by its Safety Dept. at the corporate headquarters. The Safety Dept. gets a reporting each day of the previous day's logbook violations from GEOTAB system, and from driver self-reporting. If an issue is discovered, e-mails are sent to terminal managers, and dispatchers. Corrective actions are taken by terminal managers against drivers. Occasionally, RODS are spot-checked by terminal managers. The carrier records showed three (3) Hours of Service violations in November of 2022. This information was noted on the safety bonus records. There was no indication that the safety department was notified of the violations on the "Rules Report" referred to above.

Monitoring of RODS are done mostly at the terminal level, but not on a regular basis, with violations reported to the Safety Dept. in Elkhart, IN.

### **1.9 Waypoint Driver Contact and Oversight**

Waypoint did not appear to have much personal contact with the drivers. The drivers are sent a text message to advise them when the loads are loaded and ready for dispatch. The drivers have the keys to their assigned tractors. The drivers are free

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<sup>9</sup> See Motor Carrier Attachment Oregon DOT Driver/Vehicle Examination Report dated June 7, 2023.  
MOTOR CARRIER  
GROUP CHAIR'S FACTUAL REPORT





## **1.12. Crash Trip**

On May 17, 2023, the Waypoint driver started his shift at 2:06 A.M. in Woodland, CA. He drove to Sutherlin, OR. This is a distance of 417 miles. The driver then logged off duty at 5:30 P.M. The driver started his shift on May 18, 2023, at 06:30 A.M in Sutherlin, OR. The driver made three deliveries one in Springfield, OR and two in Eugene, OR. The driver then started driving northbound on I-5 to Salem, OR where he had five canopies to deliver. The crash occurred approx. 14 miles south of Salem, OR. The trip had a total of 12 stops and would have ended in Vancouver, WA.

## **1.13. Maintenance**

The striking vehicle was a 2018 Freightliner Truck-Tractor which is owned by Penske Truck Leasing Co. LP and on long term lease to Waypoint Logistics LLC. The semi-trailer was a 2014 Utility Soft-Side which is owned by Penske Truck Leasing Co. LP also on long term lease to Waypoint. The truck-tractor had its last Federal Annual Inspection on March 6, 2023 at 642,118 miles. The truck-tractor had its last PM service on the same date and miles.

The 2014 Utility trailer had its last Federal Annual Inspection on April 5, 2023. This was on the 90-day inspection cycle. This was obtained from the maintenance records, fuel receipts, and ELD records which were provided by Waypoint and Penske. At the time of the crash there were 655,387 miles on the truck-tractor. Based on the maintenance files provided by Penske and Waypoint both vehicles received regular maintenance and were on a preventive maintenance program as required by 49 CFR 396. The Oregon DOT performed a post-crash inspection of both vehicles and did not list any pre-crash violations.

Further information on the vehicles or vehicle maintenance can be found in the *Vehicle Factors Group Chairman's Report* in the docket for this investigation.

## **2. MOTOR CARRIER INFORMATION FOR**

### **J Ruiz Farm Labor Contracting**

#### **2.1 Current Information**

J Ruiz Farm Labor Contracting, hereafter (Ruiz) was started in 1994 and was issued a US DOT Number 2412199. The carrier does not have MC number because it is not a for hire carrier and required to have operating authority. The carrier is registered as an Intrastate Non-Hazmat carrier of private property. The MCS-150 is to Jerry and Jeff Ruiz with a BDA of J & J Farms. The carrier was never in the new entrant program. The latest MCS-150 lists 6 straight trucks and 4 drivers.<sup>13</sup>

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<sup>13</sup> See Motor Carrier Attachment MCS-150 for Jerry & Jeff Ruiz dated January 14, 2013.

The carrier's Principal Place of Business (PPOB) is 10855 Portland Rd N.E. in Brooks, Oregon 97305. At the time of the crash Ruiz was not alert in any of the Basics nor had they been inspected during that period.<sup>14</sup> Ruiz had not updated their MCS-150 carrier registration as required and was outdated.

Ruiz is a farm labor contractor. It hires workers to perform farm labor and then contracts with local farm operators to work in their farm operations. These operations are limited to Marion and Linn counties in the Willamette valley of Oregon.<sup>15</sup>

The employees report to the office in Brooks and then travel to the job site they have been assigned to perform farm labors. They return to the office at the end of their shift each day. Ruiz pays them weekly.

Ruiz utilities company owned vans to transport the employees to and from the job sites. The carrier often tows a small utility trailer with a mounted Porta-Potty to the job sites if sanitation facilities are not provided by the farm owner.



**Figure 1: Photo of exemplar porta-potty trailer used by the contractor when on a job site.**

<sup>14</sup> See Motor Carrier Attachment Ruiz Safety Profile at the time of the crash.

<sup>15</sup> See Wikipedia explanation of the Willamette valley in Oregon State.

The van involved in the crash was towing a similar trailer at the time of the crash.

## **2.2 Federal Oversight - Federal Motor Carrier Safety Administration**

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses.

Because Ruiz was an intrastate motor carrier the FMCSA's oversight was limited to Drug/Alcohol Testing (49 CFR Part 382) and Commercial Driver's Licenses (CDL) 49 CFR Part 383.

49 CFR Part 382 details the requirements of controlled substances, alcohol use and testing requirements. Under this Part, carriers who employ drivers who operate CDL required commercial motor vehicles (CMVs) are subject to six testing procedures. These tests include pre-employment drug testing (§382.301); Random drug and alcohol testing (§382.305); post-accident drug and alcohol testing (§382.303); and reasonable suspicion drug and alcohol testing (§382.307). The additional two requirements are also outlined in Part 40 of the Federal Motor Carrier Safety Regulations (FMCSRs) which include Subpart B- Employer Responsibilities, and Subpart O-Return to Duty. These additional testing requirements include Return-to-duty drug and alcohol testing (§382.309) and Follow-up drug and alcohol testing (§382.311).

49 CFR Part 383 details the requirements for a Commercial Driver's License (CDL) A commercial driver's license (CDL) is a driver's license required to operate large, heavy, or placarded hazardous material vehicles in the United States. Certain specialized types of vehicles such as buses or tank trucks or carry hazardous materials, require the proper endorsements on your CDL. Endorsements include Passenger (P), allowing you to carry passengers; Tank (T), allowing you to drive trucks containing liquid cargo; and H (Hazardous Materials), allowing you to drive trucks containing such hazardous materials as flammable liquids, explosives, or radioactive substances. To obtain an endorsement, passing a specialized knowledge exam and a specialized driving skills test is required. To obtain a School Bus (S) endorsement, most states require a thorough background check as well as the knowledge exam and skills test.

As a result of this crash (FMCSA) reviewed the carrier operations in person and concluded that because there was not any interstate activity in the previous 365 days and additionally, it was determined that the carrier was not operating any CMVs that required a CDL and was not subjects to the FMCSRs. As such, it was determined that FMCSA lacked jurisdiction over this carrier and did not conduct a compliance review.

## **2.3 United States Department of Labor Wage and Hour Division**

The US Department of Labor (DOL) Wage and Hour Division provides regulatory oversight to the hiring, transportation, and housing of migrant and agricultural workers. The Federal regulatory oversight for farming operations that utilize migrant or seasonal agricultural workers are outlined under 29 CFR 500. The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) administered by the Wage and Hour Division of the DOL protects migrant and seasonal agricultural workers by establishing standards for wages, housing, transportation, and recordkeeping.<sup>16</sup>

A farm labor contractor (FLC) is any person - other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association - who for any money or other valuable consideration paid or promised to be paid, recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker; these are referred to as "farm labor contracting activities." Before performing any farm labor contracting activities, FLCs are required to apply to the DOL for a Certificate of Registration that authorizes the applicant to engage in "farm labor contracting activities." Persons employed by FLCs (farm labor contractor employees) to perform such activities on behalf of the contractor are also required to register with the DOL.

Farm labor contractors must register with the DOL and obtain authorization before conducting any FLC activities. Specific authorization is required for housing, transporting, or driving. If an application is approved by the DOL, the FLC is issued a U.S. Department of Labor Farm Labor Contractor Certificate of Registration Card (WH-511).<sup>17</sup>

Ruiz as a farm labor contractor is required by DOL to have a bond as well as workers compensation insurance and vehicle insurance for the vehicles they operate.

MSPA also requires one of three insurance options: Option A-liability insurance coverage options that may represent amounts of \$100,000 per seat in a vehicle up to \$5,000,000 for any one vehicle; Option B- a surety bond up to \$500,000 for damages; or Option C- Obtain workers compensation coverage. Ruez had all the required insurance coverages.<sup>18</sup>

The carrier was subject to 29 CFR 500. The 2001 Ford F-350 van and crash driver were subject to the following regulations under MSPA.

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<sup>16</sup> See Motor Carrier Attachment US Department of Labor Fact Sheet 50 Transportation under the MSPA.

<sup>17</sup> See Motor Carrier Attachment Ruiz Farm Labor Contractor Registration Certificate

<sup>18</sup> See Motor Carrier Attachment Ruiz Labor Contractor Bond and insurance certificates.

## **2.4 The Ruiz Driver**

Under MSPA the driver was required to hold a current valid motor vehicle operator's license or Commercial Driver's License (CDL) and DOL medical certificate.

The driver was a 41-year-old male who had been working for Ruiz for 17 years. He had been driving the vans for the last seven (7) years and was considered the lead man on the crew. He held a valid Oregon driver's license that was issued in April 2022 and set to expire in November 2030. This was not a CDL as the vehicle he was operating was not a CDL. The vehicle even with the Porta-Potty trailer attached had a GVWR under 10,001 LBS. and did not require a CDL.

## **2.5 The Ruez crash vehicle**

Under MSPA, vehicles must comply with the applicable safety standards contained in the regulations under 29 CFR §500.104 or the Department of Transportation (DOT) standards incorporated at 29 CFR §500.105 and with all applicable Federal and State safety standards which includes the use of seat belts required under state law. Oregon is not a primary seat belt jurisdiction so the only required usage is by the driver. The driver was out of the vehicle as it was parked on the shoulder of the rest area when struck.

The vehicles used by Ruiz had to be registered with DOL. Ruiz had registered the van as required.<sup>19</sup>

The vehicle in this crash was a 2001 Ford E-350 9-15 passenger van. The van had regular service while in service with Ruiz.

The services were as follows:

- November 7, 2020
- April 23, 2022
- April 17, 2023
- August 24, 2022
- August 28, 2022
- April 17, 2023
- May 6, 2023

These services were performed by an outside shop, and the invoices provided by Ruiz.<sup>20</sup>

The vehicle was inspected by the DOL on November 27, 2022, and this inspection was recorded on the appropriate DOL form WH-151<sup>21</sup>

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<sup>19</sup> See Motor Carrier Attachment DOL Vehicle Registration list for Ruiz Farm Contractors.

<sup>20</sup> See Motor Carrier Attachment Ruiz Farm Contractors Work Orders for Van # 2026.

<sup>21</sup> See Motor Carrier Attachment DOL Form WH-151 dated November 27, 2022

## **2.6 The Crash Trip**

The trip started at 7am in Brooks, Oregon. The driver was lead employee for this assignment. The group traveled to beet fields near Albany, Oregon. They arrived around 08:30A.M. and completed their work around 1:00.PM. The crew was returning to the company office in Brooks, Oregon. The driver noticed that there were paper towels being blown off the trailer. The driver stated he went to the rest area because it would have room to stop off the highway and fix the problem. He stopped behind the C.R. England CMV towing a "Target" trailer. The driver stated he was the only person to get out of the van. He fixed the paper towel issue and saw the semi-truck coming toward the van. He ran to get out of the way of the semi-truck. The driver stated he heard the crash and returned to the van. The driver stated to DOL investigators that he tried to get the passenger out of the front seat of the van but could not as the door would not open.

## **2.7 Oregon Department of Motor Vehicles**

The Oregon Department of Motor Vehicles (DMV) has the responsibility for licensing both vehicles and driver in Oregon. The DMV also administers the Vehicle Code Book which contains many Oregon laws about vehicle registration, driver licensing and the rules of the road. The complete listing of Oregon laws can be found on the [Oregon Legislature website](#) (Volume 19, Title 59, Chapters 801-826). Chapter 825 deals with motor carriers. Chapter 825.024 is the applicability to farm vehicles. Farm Vehicles are largely exempt from regulation in Oregon except for licensing and insurance. The van used by Ruiz was properly licensed and had the proper insurance coverage.<sup>22</sup>

## **3. MOTOR CARRIER INFORMATION FOR**

### **C.R. England**

#### **3.1 Current Information**

C.R. England Inc , hereafter (England) was started in 1920 and was issued a US DOT Number 28406 in 2005. The carrier has MC number 124679 because it is an interstate carrier and is required to have operating authority. The carrier started hauling produce and agriculture products. The latest MCS-150 lists 4,254 truck-tractors and 8,936 trailers and 4202 drivers.<sup>23</sup>

The carriers Principal Place of Business (PPOB) is 4701 W 2100S Salt Lake City, Utah. The carrier is overseen by the Federal Motor Carrier Safety Administration (FMCSA). At the time of the crash, the carrier was alert in the crash basic in the Safety

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<sup>22</sup> See Motor Carrier Attachment Certificate of Liability Insurance

<sup>23</sup> See Motor Carrier Attachment C.R. England Inc MCS-150 dated January 3, 2024.

Measurement System (SMS) at an 85<sup>th</sup> percentile. The carrier had 177 reportable crashes in 2023. The carrier also received 6,047 inspections. The last rated compliance review done in 2014 was satisfactory. England has 16 rated compliance reviews and 15 non-rated reviews since December of 1986.

The carrier has never had a new entrant audit as it received its USDOT number prior to the new entrant audit being implemented.

### **3.2 The C.R. England Driver**

The England driver is a 37-year-old male. The driver has a class A Oregon CDL with an E Restrictions "No Manual Transmission CMV." The CDL was issued in October 2022 and expires in October 2028. The driver has current two-year medical certificate issued in July 2022 and is valid until July 2024.

The driver's current medical certificate as provided by the carrier. The driver had worked for the motor carrier since September 2022. The driver got his CDL by attending the C.R. England driving school.

### **3.3 England Driver's Driving Record**

A Commercial Driver License Information System (CDLIS) report was obtained, and it did not list any convictions. The CDLIS report did list three withdrawals. The withdrawals were for failure to maintain required insurance and failure to file proof of insurance. The other withdrawal was for failure to file an accident report. All these withdrawals are administrative actions and currently suspended. The report did list a E- restriction" No Manual Transmission equipped CMV."<sup>24</sup>

### **3.4 England Post Crash Drug Test**

C.R. England hired a mobile drug testing service to administer post-crash DOT drug and alcohol testing as required by 49 CFR Part 382 The post-accident drug and alcohol testing (§382.303). The results of both tests were negative.<sup>25</sup>

### **3.5 England Driver's Hours of Service**

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<sup>24</sup> See Motor Carrier Attachment - CDLIS report for the England Driver dated June 6, 2023.

<sup>25</sup> See Motor Carrier Attachment Post Crash Test results MRO Letter dated May 22, 2023



In the seven days prior to crash the England driver had been on duty & driving for approximately 34.44 hours. The vehicle was parked at the time of the crash.

Date	Hours Worked	Source	Total Hours
May 12, 2023	Driving: 8.45 Hours	ELD Records	On Duty & Driving 9.54 Hours
May 13, 2023	Off Duty 24 Hours	ELD Records	Off Duty
May 14, 2023	Off Duty 24 Hours	ELD Records	Off Duty
May 15, 2023	Driving: 1:19 Hours	ELD Records	On Duty & Driving 1.62 Hours
May 16, 2023	Driving: 9.38 Hours	ELD Records	On Duty & Driving 11.60
May 17, 2023	Driving: 7.35 Hours	ELD Records	On Duty & Driving 7.86 Hours
May 18, 2023	Driving: 2.44 Hours	ELD Records	On Duty & Driving 3.82 Hours at the Time of the Crash

### 3.6 Crash Trip

On May 18, 2023, the England driver started his shift at 10:00 A.M. in Vancouver, Washington. He got an empty Target trailer and drove to the Target Distribution center in Albany, Oregon. This is approximately 84 miles. The driver then logged on duty not driving at 12:15 P.M. He then moved equipment in the target distribution center and hooked up to his trailer for the trip to Missoula, Montana. He departed the distribution center at approximately 1:30 P.M. to driver toward Missoula. He stopped at the Santiam rest area at approximately 2:00 P.M. this approximately 22 miles. The driver then logged off duty to take his DOT required 30-minute break. The crash occurred as the driver was parked on the shoulder at the Santiam River rest area. According to his recorded interview he was just putting his seatbelt back on when the impact occurred.<sup>26</sup>

### 3.7 Maintenance

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<sup>26</sup> See Motor Carrier Attachment Recorded interview with C.R. England driver dated June 13, 2023  
MOTOR CARRIER  
GROUP CHAIR'S FACTUAL REPORT

The C.R. England vehicle was a 2024 Freightliner Truck-Tractor which is owned by C.R. England. The truck-tractor had 8,023 miles at the time of the crash. The tractor had just been licensed on April 11, 2023.

The 2023 Utility trailer had its first Federal Annual Inspection in February 2023. The trailer had been manufactured in February, 2023. The trailer was owned by Target corporation and had 8,118 miles on it at the time of the crash. As the vehicles were parked at the time of the crash there were not any post-crash inspections performed.

### **3.8 C.R. England Safety Policies.**

C.R. England operates a CDL training school that the driver had attended to qualify for his CDL. C.R. England does have a Driver Employee Policy Manual that on page 67<sup>27</sup> outlined C.R. England Roadside Parking Policy. This was last updated in 2022. C.R. England also has safety flyer that outlines the carrier's policy on roadside parking.<sup>28</sup>

The driver was asked during his interview why he chose to park on the shoulder in front of the rest area rather than proceeding into the rest area. He stated that when he takes his DOT mandated 30 minute rest break, he does not want to take a parking space in the rest area in case another CMV would need the spot for their 10-hour rest period. He also stated that he sees trucks parked on the shoulder where he was parked all the time.

The rest area shoulder at the Santiam River Rest area is Approximately 18 feet wide from the fog line on I-5 to the grass shoulder. This area is not marked as parking is prohibited. Below is a photo of the shoulder in front of the North-Bound I-5 Santiam Rest Area where the crash occurred.

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<sup>27</sup> See Motor Carrier Attachment Page 67 of the C.R. England Driver Employee Policy Manual.

<sup>28</sup> See Motor Carrier Attachment Safety Flyer " Park Safely and legally"



**Figure 2: Photo of the shoulder looking North at the Santiam Rest Area on I-5.**

#### **4.0 Oregon DMV Parking Regulations found in Volume 19, Title 59, Chapters 811.550**

The State of Oregon generally prohibits stopping, standing, and parking adjacent to a thoroughfare in the above Chapter. Chapter 811.550 has 24 definitions of where this would apply and In Chapter 811.560 has exemptions to the 24 definitions.<sup>29</sup>

The Ruiz vehicle had stopped to repair a mechanical issue with the porta-potty trailer and was parked next to the grass shoulder of the shoulder. The C.R. England truck was ahead of the van. The driver was taking his DOT mandated 30 minuet break.

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<sup>29</sup> See Motor Carrier Attachment Oregon DMV Volume 19, Title 59, Chapters 811.550 and 811.560.

**F ATTACHMENTS:**

Motor Carrier Attachment: Waypoint Logistics LLC MCS-150 dated April 13, 2023

Motor Carrier Attachment: CDLIS Report for the Waypoint Driver dated May 23, 2023.

Motor Carrier Attachment: California Driver History Abstract for Waypoint Driver dated November 21, 2022.

Motor Carrier Attachment: Waypoint Driver Requirements from Driver's Handbook Page's 5-6

Motor Carrier Attachment: Waypoint Performance/Safety Bonus-OTR Drivers Info Sheet.

Motor Carrier Attachment: Waypoint Driver Handbook Table of Contents page 2.

Motor Carrier Attachment: Oregon DOT Driver/Vehicle Examination Report dated June 07,2023.

Motor Carrier Attachment: MCS-150 for Jerry & Jeff Ruiz dated January 14, 2013.

Motor Carrier Attachment: Ruiz Safety Profile at the time of the crash.

Motor Carrier Attachment: US Department of Labor Fact Sheet 50 Transportation under the MSPA.

Motor Carrier Attachment: Ruiz Farm Labor Contractor Registration Certificate

Motor Carrier Attachment: Ruiz Labor Contractor Bond and insurance certificates.

Motor Carrier Attachment: DOL Vehicle Registration list for Ruiz Farm Contractors.

Motor Carrier Attachment: Ruiz Farm Contractors Work Orders for Van # 2026.

Motor Carrier Attachment: DOL Form WH-151 dated November 27, 2022.

Motor Carrier Attachment: Certificate of Liability Insurance.

Motor Carrier Attachment: C.R. England Inc MCS-150 dated January 3, 2024.

Motor Carrier Attachment: CDLIS report for the England Driver dated June 6, 2023.

Motor Carrier Attachment: Post Crash Test results MRO Letter dated May 22, 2023.

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Motor Carrier Attachment: Recorded interview with C.R. England driver dated June 13, 2023.

Motor Carrier Attachment: Page 67 of the C.R. England Driver Employee Policy Manual.

Motor Carrier Attachment: C.R. England Safety Flyer " Park Safely and legally"

Motor Carrier Attachment: Oregon DMV Volume 19, Title 59, Chapters 811.550, 811.55 and 811.560.

Submitted by

Michael LaPonte

Motor Carriers Group Chair