



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

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FOR IMMEDIATE RELEASE

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## **TRUCK DRIVERS CHARGED WITH LYING TO DEPARTMENT OF TRANSPORTATION ABOUT REQUIRED REST TIME – TRUCKERS ALLEGEDLY DROVE TIRED**

### **According To One Indictment, One Defendant Caused Six-Vehicle Fatal Crash On I-476 In 2001**

PHILADELPHIA – United States Attorney Patrick L. Meehan and Charles Lee, Assistant Inspector General for Investigations, U.S. Dept. of Transportation OIG, today announced that a federal grand jury in Philadelphia has returned nine separate indictments against eight truck drivers, one trucking company dispatcher and one trucking company.<sup>1</sup> Each indictment charges defendants with making false statements about their driving hours to the United States Department of Transportation and the Federal Motor Carrier Safety Administration, in violation of Title 18, United States Code, Section 1001. (Attached is a list identifying all the defendants.)

The indictments against all the defendant truck drivers allege that they falsified their Driver's Daily Logbook, on a continuous and systematic basis, and exceeded the maximum lawful number of daily driving hours and on-duty hours without taking the required hours off-duty. As a result, the indictments allege, each defendant drove a truck in a tired and fatigued condition.

"It's always a little unsettling when you're driving down the highway and a tractor trailer is bearing down on you," said Meehan. "A number of thoughts might race through your mind – change lanes, speed up, slow down. But you should not have to wonder if the driver of the truck is about to fall asleep. What we're dealing with here is a life and death safety issue."

Defendant Stanley N. Waddy, Jr., drives for Tapscott Trucking in Thornburg, VA. In addition to 10 counts of making false statements to the United States Department of Transportation, the indictment alleges that Waddy caused a 6-vehicle fatal crash after having recently used marijuana, and charges him with one count of using a controlled substance while on duty and performing a safety sensitive function. According to the indictment, this charge arises from a December 12, 2001 crash in which the defendant, driving a tractor trailer northbound on the Blue Route (Route 476), in Ridley Township, Delaware County, Pennsylvania, drove into the rear of another vehicle causing a 6-vehicle collision. One of the vehicles hit in the collision burst into flames, killing its driver Bennie Lee Moses and his wife, Shirley Moses.

The other seven indicted drivers were employees of David Kistler and Grandson, Inc., and/or its successor company, Ontelaunee Transport Services, Inc. David Kistler and Grandson, Inc., were convicted here in 2001 on charges of defrauding and conspiring to defraud the United States by making false statements to the Department of Transportation. The indictment against

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<sup>1</sup>An Indictment is an accusation. A defendant is presumed innocent unless and until proven guilty.

Ontelaunee Transport Services, Inc. and its dispatcher, Richard Christman, alleges that they allowed, encouraged and caused the Ontelaunee truck drivers to violate the federal highway safety laws by driving more than the maximum lawful number of daily driving hours and on-duty hours without taking the required hours off-duty.

Commercial truck drivers, like these defendants, are required under federal law to maintain truthful and accurate driver daily logbooks for inspection by the United States Department of Transportation. Federal highway safety regulations require truck drivers to maintain truthful drivers' daily logbooks for several reasons, including so that federal inspectors can accurately determine whether a commercial truck driver has exceeded the maximum allowable number of daily driving hours without having the required eight consecutive hours of rest or off-duty time. The maximum allowable lawful number of daily driving and on-duty hours were implemented to ensure that truck drivers operate their multi-ton trucks in a safe, unimpaired manner and that the drivers are not tired or fatigued while driving.

Among the current federal regulations for commercial motor vehicle (CMV) truck drivers promoting the safe operation of their vehicles are the following: a) limiting the maximum daily allowable driving hours which truck drivers may drive. These regulations include two general rules for the maximum allowable number of daily driving hours. The "10 hour rule" provides that once a CMV truck driver accumulates 10 hours of driving time, that driver may not drive again until he or she has at least eight consecutive hours off-duty. The "15 hour rule" provides that when a CMV truck driver has been "on-duty" for 15 hours, whether driving or not, that driver may not drive again until he or she has had eight consecutive hours off-duty; b) requiring a truck driver to maintain truthful and accurate driver daily logs which reflect the driver's duty status, locations, and the daily number of hours spent driving, on-duty but not driving, in sleeper berth and off-duty; and c) requiring a truck driver to comply with all laws, ordinances and regulations in the jurisdiction in which the truck is being operated.

To ensure that motor carriers and truck drivers comply with these limitations on their maximum driving hours, truck drivers are required by federal regulation to record all daily activities, including driving time, on a form called "Record of Duty Status." This form is commonly referred to as a "Driver's Daily Log." Federal regulations mandate that truck drivers certify the truthfulness and accuracy of the driver's daily logs by signing their name to each log.

The U.S. Attorney's Office has prosecuted seven prior trucker cases in recent years, several of which have involved truck crashes involving fatalities and/or serious bodily injuries in which truck drivers have falsified their driver daily logbooks and drove in a tired and fatigued condition.

"We will continue to prosecute these cases. We have an obligation to enforce safety laws that are designed to protect the public," Meehan said.

If convicted, each defendant faces a possible maximum sentence per count of five years imprisonment, three years supervised release and a \$250,000 fine. The case was investigated by the United States Department of Transportation, Office of Inspector General, together with the Federal Motor Carrier Safety Administration.

Copies of news memos and related documents can also be found at:

[HTTP://WWW.USAO-EDPA.COM](http://www.usao-edpa.com)

The cases have been assigned to Assistant United States Attorney Seth Weber.

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### **IDENTIFICATION OF DEFENDANTS**

1. James Bean - truck driver for Dave Kistler and Grandson, Inc. and Ontelaunee Transport Services, Inc.  
10 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 7/99 - 6/02  
DOB-11/2/67  
Address - 2838 Route 309, Orefield, Lehigh County, PA 18069
2. Sean Eck - truck driver for Dave Kistler and Grandson, Inc.  
10 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 7/99 - 11/99  
DOB- 5/1/69  
Address - 94 Deysher Rd., Fleetwood, Berks County, PA 19522
3. Augustine Henry - truck driver for Dave Kistler and Grandson, Inc. and Ontelaunee Transport Services, Inc.  
10 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 7/99 - 7/02  
DOB- 7/15/71  
Address - 1242 State St., P.O. Box 163, Mertztown, PA
4. Robert McClafferty - truck driver for Dave Kistler and Grandson, Inc. and Ontelaunee Transport Services, Inc.  
10 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 7/99 - 3/02  
DOB- 12/3/71  
Address - 303 Evergreen Ave., Pittsburgh, PA 15209



5. Ronald Reider - truck driver for Dave Kistler and Grandson, Inc. and Ontelaunee Transport Services, Inc.  
10 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 7/99 - 8/02  
DOB- 8/31/52  
Address - 454 S. Cottonwood Rd., Northampton, PA 18067
6. David Thompson - truck driver for Dave Kistler and Grandson, Inc.  
2 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 7/99 - 11/99  
DOB - 1/28/49  
Address - 40496 State Hwy 27, Titusville, PA 16354
7. Barry Werley - truck driver for Dave Kistler and Grandson, Inc.  
10 counts of making false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
Time period - 8/99 - 3/2000  
DOB - 1/28/61  
Address - 140 W. Greenwich St., Reading, PA 19601
8. Ontelaunee Transport Services, Inc. -  
20 counts of aiding and abetting the making of false statements to the Department of Transportation, in violation of 18 U.S.C. §§ 1001 and 2  
Time period - 12/01 - 6/02  
Company was located at 9128 King's Highway, Kempton, Berks County, Pennsylvania.
9. Richard Christman - dispatcher for Ontelaunee Transport Services, Inc.  
20 counts of aiding and abetting the making of false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001 and 2  
Time period - 12/01 - 6/02  
DOB - 10/9/56  
Address - 4534 Route 100, New Tripoli, PA 18066
10. Stanley N. Waddy, Jr. - employee of Tapscott Trucking in Thornburg, Virginia.  
10 counts of making of false statements to the Department of Transportation, in violation of 18 U.S.C. § 1001  
1 count of using a controlled substance on duty while performing a safety sensitive function, in violation of 49 U.S.C. § 521(b)(6)(A) and 49 C.F.R. § 382.213

DOB 1/3/67  
Address: 907 Bonita Way, Richmond, VA