

National Transportation Safety Board

Office of Highway Safety

Washington, DC 20594



HWY23MH004

MOTOR CARRIER

Group Chair's Factual Report - Supplemental

04/01/2024

The purpose of this supplemental report is to provide additional information that was not included or readily available at the time the *Motor Carrier Factors Group Chair's Factual Report* was completed and released in the public docket. This report documents the post-crash compliance review, enforcement actions conducted by the Federal Motor Carrier Safety Administration (FMCSA) and information regarding Triton Logistics Inc., the striking vehicle involved in the Williamsburg, VA crash that occurred on December 16, 2022. The report also further explains the drug and alcohol violations documented in the post-crash compliance review.

1.0 Government Oversight/Federal Motor Carrier Safety Administration

The Federal Motor Carrier Safety Administration's Illinois Division office completed a post-crash compliance review (CR) of Triton Logistics on February 28, 2023. As a result of that on-site focused review, a notice of claim was submitted with a proposed fine of \$36,170. Triton settled the notice of claim for \$36,170.

As stated in the *Motor Carrier Factual report* and the post-crash CR the violations listed in Table 1 were cited and charged in the notice of claim.¹

Table 1 - Cited violations

49CFR Section	Violation
390.35	Providing False Supporting Documents
395.3(a)(3)(1)	11-hour violation
382.303(a)	Failure to conduct post-crash alcohol test

The violations for failure to conduct post-crash alcohol testing were cited in the post-crash CR with two separate instances with very similar circumstances. Both instances were drivers who were involved in non-injury crashes with damage that disabled the commercial vehicle and required testing under 49 CFR 382 due to the operators of the commercial vehicle having been issued traffic citations. In both cases, the tests were administered but were not administered in the required amount of time of eight hours.²

The driver in the Williamsburg, Virginia crash also did not obtain a controlled substance and alcohol test by Triton. Triton had included a letter in its files that stated due to the driver being hospitalized awaiting surgery and the driver's cellular phone

¹ [Civil Penalties | FMCSA \(dot.gov\)](https://www.fmcsa.dot.gov/civil-penalties)

² Motor Carrier Attachment - Post-Crash Compliance Review

being left in the truck after the crash, they were unable to arrange for tests to be administered within the required timelines established in 49 CFR 382.³

As mentioned in the *Motor Carrier Factors Factual Report* in the docket for this crash, the Focused Compliance Review conducted by the FMCSA resulted in a conditional rating. A conditional rating means a motor carrier did not have adequate safety management controls in place to ensure compliance with the safety fitness standards that could result in occurrences listed in 49 CFR §385.5 (a) through (k) at the moment in time the compliance review was conducted.

Carriers with a conditional safety rating are still able to conduct operations. Businesses may be affected by freight brokers not choosing to utilize carriers with a less than satisfactory rating, and insurance carriers may also choose to charge a higher rate for the conditionally rated carriers. The below table illustrates the breakdown of FMCSA regulated carriers and their assigned ratings for 2022.⁴

Table 2 - FMCSA Regulated Carriers by Safety Rating, 2022

Safety Rating	Interstate Freight Carriers	Intrastate Hazardous Materials Carriers	Interstate Passenger Carriers	All Carriers
Conditional	11,229	485	136	11,850
Satisfactory	29,634	1,662	2,410	33,706
Unsatisfactory	882	119	6	1,007
No Rating ⁵	702,245	37,649	7,120	747,014
Total	743,245	39,915	9,672	793,577

At the time of the crash and post-crash review, Triton had an “alert” status in the Unsafe Driving Behavior Analysis and Safety Improvement Categories (BASIC), with a score of 72.⁶ Triton had been in alert in this category since December 2021 according to MCMIS. The below table shows a comparison of the alert status of the BASIC alert status between December 16, 2022, and February 23, 2024.

³ [eCFR : 49 CFR Part 382 -- Controlled Substances and Alcohol Use and Testing](#)

⁴ Data Source: FMCSA, Motor Carrier Management Information System (MCMIS), data snapshot as of January 27, 2023

⁵ “No Rating” indicates that the carrier has not had an intervention by FMCSA or State Enforcement Personnel

⁶ Motor Carrier Attachment - Pre-crash ISS snapshot dated December 16, 2022

Table 3 - BASIC Scores December 2022 v. February 2024

BASIC	2022	Alert	2024	Alert
Unsafe Driving	72	Yes	66	Yes
Hours of Service	59	No	71	Yes
Driver Fitness	39	No	64	No
Controlled Substance/Alcohol	11	No	No violation	No
Hazardous Materials	No data	No	60	Yes
Crash Indicator	54	No	82	No

With the results of the post-crash compliance review and the subsequent roadside inspections listed in Section 1.0, Triton’s Inspection Selection System (ISS) score was elevated from 61 at the time of the crash to 97 as of February 23, 2024.⁷ ISS is a screening tool used by roadside enforcement personnel to prioritize carriers and vehicles for roadside inspections. The higher the score on a scale of 1-100 the more likely the vehicle would be selected for a roadside inspection. The score is based on several variables. The overall BASICs score, previous roadside inspections, and driver and vehicle out of service rates are used to calculate the ISS “score”.

2.0 Roadside Inspections

Since the post-crash compliance review (approximately one year ago), Triton has had 211 roadside inspections conducted on its vehicles and drivers.⁸ During these inspections, there have been three inspections with “False Logs” being cited as a violation.

Table 4 - False Log Violations

Date	Location	Circumstances
May 25, 2023	Pennsylvania	Driver traveled from VA to PA with no drive time shown
June 1, 2023	South Carolina	Driver used personal conveyance mode improperly to extend off-duty time
December 11, 2023	Pennsylvania	Driver’s log indicated off duty for 18+ hours when vehicle was driven 242 miles

The issues regarding false records of duty status violations (false logs) from the Williamsburg, Virginia crash centered around the creation of “fake” or ghost driver accounts in the electronic logging device system making detection during a roadside inspection difficult at best. During the post-crash investigation, several roadside inspectors had listed co-drivers in the inspection notes with statements the co-driver had been “dropped off” at truck stops. Investigation by FMCSA and NTSB investigators

⁷ Motor Carrier Attachment – Post-CR ISS Snapshot Dated February 23, 2024

⁸ Data obtained from FMCSA’s MCMIS website as of February 23, 2024

revealed that the “co-drivers” did not exist but were in fact false accounts. In the 211-post compliance review roadside inspections, there were no co-drivers listed or referred to in the notes sections.

Post-crash, Triton had taken several actions to address the ELD issues discussed in the Motor Carrier Group Chair Factual report. Among these actions, they chose to change ELD providers from RoadStar and to retain a safety consulting company to revamp and monitor their hours-of-service program. At the time of discussion, Triton was evaluating both Samsara and XELD as alternatives. Triton stated the reason behind switching ELD providers was to ensure there were no errors or issues with account management and user access.

Triton’s Samsara camera system had alerts set for unsafe driving actions outlined in the factual report. During an interview with carrier officials, they stated that the crash driver only had two warnings in his file since his hire date. One for a harsh braking event and another for an unsafe following distance event. The driver had been warned about these events as they were his first unsafe driving actions reported by the Samsara system.

3.0 List of Attachments

Motor Carrier Attachment - Post-Crash Compliance Review
Motor Carrier Attachment - Pre-crash ISS snapshot dated December 16, 2022
Motor Carrier Attachment - Post-CR ISS snapshot dated February 23, 2024

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