

TRANSPORTATION DEPARTMENT



1867-2012

145 YEARS OF TRANSPORTATION REGULATION

OHIO

THE TRANSPORTATION HEART OF IT ALL

NATIONAL COMPARISON

- Highway System(116,000 miles) 9th
- CMV Miles Traveled (111 million) 4th
- Rail Traffic 4th
- Operating Railroads (40) 5th
- 6500 Main Track Miles 5th
- 6000+ Public Crossings 4th

IN A TYPICAL YEAR, THE TRANSPORTATION DEPARTMENT WILL:

- Process almost 100,000 inspection reports
- Collect in excess of \$7 million in revenue
- Receive almost \$10 million in grants
- Manage 100 grade crossing installation projects totaling \$12.5 million
- Assess civil forfeitures in excess of \$4 million
- Conduct almost 1500 safety audits
- Register 17,500 motor carriers

Transportation Department

Operational Sections

- ❖ **Director's Office**

- ❖ **Administrative Systems**

- ▶ **Motor Carrier Registration**
- ▶ **Data System and Support**

- ❖ **Enforcement**

- ▶ **Compliance Reviews**
- ▶ **Hazmat**
- ▶ **New Motor Carrier Entrants Program**

- ❖ **Compliance**

- ❖ **Rail**

DIRECTOR'S OFFICE

The Director's Office conducts the following activities:

- ❖ Administration of the US DOT's Motor Carrier Safety Assistance Program for Ohio;
- ❖ Coordination of the Commercial Vehicle Information Systems & Networks program for Ohio;
- ❖ Department legal functions;
- ❖ Administration of hazardous materials & radioactive materials highway routing;
- ❖ Emergency regulatory relief operations;
- ❖ Agency contact for the State Emergency Response Commission and the Utility Regulatory Safety Board;
- ❖ Department administrative functions (HR, payroll, etc); and
- ❖ Coordination of department training & travel.

Data System and Support Section

Activities performed by the Section includes:

- ❖ Motor Carrier Management Information System and Commercial Driver's License Information System account authorization
- ❖ Federal System (SAFETYNET, ASPEN, and CAPRI) software/hardware upgrade, testing and deployment to field staff
- ❖ Safety program planning and technical direction
- ❖ Roadside inspection data editing, auditing, and integration & upload to FMCSA
- ❖ Compliance Review data auditing, integration and upload to FMCSA
- ❖ Providing reports and metrics to Compliance, Enforcement, and Motor Carrier Registration, and Rail Divisions

Data Systems Division Activity

Activity	Activity Total
Roadside inspections received	88029
Ohio Motor Carrier (OMC) Number checked for validity and accuracy	15393
Re-inspection reports received and entered into the system	1725
Consumer requests for inspection copies	1557
Repair certification forms received and entered into the system	48413
Crash records received from the Department of Public Safety	7447
Crash records processed for accuracy and uploaded to federal system	4448
Crash records not federal reportable	3203
Compliance reviews processed for accuracy and uploaded to federal system	787

Motor Carrier Registration Section:

- ❖ Collects and maintains records on regulated motor carriers operating in Ohio. The following types of carriers are required to register with the PUCO:
- ❖ Intrastate For-Hire Carriers
 - Transport within Ohio
- ❖ Interstate For-Hire Motor Carriers
 - Includes interstate carriers “exempt” from the FMCSA operating authority requirements)
 - Transport through Ohio
 - Register with PUCO under SSRS – Single State Registration System
- ❖ Hazardous Materials Carriers
 - Includes Interstate & intrastate carriers that transport hazardous materials and hazardous wastes.
 - Transporting hazardous materials in placardable quantities >1,000lbs
- ❖ Tow Truck operators
- ❖ Household Goods

Motor Carrier Registration Activity

Activity	Year To Date Total
Funds Deposited:	
PUCO Tax	\$2,749,864.35
Household Goods	\$563,600.00
UCR Registrations	\$5,213,689.65
Funds Refunded:	
PUCO Tax	\$12,221.85
Household Goods	\$1,227.00
UCR: Participating States	\$15,288.95
Application Processed:	
Funds Deposited	\$684,194.09
Funds Refunded	\$137,948.70

ENFORCEMENT DIVISION

Enforcement Inspectors – Activities

Enforcement personnel conduct:

- ❖ Compliance reviews at interstate and intrastate motor carriers.
- ❖ New entrant motor carrier safety audits at new interstate motor carriers.
- ❖ Reviews of household goods carriers to ensure compliance with Ohio rules.
- ❖ Roadside safety inspections of commercial motor vehicles.

Enforcement personnel investigate:

- ❖ Complaints made against the motor carrier industry; and
- ❖ Accidents and incidents involving the transport of hazardous materials.

Compliance Reviews

A Compliance Review (CR) is an on-site examination of a motor carrier's operations and records to determine whether carrier complies with applicable federal safety regulations and conduct safe operations.

- ❖ The CR is a comprehensive examination of carrier or shipper compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations.
- ❖ The size of the carrier/shipper operation, complexity of the business and the violations encountered affect how long it takes to complete a CR.
- ❖ The FMCSA's "SafeStat" system is used to select carriers for CRs. Also complaints, crashes involving CMV's, and carrier requests for a review are used in the selection of carriers for review resources.

New Entrant Motor Carrier Safety Assurance Program

Safety Audits

A Safety Audit (SA) is conducted on new entrant carriers that have recently begun operating commercial motor vehicles in interstate commerce.

- ❖ The objective of the audit is to educate the carrier on compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations and to determine if there are deficiencies in the carrier's basic safety management controls.
- ❖ After registering with the FMCSA, new entrant carriers begin an 18 month "safety-monitoring period".
- ❖ If the carrier does not have basic safety management controls in place, the new entrant registration may be revoked by the FMCSA.

To prepare for requirements under the U.S. Motor Carrier Safety Improvement Act of 1999, PUCO staff members have been trained to perform new entrant motor carrier safety audits.

Enforcement Division Activity 2011

• Compliance Reviews	719
• Shipper Reviews	35
• Safety Audits	995
• Roadside Inspections	3,978
• Level 1/5 Inspections	1,967
• Vehicles Out of Service	24%
• Drivers Out of Service	12%

Hazmat



Radioactive Inspections



*Phil Haskins and Ron Swegheimer and Kelly Hedglin and Scott Kiser
Hazardous Material Specialists, conducting radioactive surveys*



Bob Barrett and Phil Haskins, Hazardous Material Specialists, conducting radioactive surveys

COMPLIANCE DIVISION

The major activities of the Compliance Division include:

- ❖ Review all Ohio driver/vehicle inspections, compliance reviews (CR) and household goods investigations for violations of applicable federal and state transportation safety regulations.
- ❖ Assess monetary penalties (civil forfeitures) for serious violations found during CRs, commercial motor vehicle inspections, and household goods investigations.
- ❖ Respond to regulatory inquiries from the regulated community.

The Civil Forfeiture Process

When violations are discovered, the PUCO imposes administrative or “civil” penalties on the responsible parties. This can be a motor carrier, driver, hazmat shipper or other responsible party.

The PUCO civil forfeiture process involves:

- ❖ A “Notice of Apparent Violation” is sent but a monetary penalty is not warranted .
- ❖ A "Notice of Intent to Assess Forfeiture" is sent indicating the violation is viable and warrants a fine.
 - ❖ Fines may range up to \$10,000 per violation for hazardous Material Violations and up to \$1,000 per violation for safety violations.
- ❖ Respond to regulatory inquiries from the regulated community.

The Civil Forfeiture Process

- ❖ Upon receipt of a Notice, a party has 30 days to request a conference to discuss the matter.
- ❖ A conference is an attempt to mutually agree, or settle, on a resolution to the allegation being made.
- ❖ If an agreement can't be reached, a Notice of Preliminary Determination is issued to the party and the case proceeds to formal hearing before the Commission.

Summary of Activities for 2011

<u>Activity</u>	<u>Total</u>
❖ Conferences Conducted	3,591
❖ Conference Summaries Submitted	3,580
❖ NIF Forfeiture Amount (Total Fines)	\$2,921,042
❖ Roadside Inspection Reports Reviewed	18,928
❖ CR (Audit) Reviews	751
❖ Technical inquiries	4,792

Rail Division



The Transportation Rail Division inspectors are responsible for :

- ❖ **Investigating public complaints concerning rail issues.**
- ❖ **Rail safety inspections dealing with:**
 - ☐ **Operating practices**
 - ☐ **Rail equipment**
 - ☐ **Warning devices**
 - ☐ **Track**
 - ☐ **Hazardous materials**

PUCO Rail Inspectors – Field Activities

- ❖ All PUCO rail inspectors are certified by the Federal Railroad Administration (FRA) to conduct inspections for that agency.
- ❖ Violations of FRA requirements are forwarded to that agency for potential penalty action.
- ❖ Rail inspections are directed at the equipment used by the rail companies as well as safety related day-to-day operating procedures, warning devices, operations maintenance, and track maintenance.
- ❖ Railroad assets that directly affect the public (i.e. bridges, grade crossings, maintenance of right-of-way, etc.) are also examined.

PUCO Rail Inspectors

Inspection / Investigation Areas

PUCO Inspection Activities

- ❖ Bridges
- ❖ Close Clearance
- ❖ Grade Crossings Surfaces
- ❖ Project Audits
- ❖ Warning Device Projects

FRA Inspection Activities

- ❖ Rail Cars
- ❖ Locomotives
- ❖ Crew Quarters
- ❖ FRA Records
- ❖ Signal (warning devices)
- ❖ Miles of Main Track
- ❖ Miles of Yard Track
- ❖ Turnouts/Switches
- ❖ Operating Practices

Accidents Investigated

- ❖ Crossing
- ❖ Railroad Employees
- ❖ Derailments
- ❖ Grade Crossing Fatal Crashes

FRA Inspection Defects

- ❖ Locomotive
- ❖ Rail Cars
- ❖ Track
- ❖ Signal (warning devices)
- ❖ Operating Practices

Complaints Investigated

- ❖ Public
- ❖ Railroad Employee

Rail Division Annual Inspections

- ❖ Inspects approximately 6,100 public rail-highway crossings annually
- ❖ Over 6,600 miles of track, including tracks on rail yards.

Rail Division Inspections Activities 2011

<u>PUCO Inspection Activities</u>	Year To Date Total
Bridges	2341
Close Clearance	49
Grade Crossings	8693
Project Audits	202
<u>FRA Inspection Activities</u>	
Hazmat Cars	6375
Rail Cars	7960
Locomotives	915
Crew Quarters	64
FRA Records	5565
Signal	454
Miles of Main Track Inspected	2183.5
Miles of Yard Track Inspected	82
Turnouts/Switches	1715
Operating Practices	1799
<u>Accidents</u>	
Crashes Crossing	31
Railroad Employees	15
Derailments	18

<u>PUCO Inspection Activities</u>	Year To Date Total
<u>Complaints</u>	
Public	1509
Railroad Employee	161
<u>PUCO Inspection Defects</u>	2208
<u>FRA Inspection Defects</u>	
Locomotive	350
Rail Car	1407
Track	1358
Signal	520
Operating Practices	518
<u>Office Hours / Training</u>	
Local Office Hours	3826
FRA Training Hours	1001
PUCO Training Hours	200

**Rail Division Consumer
Activities
2005**

Activities	Year to Date Total
<u>Data</u>	
Reports Submitted by Railroad	144
T & S Reports Submitted	1079
Complaints Assigned	288
Complaint Reports Received	539
<u>Bridges</u>	
Reviewed	1772
Assigned	61
<u>Information Requests</u>	
Grade Crossing Info Pkg.	1
Accident – Crashes	24
Bridge Info.	0

Rail Grade Crossing Programs

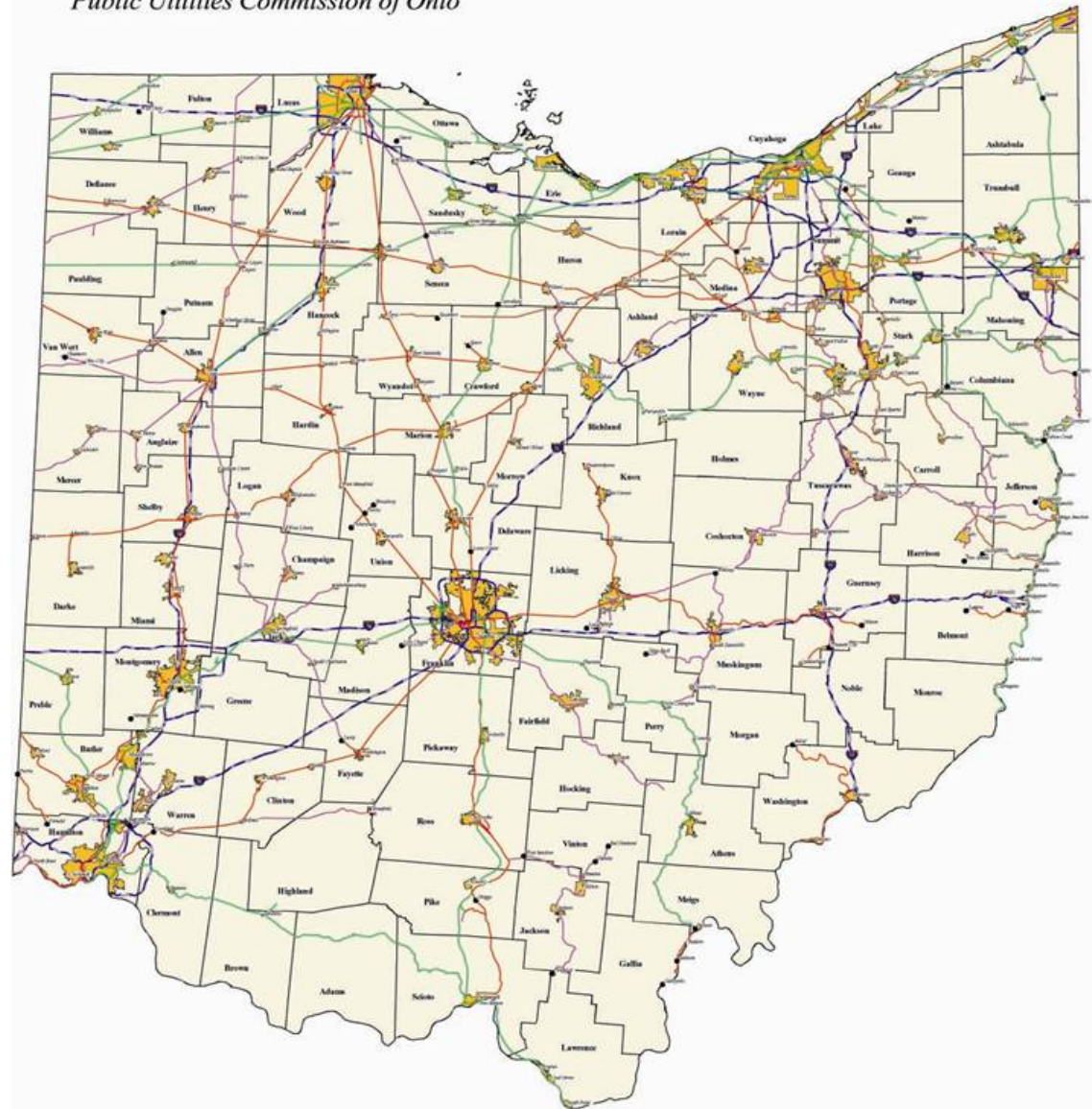
- ❖ Federal Grade Crossing Upgrade Program
- ❖ Grade Crossing Upgrade Program – State Program
- ❖ Grade Crossing Consolidation Program
- ❖ Supplemental Assistance Program

Railroad Lines in Ohio

Scale: 1 to 2,000,000

Public Utilities Commission of Ohio

Railroad Lines In Ohio



- | | |
|------------------------|----------------------|
| — CSX Transportation | — Other Railroads |
| — Norfolk Southern | — Interstate Highway |
| — Wheeling & Lake Erie | |

Grade Crossing Warning Device Upgrade Programs - Successes

- ❖ Ohio is a national leader in terms of railroad operations.
- ❖ Ohio is home to approximately 43 railroads running thousands of trains every day over roughly 5,230 miles of track, ranking 4th nationally in rail carloads handled.
- ❖ These trains operate over at least 6,100 public grade crossings and 7,724 private grade crossings.
- ❖ Since 1989, highway-railroad grade crossing crashes have decreased 72%, fatalities decreased 79% and injuries decreased 80%.
- ❖ This dramatic progress has been achieved during a period of a steady increase in the number of registered motor vehicles and licensed drivers in Ohio as well as an increase in rail operations.
- ❖ Nationally, in 1989 Ohio ranked 1st in highway-railroad grade crossing crashes and fatalities, in 2011 Ohio ranked 7th in highway-railroad grade crossing crashes.
- ❖ Since 1989, the Commission has participated in the safety improvements at more than 2,000 grade crossings in Ohio at a cost exceeding \$300 million.

