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Examples of FMCSA IH Orders

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FMCSA Declares Alabama-based Trucking Company to be an Imminent Hazard to Public Safety

Thursday, April 27, 2017

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) has ordered a Beatrice, Alabama-based trucking company, Jeffery Finklea, doing business as J & L Trucking, USDOT No. 2479654, to immediately cease all interstate and intrastate operations after a federal investigation found the company to pose an imminent hazard to public safety. J & L Trucking, which operates two trucks transporting general freight, was served the federal order on April 24, 2017.

On March 28, 2017, a truck operated by J & L Trucking crossed the centerline on Alabama's State Highway 13 in Fayette County, colliding head-on with a passenger vehicle and fatally injuring both of its occupants.

The J & L Trucking driver admitted to Alabama Department of Public Safety officers that he had fallen asleep while driving. State law enforcement investigators at the crash scene found that the driver did not possess his records-of-duty-status for the preceding seven days and had no valid medical certificate, both required by federal safety regulations. In addition, the state investigators found multiple violations on the J & L Trucking vehicle, including unsafe, worn tires, and oil and grease leaks.

A post-crash investigation conducted by FMCSA safety investigators further found the company to be in violation of multiple federal safety statutes and regulations, including:

* Failing to ensure that its vehicles were regularly inspected, maintained, repaired and met minimum safety standards. During FMCSA's investigation, J & L Trucking officials could not produce any maintenance files or records, including copies of roadside inspections or vehicle repair receipts showing that vehicle out-of-service defects had been repaired. The company owner claimed he conducted periodic inspections and serviced the brakes of the vehicles – although he was not qualified to perform those functions. In the past 24 months, J & L Trucking vehicles were subjected to 12 unannounced roadside safety inspections; on nine occasions, the truck was ordered out-of-service for serious safety violations ranging from inoperative required lights, unsafe, worn tires, oil and grease leaks, damaged or discolored windshield, to missing or defective brake warning components.

* Failing to properly monitor its drivers to ensure compliance with maximum hours-of-service requirements prohibiting fatigued operation of commercial motor vehicles. During FMCSA's investigation, J & L Trucking officials could not produce any records-of-duty-status for two of its three drivers. One driver admitted he was unfamiliar with filling out a driver's log book – and had never done so. Another driver said he insisted on turning in his records-of-duty-status, but J & L Trucking officials failed to review them for compliance with federal safety regulations.

* Failing to comply with any driver qualification requirements, including ensuring that its drivers were properly licensed and physically qualified to operate a commercial motor vehicle. During FMCSA's investigation, J & L Trucking officials could not produce any driver qualification file with the requisite employment application, medical certificate, driver road test certificate, state motor vehicle record, prior employer inquiry or record of violations. The one employment application the company's officials did provide was found to be fraudulent.

FMCSA's investigation found that J & L Trucking's inadequate vehicle maintenance program, its failure to ensure its drivers were qualified and its failure to monitor its drivers for compliance with federal safety regulations "...substantially increases the likelihood of serious injury or death for its drivers and the motoring public if the operations of J & L Trucking are not discontinued immediately."

J & L Trucking may be assessed civil penalties of up to \$25,705 for each violation of the out-of-service order. The carrier may also be assessed civil penalties of not less than \$10,282 for providing transportation requiring federal operating authority registration and up to \$14,502 for operating a commercial vehicle in interstate commerce without necessary USDOT registration. If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year.

FMCSA is also considering civil penalties for the safety violations discovered during the investigation and may refer this matter for criminal prosecution.

A copy of the imminent hazard out-of-service order can be [viewed here](#).

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FMCSA Declares Georgia-based Trucking Company to be an Imminent Hazard to Public Safety

Friday, November 3, 2017

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) has ordered a Decatur, Georgia-based trucking company, Keep On Trucking, LLC, USDOT No. 2928121, to immediately cease all interstate and intrastate operations after a federal investigation found the company to pose an imminent hazard to public safety. Keep On Trucking, which transports general freight, was served the federal order on November 2, 2017.

On August 11, 2017, a Keep On Trucking truck operated by company co-owner Dwight Anthony Preddie travelling on Interstate 95 in Spotsylvania County, Virginia, failed to reduce speed from an estimated 63-miles-per-hour as it approached and entered a construction work zone. Preddie's truck collided into the rear of a Jeep Grand Cherokee estimated to be traveling at 5-miles-per hour. The Jeep was pushed into the rear of stopped tractor-trailer. The driver of the Jeep was killed and a passenger was critically injured.

Virginia State Police subsequently charged Preddie with reckless driving, driving with a suspended license and operating an uninsured vehicle. The police investigation also found that Preddie, at the time of the crash, to be in violation of federal hours-of-service regulations designed to prevent fatigued driving.

A post-crash investigation conducted by FMCSA safety investigators further found the company to be in violation of multiple federal safety statutes and regulations, including:

- * Failing to comply with any driver qualification requirements, including ensuring that its drivers were properly licensed and physically qualified to operate a commercial motor vehicle. During FMCSA's investigation, Keep On Trucking officials could not produce any driver qualification file with the requisite employment application, medical certificate, driver road test certificate, state motor vehicle record, prior employer inquiry or record of violations. Records reviewed by FMCSA investigators found that the company had in the past year allowed its drivers to operate without a valid driver's license, or with a suspended license, or without possessing a valid medical certificate.

- * Failing to properly monitor its drivers to ensure compliance with maximum hours-of-service requirements prohibiting fatigued operation of commercial motor vehicles. During FMCSA's investigation, Keep On Trucking officials could not produce any records-of-duty-status or supporting documents.

* Failing to properly monitor its drivers to ensure the safe operation of the company's commercial vehicles. During the past year, Keep On Trucking drivers have been cited for numerous violations, including reckless driving, failing to obey traffic control devices and failing to use a safety belt as required by federal regulations.

* Failing to ensure that its vehicles were regularly inspected, maintained, repaired and met minimum safety standards. During FMCSA's investigation, Keep On Trucking officials could not produce the required maintenance files or records, including copies of roadside inspections or vehicle repair receipts showing that vehicle out-of-service defects had been repaired. In the past 12 months, Keep On Trucking vehicles have been cited at roadside safety inspections for inoperable or defective brakes, broken or missing axle position components, inoperable lights, damaged windshields and battery installation deficiencies.

In addition, Keep On Trucking was also found to be in violation of the following USDOT/FMCSA commercial regulations:

* Failing to possess the requisite federal operating authority required to conduct interstate commerce.

* Failing to possess the minimum levels of insurance as required by federal regulations.

FMCSA's investigation found that Keep On Trucking's failure to ensure its drivers were qualified, its failure to monitor its drivers for compliance with federal safety regulations and its inadequate vehicle maintenance program, "...substantially increases the likelihood of serious injury or death for its drivers and the motoring public if the operations of Keep On Trucking are not discontinued immediately."

Keep On Trucking may be assessed civil penalties of up to \$25,705 for each violation of the out-of-service order. The carrier may also be assessed civil penalties of not less than \$10,282 for providing transportation requiring federal operating authority registration and up to \$14,502 for operating a commercial vehicle in interstate commerce without necessary USDOT registration. If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year.

FMCSA is also considering civil penalties for the safety violations discovered during the investigation and may refer this matter for criminal prosecution.

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FMCSA Declares Washington State-based Trucking Company and Its Driver to be Imminent Hazards to Public Safety

Thursday, December 7, 2017

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) has ordered a Tumwater, Washington-based trucking company, Even Flo Logistics, LLC, USDOT No. 2948660, to immediately cease all interstate and intrastate operations after investigators found the company to pose an imminent hazard to public safety.

A separate imminent hazard order was also served by FMCSA to Even Flo Logistics' truck driver Shawn Roberts, a state of Washington commercial driver's license (CDL) holder. The federal order prohibits Roberts from operating any commercial motor vehicle (CMV) in interstate commerce.

In August 2017, the Washington State Patrol's Motor Carrier Safety Division conducted a compliance investigation of Even Flo Logistics following roadside inspections occurring in multiple states since January 2017 that revealed repeated serious safety violations requiring that its truck driver Shawn Roberts be placed out-of-service at rate more than 13 times the national average.

Numerous serious violations of federal safety statutes and regulations were discovered, including:

- * Failing to comply with certain driver qualification requirements, including ensuring that its drivers were properly licensed to operate a CMV. Investigators discovered that on at least two occasions when Roberts possessed a CDL learner's permit only, the company allowed him to operate a truck without a licensed CDL driver with him as required. During October 2017 when Roberts' CDL had been suspended and/or withdrawn by the State of Washington, Even Flo Logistics allowed Roberts on at least one occasion to operate a truck in interstate commerce.

- * Failing to properly monitor its drivers to ensure compliance with maximum hours-of-service (HOS) requirements prohibiting fatigued operation of CMVs. Since January 2017, Even Flo Logistics' driver Roberts has been subjected to 12 roadside inspections. Roberts was cited for HOS violations in 10 of these inspections.

- * Failing to ensure it has negative pre-employment controlled substances/alcohol tests results prior to allowing drivers to operate CMVs; failing to ensure its drivers are tested within the required period when selected for controlled substances/alcohol random testing; failing to require post-accident controlled substances/alcohol testing of its driver.

* Based on the violations discovered during the Washington State Patrol investigation, the motor carrier was issued a final federal safety rating of "Unsatisfactory" and ordered to cease operations effective October 10, 2017. The motor carrier subsequently operated on at least two occasions in violation of this federal order.

The FMCSA imminent hazard out-of-service order to Even Flo Logistics stated that the carrier's ongoing noncompliance with federal safety regulations, combined with the company's demonstrated lack of safety management controls "...significantly increases the likelihood of serious injury or death to its drivers and the motoring public and establishes an imminent hazard."

Among other driver violations of federal safety regulations, Shawn Roberts has been cited for operating a CMV in violation of conditions of his CDL learner's permit; operating a CMV without a valid CDL; being on-duty while under the influence of a narcotic drug/amphetamine, and; possession of an intoxicating beverage while on-duty or driving. Roberts is also facing drug-related criminal charges in both Arizona and Wyoming. Since January 2017, while operating a CMV, Roberts has been involved in four crashes. In May 2017, Roberts reportedly posted a photograph on social media of a 12-year-old operating a CMV. In July 2017, Roberts reportedly posted a photograph on social media of a clamp attached to the gas pedal along with the caption, "When your cruise control brakes [sic] the fix."

The FMCSA imminent hazard out-of-service order to Roberts stated that his "... blatant disregard of [federal safety regulations] and continued disregard for the safety of the motoring public substantially increases the likelihood of serious injury or death to you and/or to the motoring public."

Even Flo logistics may be assessed civil penalties of up to \$26,126 for each violation of the out-of-service order. The carrier may also be assessed civil penalties of not less than \$10,000 for providing transportation requiring federal operating authority registration and up to \$14,739 for operating a commercial vehicle in interstate commerce without necessary USDOT registration. If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year.

Separately, Roberts may be assessed civil penalties of up to \$1,811 for each violation of operating a commercial motor vehicle in violation of the imminent hazard order. Knowing and/or willful violation of the order may also result in criminal penalties.

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