

## U.S. Department of Justice

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### **PRESS RELEASE**

**December 7, 2001**

The United States Attorney's Office for the District of Vermont announced that Bruce Grant, 58, his son Bradley Grant, 30, and Gary Chamberlain, 52, all of Lyndonville, Vermont, and Northern Gas Transport, Inc., a trucking company owned by Bruce Grant and located in Lyndonville, Vermont, all entered pleas of guilty today to charges relating to an investigation conducted by the United States Department of Transportation, Office of Inspector General, Office of Investigations, concerning the false reporting of truck drivers' hours. The guilty pleas were entered in Federal Court in Rutland, Vermont before Chief United States District Judge J. Garvan Murtha.

Northern Gas Transport, Inc. ("NGT") is a motor carrier, which transports hazardous materials, such as propane gas, throughout New England, New York and Quebec. Bruce Grant owns and oversees NGT's daily operations. Both Bradley Grant, NGT's Safety Director, and Gary Chamberlain, a dispatcher and truck driver for NGT, worked for the company during the time period under investigation.

Both Bruce Grant and NGT entered pleas to conspiring to make false statements in matters within the jurisdiction of the U.S. Department of Transportation, in that they encouraged the systematic filing of false drivers' logs by truck drivers at NGT. Grant and his company also pled guilty to conspiring to obstruct the proper administration of federal law, in that during a 1999 compliance review of NGT conducted by the Federal Highway Administration (FHWA), an agency of the United States Department of Transportation, Grant and NGT concealed numerous shipping documents from FHWA Inspectors that would have disclosed that drivers of NGT were intentionally omitting deliveries from their drivers' log records and thus filing false statements concerning the hours they worked transporting hazardous materials. Bradley Grant also pled guilty to this charge. These charges are felonies. Gary Chamberlain pled guilty to two misdemeanors concerning aiding NGT in failing to produce records as required by the Secretary of Transportation.

Under federal law, the United States Department of Transportation issues regulations to ensure the safe operation of motor carriers. Under these regulations, three rules govern how many hours a truck driver can drive without rest. These rules are known as the Hours of Service regulations. The Hours of Service regulations also provide for record keeping to ensure that the drivers and trucking companies are abiding by the regulations. For instance, every interstate truck driver is required to keep an accurate daily log, in the driver's own handwriting, listing a wide variety of information, including when the driver is on duty, when the driver is actually transporting materials, the physical location of the tractor trailer and the total miles driven each day. Motor carriers, like NGT, are required under the regulations to see to it that their truck

drivers accurately complete such logs and are required to collect the logs from the drivers and maintain them for six months as part of their records.

Documents filed in Federal Court disclosed that from 1997 through June of 2000, truck drivers at Northern Gas Transport, Inc. routinely worked in excess of the hours permitted under the Hours of Service regulations. To avoid filings logs which would indicate these violations, drivers were encouraged by the management at NGT to not record, or “drop” numerous actual transports of hazardous materials from their daily logs, so that the driving time shown in their driver's logs would appear to be consistent with the Hours of Service regulations. In fact, the drivers had driven substantially over the hours permitted. This practice caused the filing of numerous false logs. For instance, during the six month period from December 1999 to June 2000, over thirty five drivers for NGT created and filed over 360 false logs.

In early June of 1999, the Federal Highway Administration conducted a two-day on-site compliance review of NGT. NGT's high accident ratio compared to other similar trucking companies prompted the compliance review. The purpose of the review was to determine whether the company was complying with United States Department of Transportation regulations and operating its trucking business safely.

During that review, as the charges and pleas disclose, Bruce Grant, Bradly Grant and NGT created a scheme to conceal from FHWA Inspectors shipping documents that would have disclosed that drivers at NGT had “dropped trips” from their logs. Early in the morning before FHWA Inspectors arrived at NGT, Bradly Grant and another employee weeded from the records of NGT the bills of lading, loading tickets and invoices that corresponded to the trips NGT drivers had not actually recorded on their daily logs and concealed those records during the review. This prevented the FHWA Inspectors from discovering that drivers at NGT routinely violated the Hours of Service regulations.

Pursuant to the plea agreement, NGT has agreed to pay a fine of \$75,000, be placed on probation for five years and enter into a remedial order as a special condition of that probation. The remedial order provides various mechanisms to ensure that NGT will not again violate the Hours of Service regulations. For instance, it requires the company to appoint a new safety director whose responsibilities include training the drivers in compliance with United States Department of Transportation regulations and to review all logs and other business records to ensure that driving hours are being properly reported. It also provides the United States Department of Transportation and the Vermont State Police with greater access to the company's records to determine whether the company is complying with the regulations.

On his pleas of guilty, Bruce Grant faces imprisonment for up to 10 years and fines of up to \$500,000. Bradly Grant faces imprisonment for up to 5 years on his plea of guilty and a fine of up to \$250,000. Because NGT has agreed to enter into the remedial order to make sure violations of this nature do not occur in the future, the United States has agreed not to recommend prison sentences for Bruce or Bradly Grant. The United States, however, will recommend the imposition of substantial periods of intermittent confinement or home confinement. On his misdemeanor convictions, Gary Chamberlain faces imprisonment of up to two years and fines of up to \$200,000.

Bruce Grant and NGT are represented by Bradley Stetler, Esq. Bradly Grant is represented by John Pacht, Esq. Gary Chamberlain is represented by Mark Kaplan, Esq.

This case was investigated by Special Agents of United States Department of Transportation, Office of Inspector General, Office of Investigations. The Federal Motor Carrier Safety Administration and the Vermont State Police provided assistance during the investigation.

The United States Attorney Peter Hall commended the work of the Inspector General's Office, noting that investigations like this “substantially enhance the safety of our highways.”