

CARRIER EVALUATION REPORT

Express Trucking LLC
USDOT No. 32433776



January 7, 2023

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A. EXECUTIVE SUMMARY

This report was developed entirely from public information published by the USDOT's Federal Motor Carrier Safety Administration.

Express Trucking LLC is an interstate trucking company located, per USDOT records, at 4137 Industrial Way, Dallas, Texas. The company is "For Hire" and transports general freight. DOT records show that Express Trucking LLC currently employs a self-reported 12 commercial drivers (10 company-employed drivers and 2 contracted owner-operators) and operates 14 commercial vehicles (12 company-owned vehicles and 2 leased vehicles). *The Federal Motor Carrier Safety Administration (FMCSA) holds commercial transportation companies responsible for the safety and compliance of all driver and vehicles operating under their operating authority, whether company employed or contracted and leased.*

Express Trucking LLC has had 121 roadside inspections during the previous 24 months. They currently have a 37.9% Vehicle Out-of-Service Rate and 15.7% Driver Out-of-Service Rate, both higher than the current national average.

Current DOT records show that Express Trucking LLC has been involved in 7 DOT-recordable accidents within the previous 3 years.

Express Trucking LLC currently has a "Conditional" safety rating that was issued on December 29, 2022 by the FMCSA following a compliance investigation conducted by the agency that concluded on September 29, 2022. The company also settled a fine with the FMCSA in the amount of \$30,860 for violations of the Federal Motor Carrier Safety Regulations that were discovered during the September 29th compliance investigation.

B. EXPRESS TRUCKING LLC OUT-OF-SERVICE RATES

An Out-of-Service violation is a safety violation cited against a commercial driver or commercial motor vehicle during a roadside inspection that is so serious that the driver or vehicle is placed "Out-of-Service" (OOS) until the violation is corrected. A motor carrier's Out-of-Service rates, calculated and published by the FMCSA, measure how often the company's drivers and vehicles are placed Out-of-Service during roadside violations.

When drivers are placed Out-of-Service, it's usually for violations related to their driver's license, medical certification, or records-of-duty status (logs). When vehicles are placed Out-of-Service, it's usually due to maintenance violations such as bad tires, brakes out-of-adjustment, required lights are inoperable, etc.

Express Trucking LLC currently has a 37.9% Vehicle Out-of-Service rate. That means that when their trucks receive a roadside inspection while in transit, 37.9% of the time they are placed OOS at the inspection site for maintenance violations. This is higher than the current National average which is 21.4%.

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Express Trucking LLC's current Driver Out-of-Service rate is 15.7%. This means that whenever one of their drivers receive a roadside inspection, 15.7% of time they are placed out-of-service for driver violations such as a driver's license or non-compliant log issues. This is more than twice the current national average Driver Out-of-Service rate of 6%.

C. EXPRESS TRUCKING LLC ACCIDENTS

A DOT-recordable accident is any accident involving a commercial vehicle that involves a fatality, any person being taken away from the scene for the treatment of injuries, or any vehicle being towed from the scene due to disabling damage. The designation of DOT-recordable accident is not an indication that the commercial carrier was at fault for the accident. The party at fault is not considered in the designation of DOT-recordable accident.

FMCSA data shows that Express Trucking LLC has been involved in seven (7) DOT-recordable accidents during the previous 3 years. (See Figure 1) One (1) accident involved a fatality. Three (3) involved bodily injuries, and all involved at least one vehicle being towed from the scene for disabling damage.

EXPRESS TRUCKING LLC DOT RECORDABLE ACCIDENTS (PREVIOUS 3 YEARS)

| Accident Date | Accident Location | No. of Fatalities | No. of Injuries | No. of Tows |
|---------------|-------------------|-------------------|-----------------|-------------|
| 2/12/2023 | SD | 0 | 2 | 2 |
| 11/13/2022 | TX | 1 | 0 | 1 |
| 10/03/2022 | NC | 0 | 0 | 1 |
| 7/24/2022 | GA | 0 | 1 | 1 |
| 7/08/2022 | AZ | 0 | 0 | 2 |
| 3/13/2022 | SC | 0 | 1 | 1 |
| 2/04/2022 | NY | 0 | 0 | 1 |

Source: Federal Motor Carrier Safety Administration

Figure 1

D. EXPRESS TRUCKING LLC COMPLIANCE INVESTIGATION

High safety scores resulting from numerous roadside inspection violations, high driver and vehicle Out-of-Service rates, and a large number of accidents relative to the size of a company's fleet are indications to the FMCSA that a trucking or bus company may not have sufficient safety policies and processes in place to operate safely. The FMCSA monitors this data on every commercial carrier and when the data meets established thresholds, the agency conducts a compliance investigation on the company to determine their level of compliance with the Federal safety regulations.

The FMCSA conducted a compliance investigation on Express Trucking LLC that concluded on September 29, 2022. During the investigation, the agency discovered serious violations of the Federal Motor Carrier Safety Regulations in the areas of Hours-of Service (Logs), Drug and

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Alcohol Testing, Vehicle Maintenance, and Driver Fitness. See Figure 2 below for the serious violations cited against Express Trucking LLC during the September 2022 compliance investigation conducted on Express Trucking.

Express Trucking Violations Cited During Compliance Investigation

| Violation Code | Violation Description | Safety Category |
|----------------|--|------------------|
| 395.8(e)(1) | Drivers Creating a False Logs | Hours-of-Service |
| 383.37(a) | Driver Not having a CDL or Proper Endorsement | Driver Fitness |
| 382.303(a) | Failing to Conduct Required Post-Accident Alcohol Test | Drug & Alcohol |
| 382.303(b) | Failing to Conduct Required Post-Accident Drug Test | Drug & Alcohol |
| 396.3(b) | Failing to Keep Minimum Inspection & Maint. Records | Vehicle Maint. |

Source: Federal Motor Carrier Safety Administration

Figure 2

TRUCKING LLC SAFETY RATING

The violations discovered during the compliance investigation suggest that Express Trucking LLC did not have adequate processes and/or policies in place to ensure that their drivers comply with the hours-of-services rules, were not ensuring that their drivers were qualified to operate commercial vehicles, was not familiar with or not diligent in complying with the DOT's drug and alcohol testing regulations and was not meeting the required recordkeeping requirements for their equipment maintenance program.

As a result of the cited violations, Express Trucking was issued a "Conditional" safety rating by the FMCSA. Companies that receive a "Conditional" safety rating are allowed by the DOT to continue to operate, but will find that due to the perception that they are now a safety liability, it becomes difficult to obtain freight from some shippers and freight brokers and they may experience an increase in their insurance rates or cancelation of their policy.

F. USDOT FINES AGAINST EXPRESS TRUCKING LLC

Following the FMCSA compliance investigation that concluded on September 29, 2022, Express Trucking LLC was fined for the serious violations of drivers creating false logs, drivers operating a commercial vehicle without a CDL or proper endorsement, the company's failure to conduct post-accident drug and alcohol tests when required, and their failure to keep the required minimum records of inspections and maintenance for their vehicles. On January 5, 2023, the company settled with the FMCSA for \$30,860.

G. SAFETY PERFORMANCE ANALYSIS – EXPRESS TRUCKING LLC

A motor carrier's compliance status is measured by the USDOT through their performance in 7 safety categories called Behavior Analysis Safety Improvement Categories or BASICS. The

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BASICS are Unsafe Driving, Crash Indicator, Hours-of-Service, Vehicle Maintenance, Controlled-Substance and Alcohol, Hazardous Materials Compliance and Driver Fitness. A company's safety status or their "safety scores" in the BASICS are fluid and are derived from the company's roadside inspection data, compliance investigation data, and crash results. The chart in Figure 3 displays the data that influences each of the 7 BASICS.

| BASIC | MEASURES |
|----------------------------------|---|
| Unsafe Driving | Traffic violations received by a company's Drivers |
| Crash Indicator | No. of accidents the company has compared to fleet size |
| Hours-of-Service | Violations related to logs and ELDs |
| Vehicle Maintenance | Violations related to vehicle maintenance issues |
| Controlled Substance and Alcohol | Violations related to DOT drug and alcohol regulations |
| Hazardous Materials Compliance | Violations related to Federal hazardous materials regs |
| Driver Fitness | Violations related to driver's license and medical cert |

Source: Federal Motor Carrier Safety Administration

Figure 3

Following is an analysis of Express Trucking LLC's publicly available safety performance data in the safety categories of Unsafe Driving, Hours-of-Service, Vehicle Maintenance, and Driver Fitness for the previous 24 months:

Unsafe Driving

The Unsafe Driving category measures a commercial transportation company's safety performance with regard to their driver's operation of their commercial vehicles. Numerous traffic violations are an indication that a company may not have or may not be enforcing a company safe-driving policy and is not sufficiently holding their drivers accountable for obeying traffic laws and ordinances.

The FMCSA holds motor carriers responsible for the behavior of all drivers operating under their operating authority, whether they are company-employed drivers or drivers operating under a lease or contract.

Drivers operating under Express Trucking LLC's operating authority were cited for 16 traffic violations during the previous 24 months. The table in Figure 4 below shows the traffic violations cited against Express Trucking LLC drivers.

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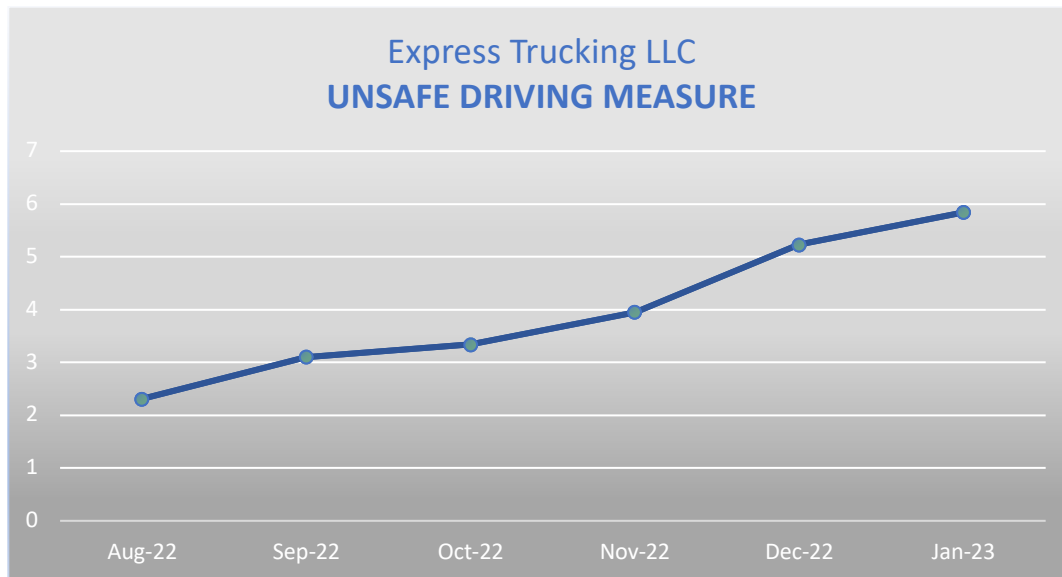
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| Express Trucking LLC Traffic Violations Cited (Previous 24 Months) | Number Cited |
|--|--------------|
| Failure to obey traffic control device | 4 |
| Lane Restriction violation | 2 |
| Unlawfully parking and/or leaving vehicle in the roadway | 2 |
| Failing to use seat belt while operating a CMV | 1 |
| Operating a property-carrying commercial motor vehicle while all other occupants are not properly restrained | 1 |
| Following to Close | 1 |
| Speeding 6-10 miles over the speed limit | 3 |
| Speeding 11-14 miles over the speed limit | 1 |
| State/Local Laws – Speeding 15 or more miles per hour over the speed limit | 1 |
| Total: | 16 |

Source: Federal Motor Carrier Safety Administration

Figure 4

DOT records suggest that one particular driver received multiple traffic citations during separate DOT roadside inspections that were conducted within a four-month period. On June 28, 2022 the driver of the truck tractor bearing Texas tag R608032 was cited in New Mexico for failure to wear a seatbelt. The driver of the same vehicle was cited on September 3, 2022 in Arizona for speeding 11-14 mile over the speed limit and on September 28, 2022 in Pennsylvania for failure to obey a traffic control device. *(DOT Public data indicates that it was the same truck in all 3 instances, but does not reveal if it was the same driver)*



Source: Federal Motor Carrier Safety Administration

Figure 5

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FMCSA data shows that due to traffic violations received by Express Trucking LLC’s drivers, the company’s safety scores in the “Unsafe Driving” BASIC have trended upward significantly during the previous 6 months. (Figure 5)

Hours-of-Service

The Hours-of-Service (HOS) regulations were developed to ensure that drivers of commercial vehicles receive enough rest to avoid being involved in an accident due to fatigue. The Hours-of-Service BASIC measures a motor carrier’s compliance with the hours-of-service (Logs) and electronic logging device (ELD) regulations.

Express Trucking LLC’s drivers were cited for 58 log violations on roadside inspections during the previous 24 months. The company’s drivers were cited 18 times for the serious violation of creating false logs.

This is an indication that the company has an hours-of-service training need, they are not holding drivers accountable for compliance with the hours-of-service regulations, or both. The Figure 6 table below shows the hours-of-service violations written against Express Trucking LLC drivers.

| Express Trucking LLC Hours-of-Service Violations Cited (Previous 24 Months) | Number Cited |
|---|--------------|
| The ELD display screen cannot be viewed outside the commercial vehicle | 1 |
| The ELD is not mounted in a fixed position and visible to the driver | 4 |
| Driver failed to maintain ELD user’s manual | 4 |
| Driver failed to maintain ELD instruction sheet | 2 |
| Driver failed to maintain ELD instructions for ELD malfunction requirements | 2 |
| Driver failed to maintain 8-days of blank paper logs | 2 |
| Driver failed to manually add the trailer number | 6 |
| Driver failed to manually add the shipping document number | 4 |
| Motor carrier failed to ensure that the ELD automatically recorded the required data elements | 4 |
| Driver failed to assume or decline unassigned driving time | 3 |
| Driving beyond 14-hour duty period (Property carrying vehicle) - Nominal Violation | 1 |
| Driving beyond 11 hour driving limit. (Property Carrying Vehicle) | 1 |
| Record of Duty Status violation (general/form and manner) | 3 |
| ELD - No record-of-duty status (ELD Required) | 2 |
| False report of drivers record-of-duty status | 14 |
| False Record of Duty Status - Improper use of Personal Conveyance Exception | 4 |
| Driver failing to retain previous 7 days records of duty status | 1 |
| Total: | 58 |

Source: Federal Motor Carrier Safety Administration

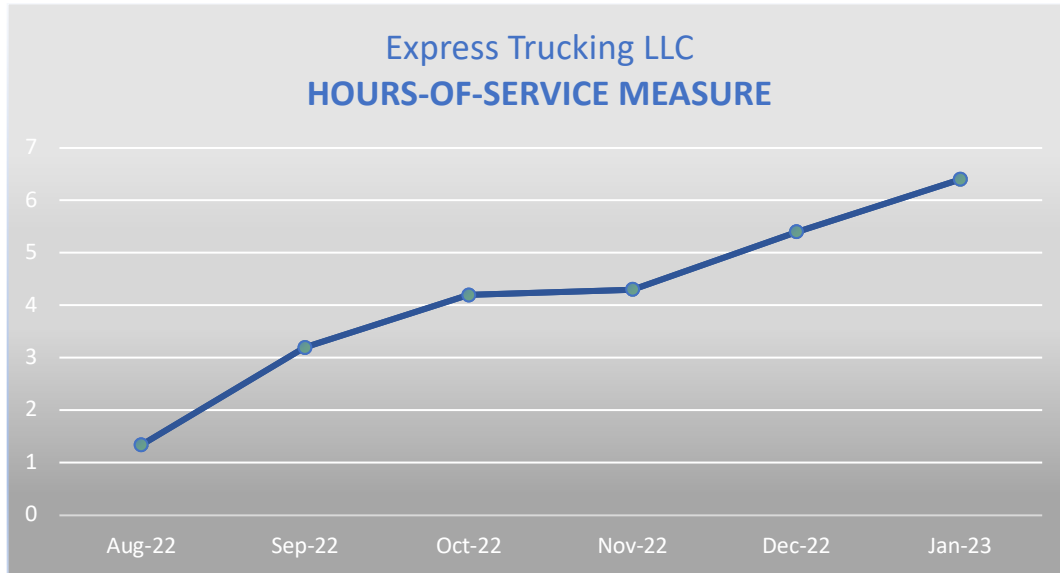
Figure 6

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The company's safety scores in the Hours-of-Service BASIC have trended up sharply over the previous 6 months. (Figure 7)



Source: Federal Motor Carrier Safety Administration

Figure 7

Vehicle Maintenance

The Vehicle Maintenance BASIC measures maintenance violations cited against a motor carrier's commercial vehicles and maintenance program. Excessive maintenance violations are an indication that the company may not have effective maintenance policies and processes in place.

If a trucking or bus company's vehicles are consistently cited during roadside inspections for maintenance violations such as bad tires, brakes out-of-adjustment, inoperable lights, defective horns and wipers, and oil, grease, and air leaks, the DOT suspects that inside the company they are probably in violation of maintenance program regulations such as "identifying each vehicle by year, make, unit number, VIN number, and tire size", "ensuring that all vehicles receive a periodic every 12 months", "maintaining the inspection reports for 14 months", "requiring drivers to conduct pre-trip and post-trip inspections", and "maintaining a preventive maintenance schedule".

The Figure 8 chart below displays the numerous maintenance violations that Express Trucking LLC's vehicles received on roadside inspections during the previous 24 months.

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| Express Trucking LLC Vehicle Maintenance Violations Cited (Previous 24 Months) | Number Cited |
|---|--------------|
| No or defective lighting devices or reflective material as required | 1 |
| No Lower rear retroreflective sheeting or reflex reflective materials as required | 2 |
| Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements | 2 |
| Truck-Tractor upper body corner requirements for retroreflective sheeting or reflex reflective material | 1 |
| Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles | 3 |
| Inoperative/Defective Hazard Warning Lamp | 1 |
| Wheel/rim cracked or broken | 1 |
| Wheel fasteners loose and/or missing | 1 |
| Adjustable axle locking pins missing or not engaged | 1 |
| Air suspension pressure loss | 1 |
| Improper Headlamp mounting | 1 |
| Improper or no wiring protection as required | 1 |
| Brake tubing and hose adequacy | 2 |
| Brake hose or tubing chafing and/or kinking | 4 |
| Brake Hose or Tubing Chafing and/or Kinking – Connection to Power Unit | 1 |
| Brake Hose or Tubing Chafing and/or Kinking Under Vehicle | 2 |
| Brake connections with leaks or constrictions | 2 |
| Brake Connections with Leaks – Connection to Power Unit | 1 |
| Brake Connections with Leaks Under Vehicle | 1 |
| Inadequate brakes for safe stopping – Brake Lining condition | 1 |
| Clamp or Roto type brake out-of-adjustment | 5 |
| Inoperative/defective brakes | 3 |
| All Brakes – Missing or Broken Components | 1 |
| Automatic airbrake adjustment system fails to compensate for wear | 4 |
| CMV not equipped with ABS malfunction circuit or signal | 1 |
| No or Defective ABS Malfunction Indicator for towed vehicles | 1 |
| Defective latching fasteners | 3 |
| Flat tire or fabric exposed | 1 |
| Tire-flat and/or audible air leak | 6 |
| Tire-other tread depth less than 2/32 of inch measured in a major tread groove | 4 |
| Tire-other tread depth less than 1/32 of inch measured in 2 adjacent major tread grooves | 1 |
| Windshield wipers inoperative/defective | 2 |
| Rear Impact Guards Required | 2 |
| Inoperable Required Lamp | 8 |

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| Express Trucking LLC Vehicle Maintenance Violations Cited (Previous 24 Months) | Number Cited |
|--|--------------|
| No/discharged/unsecured fire extinguisher | 3 |
| No spare fuses as required | 1 |
| No / insufficient warning devices | 1 |
| Inoperable head lamps | 2 |
| Inoperable tail lamp | 1 |
| Inoperative turn signal | 6 |
| Operating a CMV without proof of a periodic inspection | 2 |
| Inspection, repair and maintenance of parts and accessories | 1 |
| Brakes (general) | 3 |
| Brakes Out of Service: No. of defective brakes is equal to or greater than 20% of the service brakes on the vehicle or combination | 3 |
| Brake – Leak from air chamber | 2 |
| Oil and/or grease leak | 1 |
| Hubs – Oil and/or Grease Leaking from hub – inner wheel | 1 |
| Hubs – Wheel seal leaking – inner wheel | 1 |
| Failure to correct defects noted on previous inspection report | 1 |
| Total: | 102 |

Source: Federal Motor Carrier Safety Administration

Figure 8

The data indicates that 35 of the maintenance violations cited against Express Trucking LLC during the previous 24-months, greater than 1/3, were brake-related. This type of stat would cause the FMCSA to question the adequacy of the company’s brake inspection and service intervals.

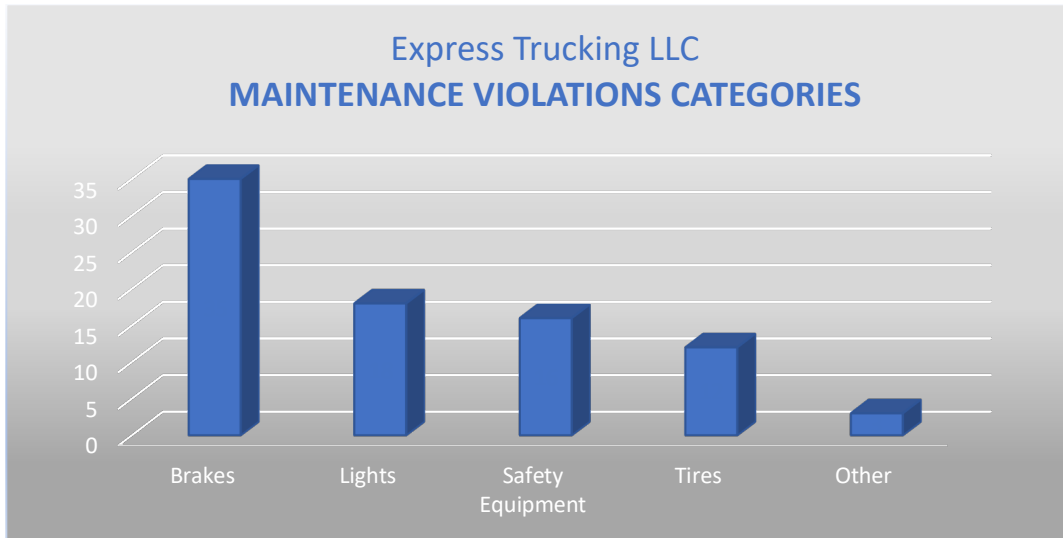
The data also reveals that 20 of the maintenance violations cited during the previous 24 months, almost 1/5, were for inoperable lighting and wipers. This would cause a FMCSA safety investigator to verify if the company is requiring their drivers to conduct daily pre-trip and post-trip inspections and create Daily Vehicle Inspection Reports (DVIRs) when discrepancies are discovered as required by 49 CFR Part 396 of the Federal Motor Carrier Safety Regulations.

The chart below (Figure 9) provides deeper insight into possible weaknesses in the Express Trucking’s maintenance program by listing the maintenance violations cited during the previous 24 months by category.

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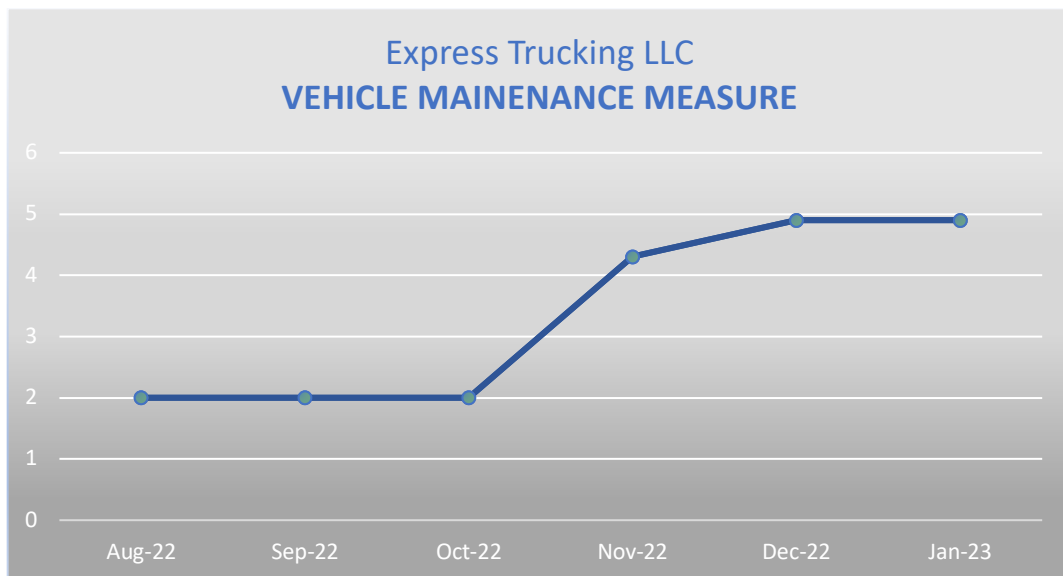


Source: Federal Motor Carrier Safety Administration

Figure 9

Violations in the “Other” category included wheel and rim violations, suspension violations, and inoperable wipers.

The graph below in Figure 10 shows that 6 months ago Express Trucking LLC’s vehicle maintenance scores were steady and then 4 months ago began trending sharply upward.



Source: Federal Motor Carrier Safety Administration

Figure 10

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Driver Fitness

The Driver Fitness BASIC is driven primarily by roadside violations pertaining to driver’s licenses and medical certification status. High scores in the Driver Fitness BASIC lead the FMCSA to believe that a motor carrier is not sufficiently complying with the Driver Qualification regulations. If a compliance investigation is triggered by the Driver Fitness BASIC, the safety investigator will heavily scrutinize the company’s driver qualification files to see if they are performing required processes such as maintaining DOT-compliant employment applications for their commercial drivers, obtaining Motor Vehicle Records (MVRs) as required, and verifying medical certification status.

Among other Driver Fitness violations, on 3 occasions during the preceding 24 months one of Express Trucking LLC’s drivers was cited and placed out-of-service for “operating a commercial motor vehicle without a CDL”, a serious violation of the Federal Motor Carrier Safety Regulations. The chart in Figure 11 below displays the “Driver Fitness” violations cited against Express Trucking LLC during the previous 24 months.

| Express Trucking LLC Driver Fitness Violations Cited (Previous 24 Months) | Number Cited |
|--|--------------|
| Operating a CMV without a CDL | 3 |
| Driver cannot read or speak the English language sufficiently to respond to official inquiries | 2 |
| Improper medical examiner's certificate form | 1 |
| Total: | 6 |

Source: Federal Motor Carrier Safety Administration

Figure 11

Figure 12 below shows that Express Trucking LLC’s Driver Fitness-related roadside violations have steadily increased during the previous 6 months.

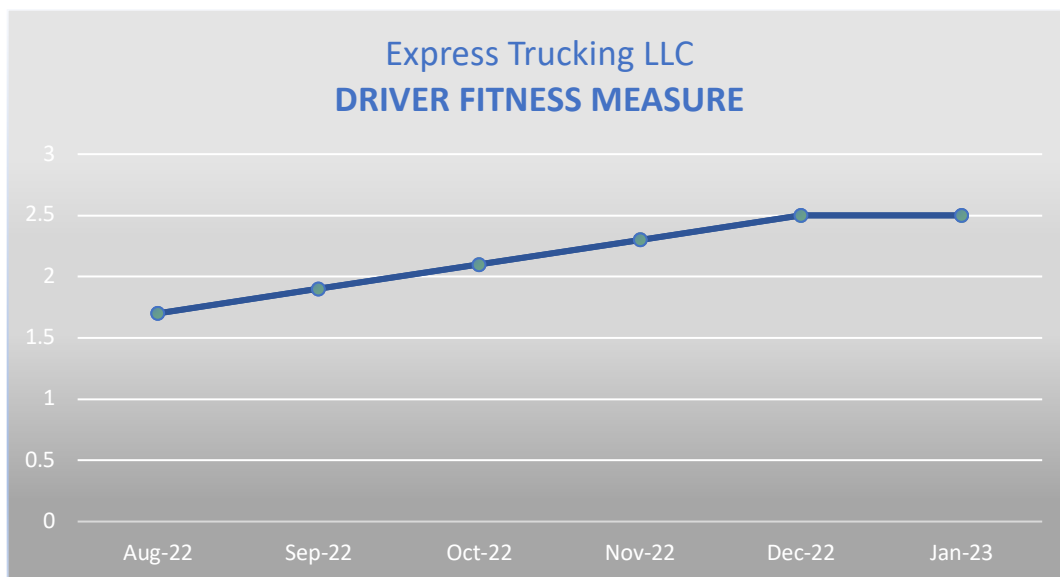


Figure 12

Source: Federal Motor Carrier Safety Administration

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H. CONCLUSION

The safety data suggests that there are significant weaknesses in Express Trucking LLC's safety program. Recurring violations in multiple BASICs is an indication that a company has not established expectations and accountability for their driver's behavior. The questions that should be asked are: does the company have processes in place to ensure compliance with the Federal safety regulations, do they provide a safety policy to all their drivers and hold them accountable for compliance, do they have a disciplinary policy in place for when drivers do not comply with policies and regulations, and do they have safety meetings to keep drivers informed of the safety requirements? The fact that the company received a "Conditional" safety rating and a \$30,000 fine from the USDOT suggests that their safety practices are probably inadequate.

Following is a summary of valid talking points that could be used during litigation:

- **Express Trucking LLC currently has a 37.9% Vehicle Out-of-Service Rate during roadside inspections.** This means that when Express Trucking LLC's trucks are inspected at weight and inspection stations, 37.9% of the time they are placed Out-of-Service due to serious vehicle maintenance violations. The National average for Vehicle Out-of-Service Rates is 21.4%.
- **Express Trucking LLC currently has a 15.7% Driver Out-of-Service Rate,** meaning when inspected at weight and inspection stations, their drivers are placed Out-of-Service 15.7 % of the time for serious driver violations. i.e. log violations, no CDL when required, etc. The National average for Driver Out-of-Service rate is 6%.
- **FMCSA data shows that Express Trucking LLC has been involved in seven (7) DOT-recordable accidents during the previous 3 years.** (See Figure 1) One (1) accident involved a fatality. Three (3) involved bodily injuries, and all involved at least one vehicle being towed from the scene for disabling damage.
- **The FMCSA conducted a compliance investigation on the Express Trucking that concluded on September 29, 2022.** During the investigation, the agency discovered serious violations of the Federal Motor Carrier Safety Regulations in the areas of Hours-of Service (Logs), Drug and Alcohol Testing, Vehicle Maintenance, and Driver Fitness.
- **As a result of the cited violations, Express Trucking was issued a "Conditional" safety rating by the FMCSA.**
- **Following the FMCSA compliance investigation that concluded on September 29, 2022, Express Trucking LLC was fined for the serious violations** of drivers creating false logs, drivers operating a commercial vehicle without a CDL or proper endorsement, the company's failure to conduct post-accident drug and alcohol tests when required, and their failure to keep the required minimum records of inspections and maintenance for their vehicles. **On January 5, 2023, the company settled with the FMCSA for \$30,860.**

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- **Drivers operating under Express Trucking LLC’s operating authority were cited for 16 traffic violations during the previous 24 months.**
- **DOT records suggest that one driver received multiple traffic citations during separate DOT roadside inspections that were conducted within a four-month period.** On June 28, 2022 the driver of the truck tractor bearing Texas tag R608032 was cited in New Mexico for failure to wear a seatbelt. The driver of the same vehicle was cited on September 3, 2022 in Arizona for speeding 11-14 mile over the speed limit and on September 28, 2022 in Pennsylvania for failure to obey a traffic control device.
- **FMCSA data shows that due to traffic violations received by Express Trucking LLC’s drivers, the company’s safety scores in the “Unsafe Driving” BASIC has trended upward significantly during the previous 6 months**
- **Express Trucking LLC’s drivers were cited for 58 log violations on roadside inspections during the previous 24 months.**
- **The company’s drivers were cited 18 times for the serious violation of creating false logs.**
- **The company’s safety scores in the Hours-of-Service BASIC have trended up sharply over the previous 6 months.**
- **Express Trucking LLC has received numerous vehicle maintenance violations during the previous 24 months.**
- **The data indicates that 35 of the maintenance violations cited against Express Trucking LLC during the previous 24-months, greater than 1/3, were brake-related.**
- **The data reveals that 20 of the maintenance violations cited during the previous 24 months, almost 1/5, were for inoperable lighting and wipers.**
- **The data shows that 6 months ago Express Trucking LLC’s vehicle maintenance scores were steady and then 4 months ago began trending sharply upward.**
- **Among other Driver Fitness violations, on 3 occasions during the preceding 24 months one of Express Trucking LLC’s drivers was cited and placed out-of-service for “operating a commercial motor vehicle without a CDL”, a serious violation of the Federal Motor Carrier Safety Regulations.**
- **Data shows that Express Trucking LLC’s Driver Fitness-related roadside violations have increased slightly during the previous 6 months.**

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