

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1649958	Legal: JOHNSON TRUCKING LLC Operating (DBA):
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MC/MX #: 638550	Federal Tax ID: 20-3764046 (EIN)
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Review Type: Compliance Review (CR)		
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.	Territory:

Operation Types	Interstate	Intrastate	
Carrier:	Non-HM	N/A	Business: Corporation Gross Revenue: \$3,400,000.00 for year ending: 12/31/2009
Shipper:	N/A	N/A	
Cargo Tank:	N/A		

Company Physical Address:	
2701 SOUTH EBER ROAD MONCLOVA, OH 43542	

Contact Name:	Christina M Neuenschwander	
Phone numbers:	(1) 419- 868-4647 (2)	Fax 419- 868-4672
E-Mail Address:	johnsontrucking@att.net	

Company Mailing Address:	
13205 DEER RUN WAUSEON, OH 43567	

Carrier Classification	
Authorized for Hire	

Cargo Classification	
Commodities Dry Bulk	
Does carrier transport placardable quantities of HM?	No
Is an HM Permit required?	N/A

Driver Information			
	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:	4	52	Total Drivers: 56
>= 100 Miles:			CDL Drivers: 56

Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	47	0	0				

Power units used in the U.S.: 47
 Percentage of time used in the U.S.: 100





JOHNSON TRUCKING LLC
U.S. DOT #: 1649958

Review Date:
07/21/2010

Part A

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:

200 North High St, Room 609
Columbus, OH 43215-2482
Phone: (614)280-5657 Fax:(614)280-6875

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Christina M Neuenschwander

Title: Safety Coordinator

Name: Bobby Jo Marie Johnson

Title: Vice President





Part B Violations

1 FEDERAL	Primary: 382.303(d)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered. Example Driver (b)(6); (b)(7)(C) cited as result of recordable accident 7/1/10. Accident occurred 3:10PM and alcohol test was not performed until 7:40PM.					
2 STATE	Primary: 391.11(b)(6) Secondary: 4901:2-5-02 CFR Equivalent: 391.11(b)(6)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
Description Failing to require driver to furnish list of motor vehicle traffic violations each 12 months. Example Driver (b)(6); (b)(7)(C) intrastate trip 6/24/10.					
3 STATE	Primary: 391.23(a) Secondary: 4901:2-5-02 CFR Equivalent: 391.23(a)	Discovered 3	Checked 13	Drivers/Vehicles In Violation 3	Checked 13
Description Failing to investigate driver's background. Example Driver (b)(6); (b)(7)(C) intrastate trip 6/17/10. Hire date (b)(6); (b)(7)(C).					
4 FEDERAL	Primary: 391.23(a)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1	Checked 4
Description Failing to investigate driver's background. Example Driver (b)(6); (b)(7)(C) interstate trip 6/11/10. Driver was hired (b)(6); (b)(7)(C).					
5 STATE	Primary: 391.25(a) Secondary: 4901:2-5-02 CFR Equivalent: 391.25(a)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver (b)(6); (b)(7)(C) intrastate trip 6/24/10.					
6 STATE	Primary: 391.45(b)(1) Secondary: 4901:2-5-02 CFR Equivalent: 391.45(b)(1)	Discovered 1	Checked 13	Drivers/Vehicles In Violation 1	Checked 13
Description Using a driver not medically examined and certified during the preceding 24 months. Example Driver (b)(6); (b)(7)(C) was re-examined on 4/24/10 after his old medical expired 4/2/10. Intrastate trip 4/22/10.					





Part B Violations

7 STATE	Primary: 391.51(b)(5) Secondary: 4901:2-5-02 CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).					
Example Driver (b)(6); (b)(7)(C), intrastate trip 6/24/10.					
8 FEDERAL	Primary: 391.51(b)(7)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1	Checked 4
Description Failing to maintain medical examiner's certificate in driver's qualification file.					
Example Driver (b)(6); (b)(7)(C), interstate trip 6/23/10.					
9 STATE	Primary: 395.8(a) Secondary: 4901:2-5-02 CFR Equivalent: 395.8(a)	Discovered 15	Checked 260	Drivers/Vehicles In Violation 5	Checked 7
Description Failing to require driver to make a record of duty status.					
Example Driver (b)(6); (b)(7)(C) totalled 12.25 hours from time he started until the time he stopped on 6/17/10. (Time card).					
10 FEDERAL	Primary: 395.8(a)	Discovered 3	Checked 55	Drivers/Vehicles In Violation 2	Checked 4
Description Failing to require driver to make a record of duty status.					
Example Driver (b)(6); (b)(7)(C) totalled 12.5 hours between time in and time out on his time card. Ohio-Michigan, 5/24/10.					
11 STATE	Primary: 396.9(d)(3) Secondary: 4901:2-5-02 CFR Equivalent: 396.9(d)(3)	Discovered 2	Checked 8	Drivers/Vehicles In Violation 2	Checked 8
Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business.					
Example Driver (b)(6); (b)(7)(C), Ohio inspection report 7/1/10. Truck #321.					
12 STATE	Primary: 396.11(b) Secondary: 4901:2-5-02 CFR Equivalent: 396.11(b)	Discovered 39	Checked 253	Drivers/Vehicles In Violation 7	Checked 10
Description Failing to ensure driver vehicle inspection report is complete and accurate.					
Example Driver (b)(6); (b)(7)(C), vehicle #307. No signature on 6/17/10 DVIR.					





Part B Violations

13 STATE	Primary: 396.11(c)(2) Secondary: 4901:2-5-02 CFR Equivalent: 396.11(c)(2)	Discovered 95	Checked 253	Drivers/Vehicles In Violation 9	Checked 10
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Description

Failing to retain vehicle inspection report for at least 3 months.

Example

Driver (b)(6); (b)(7)(C), vehicle #319. Report not retained 6/25/10.

14 FEDERAL	Primary: 396.11(c)(2)	Discovered 9	Checked 55	Drivers/Vehicles In Violation 4	Checked 4
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Description

Failing to retain vehicle inspection report for at least 3 months.

Example

Driver (b)(6); (b)(7)(C), vehicle #322. Report not retained 6/10/10.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0			
Total Miles Operated	322,585	Number of Vehicle Inspected (CR): 0			
Recordable Accidents	2	OOS Vehicle (MCMIS): 7			
Recordable Accidents/Million Miles	6.20	Number of Vehicles Inspected (MCMIS): 8			

Your proposed safety rating is : CONDITIONAL	Rating Factors	Acute	Critical	
	Factor 1:	S	0	0
	Factor 2:	S	0	0
	Factor 3:	S	0	0
	Factor 4:	C	0	0
	Factor 5:	N	0	0
	Factor 6:	U	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.
Null





Part B Requirements and/or Recommendations

1. 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>
2. Obtain a copy of each driver's driving record and review it annually.
3. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
4. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.
5. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
6. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
7. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
8. 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 6 on the Compliance Review. If so the motor carrier must submit the compelling evidence within five calendar days to:

Linda Gilliam
Federal Motor Carrier Safety Administration
200 North High Street, RM 609
Columbus, Ohio 43215
9. Three Strikes
Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Recurring violations of the same or related acute or critical violations (violations in the same Part of Title 49 of the Code of Federal Regulations) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action. See 49 U.S.C. '521(b), 49 U.S.C. '5123, 49 U.S.C. Chapter 149, 49 C.F.R. Part 386, Appendix A, and section 222 of the Motor Carrier Safety Improvement Act of 1999.
10. Notice: A pattern of and/or repeated violations of the same or related acute or critical 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.





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Review Date:
07/21/2010

Part C

Reason for Review: Complaint Investigation OH-2010-0155-US0324
Planned Action: Compliance Monitoring
Safestat Category: A

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews **Prior Prosecutions**
10/14/2009

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

60-Day - no Interstate Passengers or Placardable HM

Corporate Contact: Bobby Jo Marie Johnson
Corporate Contact Title: Vice President

Special Study Information: COND

Remarks:

REASON FOR INVESTIGATION:

This review was initiated because FMCSA had received a written complaint on 4/22/10, alleging that Johnson Trucking LLC was failing to properly maintain its vehicles. A subsequent complaint was filed a few days later by a different individual, charging that drivers employed by Johnson were not DOT qualified and had not been subjected to mandated drug and alcohol testing. It was further alleged that loaded vehicles regularly exceeded legal weight limits.

CARRIER OPERATION DESCRIPTION:

Johnson Trucking LLC operates a fleet of over fifty dump trucks from its principal business location in Monclova, Oh. Vehicles rarely travel beyond a 20-30 mile range, and a select few operate just beyond the Ohio-Michigan state line. Part A of this report reflects that I could only identify four vehicles that had crossed state lines in recent months. The carrier's primary officers are Owner Brandon Johnson, Vice President Bobby Jo Marie Johnson, and Safety Coordinator Christina Neuenschwander. The company owns a small number of tractor-trailer units, which it leases to other carriers. All dump trucks in its fleet range from approximately 49000 to 75000 GVW.

PRE-INVESTIGATION:

I originally contacted this carrier on 7/12/10 for purposes of setting an appointment for review. At one point during my conversation with Ms. Neuenschwander I was asked what motivated the visit, and I responded that FMCSA had received a complaint concerning various aspects of the operation. I went on to outline the parts of the regulations I would need to examine, and requested that driver and equipment lists be made available upon my arrival.

INVESTIGATION:

I arrived to begin this investigation on 7/14/10, and was promptly turned over to Ms. Neuenschwander as the only officer fully familiar with and responsible for the FMCSR. I initially reviewed the carrier's two recordable accidents, discovering that one required post-accident testing. Each was fully chargeable to the (b)(6), (b)(7)(C) driver. My review of driver files indicated that, with a few exceptions, drivers were fully qualified. There were indications that medicals had been allowed to lapse for three or four drivers, but I was unable to find driving activity between expiration and re-examination dates. Contrary to the complainant's allegations, records indicated that the company was in substantial compliance with drug and alcohol testing rules. All drivers hired since the October, 2009 review had been given pre-employment tests and the carrier had in fact exceeded required percentages of random screens. I found that in all cases mechanics had acknowledged defects noted on DVIR's, and had then prepared records itemizing corrective actions taken. Ms. Neuenschwander stated to me that the carrier maintained an in-house staff of eight mechanics to service the vehicles. My review of a standard sample revealed that each unit had been subject to an annual inspection within the past year. I examined two recent positive drug tests and





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Part C

the carrier's subsequent responses to the events. One driver was dismissed outright, and the other was retained and referred for SAP evaluation. Because the positive test for that individual was very recent, not all of the required follow-ups have been completed.

POST-INVESTIGATION INTERVENTION:

Ms. Neuenschwander was the only carrier official involved in the closing interview, at which time I advised her to clear up obvious flaws in the carrier's maintenance reporting systems. Her explanation was that DVIR's were being completed, but had simply been misfiled. Maintenance sheets prepared by mechanics indicated to me that mechanics were generally responding promptly to issues raised by drivers. I also reviewed with her the circumstances that would exempt drivers from the logging requirement, as I had noted a fairly high percentage of Part 395.8(a) violations in Part B. My final recommendation was that she establish a system that would alert her to medical expiration dates, given the large number of drivers she was responsible for. Given that the carrier's accident record had directly impacted its safety rating in this case, I offered some details on our office's crash review policy.

DOCUMENTS PROVIDED TO CARRIER:

I provided no documents to this carrier other than Parts A and B and a copy of FMCSA's Part 385 procedures.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:

