

Preserving Evidence in Trucking Injury Cases: Motor Carrier Certificates, Engine Control Module Data and More

Crafting Spoliation Letters, Securing Key Documentation, and Challenging Evidence Destruction

TUESDAY, JUNE 18, 2019

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

Bryan M. Roberts, Shareholder, **Stark & Stark**, Lawrenceville, N.J.

Peter Kestner, Attorney, **McEwen & Kestner**, Inver Grove Heights, Minn.

The audio portion of the conference may be accessed via the telephone or by using your computer's speakers. Please refer to the instructions emailed to registrants for additional information. If you have any questions, please contact **Customer Service at 1-800-926-7926 ext. 1.**

Tips for Optimal Quality

FOR LIVE EVENT ONLY

Sound Quality

If you are listening via your computer speakers, please note that the quality of your sound will vary depending on the speed and quality of your internet connection.

If the sound quality is not satisfactory, you may listen via the phone: dial **1-866-869-6667** and enter your PIN when prompted. Otherwise, please **send us a chat** or e-mail sound@straffordpub.com immediately so we can address the problem.

If you dialed in and have any difficulties during the call, press *0 for assistance.

Viewing Quality

To maximize your screen, press the F11 key on your keyboard. To exit full screen, press the F11 key again.

Continuing Education Credits

FOR LIVE EVENT ONLY

In order for us to process your continuing education credit, you must confirm your participation in this webinar by completing and submitting the Attendance Affirmation/Evaluation after the webinar.

A link to the Attendance Affirmation/Evaluation will be in the thank you email that you will receive immediately following the program.

For additional information about continuing education, call us at 1-800-926-7926 ext. 2.

If you have not printed the conference materials for this program, please complete the following steps:

- Click on the ^ symbol next to “Conference Materials” in the middle of the left-hand column on your screen.
- Click on the tab labeled “Handouts” that appears, and there you will see a PDF of the slides for today's program.
- Double click on the PDF and a separate page will open.
- Print the slides by clicking on the printer icon.

Preserving Evidence in Trucking Injury Cases

Peter Kestner
pkestner@mcewenlaw.com

Bryan Roberts
broberts@stark-stark.com

KEY EVIDENCE

Motor Carrier Certificates and Filings

OP-1

FORM OP-1 Revised 06/22/2018

OMB No.: 2126-0016 Expiration: 01/31/2020

FOR FMCSA USE ONLY

Docket No. MC: _____	Fee No.: _____
Filed: _____	CC Approval No.: _____

The collection of this information is authorized under the provisions of 49 CFR, Parts 390-399. Public reporting for this collection of information is estimated to be 2 hours per response, including the time for reviewing the instructions and completing and reviewing the data inserted on the form electronically. All responses to this collection of information are mandatory, and will be provided in confidence to the extent allowed by law. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The valid OMB Control Number for this information collection is 2126-0016. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-MBI, U.S. Department of Transportation, Washington, D.C. 20590.



Application for Motor Property Carrier and Broker Authority

FORM OP-1

This application is for all businesses requesting Operating Authority as a motor carrier, broker, and/or U.S.-based enterprise carrier of property or household goods.

Section 1

APPLICANT INFORMATION

1. DO YOU NOW HAVE AUTHORITY FROM OR AN APPLICATION BEING PROCESSED BY THE FMCSA, FHWA, OMCS, OR ICC? Yes No *If yes, identify the MC/FF Number (or lead docket number):* _____

2. LEGAL BUSINESS NAME: _____

3. DOING BUSINESS AS NAME (if different from Legal Business Name): _____

4-9. PRINCIPAL PLACE OF BUSINESS (no P.O. Box):

4. STREET ADDRESS/RTE. NUMBER 5. CITY 6. STATE/PROVINCE 7. ZIP CODE 8. TELEPHONE 9. FAX

10-15. MAILING ADDRESS: Same as Principal Address Mailing address below:

10. STREET ADDRESS/RTE. NUMBER 11. CITY 12. STATE/PROVINCE 13. ZIP CODE 14. TELEPHONE 15. FAX

16-23. REPRESENTATIVE (person who can respond to inquiries):

16. NAME 17. TITLE, POSITION, OR RELATIONSHIP TO APPLICANT
18. STREET ADDRESS/RTE. NUMBER 19. CITY 20. STATE/PROVINCE 21. ZIP CODE 22. TELEPHONE 23. FAX

24. USDOT NUMBER (if available; if not, see instructions): _____

25-27. FORM OF BUSINESS (select only one):

- 25. CORPORATION *State of Incorporation:* _____
- 26. SOLE PROPRIETORSHIP *Legal Name of Owner:* _____
- 27. PARTNERSHIP *Legal Name of Each Partner:* _____

MCS-150

FORM MCS-150 Revised 06/22/2018

OMB No.: 2126-0013 Expiration: 04/30/2019

The collection of this information is authorized under the provisions of 49 CFR, Parts 390-399. Public reporting for this collection of information is estimated to be 20 minutes (and 7.5 minutes for the biennial updates) per response, including the time for reviewing the instructions and completing and reviewing the data inserted on the form electronically. All responses to this collection of information are mandatory, and will be provided in confidence to the extent allowed by law. Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The valid OMB Control Number for this information collection is 2126-0013. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-MBI, U.S. Department of Transportation, Washington, D.C. 20590.



Motor Carrier Identification Report

(Application for USDOT Number)

FORM MCS-150

REASON FOR FILING (select only one):

- New Application Biennial Update or Changes Out of Business Notification Reapplication (after revocation of new entrant)

1. LEGAL BUSINESS NAME: _____

2. DOING BUSINESS AS NAME (if different from Legal Business Name): _____

3-7. PRINCIPAL PLACE OF BUSINESS:

3. STREET ADDRESS/ROUTE NUMBER 4. CITY 5. STATE/PROVINCE 6. ZIP CODE 7. COLONIA (Mexico only)

8-12. MAILING ADDRESS: Same as Principal Address Mailing address below:

8. STREET ADDRESS/ROUTE NUMBER 9. CITY 10. STATE/PROVINCE 11. ZIP CODE 12. COLONIA (Mexico only)

13-15. CONTACT NUMBERS:

13. PRINCIPAL BUSINESS PHONE NUMBER 14. PRINCIPAL CONTACT CELL PHONE NUMBER 15. PRINCIPAL BUSINESS FAX NUMBER

16-19. IDENTIFICATION NUMBERS:

16. USDOT NUMBER 17. MC or MX NUMBER 18. DUN & BRADSTREET NUMBER 19. IRS/TAX ID NUMBER

(see instructions before completing this section)

20. E-MAIL ADDRESS: _____

21. CARRIER MILEAGE (to nearest 10,000 miles for the previous 12 months): _____

22. COMPANY OPERATIONS (check all that apply):

- A. Interstate Carrier B. Intrastate Hazmat Carrier C. Intrastate Non-Hazmat Carrier D. Interstate Hazmat Shipper E. Intrastate Hazmat Shipper

23. OPERATION CLASSIFICATIONS (check all that apply):

- A. Authorized For-Hire B. Exempt For-Hire C. Private Property D. Private Motor Carrier of Passengers (Business) E. Private Motor Carrier of Passengers (Non-Business) F. Migrant G. U.S. Mail H. Federal Government I. State Government J. Local Government K. Indian Tribe L. Other:

FOIA Request

Data from ECM

<i>Engine Manufacturer</i>	<i>Engine or ECM Model</i>	<i>Year Introduced</i>	<i>Configuration Data</i>	<i>Quick Stop Data</i>	<i>Last Stop Data</i>	<i>Diagnostic Record</i>	<i>Preventing Data Loss</i>
Caterpillar	ADEM II	1994	YES	Note #1	NO	YES	Apply parking brake, then turn ignition to the off position. Wait at least one minute before disconnecting battery.
Caterpillar	ADEM III	1999	YES	YES	NO	YES	
Caterpillar	ADEM IV	Note #2	YES	YES	NO	YES	
Cummins	Celect	1993	YES	NO	NO	Freeze Frame	
Cummins	Celect Plus	1996	YES	NO	NO	Freeze Frame	
Cummins	ISB, ISC, ISL	1998	YES	Note #3	NO	Freeze Frame	
Cummins	ISM, ISX	1998	YES	Note #4	NO	Freeze Frame	
Detroit Diesel	DDEC III	1993	YES	NO	NO	NO	
Detroit Diesel	DDEC IV	1998	YES	YES	YES	YES	
Detroit Diesel	DDEC V	2004	YES	YES	YES	YES	
Detroit Diesel	DDEC VI	2007	YES	YES	YES	YES	
International	Maxxforce 11-15	2010	YES	Note #5	Note #5	Freeze Frame	
Mack	V-Mac III	1998	YES	YES	Note #6	Freeze Frame	
Mack	V-Mac IV	2006	YES	YES	YES	Freeze Frame	
Mercedes	PLD with VCU	2000	YES	Note #6	Note #7	Note #6	
Mercedes	DDEC VI	2007	YES	YES	YES	NO	
Paccar	PX-6, PX-8	2007	YES	YES	NO	Freeze Frame	
Paccar	MX	2010	YES	NO	NO	YES	
Volvo	Heavy Duty Engines	2002	YES	Note #8	Note #8	Freeze Frame(s)	
Volvo	Heavy Duty Engines	2010	YES	YES	YES	Freeze Frame(s)	
Bendix	EC60 ABS Controller	2005	YES	NO	NO	Freeze Frame	

Note #1: ECM must software revision after November 1995.

Note #2: The ADEM IV was introduced in 2005 with the C-15 engine and in 2007 on other models.

Note #3: Sudden deceleration data is available starting with EPA 2007 engines.

Note #4: Sudden deceleration data is available starting in late 2004 and with ECM software revisions from 2002.

Note #5: Data is available with ECM software revision 3.8.1 or higher.

Note #6: Data is available with ECM step 12 software revision.

Note #7: Data is available with ECM software revision 12.09 or higher.

Note #8: Data is available on EPA 2007 engines with updated software.

Documents Required by Federal Law

FMCSR Document Retention Periods

DOCUMENT/DATA	RETENTION PERIOD	REGULATION
<p><i>ACCIDENT AND CLAIM RECORDS</i></p> <p>1. Accident Register</p>	<p>One (1) year from date of accident</p>	<p>390.15</p>
<p>2. Claim Records</p>	<p>One (1) year after settlement</p>	<p>379 Appendix A, Subpart F</p>
<p>3. Insurance Records</p>	<p>One (1) year after settlement</p>	<p>379 Appendix A, Subpart F</p>

DOCUMENT/DATA	RETENTION PERIOD	REGULATION
<p><i>Driver Files and Records</i></p> <p>1. Driver Qualification File</p>	<p>3 years following termination except 3 years following execution</p>	<p>391.51(e)</p>
<p>2. Driver Personnel Files</p>	<p>1 year</p>	<p>379 Appendix A, Subpart E</p>
<p>3. Payroll Records</p>	<p>1 year</p>	<p>379 Appendix A, Subpart E</p>

DOCUMENT/DATA	RETENTION PERIOD	REGULATION
<p><i>Drivers Logs</i></p> <p>1. Hours of Service Records and Supporting Documentation</p>	<p>6 months from the date of receipt</p>	<p>395.8(k)</p>
<p>2. Supporting Data for “Periodical Reports of” Hours of Service</p>	<p>3 years</p>	<p>379 Appendix A, Subpart K</p>
<p>3. Dispatch Records</p>	<p>3 years</p>	<p>379 Appendix A, Subpart J</p>

Record Keeping Requirements for Brokers

49 CFR § 371

- Records to be kept by brokers
 - For each transaction (3 years)
 - Master lists of consignors
 - Registration number of the carrier
 - Name and address of the consignor
 - Name, address, and registration number carrier
 - Bill of lading or freight bill number
 - Compensation
 - Name of Payer
 - Non-brokerage description
 - Freight charges



Initial Investigation

What to do ASAP

- Retain appropriate experts
- Send out spoliation/preservation letters
- Conduct scene and vehicle inspections
- Conduct witness and first responder interviews
- Conduct a thorough search of internet-based resources

Start your internet search with the
News/Social Media

Find news articles

Man, 77, killed after crashing into tractor-trailer making U-turn

Updated Mar 29, 2018; Posted Mar 29, 2018



By **Jeff Goldman**, jeff_goldman@njadvancemedia.com,

WJ Advance Media for NJ.com

A 77-year-old man was killed after his car crashed into a flatbed tractor-trailer attempting to make a U-turn on Scudders Mill Road in Plainsboro on Wednesday night, authorities said.

John Eaton, of Plainsboro, was pronounced dead at the scene minutes after the car he was driving struck the center of the flat bed portion of the truck in the westbound lanes just before 11 p.m., Plainsboro police said Thursday.

The truck driver attempted to make a legal U-turn from the eastbound lanes and nearly completed the maneuver when the car plowed into the tractor-trailer. The truck was blocking both westbound lanes when it was hit.

Find the names of witnesses, first responders, police officers or other investigators that are working on the crash

Read the comments

MOST LIKED  NEWEST

Follow  4 Comments



Zsozso  4 months ago

follow

77 driving late at night, making an illegal turn. When are we going to start retesting? I was in a parking lot in Linden the other day at lunch where an elderly woman who could barely see over the steering wheel couldn't seem to figure out how to maneuver her car through the lot without getting close to hitting parked cars. She was actually diagonal in the lanes, I had no idea what she was trying to do.

 0  3  ...



Bayshore Lady  4 months ago

follow

Reply to @damt: That isn't what it says.

 7  0  ...



Harleyuki  updated 4 months ago

follow

Reply to @damt: It was the truck driver who was making the LEGAL u-turn. Rest in Peace, Sir.

 6  0  ...



RutRoh98  updated 4 months ago

follow

Clarification - 77 years old, driving late at night, drove straight into a tractor trailer. Thank God he didn't hit a car or kill anyone. Leaving the spelling error for conversation.

- Sometimes these comments will reveal the names of additional witnesses to the crash as well as family members or friends of the victim
- Although very frightening at times, the comments will give insight into the minds of what your potential jurors think about the liability situation in your case and what questions your potential jurors will want to have answered.

Look for Photographs and Videos



Pay Particular Attention to the Credits at the Bottom of the Photographs and Videos

At least four people were hurt after a tire hit a commuter bus in Ramsey, NJ on May 5, 2014. (credit: Glenn Schuck/1010 WINS)

- Oftentimes, the photographers or videographers work freelance and sell their images/videos to the news outlets
- They will also sell these images to you and they always have more pictures or videos than what gets published

News Videos

In addition, the videos may contain witness, victim or investigator interviews that will assist you moving forward

Tour Bus Headed To Newark Crashes Into Overpass

August 13, 2018 at 11:20 am Filed Under: bus crash, Janelle Burrell, Local TV, Newark



Search social media for the crash

Search Facebook and Twitter



A screenshot of a Facebook post from Rob Munson, a member of the Newark Fire Department. The post is dated August 13 at 1:39 AM and is public. The text of the post describes a multi-vehicle crash involving a bus and an overpass, with 44 passengers on board. It mentions the response of various emergency services, including Newark EMS, South Orange, Bloomfield, and Ironbound EMS. A photograph of the crash scene is included, showing a bus and emergency personnel. The post has 6 reactions (likes and a shocked face emoji) and 1 share.

Rob Munson ▸
Newark Fire Department Clinton Ave. Engine 10-Ladder 5-Rescue 1-USAR
August 13 at 1:39 AM · 🌐

Tour 1 E10 L5 R1 R2 responded MV **Crash** MCI * **Bus** vs overpass -confirmed entrapment Edison and Alling Pl. 44 Passengers on board. Fine work by **Newark** Emergency Services. **Newark** EMS , South Orange, Bloomfield, And Ironbound EMS... [See More](#)



6
1 Share

- See who is “Sharing” articles about the crash and who is posting their own comments, videos or photographs of the crash



Amador Vargas-Diaz uploaded a new video: This is me at work. ▾

July 9, 2012 · 🌐



Trucker Twitter



TRUCKER JAG @23sandman604 · Aug 9

Fuck my log book somebody I'm tired off fucking it. Hahaha



TRUCKER JAG @23sandman604 · Aug 11

I'm at World Famous Donna's Ranch/Brothel in Wells, NV

swarmapp.com/c/jNheS7uMaVU



Trucking Brony @Brog322 · 21 Nov 2011

@mredvelvet I drank 2 giant things of monster to stay awake last night. Brutal

[#sleepytrucker](#)



Ross Dickson @RossNine · 28 Dec 2013

2nd night in a row unable to sleep, alarm for work in 2hrs. Be some loud music required on the road later. [#sleepytrucker](#)

Search YouTube

- You may find videos that the driver made, dashcam videos from fellow drivers in the area of a crash or scene videos

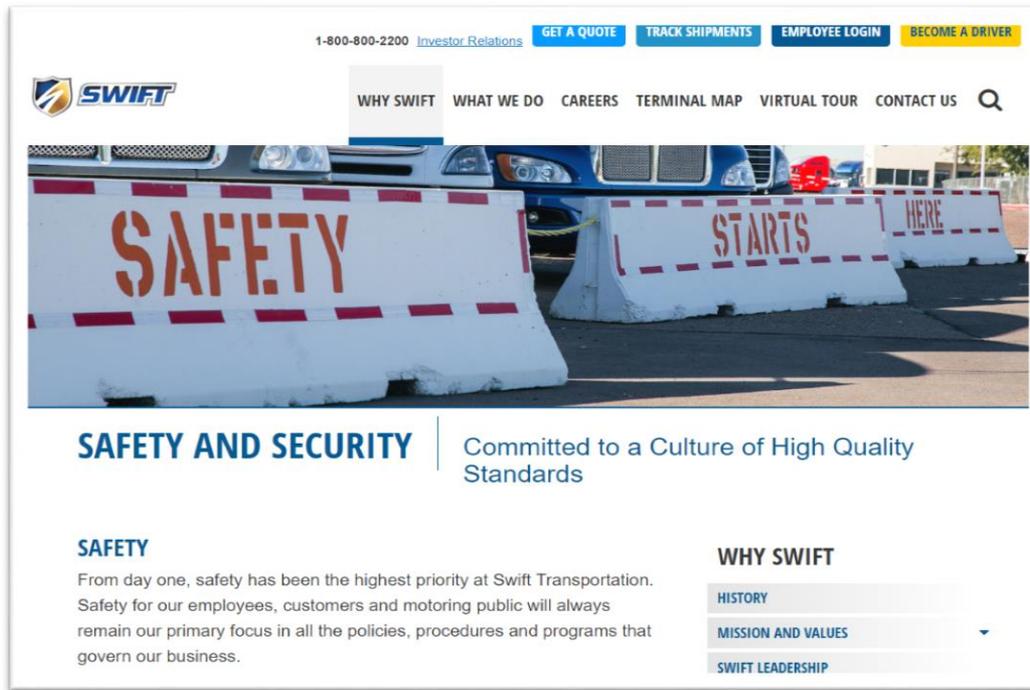




Live video from Interstate 81 crash scene near Carlisle

Search for the driver and his/her
company

- Company websites oftentimes have slogans or boasts about company safety that can be useful in your case



The screenshot shows the Swift Transportation website. At the top, there is a navigation bar with the phone number 1-800-800-2200, a link for Investor Relations, and buttons for GET A QUOTE, TRACK SHIPMENTS, EMPLOYEE LOGIN, and BECOME A DRIVER. Below this is the Swift logo and a menu with links for WHY SWIFT, WHAT WE DO, CAREERS, TERMINAL MAP, VIRTUAL TOUR, and CONTACT US, along with a search icon. The main visual is a photograph of a blue Swift truck behind a white and red striped safety barrier with the text 'SAFETY STARTS HERE' written on it. Below the image, the heading 'SAFETY AND SECURITY' is followed by the text 'Committed to a Culture of High Quality Standards'. Under the 'SAFETY' sub-heading, a paragraph states: 'From day one, safety has been the highest priority at Swift Transportation. Safety for our employees, customers and motoring public will always remain our primary focus in all the policies, procedures and programs that govern our business.' To the right, under the 'WHY SWIFT' heading, there is a dropdown menu with options for HISTORY, MISSION AND VALUES, and SWIFT LEADERSHIP.

- Do not assume that a trucking company's website will not change between the time of the crash and the time of trial
- We recommend using a free service, found at <http://www.httrack.com>, to copy the trucking company's website onto your computer, CD or a thumb drive

In Hopes, These Searches Will
Identify the Parties Involved in
Your Crash as Well as Potential
Witnesses

Warn Your Clients

- Remind them not to alter or destroy any existing social media evidence.

Now that you have thoroughly searched the internet for information concerning the crash and your client it is time to dissect and investigate the Police Report

Police report

The Police Report will contain a wealth of information concerning the investigation, the commercial motor vehicle and the trucking company

The image shows a 'New Jersey Police Crash Investigation Report' form. It contains various sections for recording accident details, including vehicle information, driver statements, and investigation notes. The form is densely packed with text and checkboxes.

112 -	Results: 0 - - % <input type="checkbox"/> Pending
113 -	49 Hazardous Material Name or Placard No. NONE
114 09	On Board Spill <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> NONE
115 -	50 Carrier No. <input checked="" type="checkbox"/> USDOT <input type="checkbox"/> Other * 564041
116 04	51 Commercial Vehicle Weight <input type="checkbox"/> < 10,000 lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input checked="" type="checkbox"/> > 26,001 lbs
117 -	52 Carrier name CARNEVALE DISPOSAL

The boxes, taken from the standard New Jersey Police Crash Investigation Report, tell us the USDOT or Motor Carrier (“MC”) number for the truck involved in the crash

- The Police Report further provides us with carrier name and, as depicted below, it will also give us the VIN and Plate Number of the vehicles involved in the crash

38 Make FRH	39 Model FLD	40 Color WT	41 Year 2000	42 Plate No. AN997V	43 State NJ
44 VIN 1FUPC DYB0Y DG310 12					45 Expires 03 15

This critical information will allow us to search the Federal Motor Carrier Safety Administration's Safety and Fitness Electronic Records ("SAFER") System, which can be accessed at <https://safer.fmcsa.dot.gov/>

112	-	Results: 0 % <input type="checkbox"/> Pending
113	-	49 Hazardous Material Name or Placard No. NONE
114	09	On Board <input type="checkbox"/> Spill <input type="checkbox"/> 
115	-	50 Carrier No. <input checked="" type="checkbox"/> USDOT <input type="checkbox"/> Other * 564041
116	04	51 Commercial Vehicle Weight <input type="checkbox"/> < 10,000 lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input checked="" type="checkbox"/> > 26,001 lbs
117	-	52 Carrier name CARNEVALE DISPOSAL

38 Make FRH	39 Model FLD	40 Coker WT	41 Year 2000	42 Plate No. AN997V	43 State NJ
44 VIN 1FUPC DYBOY DG310 12					45 Expires 03 15

Safer System



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Safety and Fitness Electronic Records (SAFER) System

****WARNING**WARNING**WARNING**

You are accessing a U.S. Government information system. This information system, including all related equipment, networks, and network devices, is provided for U.S. Government-authorized use only. Unauthorized or improper use of this system is prohibited, and may result in civil and criminal penalties, or administrative disciplinary action. The communications and data stored or transiting this system may be, for any lawful Government purpose, monitored, recorded, and subject to audit or investigation. By using this system, you understand and consent to such terms.

****WARNING**WARNING**WARNING**

WELCOME TO SAFER

The FMCSA Safety and Fitness Electronic Records (SAFER) System offers company safety data and related services to industry and the public over the Internet. Users can search FMCSA databases, register for a USDOT number, pay fines online, order company safety profiles, challenge FMCSA data using the DataQs system, access the Hazardous Material Route registry, obtain National Crash and Out of Service rates for Hazmat Permit Registration, get printable registration forms and find information about other FMCSA Information Systems.

Notice

The updating of a specific USDOT Number or Docket Number requires the use of a Personal Identification Number (PIN) to access the system.

If your PIN is not known, you may request one be provided by selecting one of the following options:

[Click here to request a USDOT Number PIN be emailed.](#)

[Click here to request a USDOT Number PIN be mailed to the address on file.](#)
 Allow 7 - 10 Business Days to receive a PIN notification letter.

[Click here to request a Docket Number PIN be mailed to the address on file.](#)
 Allow 7 - 10 Business Days to receive a PIN notification letter.

Note: Docket Number PINs cannot be emailed.

Enforcement users must now use the FMCSA Portal link to SAFER to access SAFER Enforcement Related Functions.

FMCSA Services

- [FMCSA Registration & Updates](#)
- [Online Fine Payment](#)
- [MC MIS Data Dissemination Catalog/Company Safety Profiles](#)

SAFER Information

- [About SAFER](#)
- [SAFER News](#)
- [Company Snapshot Updates](#)
- [Frequently Asked Questions](#)

Enforcement Users: Please use FMCSA Portal [Login](#)

FMCSA Searches

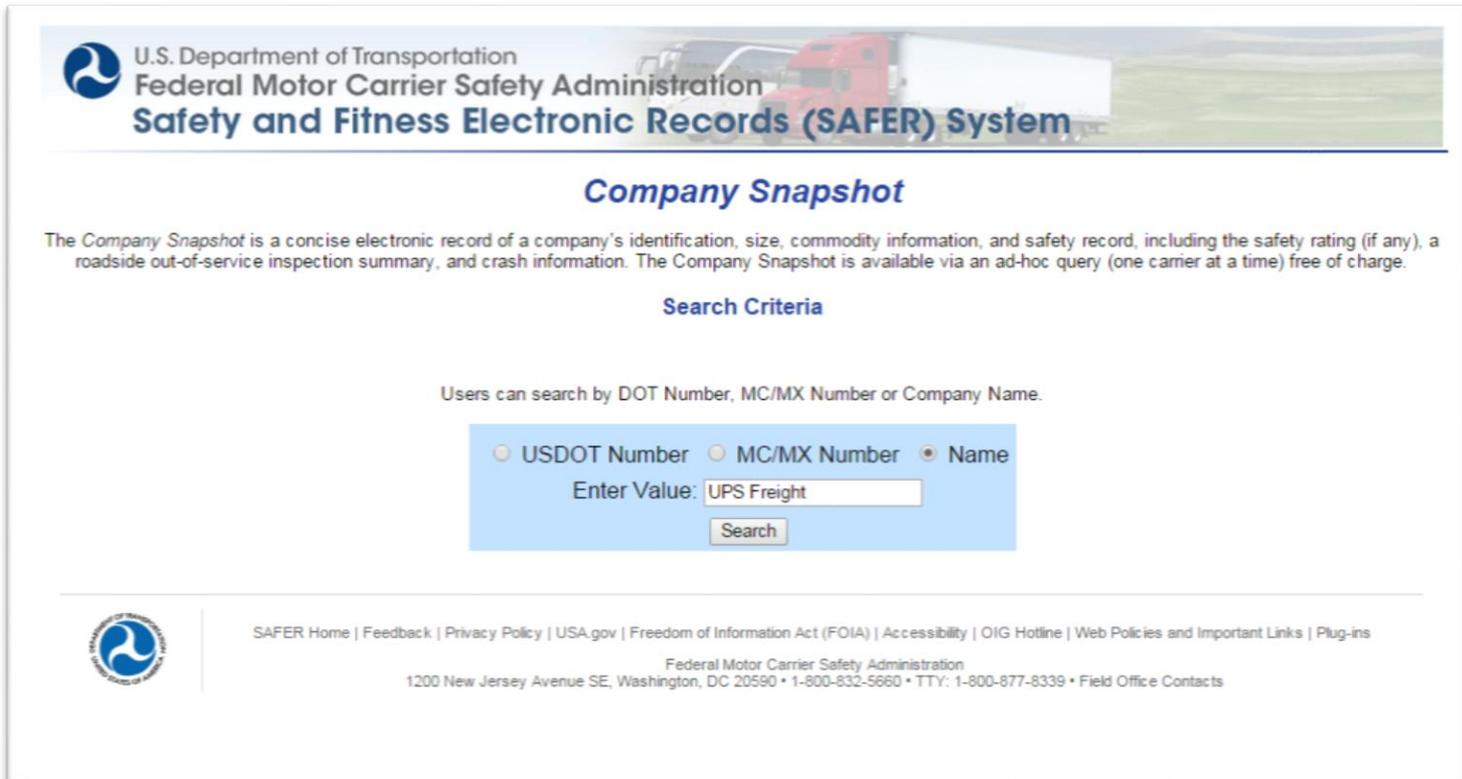
- [Company Snapshot](#)
- [Analysis & Information \(A&I\) Online](#)
- [Licensing & Insurance](#)
- [Orders to Cease Operation \(OCO\)/ Out of Service Orders \(OSO\)](#)
- [Cargo Tank](#)
- [Crash Rate & Inspection Out of Service \(OOS\) Rates for Hazardous Materials Safety Permit Program](#)
(Calculated on 05/01/2012)
- [FMCSA Registration Forms](#)
- [Unified Carrier Registration \(UCR\)](#)
- [Shipper Verification of Carrier Hazardous Material Safety Permit \(HMSP\)](#)

Other FMCSA Web Sites

- [FMCSA Home Page](#)
- [DataQs](#)
- [FMCSA Information Systems](#)
- [National HM Route Registry](#)
- [ITS CVISN](#)
- [FMCSA Portal](#)

Company Snapshot

The “Company Snapshot” is a perfect place to begin your search, which is found at <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>



The screenshot shows the top section of the SAFER System website. At the top left is the U.S. Department of Transportation logo, followed by the text: "U.S. Department of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System". To the right is a banner image of a red semi-truck. Below this is the heading "Company Snapshot" in blue. A paragraph explains that the Company Snapshot is a concise electronic record of a company's identification, size, commodity information, and safety record, including safety ratings, roadside out-of-service inspection summaries, and crash information. It is available via an ad-hoc query for free. Below this is a "Search Criteria" section with the text "Users can search by DOT Number, MC/MX Number or Company Name." and three radio buttons: "USDOT Number", "MC/MX Number", and "Name" (which is selected). Below the radio buttons is a text input field labeled "Enter Value:" containing the text "UPS Freight", and a "Search" button.

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Safety and Fitness Electronic Records (SAFER) System

Company Snapshot

The *Company Snapshot* is a concise electronic record of a company's identification, size, commodity information, and safety record, including the safety rating (if any), a roadside out-of-service inspection summary, and crash information. The Company Snapshot is available via an ad-hoc query (one carrier at a time) free of charge.

Search Criteria

Users can search by DOT Number, MC/MX Number or Company Name.

USDOT Number MC/MX Number Name

Enter Value:

SAFER Home | Feedback | Privacy Policy | USA.gov | Freedom of Information Act (FOIA) | Accessibility | OIG Hotline | Web Policies and Important Links | Plug-ins

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts

- Search for the different entities that you have identified by name, USDOT number or Motor Carrier number
- If you're searching by name, you will often see several companies with a similar name and you should investigate each company to determine whether or not there may be a relationship between that entity and the entity involved in your crash
- Fortunately, the search results will also show their location to facilitate their identification



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Safety and Fitness Electronic Records (SAFER) System

Possible Keyword Matches

CARRIER/DBA NAME

[UPS FREIGHT](#)
[UPS FREIGHT](#)
[UPS FREIGHTS](#)

LOCATION

RICHMOND, VA
CEDAR CITY, UT
SHREVEPORT, LA



[SAFER Home](#) | [Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-ins](#)

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • [Field Office Contacts](#)

Sometimes, the same company will have two profiles, one as a carrier and one as a broker. This may be relevant later, if issues of responsibility for the load arise.

Once you select the correct party, you'll find the Company Snapshot page, showing the carrier's general identification information, number of power units and drivers, miles driven, as disclosed in the last MCS-150, as well as operation classification, operating authority, cargo carried, overall inspection history, crashes, and safety rating (not currently listed).

USDOT Number
 MC/MX Number
 Name
 Enter Value: UPS FREIGHT

[ID/Operations](#) | [Inspections/Crashes in US](#) | [Inspections/Crashes in Canada](#) | [Safety Rating](#)

Carriers: If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [Data Dispute](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#), or call (800)832-5660 or (703)260-4001.

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 09/01/2015.

Entity Type	Carrier & Broker		
Operating Status	AUTHORIZED FOR Property	Out of Service Date:	None
Legal Name	UP'S GROUND FREIGHT INC		
DBA Name	UP'S FREIGHT		
Physical Address	1000 SEMME'S AVE RICHMOND, VA 23218-1216		
Phone	(814) 231-8000		
Mailing Address	1000 SEMME'S AVE RICHMOND, VA 23218-1216		
USDOT Number	121058	State Carrier ID Number	
MC/MX/F Numbers	MC-10533	DMV Number	58-856-71
Power Units	4,541	Drivers	10,013
MCS-150 Form Date	08/10/2015	MCS-150 Mission Year:	566,070,529 (2014)
Operation Classification	<input checked="" type="checkbox"/> Auth. For Hire <input checked="" type="checkbox"/> Exempt For Hire <input checked="" type="checkbox"/> Private/Property <input checked="" type="checkbox"/> Priv. Pass. (Business) <input type="checkbox"/> Priv. Pass (Non-business) <input type="checkbox"/> Migrant <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Fed. Gov't		
Carrier Operation	<input checked="" type="checkbox"/> Interstate <input type="checkbox"/> Intrastate Only (HM) <input type="checkbox"/> Intrastate Only (Non-HM)		
Cargo Carried	<input checked="" type="checkbox"/> General Freight <input checked="" type="checkbox"/> Household Goods <input checked="" type="checkbox"/> Metal sheets, coils, rolls <input checked="" type="checkbox"/> Motor Vehicles <input checked="" type="checkbox"/> Drive/Tow away <input checked="" type="checkbox"/> Logs, Poles, Beams, Lumber <input checked="" type="checkbox"/> Building Materials <input checked="" type="checkbox"/> Mobile Homes <input checked="" type="checkbox"/> Machinery, Large Objects <input checked="" type="checkbox"/> Fresh Produce <input checked="" type="checkbox"/> Liquids/Gases <input checked="" type="checkbox"/> Intermodal Cont. <input checked="" type="checkbox"/> Passengers <input checked="" type="checkbox"/> Oilfield Equipment <input checked="" type="checkbox"/> Livestock <input checked="" type="checkbox"/> Grain, Feed, Hay <input checked="" type="checkbox"/> Coal/Coke <input checked="" type="checkbox"/> Meat <input checked="" type="checkbox"/> Carriage/Refuse <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Chemicals <input type="checkbox"/> Commodities Dry Bulk <input type="checkbox"/> Refrigerated Food <input type="checkbox"/> Beverages <input type="checkbox"/> Paper Products <input type="checkbox"/> Utilities <input type="checkbox"/> Agricultural/Farm Supplies <input type="checkbox"/> Construction <input type="checkbox"/> Water Well		

[ID/Operations](#) | [Inspections/Crashes in US](#) | [Inspections/Crashes in Canada](#) | [Safety Rating](#)

US Inspection results for 24 months prior to: 09/01/2015
 Total Inspections: 5703
 Total IEP Inspections: 0
 Note: Total inspections may be less than the sum of vehicle, driver, and tractor inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections			
	Vehicle	Driver	Tractor	EP
Inspections	5743	5702	1366	0
Out of Service	452	39	53	0
Out of Service %	13.1%	1.7%	3.4%	0%
Net Average % (2008-2010)	20.72%	5.51%	4.52%	N/A

Crashes reported to FMCSA by states for 24 months prior to: 09/01/2015

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes			
	Fatal	Injury	Tow	Total
Crashes	11	163	348	522

[ID/Operations](#) | [Inspections/Crashes in US](#) | [Inspections/Crashes in Canada](#) | [Safety Rating](#)

Canadian Inspection results for 24 months prior to: 09/01/2015
 Total Inspections: 10
 Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information.

Inspection Type	Inspections	
	Vehicle	Driver
Inspections	10	10
Out of Service	5	5
Out of Service %	50%	50%

Crashes results for 24 months prior to: 09/01/2015

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Type	Crashes			
	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

[ID/Operations](#) | [Inspections/Crashes in US](#) | [Inspections/Crashes in Canada](#) | [Safety Rating](#)

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

[Carrier Safety Rating](#)
 The rating below is current as of: 09/01/2015

Review Information:

Rating Date:	07/01/2002	Review Date:	04/27/2012
Rating:	Subsatisfactory	Type:	Non-Potable

On the top, right hand corner of the Company Snapshot page, there is a blue box titled “Other Information for this Carrier” and you will need to open the Licensing & Insurance link

Company Snapshot

UPS GROUND FREIGHT INC
USDOT Number: 121058

Other Information for this Carrier

- ▼ [SMS Results](#)
- ▼ [Licensing & Insurance](#)

Licensing and Insurance

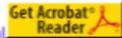
The search results will give you the option of opening the licensing and information as a downloadable PDF or you can view it in HTML

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Licensing and Insurance Public

BOC3 Filing

Carrier Search

USDOT Number	Prefix	Docket Number	Legal Name	DBA Name	City	State	View Details (Report is PDF)	
121058	MC	109533	UPS GROUND FREIGHT, INC.	UPS FREIGHT	RICHMOND	VA	<input type="button" value="HTML"/>	<input type="button" value="Report"/>

order to view PDF files, you will need the Adobe® Acrobat® Reader™, a plug-in available from Adobe Systems, Inc. You may obtain this free plug-in at:
<http://www.adobe.com/products/acrobat/readstep2.html> 

September 2, 2015


[FMCSA Home](#) | [DOT Home](#) | [Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-ins](#) | [Related Sites](#) | [Help](#)

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-6680 - TTY: 1-800-877-8339 - Field Office Contacts

The PDF Report provides you with the basic identification of the carrier, operating authority, their agent for service of process, as well as their insurance coverage information for several years

FMCSA Motor Carrier			
USDOT Number: 121058			
Docket Number: MC109533			
Legal Name: UPS GROUND FREIGHT, INC.			
DBA (Doing-Business-As) Name UPS FREIGHT			
Addresses			
Business Address: 1000 SEMMES AVENUE RICHMOND, VA 23224			
Business Phone: (804) 231-8274 Business Fax: Fax: (804) 231-8722			
Mail Address: 1000 SEMMES AVE RICHMOND, VA 23218-1216			
Mail Phone:		Mail Fax:	Undeliverable Mail: NO
Authorities			
Common Authority:	ACTIVE	Application Pending:	NO
Contract Authority:	ACTIVE	Application Pending:	NO
Broker Authority:	ACTIVE	Application Pending:	NO
Property:	YES	Passenger:	NO
Private:	NO	Enterprise:	NO
		Household Goods:	NO
Insurance Requirements:			
BIPD Exempt:	NO	BIPD Waiver:	NO
BIPD Required:	\$5,000,000	BIPD on File:	\$5,000,000
Cargo Exempt:	NO	Cargo Required:	NO
Cargo on File:	YES	Bond Required:	YES
BOC-3:	YES	Bond on File:	YES
Blanket Company: UNITED STATES CORPORATION COMPANY			
Comments: 5/04/06-NAME CHANGE REASSIGNED TO M. LANE & PROCESSED 4-6-06-NAME CHANGE - ASSIGNED TO DANA. DAY. SECONDARY: 151032; FILED FOR GENERAL COMMODITY AUTH. IN 48 STATES IN SUB 143 FILED FOR GENERAL COMMODITY AUTH. IN 48 STATES IN SUB 146 MC-F-20026 FILED 2/18/92. FILED FOR GENERAL COMMODITY AUTH. IN 48 STATES IN SUB 149			
Active/Pending Insurance:			
Form:	91X	Type:	BIPD/Primary
Policy/Surety Number:	A12-C21-092036-0	Coverage From:	\$0 To: \$5,000,000
Effective Date:	01/01/2007	Cancellation Date:	
Insurance Carrier:	LIBERTY MUTUAL FIRE INSURANCE CO.		
Attn:			
Address:	175 BERKELEY ST, PO BOX 140 BOSTON, MA 02117 US		
Telephone:	Fax:		

- This is not always the full insurance picture and excess policies are ordinarily not listed
- At the bottom of the page, you will find the carrier's operating authority history
- This can be relevant if it shows that the carrier's operating authority is or has been revoked

SMS Results

Next, go back to the Company Snapshot window and open the other link in that blue box, “SMS Results”

Company Snapshot

UPS GROUND FREIGHT INC
USDOT Number: 121058

Other Information for this Carrier

- ▼ [SMS Results](#)
- ▼ [Licensing & Insurance](#)

- This site provides a treasure trove of information about the carrier's safety history
- We recommend downloading the carrier's entire history in an excel spreadsheet
 - This link for downloads is found at the very bottom right of the screen ("Downloads")

The screenshot displays the FMCSA website interface, organized into three main columns. The left column, titled 'Summary of Activities', provides an overview of the carrier's performance, including statistics on inspections and crashes. The middle column, 'Carrier Registration', offers options to view registration details, check for hazmat thresholds, and update registration information. The right column, 'Penalties History', shows a table of closed dates and case numbers, along with a 'Tools/Resources' section containing links for methodology, improvement, and data review. At the bottom of the right column, a 'Downloads' link is highlighted with a red arrow. Below the main content area, a section titled 'USE OF SMS DATA/INFORMATION' explains the purpose and limitations of the data.

Summary of Activities
The summary includes information on the 5 most recent investigations and 24 months of inspections and crash history.
Most Recent Investigation: 4/27/2012 (Non-Ratable Review)
Total Inspections: 5,881
Total Inspections without Violations used in SMS: 3,725
Total Inspections with Violations used in SMS: 2,156
Total Crashes*: 523
*Crashes listed represent a motor carrier's involvement in reportable crashes, regardless of the carrier's or driver's role in the crash. [Continue for details.](#)
[Continue for more Crash, Inspection & Investigation Details](#)

Carrier Registration
[Carrier Registration Details](#)
[Subject to Hazmat Threshold](#)
[Update Registration Info](#)

Penalties History
(Six years as of 09/01/2015 updated daily from FMCSA)
CLOSED DATE CASE #
1/15/2010 WI-2010-0212-US0586

Tools/Resources
[SMS Methodology](#)
[How to Improve](#)
[Request a Data Review](#)

For U.S. DOT# 121058
[Complete SMS Profile](#)
[Carrier History](#)
[Downloads](#)

USE OF SMS DATA/INFORMATION
The data in the Safety Measurement System (SMS) is performance data used by the Agency and Enforcement Community. A ⚠️ symbol, based on that data, indicates that FMCSA may prioritize a motor carrier for further monitoring.
The ⚠️ symbol is not intended to imply any federal safety rating of the carrier pursuant to 49 USC 31144. Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier in the SMS has received an UNSATISFACTORY safety rating pursuant to 49 CFR Part 385, or has otherwise been ordered to discontinue operations by the FMCSA, it is authorized to operate on the nation's roadways.
Motor carrier safety ratings are available at <http://safer.fmcsa.dot.gov> and motor carrier licensing and insurance status are available at <http://i-public.fmcsa.dot.gov/>.

Before getting into the Excel spreadsheet, browse the Complete SMS Profile for a more visually friendly layout.

Summary of Activities
The summary includes information on the 5 most recent investigations and 24 months of inspections and crash history.
Most Recent Investigation: 4/27/2012 (Non-Ratable Review)
Total Inspections: 5,881
Total Inspections without Violations used in SMS: 3,725
Total Inspections with Violations used in SMS: 2,156
Total Crashes*: 523
*Crashes listed represent a motor carrier's involvement in reportable crashes, regardless of the carrier's or driver's role in the crash. [Continue for details.](#)
[Continue for more Crash, Inspection & Investigation Details](#)

Carrier Registration
[Carrier Registration Details](#)
[Subject to Hazmat Threshold](#)
[Update Registration Info](#)

Penalties History
(Six years as of 09/01/2015 updated daily from [FMCSA](#))
CLOSED DATE CASE #
▶ 1/15/2010 WI-2010-0212-US0586

Tools/Resources
[SMS Methodology](#)
[How to Improve](#)
[Request a Data Review](#)

For U.S. DOT# 121058
[Complete SMS Profile](#)
[Carrier History](#)
[Downloads](#)

USE OF SMS DATA/INFORMATION
The data in the Safety Measurement System (SMS) is performance data used by the Agency and Enforcement Community. A symbol, based on that data, indicates that FMCSA may prioritize a motor carrier for further monitoring.
The symbol is not intended to imply any federal safety rating of the carrier pursuant to 49 USC 31144. Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier in the SMS has received an UNSATISFACTORY safety rating pursuant to 49 CFR Part 385, or has otherwise been ordered to discontinue operations by the FMCSA, it is authorized to operate on the nation's roadways.
Motor carrier safety ratings are available at <http://safer.fmcsa.dot.gov> and motor carrier licensing and insurance status are available at <http://ll-public.fmcsa.dot.gov/>.



If you're not familiar with the FMCSA's data classifications, BASIC categories and ratings, the SMS Methodology is a must read: <https://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf>

The screenshot shows the FMCSA SMS Methodology page for UPS GROUND FREIGHT INC. The page is divided into several sections: Company Information, Safety Rating & OOS Rates, Licensing and Insurance, and BASIC Status. The BASIC Status section includes a table of seven categories: UNSAFE DRIVING, CRASH INDICATOR, HOURS-OF-SERVICE COMPLIANCE, VEHICLE MAINTENANCE, CONTROLLED SUBSTANCES AND ALCOHOL, Not Public HAZARDOUS MATERIALS COMPLIANCE, and DRIVER FITNESS. A warning icon indicates that the carrier exceeds the FMCSA intervention threshold.

UPS GROUND FREIGHT INC
 DBA: UPS FREIGHT
 U.S. DOT#: 121058
 Address: 1000 SEMMES AVE
 RICHMOND, VA 23218-1216
 Number of Vehicles: 7,629
 Number of Drivers: 10,013
 Number of Inspections: 5,881

Safety Rating & OOS Rates
 (As of 09/01/2015 updated daily from SAFER)
 SATISFACTORY
 (Rating Date: 07/01/2002)

Out of Service Rates

Type	OOS %	National Avg %
Vehicle	13.1	20.7
Driver	1.7	5.5
Hazmat	3.4	4.5

Licensing and Insurance
 (As of 09/01/2015 updated hourly from L&I)

Type	Active For-Hire Authority	
	Yes/No	MC#/MX#
Property	Yes	MC-109533
Passenger	No	
Household Goods	No	
Broker	Yes	MC-109533

BASIC Status (Public View)
 Behavior Analysis & Safety Improvement Categories (BASICS)
 Based on a 24-month record ending July 24, 2015

How does SMS relate to crashes?

UNSAFE DRIVING	CRASH INDICATOR	HOURS-OF-SERVICE COMPLIANCE	VEHICLE MAINTENANCE	CONTROLLED SUBSTANCES AND ALCOHOL	Not Public HAZARDOUS MATERIALS COMPLIANCE	DRIVER FITNESS

Click to select a BASIC icon above to get details, or view your [Complete SMS Profile](#).

⚠ Denotes this carrier exceeds the FMCSA intervention threshold relative to its safety event grouping based upon roadside data and/or has been cited with one or more serious violations within the past 12 months during an investigation. Therefore, this carrier may be prioritized for an intervention action and roadside inspection.

- The “Carrier History” is also a useful tool
- This page provides a more summarize history of violations, but it goes back further than 24 months
- Unfortunately, safety ratings on the different BASIC categories are no longer published by the FMCSA
- This is where you would see the carrier’s safety rating history for each category.

The screenshot displays the FMCSA carrier profile interface. It is divided into several main sections:

- Summary of Activities:** Provides a high-level overview of the carrier's performance, including the number of inspections, violations, and crashes. It includes a link to continue for more details.
- Carrier Registration:** Offers options to view registration details, check hazmat thresholds, and update registration information.
- Penalties History:** Lists any recent penalties, including the date and case number.
- Tools/Resources:** A central hub for various services, including SMS methodology, improvement guides, data review requests, and profile completion. A red arrow points to the **Carrier History** link.
- USE OF SMS DATA/INFORMATION:** A disclaimer section explaining the purpose and limitations of the Safety Measurement System (SMS) data.

- Be sure to review the Penalty History section of the site
- It is usually blank. However, when an entry exists, it will describe the amount of the penalty imposed and it will cite the specific regulations for which the carrier was penalized
- These can be especially helpful, if they match a regulation that is relevant to your case

Review the downloaded spreadsheet

- Breakdown of each section:
 - Overview
 - Violation Summary
 - Inspections
 - Crashes
 - Acute-Critical Violations

Violations Summary

- A quick way to see the number of violations by the carrier for relevant BASIC categories and sub-categories in the preceding 24 months

– VIOLATION SUMMARY			Vehicle Maint. Violations: 2,293	
Violations	Description	# Violations	# OOS Violations	Violation Severity Weight
393.9	Inoperative required lamps	319	72	2
396.3(a)(1)	Inspection/repair and maintenance parts and accessories	108	23	2
393.45(b)(2)	Failing to secure brake hose/tubing against mechanical damage	107	17	4
393.55(e)	ABS - malfunctioning lamps towed CMV manufactured on or after 3/1/1998	96	0	4
393.47(e)	Clamp/Roto-Chamber type brake(s) out of adjustment	94	0	4
393.9TS	Inoperative turn signal	79	42	6
396.3A1B	Brakes [general]	73	17	4
393.45(d)	Brake connections with leaks/constrictions	72	1	4
396.5(b)	Oil and/or grease leak	72	1	3
393.75(c)	Tire – other tread depth less than 2/32 of inch	71	5	8
393.25(f)	Stop lamp violations	67	52	6
393.53(b)	Automatic brake adjuster CMV manufactured on or after 10/20/1994 - air brake	67	0	4
393.11	No/defective lighting devices/reflective devices/projected	58	8	3
393.95(a)	No/discharged/unsecured fire extinguisher	51	0	2
393.9T	Inoperative tail lamp	51	24	6
393.9H	Inoperative head lamps	49	1	6
396.17(c)	Operating a CMV without proof of a periodic inspection	46	0	4
393.75(a)	Flat tire or fabric exposed	38	36	8
393.78	Windshield wipers inoperative/defective	35	0	1
393.45	Brake tubing and hose adequacy	34	19	4
393.75(a)(3)	Tire – flat and/or audible air leak	32	30	8
393.48(a)	Inoperative/defective brakes	22	6	4
393.60(c)	Damaged or discolored windshield	21	0	1
393.19	Inoperative/defective hazard warning lamp	20	5	6

Inspections

- Particularly helpful when you turn the spreadsheet into a table
- That's because a table allows you to filter the violations however you'd like, but most importantly, by tractor VIN#
- Drivers normally use the same tractor. Therefore, when you filter the violations by the tractor VIN# involved in your crash, you will likely have the driver's 24-month history of violations
- Depending on how bad it is, you may already know that you will be dealing with hiring, retention, supervision, and/or training issues for that specific driver.

INSPECTION HISTORY Vehicle Inspections: 3,813

Please select to view your Inspection History. You can also sort your data by Date, Report Number, Vehicle Type, etc.

Vehicle Inspections (or) With Vehicle Maint. Violations (1,341)
 3,813 Without Vehicle Maint. Violations (2,472)

Inspection Date	Report		Vehicle			Measure = $\frac{\text{Sum of the Total Weight (TotW)}}{\text{Sum of the Time Weight (TiW)}}$		
	Number	State	Plate Number	Plate State	Type	Severity Weight (SW)	Time Weight (TiW)	Total Weight (TotW)
7/23/2015	VA4233010365	VA	P737269	SC	Truck Tractor	0	3	0
7/23/2015	NC0005750297	NC	85371PY	VA	Truck Tractor	8	3	24
Violation: 393.25(f) Stop Lamp violations (OOS)						6 + 2 (OOS)		
7/23/2015	OH3268013470	OH	80441PY	VA	Truck Tractor	10	3	30
Violation: 393.47(e) Clamp/Roto-Chamber type brake(s) out of adjustment						4		
Violation: 393.9(a) Inoperative required lamps						2		
Violation: 393.53(b) Automatic brake adjuster CMV manufactured on or after 10/20/1994 - air brake						4		
Sum of Violation Weight => Inspection Severity Weight (SW)						10		
7/22/2015	VA6726002467	VA	999152	IN	Truck Tractor	0	3	0
7/22/2015	VA4237007774	VA	2366000	IN	Truck Tractor	0	3	0
7/22/2015	OH3202306188	OH	2115987	IN	Truck Tractor	0	3	0
7/22/2015	KSH0202510044	KS	2119628	IN	Truck Tractor	0	3	0
7/22/2015	WAN702009868	WA	1007523	IN	Truck Tractor	30	3	90
Violation: 393.25(f) Stop Lamp violations						6		
Violation: 393.9(a) Inoperative required lamps						2		
Violation: 393.53(b) Automatic brake adjuster CMV manufactured on or after 10/20/1994 - air brake						4		
Violation: 393.47(b) Mismatched brake chambers on same axle (OOS)						4 + 2 (OOS)		
Violation: 396.3(a)(1) Inspection/repair and maintenance parts and accessories						2		
Violation: 393.47(e) Clamp/Roto-Chamber type brake(s) out of adjustment						4		
Violation: 393.19 Inoperative/defective hazard warning lamp						6		
Sum of measure weights						9,687	6,544	16,147
PERFORMANCE MEASURE LAST MONTH As of 6/19/2015						$\frac{\text{TotW}}{\text{TiW}} = \frac{16,386}{6,516} = 2.51$	MORE INFO	
PERFORMANCE MEASURE THIS MONTH As of 7/24/2015						$\frac{\text{TotW}}{\text{TiW}} = \frac{16,147}{6,544} = 2.46$		

Detailed Inspection Report as of 7/24/2015

CARRIER INFORMATION				TIME/LOCATION			
Carrier Name:	Ups Ground Freight Inc	Report #:	OH3268013470	U.S. DOT#:	121058	Report State:	OH
Carrier Address:	1000 Semmes Ave Richmond, VA 23218-1216	State:	OH	Date:	7/23/2015	Start Time:	1111
MCH:	109533	End Time:	1158	Level:	I. Full	Facility:	Roadside
		Post Crash Inspection:	No	Hazmat Placard Required:	Yes		

VEHICLE INFORMATION

UNIT	TYPE	MAKE	PLATE STATE	PLATE NUMBER	VIN
1	Truck Tractor	INTL	VA	80441PY	1HSCRAPN4BJ363187
2	Semi-Trailer	STRI	VA	36955TR	1S12E8405WD429486

CARRIER VIOLATIONS

VIOLATION CODE	UNIT	OOS	DESCRIPTION	INCLUDED IN SMS	BASIC	REASON NOT INCLUDED IN SMS
393.47(e)	2	No	Clamp Or Roto Type Brake Out-Of-Adjustment	Yes	Vehicle Maint.	
393.53(b)	2	No	Cmv Manufactured After 10/19/94 Has An Automatic Airbrake Adjustment System That Fails To Compensate For Wear	Yes	Vehicle Maint.	
393.9(a)	2	No	Inoperative Required Lamp	Yes	Vehicle Maint.	

Crashes

- This page not only shows crashes and their dates, but also how many people were injured and killed in each crash, the tractor and trailer involved, and some basic information about the roadway conditions
- Again, filtering the data by VIN# can give you a history on your driver
- Aside from the obvious notice argument, this information can be very useful when drafting pleadings and motions to show the reader how much harm the defendant has caused, beyond your case

CRASH ACTIVITY DETAIL (VEHICLES INVOLVED IN CRASHES)										Number of Crashes: 538		
Report			Vehicle		Crash				Measure = Sum of the Total Weight (TotW)			
Date	Number	State	Plate Number	Plate State	Fatal	Inj.	Tow.	HM	Severity Weight (SW)	Time Weight (TIW)	Total Weight (TotW)	
7/24/2018	MN0182050201	MN	AMA246	MN	0	1	Yes	Yes	3	3	9	
7/24/2018	MN0182050201	MN	2116155	IN	0	1	Yes	Yes				
7/20/2018	TN0300462144	TN	2191880	IN	0	1	No	No	2	3	6	
7/16/2018	AR2018547137	AR	2115811	IN	0	0	Yes	No	1	3	3	
7/13/2018	AL0008682284	AL	1003557	IN	0	0	Yes	No	1	3	3	
7/11/2018	NC0105538512	NC	1159242	IN	0	1	No	No	2	3	6	
7/11/2018	VA0181955165	VA	90752 PY	VA	0	0	Yes	No	1	3	3	
7/10/2018	TN0102073757	TN	2470103	IN	0	0	Yes	No	1	3	3	
7/10/2018	AZ0003389582	AZ	P741622	IN	0	0	Yes	No	1	3	3	
7/10/2018	TX587AHQE1M5	TX	R303552	TX	0	0	Yes	No	1	3	3	
7/5/2018	IN0203179972	IN	1075740	IN	0	1	Yes	No	2	3	6	
7/5/2018	ILX001217493	IL	2115959	IL	0	1	Yes	No	2	3	6	

Detailed Crash Report as of 7/27/2018

CARRIER INFORMATION		CRASH INFORMATION	
Carrier Name:	Ups Freight	# of Fatalities:	1
U.S. DOT#:	121058	# of Injuries:	0
Carrier Address:	1000 Semmes Ave Richmond, VA 23218-1216	Towaway:	Yes
State Census#:		# of Vehicles in Crash:	2
LOCATION		REPORTING DATA	
Crash Date & Time:	8/22/2017 0244	Report State:	NM
Location:	Us 380	Report #:	NM0710384471
City:		Reporting Agency:	New Mexico State Police
County:	CHAVES	Officer Badge #:	6375
Crash State:	NM	Federally Recordable:	Yes
		State Recordable:	No
CRASH ENVIRONMENT			
Roadway Trafficway:	Two-Way Trafficway, Not Divided	Weather Condition:	No Adverse Conditions
Road Access Control:	Full Control	Light Condition:	Dark - Not Lighted
Road Surface Condition:	Dry		
DRIVER INFORMATION			
Age:	48	Citation Issued:	Unknown
License State:	TX	Valid License:	Yes
VEHICLE INFORMATION			
Identification	Hazardous Materials	Vehicle Type	
VIN: 1XPBA48X0GD349708	HM Placards: No	Vehicle	Tractor/Semi-Trailer

Acute-Critical Violations

- This section involves instances of investigations into the motor carrier
- These violations prioritize a carrier for intervention
- You can find these violations in 49 CFR 385 Appendix B

Additional Resources

The screenshot shows the FMCSA website interface. At the top, the browser address bar displays www.fmcsa.dot.gov. The header includes the United States Department of Transportation logo and navigation links for "About DOT", "Our Activities", and "Areas of Focus". The main header features the FMCSA logo and a search bar with a "GO" button. Below this is a navigation menu with links for "About Us", "Regulations", "Registration", "Safety", and "News".

The main content area features a large banner for the "QCMobile App" with a background image of a truck. The text reads: "QCMobile App" and "QCMobile provides instant access to carrier safety data at your fingertips." Below the banner are several small icons representing various programs and initiatives, including "ADA 25", "E-Verify", "MCSA", "I-9", and "Beyond Traffic".

Below the banner are three columns of content:

- DRIVERS**: Information and requirements for truck and bus drivers. Accompanied by a photo of a driver in a cap.
- CARRIERS**: Information resources for carrier companies operating in the U.S. Accompanied by a photo of a white semi-truck.
- CONSUMERS**: Tools and resources for passengers and consumers. Accompanied by a photo of a truck wheel and tire.

At the bottom, there is a navigation bar with three buttons: "TRUCK", "BUS", and "CONSUMER PROTECTION". Below these buttons is a search bar with the text "SEARCH USDOT # OR COMPANY NAME" and a magnifying glass icon. A small "Get a DOT number" link is located below the "TRUCK" button.

Federal Motor Carrier

SAFETY Regulations

Handbook

as prescribed by:
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
PARTS 40, 303, 325, 350-399

Green Book® Handbook

UPDATED QUARTERLY


J. J. Keller
& Associates, Inc.
Since 1953

Intrastate CMV – Do I Care About the FMCSR?

N.J.A.C. 13:60-2.1 (2015)

§ 13:60-2.1 Adoption and incorporation, by reference, of Federal Motor Carrier Safety Regulations and Appendices to Federal Motor Carrier Safety Regulations

(a) Except as may be indicated in this chapter and appendix, the Superintendent, pursuant to *N.J.S.A. 39:5B-32*, hereby adopts and incorporates, by reference:

1. The Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto, adopted as final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R., Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 398, inclusive); and

2. Appendices F and G to the Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R. Ch. III, Subch. B, App. F and G).

(b) The Parts and Appendices of the Federal Motor Carrier Safety Regulations and supplements and amendments thereto, adopted as final rule action by the Federal Highway Administration, U.S. Department of Transportation, and adopted and incorporated, by reference by the Superintendent, are summarized below. A more detailed list of the sections in the Regulations and Appendices is found in the appendix to this chapter ("Appendix to the Regulations Regarding Motor Carrier Safety Regulations"). Within that list some sections, subparts, or parts may have been modified, revised, amended, made subject to a different effective date, or intentionally omitted by the Superintendent. Those sections, subparts, or parts are clearly identified in the text of the appendix to this chapter.

1. Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Program.
2. Part 325, Compliance with Interstate Motor Carrier Noise Emission Standards.
3. Part 350, Commercial Motor Carrier Safety Assistance Program.
4. Part 355, Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations.
5. Part 380, Special Training Requirements.
6. Part 382, Controlled Substances and Alcohol Use and Testing.
7. Part 383, Commercial Driver's License Standards; Requirements and Penalties.
8. Part 384, State Compliance with Commercial Driver's License Program.
9. Part 385, Safety Fitness Procedures.
10. Part 387, Minimum Levels of Financial Responsibility for Motor Carriers.
11. Part 388, Cooperative Agreements with States.
12. Part 390, Federal Motor Carrier Safety Regulations: General.
13. Part 391, Qualifications of Drivers.
14. Part 392, Driving of Motor Vehicles.
15. Part 393, Parts and Accessories Necessary for Safe Operation.

16. Part 394, (Removed and Reserved)

17. Part 395, Hours of Service of Drivers.

18. Part 396, Inspection, Repair, and Maintenance.

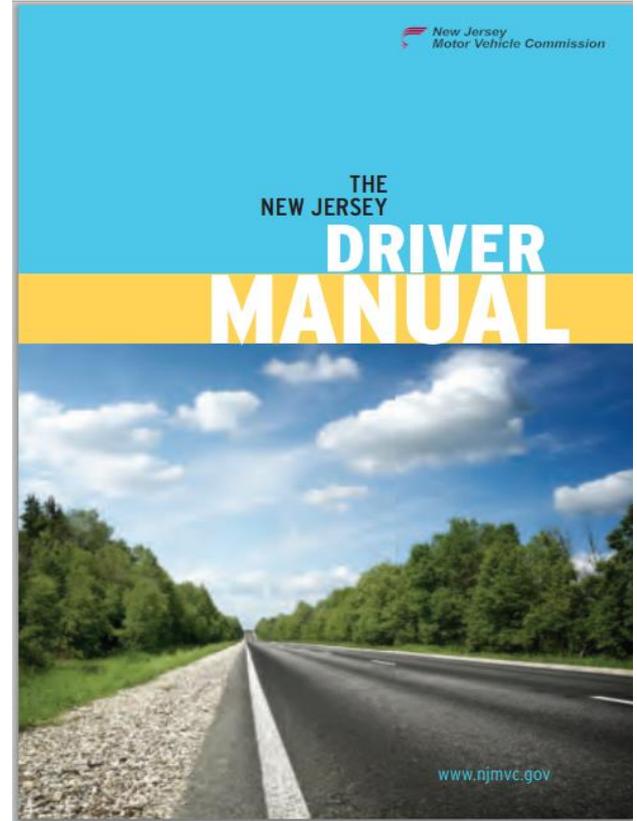
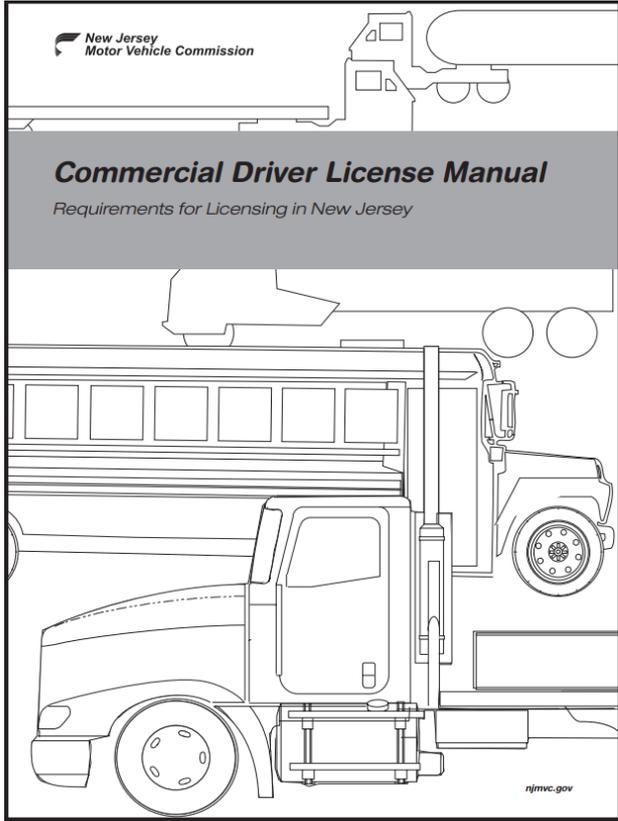
19. Part 397, Transportation of Hazardous Materials: Driving and Parking Rules.

20. Part 398, Transportation of Migrant Workers.

21. Appendix F to Subchapter B-Commercial Zones, Sections 1, 6, 11, 12, 43, and 44.

22. Appendix G to Subchapter B-Minimum Periodic Inspection Standards.

(c) Supplements and amendments to the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations which have been adopted as a final rule action by the Federal Highway Administration and become effective after October 1, 1996, are not listed in the appendix to this chapter. Those supplements and amendments are, pursuant to the (a) above, adopted and incorporated, by reference, herein, as if set forth in full. The full text of such supplements and amendments can be found by examining the Federal Register published after the above noted date. See also, *N.J.A.C. 13:60-1.5*, Document availability, and *N.J.A.C. 13:60-1.6*, Assistance.



SPOILIATION

“Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another’s use as evidence in pending or reasonable foreseeable litigation.”

Bensel v. Allied Pilots Ass’n, 263 F.R.D. (D.N.J. 2009).

Elements of Spoliation

(1) the evidence was in the party's control; (2) the evidence is relevant to the claims or defenses in the case; (3) there has been actual suppression or withholding of evidence; and (4), the duty to preserve the evidence was reasonably foreseeable to the party.

Bozic v. City of Wash., 912 F. Supp. 2d 257, 259 (W.D. Pa. 2012)

State Law v Federal Law

Independent Tort?

Intentional Spoliation

Intentional spoliation occurs where the party purposefully destroys or conceals evidence from discovery

“(1) the existence of pending or probable litigation involving the plaintiff; (2) defendant’s knowledge of the pendency or fact of the litigation; (3) intentional destruction of evidence by the defendant designed to disrupt the plaintiff’s case; (4) disruption of the plaintiff’s case; and (5) damages proximately caused by the defendant’s acts.”

Rosenbilt v. Zimmerman, 166 N.J. 391, 404-05 (2001).

Fraudulent Concealment

“(1) that defendants had a legal obligation to disclose the evidence to plaintiff; (2) that the evidence was material to plaintiff’s case; (3) that plaintiff could not have readily learned of the concealed information without defendant disclosing it; (4) that defendant intentionally failed to disclose the evidence to plaintiff; and (5) that plaintiff was harmed by relying on the nondisclosure.”

Viviano v. CBS, 251 N.J. Super. 113,123 (1991).

Triggering the Duty to preserve

Could Extend to 3rd
parties

FRCP 37(e)

SANCTIONS

1) dismissal of a claim or granting judgement in favor of a prejudiced party; 2) suppression of evidence; adverse inference (spoliation inference); 3) fines; or 4) attorneys' fees and costs.

MOSAID Techs. Inc. v. Samsung Elecs. Co., 348 F. Supp. 2d 332, 335 (D.N.J. 2004) at 335. See also; Fed. R. Civ. P 37(e)

Considerations when imposing sanctions

“(1) the degree of fault of the party who altered or destroyed the evidence; (2) the degree of prejudice suffered by the opposing party; and (3) whether there is a lesser sanction that will avoid substantial unfairness to the opposing party and, where the offending party is seriously at fault, will serve to deter such conduct by others in the future.”

Schmid v. Milwaukee Elec. Tool Corp., 13 F.3d 76, 79
(3d Cir. 1994).

SPOILIATION LETTER

- Example at attachment 1.
- Registered Mail and/or by fax.
- Serve on Motor Carrier, driver, owner of equipment
- Authority located at FMCSR 395.8 (See Attachment 2, DOT Interpretation 10).
- Tailor your request to the needs of the case.