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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

LAWRENCE P. MANLAPIT, JR., and  
DORINE E. NORKO, AS CO-  
ADMINISTRATORS OF THE ESTATE OF  
LAWRENCE P. MANLAPIT, III,  
DECEASED,

Plaintiffs,

Lead Case No. CV01-19-06625  
(Consolidated with Case Nos.  
CV01-19-23246, CV01-20-00653,  
CV01-20-02624, CV01-20-07803 and  
CV01-20-08172)

vs.

KRUJEX FREIGHT TRANSPORT CORP.;  
KRUJEX TRANSPORTATION CORP.;  
KRUJEX TRANSPORTATION SYSTEMS,  
LLC; KRUJEX LOGISTICS, INC.;  
ALBERTSONS COMPANIES; CORNELIEU  
VISAN; DANIEL VISAN; LIGRA VISAN;  
STATE OF IDAHO; STATE OF IDAHO  
DEPARTMENT OF TRANSPORTATION;  
IDAHO STATE POLICE; PENHALL  
COMPANY; PARAMETRIX, INC.;  
SPECIALTY CONSTRUCTION SUPPLY  
LLC; and DOES 1 through 150, inclusive,  
whose names are unknown,

Defendants.

STATE OF IDAHO,

Third-Party Plaintiff,

vs.

PAUL SEIDEMAN, TRESKO OF IDAHO,  
INC., PERSONAL REPRESENTATIVE OF  
THE ESTATE OF ILLYA D. TSAR,

Third-Party Defendants.

STATE OF IDAHO,

Cross-Claimant,

vs.

KRUJEX FREIGHT TRANSPORT CORP;  
KRUJEX TRANSPORT CORP; KRUJEX  
TRANSPORT SYSTEMS, LLC; CORNELIU  
VISAN; DANIEL VISAN; LIGIA VISAN,

Cross-Defendants.

**DECLARATION OF THOMAS M.  
CORSI, PH.D. IN SUPPORT OF  
MANLAPIT PLAINTIFFS' JOINT  
MOTION FOR LEAVE TO AMEND  
COMPLAINTS TO ADD PRAYER FOR  
PUNITIVE DAMAGES**

**DECLARATION OF THOMAS M. CORSI, PH.D.**

I, Thomas M. Corsi, declare and affirm as follows:

1. I am over the age of eighteen (18) and have personal knowledge of the facts set forth herein. My expert opinions presented herein are all stated to a reasonable degree of certainty in my fields of expertise: interstate transportation logistics and supply chain management, motor carrier safety management policies and practices related to safety and compliance with Federal Motor Carrier Safety Regulations (FMCSRs), and broker/forwarder/third party logistics provider (3PL) and carrier responsibility in motor carrier selection and retention. My Curriculum Vitae is filed concurrently as **Exhibit A**.

2. I have been retained in the consolidated matters of *Manlapit v. Krujex Freight Transport Corp., et al.*, Lead Case No. CV01-19-06625; *Norko v. Krujex Freight Transport Corp., et al.*, Case No. CV01-19-23246; and *Estate of Lawrence P. Manlapit, III, v. Krujex Freight Transport Corp., et al.*, Case No. CV01-20-02624, District Court of Fourth Judicial District of State of Idaho, In and For County of Ada, for the purpose of reviewing facts produced in these cases, evaluating those facts and providing the opinions and conclusions I reach from those evaluations as it relates to the relevant and appropriate standards of care relevant to such facts. I was further asked to evaluate the actual levels of care exhibited by Krujex Freight Transport Corporation as a motor carrier and Albertsons Companies as a shipper of produce by freight and freight transportation. I was also asked to evaluate and discuss other operational considerations of those two companies within my areas of specialized knowledge and expertise.

3. By way of a description of my background, I joined the Robert H. Smith School of Business at the University of Maryland in 1976 as a Professor of Logistics and Transportation and have served continuously on the faculty until the present time. Currently, I am the Michelle Smith Professor of Logistics and Director of the MS in Supply Chain Management Program at the Robert H. Smith School of Business. I was the Chairperson of the Logistics and Transportation

Group from 1986 through 1994. During that time, my Group received recognition in the Transportation Journal as the most prolific faculty group based on published research in the logistics and transportation field. I am an associate editor of the Logistics and Transportation Review, the Transportation Journal, and the Journal of Business Logistics. I serve on the editorial review board of the International Journal of Physical Distribution and Logistics Management. I have authored more than 100 articles on logistics and transportation and consulted for such organizations as the Interstate Commerce Commission, the Maryland State Department of Transportation, the National Science Foundation, the Maritime Administration (US DOT), the Federal Motor Carrier Safety Administration (US DOT), the National Truck Stop Operators, the United States Department of Energy, the Volpe National Transportation Systems Center, and the U.S. Army Logistics Agency. I have co-authored four books entitled: **The Economic Effects of Surface Freight Deregulation**, published in 1990 by the Brookings Institution in Washington, D.C.; **Logistics and the Extended Enterprise (Benchmarks and Best Practices for the Manufacturing Professional)**, published in 1999 by John Wiley & Sons in New York City; **In Real Time: Managing the New Supply Chain**, published by Praeger in New York City (2004); and **X-treme Supply Chains: The New Science of X-treme Supply Chain Management**, published by Routledge Press in New York City and London (2011). I have recently completed an article titled “Broker/Third Party Logistics Provider and Shipper Responsibility in Motor Carrier Selection.” It has been peer-reviewed and is included in the following book: *Transportation Policy and Economic Regulation: Essays in Honor of Theodore Keeler*.

4. I have served as a consultant to the Department of Transportation, Federal Motor Carrier Safety Administration and its predecessor agencies in motor carrier safety since 1980. During this time, I have worked on many projects involving the evaluation and rating of the safety performance of motor carriers, the impact of government safety regulations and inspection

programs on motor carrier safety, and the relationship between carrier safety management programs, policies, and outcomes and motor carrier safety.

5. I also worked with the Volpe National Transportation Center to implement the SafeStat methodology for the evaluation and monitoring of the safety performance of the nation's motor carriers. I have examined the impact of various government programs (Compliance Review, Roadside Inspections, and Traffic Enforcement) on motor carrier transportation safety by estimating the number of crashes reduced and fatalities avoided because of these programs. I have conducted extensive surveys of motor carrier managers to define the safety management practices of the nation's safest motor carriers. The areas of safety management included: driver selection, training, and supervision as well as vehicle maintenance and operations. I have served on a task force to evaluate the Compliance Review for the Motor Carrier Safety Administration and have conducted national surveys documenting their patterns of technology adoption. I assessed the severity/risk associated with violations involved in both roadside inspections as well as compliance reviews. I served as a consultant to the Volpe National Transportation Systems Center in the development of both the SafeStat and the CSA 2010 algorithms, now incorporated into the Safety Measurement System (SMS) to measure motor carrier safety performance.

6. In addition to this extensive background of research and writing in the fields of transportation economics and motor carrier safety, I have taught courses in transportation economics throughout my career as a faculty member in the Robert H. Smith School of Business. This background of research, writing, and teaching in the fields of transportation economics and motor carrier safety enables me to evaluate the circumstances involved in this case. Through my background, education, and training, I am familiar with the roles that carriers, brokers, and shippers play in the movement of freight across our nation's highways and with the policies and procedures

used by them in this industry. I have served as an expert witness in over fifty cases involving issues of shipper and broker liability in truck crash investigations.

**Materials Reviewed**

7. I reviewed the following provided to me by counsel:
  - a. Complaints filed in CV01-2019-06625, filed by Mr. Manlapit on behalf of his son Lawrence Manlapit III; CV01-2019-23246 filed by Ms. Norko on behalf of her son Lawrence Manlapit III; CV01-2020-02624 filed by Mr. Manlapit and Ms. Norko as co-administrators of the Estate of Lawrence P. Manlapit III.
  - b. Idaho Vehicle Collision Report Case No. B18001815 (Exhibit 2 to Declaration of Clay Robbins III in Support of Opposition to Albertson Motion for Summary Judgment).
  - c. Idaho State Police Post Crash Driver/Vehicle Examination Report, 6/19/2018 (Exhibit 3 to Declaration of Clay Robbins, III).
  - d. Idaho State Police Traffic Collision Reconstruction and Analysis Report dated June 12, 2019 (Exhibit 4 to Declaration of Clay Robbins, III).
  - e. National Transportation Safety Board, Motor Carrier Factors Group Chairman's Factual Report (Exhibit 5 to Declaration of Clay Robbins, III) and documents referred to therein contained in the NTSB docket.
  - f. National Transportation Safety Board, Highway Factors Group Chairman's Factual Report (Exhibit 6 to Declaration of Clay Robbins, III) and documents referred to therein contained in the NTSB docket).
  - g. FMCSA Company Snapshot, Krujex Freight Transport Corp., 11/28/2017 and 7/25/2018 (Exhibit 7 to the Declaration of Clay Robbins, III).
  - h. Safety Measurement System Profile for Krujex Freight Transport Corp. 4/18/2019; 6/3/2019 (Exhibit 8 to Declaration of Clay Robbins, III).
  - i. FMCSA response to FOIA request regarding Krujex Freight Transport Corp. (Exhibit 9 to Declaration of Clay Robbins, III).
  - j. Master Motor Carrier Transport Agreement, Krujex Freight Transport Corp. and Albertsons Companies, 7/21/2017 (Exhibit A to Declaration of Spencer Melville).
  - k. FMCSA Compliance Review, Krujex Freight Transport Corp., 7/18/2018 (Exhibit 10 to Declaration of Clay Robbins, III).
  - l. Documents produced by the State of Oregon DMV reflecting the driving record for Illya Tsar pertaining to the subject crash (Exhibit 11 to Declaration of Clay Robbins, III).
  - m. A copy of the docket from the Fourth Judicial District of the State of Idaho, County of Ada, Case No. CR01-17-16527, reflecting the issuance of a bench warrant against Tsar for a failure to appear at a court hearing on a charge for driving on a suspended license (Exhibit 12 to Declaration of Clay Robbins, III).
  - n. Documents produced by Albertsons in this case (Exhibits to the Deposition of Matt Geurts).

- o. The declaration of Spencer Melville and documents attached thereto filed in support of Albertsons Motion for Summary Judgment (Exhibit 13 to Declaration of Clay Robbins, III), as well as supporting memorandum.
- p. Dash cam video from the 2019 tractor-trailer of the subject crash (Exhibit 14 to Declaration of Clay Robbins III).
- q. Deposition of Matt Geurts and documents attached thereto.
- r. Deposition of Spencer Melville and documents attached thereto.
- s. Deposition of Carol Silvers and documents attached thereto.
- t. Deposition of Cornelieu Visan and documents attached thereto.
- u. Corrective Action Plan filed by Glostone Trucking Solutions, August 1, 2018 sent to FMCSA, Western Service Center.
- v. Krujex Freight Transport Corp (US DOT # 2314662) Company Safety Profile.

### **Crash and Investigation**

8. This section is based on the following reports issued in connection with the fatal crash by both the National Transportation Safety Board and the Idaho State Police: National Transportation Safety Board NTSB Chairman's Factual Report on Motor Carrier Factors (HWY18FH015); NTSB Chairman's Factual Report on Highway Factors (HWY18FH015); the Idaho State Police Vehicle Collision Report; the Post-Crash Driver/Vehicle Inspection and the Idaho State Police Traffic Collision Reconstruction and Analysis Report. These reports are regularly and reasonably relied upon by experts in the fields of motor carrier operations and safety to help understand the relevant causal links that lead to truck crashes.

### ***Crash Facts***

i. At about 11:32 p.m. on Saturday, June 16, 2018 a 2019 Volvo truck-tractor in combination with a refrigerated semi-trailer was traveling eastbound on I-84 in Boise (Ada County), Idaho. The driver of the 2019 Volvo tractor-trailer combination was Mr. Illya Tsar, an employee of Krujex Freight Transport Corp. Mr. Tsar was transporting a load of apples from Yakima, Washington, in route to Methuen, Massachusetts, on behalf of Albertsons Companies (a retail grocery chain).

ii. At the time of the crash, I-84 was reduced from four eastbound lanes to one lane because of an ongoing maintenance project. As a result of the lane reduction, a traffic queue formed. At the end of the queue, near the Cloverdale overpass, was a 2008 Jeep Wrangler, driven by Carlos Johnson. His vehicle had two passengers: Ms. Karlie Westall and Mr. Lawrence Manlapit. Mr. Tsar did not react to the stopped traffic and struck the rear end of the Jeep Wrangler forcing it into the rear end of a 2003 Volvo truck-tractor combination was driven by Mr. Roman Zhuk, the owner of Zhuk Express LLC trucking Company. As a result of the crash between Mr. Tsar's tractor-trailer combination and Mr. Johnson's Jeep Wrangler, the three occupants of the Jeep Wrangler suffered fatal injuries as did the driver of the 2019 Volvo tractor-trailer combination, Mr. Illya Tsar. The 2003 Volvo tractor-trailer combination rear ended a 2006 Ford Fusion driven by Toina Jorgensen, which, in turn, rear ended a 2014 Ford F-150 driven by Gerald Shumway. Other vehicles were damaged in the chain reaction of events.

iii. The 2019 Volvo tractor-trailer combination, the 2003 Volvo tractor-trailer combination, and the Jeep Wrangler were consumed by a post-crash fire. As noted, the driver and the two passengers in the Jeep Wrangler and the driver of the 2019 Volvo truck-tractor combination died as a result of the crash and subsequent fire.

iv. The Idaho Vehicle Collision Report along with the Driver/Vehicle Examination Report cited the driver of the 2019 Volvo combination truck-tractor, Mr. Illya Tsar, for inattentive driving. In addition, the post-crash examination indicated a driver out-of-service violation for Mr. Tsar due to his failure to have FMCSA mandated electronic logbooks (ELDs). According to the FMCSA post-crash report, Mr. Tsar had been using paper logs for three weeks prior to the crash since he claimed (inaccurately) that the ELD apparatus on his tractor was malfunctioning.



**The Motor Carrier (Krujex Freight Transportation Corp. - "KFTC")**

9. At the time of the June 16, 2018 fatal collision, KFTC was an interstate motor carrier issued U.S. Department of Transportation number 2314662. It began operations in 2012, and was gifted to the current owner, Defendant Cornelieu Visan, in 2015 from his brother.<sup>1</sup> Defendant Visan was President, Secretary, and also the sole shareholder of KFTC at the time of the June 16, 2018 fatal collision.<sup>2</sup>

10. Prior to becoming sole owner of KFTC, Defendant Visan served as Vice President of Krujex Transport Corporation, a different motor carrier also owned by his brother. Krujex Transport Corporation operated under a different USDOT number and was inactive at the time of the subject collision. That entity, however, had undergone six Compliance Reviews of its safety operations by the Federal Motor Carrier Safety Administration ("FMCSA"), which revealed concerning safety practices. Defendant Visan was Vice President of Krujex Transport Corporation during the Compliance Reviews performed in January 2011, May 2011, November 2011, and October 2012. Notably, the Compliance Review performed in January 2011 resulted in Krujex Transport Corporation receiving an "Unsatisfactory" Safety Fitness Rating. The Compliance Reviews conducted in May 2011, November 2011, and October 2012 all resulted in Krujex Transport Corporation receiving a "Conditional" Safety Fitness Rating.<sup>3</sup>

11. Defendant Visan was familiar with the Federal Motor Carrier Safety Regulations ("FMCSRs") because of the FMCSA's Compliance Reviews and investigations into Krujex Transport Corporation's safety qualifications. Defendant Visan was also familiar with the FMCSRs since he participated in KFTC's safety audit conducted by the FMCSA as part of the

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<sup>1</sup> NTSB's Motor Carrier Factors Group Chairman's Factual Report.

<sup>2</sup> Visan/KFTC 30(b)(6) deposition at pp. 15-16.

<sup>3</sup> Exhibit 111 to Visan/KFTC 30(b)(6) deposition.

New Entrant Assurance Program. Defendant Visan also certified he was “familiar with the Federal Motor Carrier Safety Regulations” when he submitted Form MCS-150 to the FMCSA on behalf of KFTC in April 2017. Defendant Visan also testified he was familiar with the FMCSRs.<sup>4</sup>

12. Since beginning operations and obtaining its USDOT number in 2012, KFTC had not undergone a Compliance Review by the FMCSA and, thus, did not have a Safety Fitness Rating.<sup>5</sup>

13. The NTSB Motor Carrier Factors Group Chairman’s Factual Report (“Motor Carrier Factual Report”) concluded that “based on its roadside inspection data, before the crash, [KFTC’s] driver out-of-service rate was 16.7 percent, which was above the national average of 5.5 percent.”<sup>6</sup> KFTC’s driver out-of-service rate was even higher in 2017; specifically, in late November 2017, KFTC’s driver out-of-service rate was 37.5%—over seven times the national average.<sup>7</sup> KFTC’s driver out-of-service rate continued to far exceed the national average despite the fact the FMCSA sent a “warning letter” to KFTC in December 2016 notifying it of “a trend in the violations identified during roadside inspections” and “significant non-compliance in the area(s) of **Hours-of-Service Compliance**.”<sup>8</sup> The FMCSA expected KFTC to take “corrective action” as a result of KFTC’s safety performance and compliance problems.<sup>9</sup>

14. The FMCSA conducted a Compliance Review of KFTC’s safety operations in the immediate aftermath of the June 16, 2018 fatal collision. The Compliance Review uncovered numerous violations leading KFTC to receive an “Unsatisfactory” Safety Fitness Rating on or

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<sup>4</sup> See MCS150 from April 2017; Visan/KFTC 30(b)(6) deposition at p. 29.

<sup>5</sup> NTSB’s Motor Carrier Factors Group Chairman’s Factual Report at pp. 2-7; Visan/KFTC 30(b)(6) deposition at p. 19.

<sup>6</sup> See NTSB’s Motor Carrier Factors Group Chairman’s Factual Report at pp. 5-6; See Ex. A to the Melville Declaration previously filed on December 16, 2020 in support of Defendant Albertsons motion for summary judgment.

<sup>7</sup> See Ex. E attached to the Declaration of Spencer Melville in Support of Defendant Albertsons Companies, Inc.’s Motion for Summary Judgment.

<sup>8</sup> See Ex. 132 to Visan/KFTC 30(b)(6) deposition; see also Visan/KFTC 30(b)(6) deposition at pp. 54-56.

<sup>9</sup> *Id.*

about July 18, 2018.<sup>10</sup> Overall, there were 22 violations.<sup>11</sup> The FMCSA sent a letter to KFTC, dated July 20, 2018, advising of the “Unsatisfactory” safety rating and identifying the violations of the various safety regulations found during the Compliance Review.<sup>12</sup> The FMCSA cited KFTC for failing to obtain the driving records of its drivers prior to hiring them (49 C.F.R. Part 391.51(b)(2)).<sup>13</sup> In fact, the Compliance Review found that at the time of the June 16, 2018 fatal collision, Illya D. Tsar was within his first 30 days of employment, yet KFTC had not obtained his MVR (Motor Vehicle Records). The Compliance Review also cited KFTC for using Mr. Tsar to haul loads despite the fact Mr. Tsar had not completed and furnished an employment application (49 C.F.R. Part 391.21(a)). In addition, the Compliance Review cited KFTC for failing to investigate the background of the drivers it hired in a timely manner (49 C.F.R. Part 391.23(a)). This violation covered the specific failure of KFTC to investigate the background of Mr. Tsar.<sup>14</sup>

15. The Compliance Review also found deficiencies in the manner that KFTC managed its driver hours-of-service. Specifically, the Compliance Review found that KFTC failed to require its drivers to record their duty status using ELDs (49 C.F.R. Part 395.8(a)(1)(i)). One of the cited drivers was Mr. Tsar, who kept false paper logs since he incorrectly claimed that the ELD on the 2019 Volvo tractor he was operating at the time of the crash was not functioning. In addition to failing to require its drivers to use electronic logging devices (ELDs) for recording hours-of-service, the Compliance Review cited KFTC for making, or permitting drivers to make, a false report regarding duty status (49 CFR Part 395.8 (e)(1)).<sup>15</sup>

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<sup>10</sup> See NTSB’s Motor Carrier Factors Group Chairman’s Factual Report at p. 5; Ex. 111 to Visan/KFTC 30(b)(6) deposition; see also Visan/KFTC 30(b)(6) deposition at pp. 19-20.

<sup>11</sup> *Id.*

<sup>12</sup> See Ex. 136 to Visan/KFTC 30(b)(6) deposition; see also Visan/KFTC 30(b)(6) deposition at p. 21.

<sup>13</sup> See NTSB’s Motor Carrier Factors Group Chairman’s Factual Report at pp. 6-7; Ex. 111 to Visan/KFTC 30(b)(6) deposition.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

16. The Compliance Review uncovered violations associated with controlled substance and alcohol testing violations, such as KFTC's failure to ensure drivers undergo testing for controlled substances and alcohol, failure to maintain records for five years, and failure to provide educational materials explaining the requirements of 49 C.F.R. Part 382.<sup>16</sup> It also uncovered other miscellaneous violations such as KFTC's failure to keep an accident register, using a driver not medically examined or certified, and numerous inspection and maintenance record keeping issues.<sup>17</sup>

17. During the period leading up to the fatal collision on June 16, 2018 it is clear KFTC had major, persistent deficiencies in its safety management programs/policies and driver performance. The FMCSA's "Recommendations" are vast and reveal KFTC and Defendant Visan's utter failure to have sufficient safety policies and procedures in place at the time of the June 16, 2018 fatal collision.<sup>18</sup>

18. Regarding the violations identified in paragraphs 14 and 15, Defendant Visan admitted to the FMCSA on August 1, 2018, that they were caused by the following:

These violations occurred because [KFTC] did not have a process in place to ensure that all drivers had Driver Qualification files completed and containing the required documentation set forth by the FMCSA, including employment applications and investigations into our drivers' employment and driving histories. Because we did not have a process in place ensuring completion of driver files, we failed to maintain crucial documents, including record of our drivers' medical certificates and records of the verification of the National Registry status of each of our drivers' medical examiner. Further, we did not have a practice in place to conduct annual reviews of driving records to verify that our drivers continued to qualify for safety-sensitive functions.

and

These violations occurred because [KFTC] did not have Hours of Service policy in place to ensure drivers were held accountable for accurately following the Hours-

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *See* Ex. 111 to Visan/KFTC 30(b)(6) deposition; Visan/KFTC 30(b)(6) deposition at pp. 21-22.

of-Service rules as set forth in §395 of the FMCSA guidelines. Our company also did not have a log auditing process in place at the time to ensure drivers were held accountable for accurately following the Hours-of-Service rules as set forth by section §395 of the FMCSA guidelines. Further, [KFTC] was frequently using rental trucks that had their own ELD systems. Our drivers did not have the proper training to utilize each different type of ELD the rental trucks were offering, and therefore resorted to paper logs when they did not have success with the ELD installed.<sup>19</sup>

Defendant Visan confirmed the violations accurately described the manner in which KFTC operated in 2017 and 2018.<sup>20</sup> In summary, prior to this crash, KFTC never had a process in place to maintain driver qualification files and did not review driving records to assure their drivers qualified for safety sensitive functions; KFTC did not have an hours of service policy in place and did not hold their drivers accountable for following hours of service rules; KFTC also did not audit their drivers' logs to hold their drivers accountable; KFTC did not have any training programs in place and specifically did not train their drivers on utilizing the ELD devices on the rental trucks used by KFTC in its business (such as the 2019 Volvo involved in the fatal collision). As a result, KFTC drivers were allowed to and did falsify their hours-of-service records.<sup>21</sup>

19. After submitting a post-crash Corrective Action Plan and receiving the acceptance of that plan by FMCSA, KFTC's Safety Fitness Rating was changed to "Conditional" on or about August 21, 2018.<sup>22</sup> Importantly, when advising KFTC of its "Conditional" Safety Fitness Rating in a letter dated August 22, 2018, the FMCSA stated as follows:

This CONDITIONAL rating is the result of a review and evaluation of your safety fitness completed on August 21, 2018. A CONDITIONAL rating indicates that your company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences of violations listed in 49 C.F.R. 385.5(a-k).

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<sup>19</sup> See Ex. 123 to Visan/KFTC 30(b)(6) deposition; Visan/KFTC 30(b)(6) deposition at pp. 30-35.

<sup>20</sup> Visan/KFTC 30(b)(6) deposition at pp. 33, 35.

<sup>21</sup> See NTSB's Motor Carrier Factors Group Chairman's Factual Report at p. 7; see also Ex. 2 to Robbins Dec. previously filed (MANLAPIT 000400-000411, MANLAPIT 000537-000560, MANLAPIT 000565-000580).

<sup>22</sup> Exs. 111 and 114 to Visan/KFTC 30(b)(6) deposition; Visan/KFTC 30(b)(6) deposition at p. 36.

Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review. Your operation was found to be deficient with respect to the applicable safety regulations in the following areas:

Part 391	QUALIFICATIONS OF DRIVERS
Part 395	HOURS OF SERVICE OF DRIVERS
Part 390	GENERAL REGULATIONS
Part 392	DRIVING OF MOTOR VEHICLES
Part 396	INSPECTION, REPAIR AND MAINTENANCE
Part 382	CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING <sup>23</sup>

KFTC remained “Conditional” until it officially ceased business operations in 2020.<sup>24</sup>

20. Defendant Visan also testified KFTC did not have any training program that it provided to its drivers on ELDs and did nothing to monitor the hour of service compliance for KFTC’s drivers in 2017 and 2018 even though that was his responsibility.<sup>25</sup>

**Defendant KFTC hires Illya D. Tsar**

21. The Motor Carrier Factual Report prepared by the NTSB has an extensive discussion of Mr. Tsar’s commercial driving experience and record of violations along with an assessment of his compliance with hours-of-service regulations through an examination of his paper logbooks.<sup>26</sup>

22. Mr. Tsar’s driving record prior to joining KFTC contained numerous convictions and multiple license withdrawals between 2009-2017.<sup>27</sup> A review of Mr. Tsar’s driver’s record in the Commercial Driver’s License Information System (CDLIS) showed numerous convictions for 2009-2016 and several license withdrawals from 2009 to 2017. He had been subject to two license withdrawals from New York: one beginning on February 1, 2017, and the other on April 3,

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<sup>23</sup> Ex. 114 to Visan/KFTC 30(b)(6) deposition; Visan/KFTC 30(b)(6) deposition at p. 36.

<sup>24</sup> Visan/KFTC 30(b)(6) deposition at pp. 36, 37.

<sup>25</sup> See Visan/KFTC 30(b)(6) deposition at pp. 58, 59.

<sup>26</sup> See NTSB’s Motor Carrier Factors Group Chairman’s Factual Report at pp. 9-14.

<sup>27</sup> *Id.*

2017. Both were reinstated on August 2, 2017. These withdrawals were for having two and three serious violations within three years, respectively.<sup>28</sup> A copy of Mr. Tsar's driving record from the State of Oregon DMV confirms this observation, as does a copy of the docket from the Fourth Judicial District of the State of Idaho, County of Ada, Case No. CR01-17-16527, reflecting the issuance of a bench warrant against Tsar for a failure to appear at a court hearing on a charge for driving on a suspended license.<sup>29</sup>

23. Mr. Tsar also operated his own company, TIT Transportation (USDOT number 1725754) from 2008 to 2015.<sup>30</sup> His company, however, was placed out of service by the FMCSA for having an "Unsatisfactory" Safety Fitness Rating.<sup>31</sup> The FMCSA's Compliance Review that led to Mr. Tsar's company being placed out of service revealed numerous violations, including Mr. Tsar operating a commercial motor vehicle with a suspended Oregon license, logbook issues, and numerous record-keeping violations.<sup>32</sup>

24. Prior to hiring Mr. Tsar, Mr. Visan admits that he did virtually nothing to vet this prospective driver's competency and never inquired into his past driving record or driving background/experience.<sup>33</sup>

25. While driving a commercial motor vehicle under KFTC's operating authority, Mr. Tsar was required to maintain a record of his driving and off-duty status by means of an ELD. KFTC stated that Mr. Tsar informed the company that the ELD on the 2019 Volvo truck he was operating at the time of the crash was not functioning. As a result, Mr. Tsar kept paper logs for his duty status during the time period leading up to and including the June 16, 2018 fatal crash.

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<sup>28</sup> *Id.* at pp. 9-10.

<sup>29</sup> See Robbins Declaration in Support of Opposition to Albertsons Motion for Summary Judgment, Ex. 4.

<sup>30</sup> See NTSB's Motor Carrier Factors Group Chairman's Factual Report at pp. 9-14.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Visan/KFTC 30(b)(6) deposition at p. 80-81; Ex. 111 to Visan/KFTC 30(b)(6) deposition.

According to Mr. Tsar's paper logs, he was off-duty on June 15 until 8:30 p.m., on-duty, but not driving from 8:30 p.m. until 9:00 p.m., and then driving from 9:00 p.m. until midnight.<sup>34</sup>

26. Pursuant to the Motor Carrier Factual Report, the NTSB obtained the ELD from the 2019 Volvo tractor and found that the ELD was, indeed, functional during the relevant time period.<sup>35</sup> Examining the ELD in comparison with Mr. Tsar's paper logs showed significant discrepancies. For example, the ELD reflected that Mr. Tsar began driving at 5:54 a.m. (on June 15) and drove for various intervals of time until 1:00 a.m. on June 16. Thus, Mr. Tsar was on-duty throughout the day on June 15 in direct contradiction to his paper logs that showed him to be off-duty during the day on June 15. On June 16, Mr. Tsar's paper logs stated that he was off duty in his sleeper berth from 1:00 a.m. until 2:00 p.m. However, the ELD showed that Mr. Tsar began driving on June 16 at 7:15 a.m., in direct contradiction to his paper logs. He drove a series of relatively short segments (ranging in length from 15 minutes to 3.5 hours) as he headed to Boise, Idaho, on this leg of his cross-country journey to Massachusetts. During the trip on June 16, Mr. Tsar stopped the vehicle several times, with the ELD recording non-moving periods that were 2.5 hours long or less, and he continued driving until the crash at 10:32 p.m.<sup>36</sup>

27. From my review of the above-referenced material and from my review of the Idaho State Police Collision Report and the Idaho State Police Traffic Collision Reconstruction and Analysis Report and the dash cam video onboard the crash 2019 Volvo, I have concluded, based on my background and experience, that a cause of the subject crash was the KFTC driver's failure to respond to the slow-moving traffic queue ahead, most likely due to performance decrements associated with fatigue. This conclusion is premised on the ELD recording of the movements of

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<sup>34</sup> See NTSB's Motor Carrier Factors Group Chairman's Factual Report at pp. 7-8, 13-14.

<sup>35</sup> *Id.* at pp. 7-8.

<sup>36</sup> *Id.* at pp. 13-14.



the crashed 2019 Volvo Truck showing that Tsar had limited opportunities to rest before the subject crash. The ELD recordings establish lengthy on-duty hours in the two days before the crash and limited opportunity for sleep. This indicates that Tsar, more probably than not, did not obtain adequate sleep during this period. The crash occurred late at night when people are more disposed to fatigue. Moreover, the dash cam also shows Tsar's inability to maintain his vehicle's lane position, as well as his complete lack of response to the traffic queue as he came upon it. All are consistent with a fatigue-related lapse in driver vigilance.

28. Based upon my background and experience outlined above, I know that driver fatigue results in driver performance impairments that contribute to road crashes, including impaired vehicle lateral control<sup>37</sup>, decreased attention<sup>38</sup>, more frequent response lapses<sup>39</sup>, and increased reaction time<sup>40</sup>. As a result, fatigue is a major road safety challenge with some recent estimates suggesting it is involved in up to 17% of fatal crashes and 13% of crashes inflicting serious injuries.<sup>41</sup>

### **Summary – KFTC Operations/Driver Conduct**

29. In conclusion, during the period leading up to the fatal crash on June 16, 2018 KFTC had major deficiencies in its safety management programs and policies and driver performance. In my opinion, these deficiencies contributed directly to driver fatigue that itself was a cause of the fatal crash on June 16, 2018. The failure of KFTC to follow FMCSA guidelines

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<sup>37</sup> Gastaldi, M., Rossi, R., & Gecchele, G. (2014). Effects of driver task-related fatigue on driving performance. *Procedia - Social and Behavioral Sciences*, 111,955–964. <https://doi.org/10.1016/j.sbspro.2014.01.130>

<sup>38</sup> Boksem, M. A., Meijman, T. F., & Lorist, M. M. (2005). Effects of mental fatigue on attention: An ERP study. *Cognitive Brain Research*, 25(1), 107–116. <https://doi.org/10.1016/j.cogbrainres.2005.04.011>.

<sup>39</sup> Dorrian, J., Lamond, N., Kozuchowski, K., & Dawson, D. (2008). The driver vigilance telemetric control system (DVTCS): Investigating sensitivity to experimentally induced sleep loss and fatigue. *Behavior Research Methods*, 40(4), 1016–1025. <https://doi.org/10.3758/BRM.40.4.1016>.

<sup>40</sup> Ting, P. H., Hwang, J. R., Doong, J. L., & Jeng, M. C. (2008). Driver fatigue and highway driving: A simulator study. *Physiology & Behavior*, 94(3), 448–453. <https://doi.org/10.1016/j.physbeh.2008.02.015>.

<sup>41</sup> Tefft, B. C. (2012). Prevalence of motor vehicle crashes involving drowsy drivers, United States, 1999–2008. *Crash Analysis & Prevention*, 45, 180–186. <https://doi.org/10.1016/j.aap.2011.05.028>.

with respect to driver vetting, hiring, and retention led the company to hire and retain this driver without first obtaining a completed employment application, vetting his driver's background or obtaining his driver's MVR. In the specific case of Mr. Tsar, had KFTC followed FMCSR regulations, the carrier would have found that Mr. Tsar had an abysmal driving record and would certainly not have hired him or engaged his services or retained his services to move goods under the terms of its contract with Albertsons. Furthermore, the failure of KFTC to follow FMCSA guidelines with respect to hours-of-service regulations resulted in the numerous logbook violations of its drivers, including Mr. Tsar, along with the failure of its drivers to use the mandated ELDs. As a result, had the carrier been requiring its drivers to comply with the hours-of-service regulations, then Mr. Tsar would not have experienced performance decrements while driving due to fatigue, as I have concluded, at the time of the fatal crash on June 16, 2018. KFTC has already admitted these deficiencies and its prior knowledge of the relevant regulations, as noted above.

**Albertsons Extreme Failures in Meeting Reasonable Standards of Conduct Resulted in Placing a Dangerous Carrier on the Road.**

30. From the perspective of motor carrier operations, in my professional opinion there is no reasonable question but that two parties bear direct responsibility for the fatal crash that occurred on June 16, 2018 beyond the KFTC driver of the 2019 Volvo tractor-trailer combination (Mr. Tsar). Those responsible parties related to motor carrier operation are: KFTC and Albertsons Companies. Had KFTC exercised reasonable care, it would not have selected Mr. Tsar to drive the 2019 Volvo tractor-trailer combination, nor would it have retained his services for trips under its contract with Albertsons. KFTC's behavior and flagrant, egregious, outrageous, and conscious failure to comply with standards has been outlined above. It is my further opinion based upon the facts as described herein that KFTC's conscious failure to use reasonable care in hiring Mr. Tsar amounted to an extreme deviation from reasonable standards of conduct and evinces a complete

disregard or indifference on KFTC's part regarding well-established safety principles and practices in the industry designed to ensure the life and/or safety of the general motoring public.

31. Based on my review of the documents referred to herein, including the declaration of Spencer Melville and the documents attached thereto, as well as the depositions of Mr. Geurts, Ms. Silver, Mr. Melville, and Mr. Visan, it is my opinion that Albertsons did not come close to meeting the industry standard of care applicable to it and violated its own policies in both selecting KFTC and the continued use of that carrier's services to deliver product to Albertsons stores through the date of the fatal crash on June 16, 2018 and thereafter. The evidence shows that the Albertsons employees who reviewed KFTC's application to become a quote "partner carrier" were not adequately trained in and/or informed about how to determine the competency of a motor carrier and/or its drivers. They also did not have any understanding for or appreciate of the indicia of motor carrier FMCSA regulatory compliance. The Albertsons corporate traffic group was not trained in and so did not appreciate the significance of KFTC's persistently high driver "out of service" scores or the fact that KFTC was not ELD compliant. Because they were not adequately trained, they never undertook any meaningful inquiry into the safety management practices or procedures of KFTC, even though they were aware of these shortcomings. It is clear that the corporate policy was, "If a carrier has a DOT certificate to transport goods, no further inquiry need be made." This myopic and, frankly, dangerous approach to the selection of a motor carrier resulted in the absence of appropriate training for the corporate traffic group and directly resulted in the hiring of an incompetent carrier and driver to transport Albertsons product on our nation's highways. The fact that the Albertsons corporate traffic group knew that KFTC had not been assigned a safety rating by the FMCSA was a clear indication that it was entirely incumbent upon the corporate traffic group to undertake the vetting that otherwise would have been done by the FMCSA. However, the corporate traffic group was not trained in and obviously did not understand

the significance of a carrier not having a safety rating or their responsibility in hiring a carrier to be sure that such a carrier had adequate safety management programs and/or procedures in place so as to be certain that Albertsons was not contributing to placing an unsafe motor carrier and driver on the nation's highways. These deviations are so dangerous in nature as to be fairly characterized as egregious and outrageous. As such, Albertsons decision-making process that resulted in their selection of KFTC fell far below the applicable standard of care governing the industry. It is my opinion based upon the facts as described herein, that Albertsons' conscious failure to use reasonable care in the selection and retention of KFTC amounted to an extreme deviation from reasonable standards of conduct, its own policies and evinces a complete disregard or indifference on Albertsons part regarding well-established safety principles and practices in the industry designed to ensure the life and/or safety of the general motoring public. If Albertsons had merely exercised reasonable care in investigating the competence and safety performance record of KFTC before retaining it, there is no question in my view that Albertsons would not have retained KFTC, and certainly would never have continued to assign loads to that carrier even after this crash.

***The Statutory and Factual Support Establishing the Chain of Responsibility is Albertsons for Placing a Dangerous Carrier on the Road.***

32. Albertsons had clear knowledge of its obligation to only select and retain carriers with evidence of safe and competent operations. The corporate traffic group simply did not know how to implement this knowledge in vetting its "partner carriers." On July 19, 2017, Albertsons Companies signed a Master Motor Carrier Transportation Agreement with KFTC. The Agreement states that Albertsons retains the services of KFTC to "transport and deliver certain shipments of general commodities, including, but not limited to various food products, health and beauty products, medicines, and general merchandise." In the Agreement, the carrier "represents and

warrants that it has a “satisfactory” safety rating from the U.S. Department of Transportation. It further warrants in the Agreement that it will always maintain such a rating while this Agreement is in effect. The carrier further warrants in the Agreement that it has in place “safety management controls adequate to meet or exceed the safety fitness standards prescribed in 49 CFR Part 385.” To the extent KFTC was unrated or had not been assigned a safety rating by the USDOT, Albertsons required KFTC to “warrant [] and represent [] that it has in place safety management controls adequate to meet or exceed the safety fitness standards prescribed in 49 C.F.R. Part 385.” The Transportation Agreement also required KFTC to “immediately notify” Albertsons if it received a “conditional” or “unsatisfactory” safety rating from the USDOT. Moreover, if KFTC received a “conditional” or “unsatisfactory” safety rating, it was prevented from transporting any shipments unless it received Albertsons permission.<sup>42</sup>

33. Pursuant to 49 C.F.R. Part 385.5 (“Safety fitness standard”), KFTC, to meet the safety fitness standard prescribed in 49 C.F.R. Part 385 and as required by the Transportation Agreement, needed to demonstrate to Albertsons that it had adequate safety management controls in place. Such controls are described in the regulations and those that function effectively to ensure acceptable compliance with applicable safety requirements to reduce risk associated with:

- (a) Commercial driver’s license standard violations (part 383 of this chapter),
- (b) Inadequate levels of financial responsibility (part 387 of this chapter),
- (c) The use of unqualified drivers (part 391 of this chapter),
- (d) Improper use and driving of motor vehicles (part 392 of this chapter),
- (e) Unsafe vehicles operating on the highways (part 393 of this chapter),
- (f) Failure to maintain crash registers and copies of crash reports (part 390 of this chapter),
- (g) The use of fatigued drivers (part 395 of this chapter),
- (h) Inadequate inspection, repair, and maintenance of vehicles (part 396 of this chapter),
- (i) Transportation of hazardous materials, driving and parking rule violations (part 397 of this chapter),

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<sup>42</sup> *Id.*

- (j) Violation of hazardous materials regulations (parts 170-177 of this title), and
- (k) Motor vehicle accidents and hazardous materials incidents.

In addition, pursuant to 49 C.F.R. Part 385.7, the following are the factors to be considered when determining a safety fitness rating:

- (a) Adequacy of safety management controls. The adequacy of controls may be questioned if their degree of formalization, automation, etc., is found to be substantially below the norm for similar carriers. Violations, crashes or incidents substantially above the norm for similar carriers will be strong evidence that management controls are either inadequate or not functioning properly.
- (b) Frequency and severity of regulatory violations.
- (c) Frequency and severity of driver/vehicle regulatory violations identified during roadside inspections of motor carrier operations in commerce and, if the motor carrier operates in the United States, of operations in Canada and Mexico.
- (d) Number and frequency of out-of-service driver/vehicle violations of motor carrier operations in commerce and, if the motor carrier operates in the United States, of operations in Canada and Mexico.
- (e) Increase or decrease in similar types of regulatory violations discovery during safety or compliance reviews.
- (f) For motor carrier operations in commerce and (if the motor carrier operates in the United States) in Canada and Mexico: Frequency of crashes; hazardous materials incidents, crash rate per million miles, indicators of preventable crashes, and whether such crashes, hazardous materials incidents, and preventable crash indicators have increased or declined over time.
- (g) Number and severity of violations of CMV and motor carrier safety rules, regulations, standards, and orders that are both issued by a State, Canada or Mexico and compatible with Federal rules, regulations, standards, and orders.

34. Prior to the June 16, 2018 fatal crash, KFTC had no safety fitness rating. Further, it had major deficiencies in its safety management programs/policies and driver performance as also described above. Albertsons' failure to investigate these issues, born of a failure to adequately train the corporate traffic group, is an outrageous breach of basic transportation safety protocols. As an unrated motor carrier, according to the terms of the Transportation Agreement, KFTC "further warrants and represents that it has in place safety management controls adequate to meet

or exceed the safety fitness standards as prescribed in 49 CFR Part 385.”<sup>43</sup> KFTC, admits that it had no such controls in place and because Albertsons’ corporate traffic group training program was so inadequate, it failed to inquire or investigate whether KFTC had such safety controls in place:

Q. Prior to the signature of this agreement between Krujex and Albertsons, did Albertsons ever make any inquiry as to how it was that Krujex would meet the requirements of 49 CFR, Part 385?

A. No.

Q. Okay. Did they ever ask to see any documentation reflecting the safety management controls that would be compliant with that part number?

A. No.

Q. Did they ever ask to see any documentation that reflected the safety management practices of KFTC at that time?

A. No.

Q. Did they ever ask any questions about how it was KFTC vetted their drivers before hiring them?

A. No.

Q. Did they ever ask to see any documentation that reflected how KFTC monitored their drivers’ hour of service compliance?

A. No.

Q. Did they ever ask to see any safety manuals that governed KFTC’s operation?

A. No.

Q. Did they ever ask to see any documentation that would reflect training programs that KFTC utilized with regard to its drivers?

A. No.

Q. Did they ever ask to see any training manuals KFTC utilized with respect to its drivers?

A. No.

Q. Did they ask what the practices were of KFTC regarding the review of its driver motor vehicle violations?

A. No.

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<sup>43</sup> See Ex. A to the Melville Declaration, p. 1.

Q. Did they ever ask to see any driver qualification files?

A. No.

Q. Did they ask to see any procedures governing how driver qualification files were handled at KFTC?

A. No.

Q. Did they ask to see any documentation regarding KFTC's ELD requirements, electronic log device requirements?

A. No.<sup>44</sup>

35. The Transportation Agreement also required KFTC to follow Albertsons policies and procedures on a variety on matters pertaining to the shipments being transported:

- KFTC “agrees to timely pick up (in accordance with [Albertsons] procedures . . . accept, and transport goods as to which [KFTC] has committed via [Albertsons] TMS (currently One Network) . . .”;
- KFTC was required to transport the “Goods” under the Transportation Agreement “on the terms and conditions set forth in the TMS and this Agreement (including the Appendices hereto);
- KFTC was required to “comply with [Albertsons reporting requirements, and the requirements of any electronic data interchange system(s) utilized by [Albertsons] . . .”;
- KFTC agreed to follow Albertsons “applicable equipment cleanliness standards as well as personal hygiene and disease control requirements.
- KFTC was required to follow any “procedures as [Albertsons] may promulgate to maintain compliance with laws and regulations, including (but not limited to) [Albertsons] applicable transportation, operations, and distribution center policies as to which [KFTC] has been advised (“Shippers Policies”).
- KFTC was required to utilize “Equipment” that met “[Albertsons] Policies and are of suitable design and manufacture for maintenance, cleaning and use in transport of food . . .”.
- KFTC was required to provide “appropriate training to personnel engaged in transportation operations . . .” and was required to “retain [], for a period of at least twenty four months, or so long as such regulations require, records of training . . .”;
- KFTC was required to comply “with all of [Albertsons applicable transport sanitation, temperature (including, where required, the pre-cooling phase), segregation, isolation, and design specifications.
- KFTC was required to “comply with [Albertsons] request to inspect any Equipment . . .
- KFTC was required to maintain certain records and to make them available to Albertsons for inspection upon request.

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<sup>44</sup> Visan/KFTC 30(b)(6) deposition at pp. 57-58.



- KFTC was required to “ensure that temperature control units are properly operating and maintained at all times, that temperature settings are correct and in accordance with [Albertsons] requirements . . .
- One method KFTC could avoid being liable for damage to the goods being transported was if it followed [Albertsons] rules and procedures for loading, unloading and carriage . . .”<sup>45</sup>

36. Albertsons provided a copy of its Carrier Handbook to KFTC at the time they entered the Transportation Agreement the purpose of which was to work together to transport and deliver shipments of general commodities.<sup>46</sup> The Carrier Handbook purported to remind KFTC that it was required to “adher[e] to [Albertsons] reporting requirements and policies.”<sup>47</sup> The Carrier Handbook also informed KFTC that it included “written descriptions of the steps that you will need to take to perform required tasks.”<sup>48</sup> Mr. Geurts testified the Carrier Handbook “gets into the nuances [of Albertsons policies] a little more.”<sup>49</sup> He further described the Carrier Handbook as providing “work instructions for [Albertsons] partner carriers.”<sup>50</sup>

37. The Carrier Handbook expressed Albertsons view of its relationship with partner carriers like KFTC:

What you will be doing for Albertsons is very important. You are now part of a team of people who combined efforts provide consumers like yourself the best quality items for the lowest possible cost. Your contribution will be providing transportation of those items by controlling costs, protecting the quality, and providing excellent service. This handbook will provide valuable reference information that you will find helpful. Please make the best use of this information that you can.<sup>51</sup>

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<sup>45</sup> See Ex. A to the Melville Declaration.

<sup>46</sup> See ¶ 13 and Exs. A and I to the Melville Declaration.

<sup>47</sup> See Ex. I to the Melville Declaration at the page sourced coded as Albertsons00043.

<sup>48</sup> *Id.*

<sup>49</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 253.

<sup>50</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 193.

<sup>51</sup> See Ex. I to the Melville Declaration at the page sourced coded as Albertsons00043. Mr. Geurts testified this was Albertsons corporate mind set in 2017 and 2018. See Geurts/Albertsons 30(b)(6) deposition at p. 191.

38. Mr. Geurts confirmed it is and was important to Albertsons that its goods are transported safely on the nation's highways without endangering the motoring public.<sup>52</sup> He also agreed motor carriers and commercial drivers could be "unsafe."<sup>53</sup>

39. Albertsons retained the right to reject any shipment transported by KFTC if there were issues which was one method of control utilized by Albertsons to preserve its market standing for providing quality product.<sup>54</sup> Another method of control utilized by Albertsons was to include a provision in the Transportation Agreement requiring KFTC "to handle and transport the goods hereunder safely."<sup>55</sup> Still another method was requiring KFTC to agree that it would not claim a lien on any of the goods it was transporting for Albertsons.<sup>56</sup>

40. Albertsons, in its motion for summary judgment, argued that "the shipment of apples did not involve any unusual risk to other highway users." This statement reflects a conscious disregard for the substantial inherent risks to other motorists and the public associated with large 80,000 lb. tractor-trailer combinations operating on the nation's highways, regardless of the commodity being transported. This is apparently the reason Albertsons failed to adequately train its corporate traffic group in how to vet a carrier for FMCSA safety compliance. The FMCSA reported that in 2018 there were approximately 499,000 police reported crashes involving large trucks on the nation's highways. Of these truck crashes, 4,415 involved fatalities and 107,000 involved personal injuries (Large Truck and Bus Crash Facts, 2018, FMCSA, published in September 2020). Albertsons ignores the fact that it takes a typical tractor-trailer combination forty percent (40%) more time and distance to stop than what is required for a passenger vehicle

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<sup>52</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 55.

<sup>53</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 55.

<sup>54</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 98-99.

<sup>55</sup> See Ex. A to the Melville Declaration at p. 2; see also Geurts/Albertsons 30(b)(6) deposition at pp. 99-100.

<sup>56</sup> See Ex. A to the Melville Declaration at p. 7; see also Geurts/Albertsons 30(b)(6) deposition at pp. 214-215.

to come to a complete stop. The assertion also fails to recognize that the weight differential between the typical passenger car/SUV and an 80,000 lb. tractor-trailer mean it is inherently more dangerous for occupants of the passenger car/SUV on impact. The argument that the subject tractor-trailer represented a lowered risk because it contained apples is a gross misrepresentation of the inherent danger presented by tractor-trailer combinations operating on the nation's highways. Albertsons, as a certified carrier, knows better. Its argument that truck transportation presents no "unusual risk" to the traveling public demonstrates its conscious disregard or indifference to the life and/or safety of the members of the motoring public.

41. When asked whether Albertsons would expect that their partner carriers would have adequate safety management controls in place so that Albertsons reputation is not diminished by a crash because of what is done or not done by an incompetent carrier, Albertsons 30(b)(6) designee, Matt Geurts, recognized "that could be a by-product of it."<sup>57</sup>

42. Albertsons had the power to terminate the Transportation Agreement for a variety of reasons. These include KFTC's failure to perform any obligation required by the Transportation Agreement or if KFTC was rated by the USDOT as "Unsatisfactory."<sup>58</sup> KFTC was rated "Unsatisfactory" in July 2018. Despite the risks inherent in that rating, Albertsons did not immediately cancel its operating agreement with KFTC. In fact, it continued to assign loads to KFTC until 2019.

43. Matt Geurts testified his team [i.e., Corporate Traffic Group] was responsible for vetting "potential new carriers" and performing "the safety and background checks."<sup>59</sup> Mr. Geurts was personally involved in the process. He testified that "everything funnels through me."<sup>60</sup>

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<sup>57</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 104.

<sup>58</sup> See Ex. A to the Melville Declaration, p. 7.

<sup>59</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 20-21.

<sup>60</sup> *Id.*

Albertsons employee, Carol Silvers, testified Mr. Geurts approved the decision to allow Krujex to join the team of partner carriers that worked with Albertsons.<sup>61</sup> However, the testimony of these individuals lays open the failure of Albertsons to provide any adequate safety training to its corporate traffic group, as outlined above.

**Albertsons Failed to Vet KFTC Before or After the June 16, 2018 Crash**

44. Mr. Geurts admitted Albertsons never asked KFTC to provide any documentation or information establishing that it had “safety management controls adequate to meet or exceed the safety fitness standards prescribed in 49 C.F.R. Part 385” as required by the Transportation Agreement. Mr. Geurts testified Albertsons (1) did not ask KFTC for the driver training documents for its drivers; (2) did not ask KFTC for any documents reflecting regulatory compliance, particularly with hours of service for its drivers; (3) did not ask KFTC for any documents reflecting its operating procedures; (4) did not ask KFTC for any documents pertaining to vehicle inspection or maintenance; and (5) did not ask KFTC for any documents to reflect its compliance with the BASIC categories (which Mr. Geurts acknowledged could be used to identify the future crash risk of a carrier).<sup>62</sup>

45. Mr. Geurts, on behalf of Albertsons, testified he did not know what was required to comply with the safety fitness standards prescribed in 49 C.F.R. Part 385.<sup>63</sup> When asked how Albertsons verified a motor carrier it retained, like KFTC, had safety management control adequate to meet or exceed 49 C.F.R. Part 385, he testified Albertsons did not “monitor that directly with the carrier” but rather relied on the “DOT.”<sup>64</sup> He admitted Albertsons did nothing to verify whether KFTC had sufficient safety controls in place and claimed it was the responsibility of the USDOT:

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<sup>61</sup> See Silvers deposition at p. 42.

<sup>62</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 71-73.

<sup>63</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 74.

<sup>64</sup> *Id.*

“I mean, I’ll say no. It’s because it’s the role of the DOT to determine if carriers are safe and abiding by the law.”<sup>65</sup> Critically, Mr. Geurts further testified on the subject:

5 Q. Now, what I’m getting at is do you—does  
6 Albertsons do anything to verify that the carrier does,  
7 in fact, have safety management controls adequate to  
8 meet or exceed the safety fitness standards prescribed  
9 in Part 385?

10 A. Albertsons does not directly go and verify and  
11 review driver records, hours of service or any of those  
12 items, no.<sup>66</sup>

46. The documents that Albertsons has produced and that I have reviewed show it did essentially no investigation into KFTC’s competency as a motor carrier prior to the June 16, 2018 fatal collision.<sup>67</sup> One document, dated November 30, 2017, is a “SAFER Web company snapshot of KFTC which informed Albertsons that KFTC had an out-of-service rate for drivers of 37.5%—more than 7 times the national average of 5.3%.”<sup>68</sup> Although it admittedly had this information, Albertsons never had any communication with KFTC demanding an explanation for that high statistic.<sup>69</sup> While Mr. Geurts acknowledged the 37.5% indicated a “significant out-of-service percentage,” he stated “if it would have pushed [KFTC] into a conditional rating, it would have been a different conversation . . .”<sup>70</sup> Tellingly when KFTC received an “Unsatisfactory” and then a “Conditional” rating following the June 16, 2018 fatal collision, there is no indication Albertsons thereafter contacted Krujex to address its safety practices, even though Albertsons continued to assign loads to KFTC long after the crash. The absence of any adequate training program for the

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<sup>65</sup> Geurts/Albertsons 30(b)(6) deposition at pp. 83-84.

<sup>66</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 75.

<sup>67</sup> For instance, Spencer Melville, Albertsons Director of Corporate Traffic, testified all information in Albertsons files pertaining to KFTC’s Safety Measurement Systems or to SAFER web company snapshots had been produced. See 36:20—37-17 of Melville deposition transcript.)

<sup>68</sup> See Ex. F to the Melville Declaration.

<sup>69</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 152-153.

<sup>70</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 158.

Albertsons corporate traffic group allowed the hiring and continued retention of a dangerously incompetent motor carrier. This failure shows me the systemic and extreme reality of Albertsons failures to meet the safety standards of the industry.

47. In contrast to the company's documented behaviors, Mr. Geurts claims he would not have assigned the load in question to KFTC had he known it was not compliant with its obligations under the FMCSA.<sup>71</sup>

48. Albertsons requested KFTC complete a "Carrier Survey" as part of the onboarding process to become a partner carrier.<sup>72</sup> A member of the Albertsons Corporate Traffic Group made handwritten notes on the "Carrier Survey" submitted by KFTC that was not attached to the Melville Declaration. It identified the following: "V – 0%/D – 25%/HZMT 0%".<sup>73</sup> Mr. Geurts testified he did not know what the percentages reflected. It is clear to me they referred to KFTC's out-of-service percentages at the time (Vehicle, Driver & Hazmat) from SAFER. I accept this documentation and showing, Albertsons had actual knowledge that KFTC was showing a 25% out-of-service rate for drivers—roughly five times the national average. Yet it sought no verification or confirmation that KFTC was compliant with 49 Part 385.74. This is directly the result of Albertsons not training its employees how to adequately vet a motor carrier and the significance of key indicia that a motor carrier lacks any adequate safety management protocols.

49. Pursuant to the claimed custom and practice of Albertsons, a 25% out-of-service rate for drivers should have prompted an inquiry of KFTC to obtain a Corrective Action Plan. Yet there is no evidence to show such an inquiry was ever made by Albertsons of KFTC at any time.<sup>75</sup>

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<sup>71</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 120.

<sup>72</sup> See Ex. A to the Melville Declaration, p. 7.

<sup>73</sup> See Ex. 65 to Geurts/Albertsons 30(b)(6) deposition.

<sup>74</sup> *Id.*

<sup>75</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 180-182.

It is Albertsons *claimed* custom and practice to follow-up with its partner carriers even if the partner carriers were found to be 1% over the national average.<sup>76</sup> Mr. Geurts also testified the custom and practice of Albertsons would have been to advise him of the results of such a telephone conversation (if, in fact, that was how a compliance inquiry was made).<sup>77</sup> There is no evidence Albertsons ever made such an inquiry. Defendant Visan testified Albertsons never made any such inquiry.<sup>78</sup> Despite having this history of safety concerns available to it, the record establishes Albertsons continued to assign loads to KFTC even after the crash, until April 2019.

50. Albertsons Carrier Survey also asked KFTC if it had “a satisfactory safety score in the Motor Carrier SMS [Safety Management System]?”<sup>79</sup> KFTC did not answer “yes” or “no”; rather, KFTC responded it had “no [safety] rating.”<sup>80</sup> Albertsons did nothing to follow up with KFTC on this point, and sought no documentation from it that it had an adequate safety program in place—not at the time it hired KFTC, not prior to the collision and not even after the collision.

51. Albertsons Carrier Survey also asked KFTC “Do you intend to comply with the ELD Rule?”<sup>81</sup> KFTC responded “Yes” but also acknowledged 0% of its fleet was currently ELD compliant but it intended to be by December 2017.<sup>82</sup> Mr. Geurts testified this was included as part of the vetting process for partner carriers given the new rule “coming down the pipeline” that drivers were required to use electronic logging devices to as opposed to “old school logbooks to manually write in their entries.”<sup>83</sup>

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<sup>76</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 260.

<sup>77</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 180.

<sup>78</sup> See Visan/KFTC 30(b)(6) deposition at pp. 57-58.

<sup>79</sup> See Ex. F to the Melville Declaration at p. 2.

<sup>80</sup> *Id.*

<sup>81</sup> See Ex. F to the Melville Declaration at p. 3.

<sup>82</sup> *Id.*

<sup>83</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 174, 185-186.

52. Mr. Geurts claimed Albertsons “asked [KFTC] to provide what ELD they were using . . . .”<sup>84</sup> In directly contrary testimony, Defendant Visan testified Albertsons never made any such inquiry.<sup>85</sup> There is no extrinsic evidence to support Mr. Geurts’ claim that Albertsons made any effort to ensure KFTC was ELD compliant before the June 16, 2018 fatal collision.<sup>86</sup> The reality is KFTC was not ELD compliant as required by the FMCSA at any time prior to or on the date of the June 16, 2018 fatal collision. Mr. Geurts admits that fact.<sup>87</sup> So does Mr. Visan.

53. The Albertsons Carrier Handbook purports to establish a practice of performing a business review to be conducted with new partner carriers. It claims the review will be done “in increments of 30, 60 and 90 days to ensure a successful partnership. The agenda will include the Albertsons compliance criteria as well as any obstacles that you may be encountering.”<sup>88</sup> There is no evidence these reviews ever occurred.

54. Mr. Geurts testified that when one of Albertsons partner carriers “goes into a conditional safety rating,” Albertsons “standard operating procedure” was to “get a Corrective Action Plan from that carrier to address and correct whatever incidents push them into conditional rating.”<sup>89</sup>

55. After the crash, on August 24, 2018, Defendant Visan/KFTC sent a letter to Albertsons advising of a “Corrective Action Plan” in light of the FMCSA’s safety audit following the June 16, 2018 fatal collision.<sup>90</sup> Defendant Visan informed Albertsons the safety audit “brought to light deficiencies in [KFTC’s] hiring process and ongoing driver maintenance.”<sup>91</sup>

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<sup>84</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 177.

<sup>85</sup> See Visan/KFTC 30(b)(6) deposition at p. 58.

<sup>86</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 177-179.

<sup>87</sup> See Geurts/Albertsons 30(b)(6) deposition at pp. 189.

<sup>88</sup> See Ex. I to the Melville Declaration (source coded Albertsons00023).

<sup>89</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 27-28.

<sup>90</sup> See Ex. 83 to Geurts/Albertsons 30(b)(6) deposition.

<sup>91</sup> *Id.*



56. Mr. Geurts, testified that Albertsons “put [KFTC] through their – call it their paces, you know to get the information as to what happened with the accident.”<sup>92</sup> Mr. Geurts further testified the matter was then passed off to the Albertsons “risk team.”<sup>93</sup> Again this is directly disputed by Mr. Visan. He testified Albertsons never asked him about the crash or the Corrective Action Plan.

57. Mr. Geurts testified repeatedly on behalf of Albertsons that as a result of the June 16, 2018 fatal collision, Albertsons ceased doing business with KFTC once KFTC provided the Corrective Action Plan in August 2018:

10 Q. All right. And did the risk team from  
11 Albertsons advise that Krujex would remain still a  
12 carrier that Albertsons would be willing to do business  
13 with?

14 A. So, again, we don’t do—we didn’t elect to do  
15 business with them. We kept the contract active,  
16 we — we — after the accident, we started backing away  
17 doing business with them to the point where once details  
18 arrived and they — they provided their corrective  
19 action plan that I mentioned before, at that point, we  
20 removed them from any active business.

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12 Q. Okay. But it was ultimately determined that  
13 Albertsons would no longer do business with Krujex; is  
14 that correct?

15 A. Correct.

16 Q. And that was after the review of the corrective  
17 action plan; correct?

18 A. Correct.

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5 A. So in this case, and we’ll — we’ll  
6 probably get into this deeper later, their plan, in my  
7 estimation, was, like I said earlier, not adequate to  
8 maintain continue being a partner.

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14 A. And this—I think this reflects in a lot of  
15 those ways, but the point I was getting at is based on

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<sup>92</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 33.

<sup>93</sup> *Id.*

16 what is in this document, the conversation that Tim and  
17 I had was that this carrier really isn't suitable  
18 anymore where they — from a safety standpoint. They  
19 violated the contract in terms of not being sufficient  
20 with — with their safety practices.

\*\*\*\*

3 A. Yeah, I wouldn't say—yeah, I wouldn't say it  
4 was a suspicion. It simply pointed out in black and  
5 white that there wasn't a sufficient process in place.  
6 And if you recall, I mentioned that this was the primary  
7 reason we moved on, and the communication was—was  
8 kind of a supplement to that.<sup>94</sup>

58. Mr. Geurts also testified that once Albertsons received KFTC's Corrective Action Plan: (1) KFTC had been “de-activated in the system”; (2) Albertsons did not award KFTC freight; and (3) in Albertsons “opinion” KFTC “was no longer able to function as a carrier partner, even with the Corrective Action Plan.”<sup>95</sup>

59. However, the documents I received and reviewed clearly show that until April 2019, Albertsons continued assigning loads to KFTC after the crash. This includes many more months after receiving the Corrective Action Plan that Mr. Geurts said was inadequate in August 2018. Defendant Visan testified Albertsons continued assigning KFTC loads under the Transportation Agreement. His testimony is supported by KFTC's trip report summary, which identifies numerous shipments being assigned by Albertsons to KFTC even *after* KFTC submitted its Corrective Action Plan in August 2018.<sup>96</sup>

60. Defendant Visan testified Albertsons informed him in April 2019 that it was terminating the Transportation Agreement because of KFTC's “Conditional Rating”. This was likely mere pretext, because, as the record shows Albertsons real motivation for cutting KFTC

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<sup>94</sup> *Id.* at 34:10-20; 37:12-18; 110:5-8; 128:14-20; 129:3-8.

<sup>95</sup> *Id.* at 37:1-11; 39:21-24.

<sup>96</sup> *See* Visan/KFTC30(b)(6) deposition at pp. 86-88, 94-95; Ex. 163 from Visan/KFTC30(b)(6) deposition; 86:23—87:2; 88:1-3; 94:25—95:4. (Visan depo).

loose in April 2019 was because that it learned it had been named defendant in the first lawsuit filed by Lawrence P. Manlapit, Jr. in this matter. That lawsuit was filed on April 11, 2019. Albertsons reviewed a Safety Measurement System Report for KFTC seven days later April 18, 2019, which showed, among other things, that KFTC had a “conditional” rating as of August 21, 2018.<sup>97</sup>

61. Mr. Geurts falsely testified repeatedly on behalf of Albertsons that it had terminated KFTC long before April 2019. He again testified under oath when discussing the April 18, 2019, SMS Report that KFTC had been “let go” by that date.<sup>98</sup>

62. Mr. Geurts’ testimony concerning the timing and reasons for Albertsons terminating KFTC highlights Albertsons knowledge of the risk posed by KFTC as shown by the following purported explanation he offered as to why Albertsons determined in August 2018 that KFTC could no longer act as a “carrier partner”:

- 3       **A.** Their lack of readiness to correct the  
4 incident. As you mentioned, they were in violation of  
5 the contract, which at that point is already – you  
6 know, they’re in violation of the contract – of the  
7 contract, and they would – you know, they would lose  
8 their ability to be a carrier partner with Albertsons at  
9 that time.  
10       The second piece being that they would not  
11 meet the expectations to do business based on what they  
12 have in place for communication and managing the  
13 business. They were – they were going through a  
14 transitional period where we found that it was lacking  
15 from a communication and getting responses from the  
16 carrier standpoint was not sufficient to our  
17 expectations  
18       **Q.** Okay.  
19       **A.** So, there’s obviously the safety issue, and  
20 there was also a more – call it subjective  
21 communications piece of it that was lacking from what we

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<sup>97</sup> See Ex. C to the Melville Declaration; Geurts/Albertsons 30(b)(6) deposition at p. 141.

<sup>98</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 142.

22 expect of our carrier partners, which is laid out in the  
23 carrier handbook.<sup>99</sup>

63. Mr. Geurts also conveyed Albertsons claimed belief that the *only* time it was required to follow-up with a “partner carrier” to determine whether it possessed safety fitness standards prescribed in 49 C.F.R. Part 385 as required by the Transportation Agreement was after the USDOT changed the safety rating.<sup>100</sup> He testified in that situation “we are responsible to follow-up” and even went so far to testify under oath that “we did.”<sup>101</sup>

64. There is no evidence to support Mr. Geurts’ claim Albertsons did follow up. Defendant Visan testified to the exact opposite—that Albertsons did not ever follow up with him after the fatal collision on the issue of whether KFTC possessed safety fitness standards prescribed in 49 C.F.R. Part 385 as required by the Transportation Agreement.<sup>102</sup>

65. According to Defendant Visan, there were no changes, conditions or limitations placed on KFTC by Albertsons after he submitted the Corrective Action Plan in August 2018.<sup>103</sup> He further testified he did not discuss the hiring of Glostone Trucking Solutions with Albertsons as part of KFTC’s Corrective Action Plan; that Albertsons did not request any additional documentation concerning KFTC’s safety program; that Albertsons never expressed any criticism of KFTC regarding safety concerns following the June 16, 2018 fatal collision; that Albertsons did not reprimand KFTC following the June 16, 2018 fatal collision; and Albertsons never informed KFTC that it no longer wanted to work together as a result of the June 16, 2018 fatal collision.<sup>104</sup>

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<sup>99</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 40.

<sup>100</sup> See Geurts/Albertsons 30(b)(6) deposition at p. 81.

<sup>101</sup> *Id.*

<sup>102</sup> See Visan/KFTC 30(b)(6) deposition at p. 98.

<sup>103</sup> See Visan/KFTC 30(b)(6) deposition at 101.

<sup>104</sup> See Visan/KFTC 30(b)(6) deposition at pp. 102, 125-126.

66. Albertsons is in fact a sophisticated interstate motor carrier. It has its own motor carrier operating authority and operates a fleet of at least 250 semi-trucks.<sup>105</sup> This provides Albertsons substantial knowledge of the necessity for and challenges in providing safe and efficient transportation. This remained true before its signed KFTC as a partner carrier, at all times after it signed KFTC to the date of the crash, and thereafter.

67. Based on all this testimony and factual background makes it quite clear Albertsons Companies consciously disregarded the specific terms of the Agreement. It failed to take any actions (knowing, always, that KFTC did not have a Satisfactory Safety Fitness rating) to determine whether the carrier had, in place, safety management controls adequate to meet or exceed the safety fitness standards prescribed in 49 CFR Part 385. The standard of care applicable to Albertsons Companies requires such an inquiry under the circumstances and would require Albertsons to not use KFTC without such safety controls in place.

***If Albertsons Had Acted as Responsible Shipper, It Would Have Been Aware of KFTC's Lack of Safety Controls and Determined KFTC Was Unfit to Operate.***

68. The following pages of this declaration address some specific information, available to Albertsons, that, if accessed and/or considered (which the standard of care required), would have led a responsible shipper to conclude that KFTC did not have safety management controls in place to either meet or exceed the standards set forth in 49 C.F.R. Part 385 as the basis for determining a carrier's safety fitness.

69. The failure of KFTC to have such safety management controls in place to meet the applicable safety standards created a significantly enhanced risk that its drivers would cause a crash, causing harm to the motoring public.

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<sup>105</sup> At all times relevant herein Albertsons is and was a motor carrier, holding USDOT No. 45225 and itself operated 250 power units. <https://ai.fmcsa.dot.gov/sms/carrier/45225/completeprofile.aspx>.

70. Albertsons willingness to use KFTC for transportation purposes in light of the knowledge of the risk KFTC presented is a factor that led to the collision in this case. Albertsons failure to train its employees to use the available safety information and demonstrated indifference to KFTC's safety management profile at the time the Agreement was signed, and during the subsequent time prior to the crash is strong evidence of a conscious disregard of or indifference to the enhanced crash risk posed by KFTC and its drivers. Such failures are in my professional opinion outrageous in nature and directly the product of a failure to adequately train the corporate traffic group.

71. The only reason Albertsons can claim it did not know about KFTC's lack of safety programs and policies (as detailed above in the summary of the Compliance Review's findings) is that Albertsons made no effort to inquire about them due to a failure to adequately train its corporate traffic group as to how a motor carrier should be vetted. It failed to do so even knowing that the carrier had not received a safety fitness rating from FMCSA throughout the time from July 19, 2017, through June 16, 2018. Thus, despite contract requirements that show it knows the importance of such a rating and, therefore, require KFTC to meet or exceed safety standards set in Part 385, the evidence shows Albertsons turned a blind eye to whether KFTC met those standards.

72. As a result of this blind eye, Albertsons assigned repeated loads to KFTC despite its violations of Part 385. This evidences a conscious disregard for the safety of the traveling public. Indeed, Albertsons continued to assign loads to KFTC even after the collision, long after KFTC had been assigned an "unsatisfactory" rating, and long after Albertsons had reviewed what it had described as KFTC's inadequate Corrective Action Plan. These post-collision assignments powerfully refute Albertsons claims to have been concerned about the safety of its transportation partners prior to the collision.

73. Albertsons had the unquestioned obligation to assess KFTC's ability to safely transport its goods. So, it is important to assess what Albertsons did to fulfill that obligation. The record reviewed shows Albertsons did not make inquiries to or seek information/documents from KFTC about its driver training, compliance with hours-of-service regulation or anything related to its safety management programs and policies. What it did, according to the testimony of Mr. Geurts, was rely on a third-party data provider, Carrier Watch, for information about any changes in KFTC's safety fitness rating as well as changes in its "out-of-service" or "safety" rating (Geurts testimony, p. 63). He affirmed:

**Q.** What aspect of Carrier Watch did Albertsons Corporate Traffic Group sign on for?

**A.** Anything, if they had a status change from going from Satisfactory to Conditional or no rating to Conditional, so any status changes or out-of-service or safety.

**Q.** So, you got notifications of out-of-service?

**A.** If they went beyond the national average.

Mr. Geurts testified that Albertsons did not ask Carrier Watch for any documents regarding KFTC's compliance with the seven Behavior Analysis and Safety Improvement Categories (BASICS) established by the FMSCA. (p.72).

***BASICS Information Available to and Ignored by Albertsons***

74. Albertsons turned a blind eye to information regarding KFTC's pattern of non-compliance with the Hours-of-Service Compliance BASIC as well as its above-average driver out-of-service rate. This conscious disregard of KFTC's non-compliance jeopardized the safety of the traveling public and directly led to the collision in this case.

### *Background on the BASICS*

75. Beginning in December 2011, FMCSA established the Safety Measurement System (SMS) to evaluate motor carrier safety compliance in Behavior Analysis and Safety Improvement Categories (BASICS). The most relevant BASICS are: Unsafe Driving, Hours-of-Service Compliance, Driver Fitness, Vehicle Maintenance, and a Crash Indicator.<sup>106</sup> Data on each carrier's BASIC measure scores are provided on the FMCSA's public website (Analysis and Information Online).

76. For each BASIC, FMCSA established threshold scores such that percentile scores above the threshold indicated a need for additional intervention by the FMCSA to address the noted safety performance deficiencies. Threshold scores were set differently for each BASIC based on the strength of the association between the BASIC and future crash rates. These varying thresholds were set based on a series of empirical studies conducted by Volpe National Transportation Systems Center tracking carrier percentile scores and future crash rates. Thus, BASICS with a stronger association with future crash rates had a lower threshold score established.

77. Volpe National Transportation Systems Center conducted evaluations of the effectiveness of the BASICS to identify future crash risks of carriers with above threshold scores in individual BASICS.<sup>107</sup> The fundamental methodology used by Volpe involved establishing a carrier's BASIC scores with the established methodology at a fixed point in time (covering a

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<sup>106</sup> FMCSA, **Safety Measurement System (SMS) Methodology: Behavior Analysis and Safety Improvement Category (BASIC) Prioritization Status**, Version 3.10, June 2019, Appendix A lists the specific violations associated with Unsafe Driving and Hours-of-Service violations. Among the Unsafe Driving violations are the following: inattentive driving; following too close; failure to maintain lane; reckless driving; improper turns; and speeding). Among the Hours-of-Service violations are the following: operating a CMV while ill or fatigued; violations of the specific regulations associated with HOS; driving beyond 14 hour on-duty period; driving beyond 11 driving limits; and failure to maintain or falsifying record of duty status).

<sup>107</sup> Volpe National Transportation Systems Center, *The Carrier Safety Measurement System (CSMS) Effectiveness Test by Behavior Analysis and Safety Improvement Categories (BASICS)*, prepared for Federal Motor Carrier Safety Administration, Washington, D.C., January, 2014.



carrier's safety events over the previous twenty-four months with events time and severity weighted) and then assessing the record of the carrier's crashes over a subsequent 18-month period. The determination of the effectiveness of the BASICS involved a comparison of crash rates during the 18-month period between carriers who did not have a BASIC percentile score above the threshold versus the crash rate of carriers with BASIC percentile scores above the threshold. The comparison was conducted for each individual BASIC.

78. The results demonstrated that carriers with above threshold percentile scores had significantly higher crash rates in the 18-month subsequent period than did carriers without above threshold percentile scores. Table 4 of the Volpe report indicates that the crash rate (crashes per power unit) for carriers with above threshold hours-of-service compliance was 83% higher than the crash rate for carriers who did not have above threshold hours-of-service compliance scores.

#### **BASICS Violations Evidenced by KFTC**

79. The thrust of the hours-of-service regulations is to prevent the dangers presented by driver fatigue. As noted above, fatigue is a major road safety challenge, with some recent estimates suggesting it is involved in up to 17% of fatal crashes and 13% of crashes inflicting serious injuries.<sup>108</sup> And the record in this case shows driver fatigue played a direct role in the collision.

80. I conclude that through its failure to act on and apparent willful disregard of KFTC's pattern of regulatory non-compliance with hours-of-service regulations Albertsons consciously allowed the carrier to continue operating on its behalf despite its quantifiable enhanced likelihood of involvement in a future crash.

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108 Tefft, B. C. (2012). Prevalence of motor vehicle crashes involving drowsy drivers, United States, 1999–2008. *Crash Analysis & Prevention*, 45, 180–186. <https://doi.org/10.1016/j.aap.2011.05.028>.

81. At the time Albertsons signed its agreement with KFTC, the carrier had a record of significant non-compliance with the hours-of-service regulations. KFTC had already received a letter in 2016 from the FMCSA stating that the FMCSA had noted a trend in the violations showing a significant non-compliance in HOS compliance. Despite the warning letter, KFTC continued to have above threshold percentile scores in its HOS compliance in the period between January through April 2017. In the period between May 2017 and April 2018, FMCSA collected insufficient data from KFTC to assign a percentile score to the carrier. However, the Company Safety Profile (publicly available on the FMCSA website) in November 2017, showed that KFTC had a driver out-of-service rate of 33.3%, while the national average for driver out-of-service rate stood at 5.5%. Furthermore, in May 2018, KFTC was assigned an above threshold percentile score in the hours-of-service compliance BASIC. This data was available to Albertsons through Carrier Watch. It was not reviewed or acted upon by Albertsons prior to the subject crash. I do not think it can be reasonably argued that Albertsons did anything but consciously disregard available evidence showing KFTC's pattern of regulatory non-compliance with the FMCSRs related to hours-of-service compliance.

82. Based upon my review of the documents referred to herein as well as the testimony of Mr. Geurts, it is evident that when Albertsons signed its Agreement with KFTC, an unrated motor carrier, in June of 2017, it made no effort failed to ascertain whether KFTC had any safety management controls in place to comply with the carrier safety fitness standards outlined in Part 385. KFTC, through Visan, has admitted they had none.

83. Albertsons made no effort to inform itself of KFTC's safety programs at any time throughout its relationship with KFTC up to the date fatal crash on June 16, 2018. It did not even do so after the crash. In addition, Albertsons did not review and/or act upon data available from

its data provider, Carrier Watch, about KFTC's above average driver out-of-service rate along with its pattern of non-compliance with the Hours-of-Service BASIC.

84. It is my opinion that the evidence outlined above shows that Albertsons actions in failing to vet KFTC and still retaining KFTC as its carrier partner fell well below the applicable standard of care for a shipper. Indeed, the information regarding the carrier's above threshold hours of service BASIC history and its above average driver out-of-service rate provided direct evidence that the carrier had significant deficiencies in its ability to operate safely by meeting safety performance standards as required in its Agreement with Albertsons Companies. This history establishes KFTC was significantly more likely to have future crashes than carriers who complied with the hours of service BASIC. Had Albertsons made any such inquiry of KFTC, Albertsons would have learned that KFTC had *no* safety management policies or procedures in place, and its drivers were routinely allowed to violate hours of service rules.

85. Overall, Albertsons engagement of and continued use of KFTC as its transportation provider represents an extreme deviation from reasonable standards of conduct for a responsible shipper and conscious disregard of the enhanced risk posed by a carrier with a compromised safety performance record and a lack of safety management programs and policies to ensure its overall compliance with the FMCSRs. The fact Albertsons is also a motor carrier and as such holding even greater knowledge of what safety requires makes these deviations even more egregious and outrageous. The acts, errors, and/or omissions of Albertsons, outlined above, in my opinion, show the repeated, persistent, and extreme deviation from reasonable standards of conduct and were acts performed by Albertsons and KFTC through their managing officers, directors, and/or employees, that were performed with an understanding of and a complete disregard for the likely consequences of retaining and allowing an incompetent, dangerous carrier to transport Albertsons goods upon the highways of our nation, to wit: a serious trucking crash on an interstate highway that caused

and/or contributed to the loss of life. Albertsons failed to ever review (even after the crash) this critical aspect of KFTC's operations. As such, its action/inaction exhibits an extreme deviation from reasonable standards of conduct by a sophisticated shipper/carrier and, as such, shows a conscious disregard for the enhanced risk to which the motoring public was exposed by Albertsons action/inaction outlined above.

86. Albertsons argument that merely seeing that a carrier has no previous crashes as a sufficient basis for engaging the services of that carrier is itself an extreme deviation from the applicable standards of care. It evidences a fundamental misunderstanding of the concept of risk analysis/risk assessment. In contrast to that argument, during the litigation, Albertsons has acknowledged it has an obligation to make a meaningful assessment of a carrier's safety performance prior to engaging the services of that carrier. Using a carrier's *past* crash record as the sole basis beyond establishing that the carrier has a valid operating authority and insurance) for onboarding a carrier is wholly insufficient to comply with the company's obligation to exercise reasonable care. The methodology employed by the FMCSA through its SMS establishes that the applicable industry standard for carrier evaluation is the carrier's record of compliance with the FMCSRs. The SMS establishes through rigorous statistical evidence that a pattern of regulatory non-compliance will lead to statistically significantly higher future crashes. Particularly, as a sophisticated motor carrier itself, Albertsons knew or should have known this.<sup>109</sup> Albertsons failed to ever review (even after the crash) this critical aspect of KFTC's operations. As such, its action/inaction exhibits an extreme deviation from reasonable standards of conduct governing the

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<sup>109</sup> At all times relevant herein Albertsons is and was a motor carrier, holding USDOT No. 45225 and itself operated 250 power units. <https://ai.fmcsa.dot.gov/sms/carrier/45225/completeprofile.aspx>

industry by a sophisticated supplier/carrier and, as such, shows a conscious disregard for the enhanced risk its action/inaction caused to the motoring public.

87. As a sophisticated interstate motor carrier, Albertsons is and was aware of the challenges in providing safe and efficient transportation. The records show the company has knowledge of the need for a strong set of safety management programs and policies with respect to driver vetting, hiring, training, and supervision. This experience with its own trucking operation makes an even more compelling case for demonstrating that Albertsons failure to apply its own policies and standards for conducting truck operations to the policies and standards of carriers it contracts with demonstrates Albertsons conscious disregard for the dangers caused by selecting carriers (like KFTC) who have no safety standards or policies. The statement that Albertsons carrier evaluation process relies solely on establishing a carrier's past record of crashes is a direct admission that carrier selection by a shipper involves an understanding and evaluation of a carrier's safety record. The emphasis on past crashes, rather than understanding that future crash risk is statistically proven to involve an understanding of a carrier's safety culture as well as its record of compliance with safety programs and policies is the underlying problem that led Albertsons to select KFTC and to ignore clear information available to it about the carrier's deficient record of compliance.

**Industry Data Establishes Albertsons Failed to Abide by the Standards Used by Shippers.**

88. Shippers (other than Albertsons), acting on their own to select and retain motor carriers, do take their responsibility to select safe carriers in a very serious manner. It is reasonable for shippers to and evidence establishes they do regard the examination of a carrier's BASIC scores as an integral component in the carrier selection and retention process.

89. Some relevant data comes from Micah Lueck and Rebecca Brewster of the American Transportation Research Institute, the research arm of the American Trucking

Association. They published a report in December 2012 in which they collected data from dozens of shippers representing tens of billions of dollars of freight movement. They report that **96.8 percent** of the shipper respondents indicated that they monitor the CSA (Compliance, Safety, Accountability) scores of carriers they currently contract with. The study shows shippers often require carriers with undesirable BASIC scores to develop a Corrective Action Plan for improving those scores and resolving safety and/or compliance problems. The study also reported that 100 percent of the respondents either check or plan to check BASIC scores before contracting a new carrier for the first time and 50 percent report that poor BASIC scores alone are sufficient reason to avoid contracting with a prospective carrier.<sup>110</sup>

90. It is also instructive to refer to the American Chemistry Council's Responsible Care initiative, adopted in 1988.<sup>111</sup> Under the Responsible Care Management System shippers are required to assess the health, security, and environmental management capability and performance of the for-hire carriers they select for their shipments. Specifically, member companies are required to evaluate their transportation companies prior to hiring them. Member companies use the Motor Carrier Assessment Protocol to evaluate their transportation companies. The Protocol is an 18-page questionnaire covering numerous aspects of a company's safety performance and policies. The Protocol asks for companies' safety performance experience—a Safer snapshot; driving training and management; regulatory compliance; operating procedures; risk management; and vehicle inspection and maintenance. The Responsible Care guidelines are mandatory for the 175 member companies of the American Chemistry Council.

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<sup>110</sup> Lueck and Brewster, *Compliance, Safety, Accountability: Evaluating a New Safety Measurement System and its Implications*, American Transportation Research Institute, December 2012, pp. 40-42.

<sup>111</sup> <https://www.qualitydistribution.com/QualityDistribution/media/QualityDistribution/PDFs/Motor-Carrier-Assessment-Protocol.pdf>

91. CNA, the seventh largest commercial insurer in the United States, published a Risk Control Bulletin with details regarding approaches for shippers to demonstrate the exercise of reasonable care in the selection and retention of motor carriers. The bulletin has a number of specific recommendations. In my opinion, these recommendations outline a shipper's obligations to ensure that goods are being transported by a "safe motor carrier."

92. The CNA risk bulletin recommends the following:

- Shippers establish, implement, and maintain a sound motor carrier qualification process
- Document the procedures of that process and consistently adhere to them
- Avoid the use of Owner-Operators and use them only if you obtain permission to order MVRs and explain your rules of conduct to them
- Develop a list of pre-approved carriers
- Obtain the carrier's DOT number and use only carriers with a Satisfactory Safety Rating
- Check the carrier's BASIC data from SMS (Safety Measurement System) at least every six months
- Do not use a carrier with any SMS percentile score above the intervention level in any BASIC
- Check the motor carrier's Safer System data

93. Albertsons never obtained any documentation from KFTC reflecting its competency, nor did Albertsons do anything to inform itself of the existence and/or elements of the safety culture at KFTC regarding its operations and/or drivers. Obtaining such information was particularly necessary before KFTC was retained, as the FMCSA had not rated that carrier. Information was readily available to and either not accessed or ignored by Albertsons.

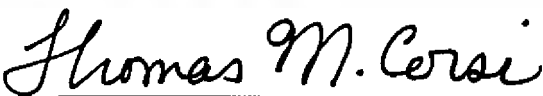
94. Had it done anything to fulfill its responsibility to adequately vet KFTC before hiring the carrier, Albertsons would have concluded that KFTC was not fit to safely transport its goods on the nation's highways. Even after the crash, Albertsons continued to release loads to KFTC for transport. Even after it had been issued an "Unsatisfactory" and then "Conditioned" rating, Albertsons continued to release loads to KFTC for transport. Further, even after Albertsons reviewed what it considered a wholly insufficient post-crash Corrective Action Plan, one it

considered inadequate from a safety standpoint, Albertsons continued to release goods to KFTC. Albertsons did nothing until a lawsuit arising from this tragedy was filed.

95. This conduct shows a flagrant refusal by Albertsons management to adequately train its employees so as to implement any adequate safety vetting of its “partner carriers.” It is unquestionably an extreme deviation from the reasonable standards of conduct for a responsible shipper, particularly one as sophisticated as Albertsons. From the evidence presented above, it is my opinion that this misconduct by Albertsons I have identified was undertaken by it through its managing officers, directors, and/or employees, with an understanding of (actual and/or constructive) and disregard for the likely consequences of allowing an incompetent carrier to transport its goods: a catastrophic highway trucking crash resulting in the loss of life and destruction of the load being transported. The fact that Albertsons would continue to do business with KFTC and release loads to this carrier even after the crash, until they were named in a lawsuit serves only to highlight the need to hold Albertsons accountable to the standard they are bound to satisfy, so that the flagrant refusal to vet its partner carriers never again is allowed to devastate other families.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

Executed this 25<sup>th</sup> day of June, 2021, at College Park., Maryland.

  
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Thomas M. Corsi, Ph.D.



# **EXHIBIT A**

Thomas M. Corsi  
June 2021

## **PERSONAL DATA**

B. A. Case Western Reserve University, 1971, Cleveland, Ohio, double major in Political Science and Sociology, graduated Summa Cum Laude with Departmental Honors in Political Science, Phi Beta Kappa.

M. A. Kent State University, Kent, Ohio, Department of Geography, 1974. M. A. Thesis: Development At Interchanges Along the Ohio Turnpike: A Multivariate Analysis.

Ph. D. University of Wisconsin-Milwaukee, Milwaukee, Wisconsin, Department of Geography, 1976. Ph. D. Dissertation: Household Response to Motor Fuel Shortages in Southeastern Wisconsin.

Assistant Professor  
Logistics, Business, and Public Policy  
University of Maryland, School of Business Administration  
August 1976

Associate Professor  
Logistics, Business, and Public Policy  
University of Maryland, School of Business Administration  
August 1981

Full Professor  
Logistics, Business, Public Policy  
University of Maryland, School of Business Administration  
August 1986-current

Past Member, National Cooperative Freight Research Program

Past Member, National Research Council, , Fuel Economy of Medium and Heavy Duty Vehicles Panel

Current Member of the Following Organizations

American Society of Transportation and Logistics  
Council of Supply Chain Management Professionals

## **EDITORIAL BOARDS**

Associate Editor, The Logistics and Transportation Review

Associate Editor, The Journal of Business Logistics

Associate Editor, Transportation Journal

Editorial Review Board, International Journal of Physical Distribution & Logistics Management

## **MAJOR SERVICE ACTIVITY**

Member, Dean's Evaluation Committee, 2001 and 2006.

Member, Graduate Research Board, Summer and Semester Award Committee, 2004-2008.

Co-Director, Supply Chain Management Center, 1998 to 2019.

Chairperson, Undergraduate Oversight Committee, Robert H. Smith School of Business, 1995-1997.

Member, Provost Promotion and Tenure Committee, 1994.

Group Chairperson, Transportation, Business and Public Policy, August 1986 to 1994.

Undergraduate Committee, College of Business and Management, 1977-1986 (Chairperson, 1984-1986).

Faculty Advisor, Transportation Club, College of Business and Management, 1979 to 1992.

Faculty Advisor, Society for Advancement of Management, College of Business and Management, 1979-1981.

Director, MS in Supply Chain Management, 2014-current

## **PEER REVIEWED ARTICLES**

1. Corsi, Thomas M. "A Multivariate Analysis of Land Use Change: Ohio Turnpike Interchanges," Land Economics, Vol. 50, August 1974, pp. 232-241.
2. Corsi, Thomas M. "CAB Behavior in Airline Merger Cases," The Logistics and Transportation Review, Vol. 11, No. 3, 1975, pp. 229-248.

3. Corsi, Thomas M. and Harvey, Milton H. "The Socio-Economic Determinants of Crime in the City of Cleveland: The Application of Canonical Scores to Geographic Processes," Tijdschrift Voor Economische en Sociale Geografie, Vol. 66, No. 6, 1975, pp. 323-336.
4. Corsi, Thomas M. and Harvey, Milton H. "The Impact of the Energy Crisis Upon Travel Behavior: Some Implications for the Transportation Planning Process," Transportation Research Record, No. 648, 1977, pp. 30-36.
5. Corsi, Thomas M. and Harvey, Milton H. "Effect of Changes in Fuel Prices, Parking Fees, and Bus Fares on Journey to Campus," High Speed Ground Transportation Journal/Journal of Advanced Transportation, Vol 12, No. 2, 1978, pp. 1-13.
6. Corsi, Thomas M. and Harvey, Milton H. "Toward a Causal Model to Explain Differing Household Vacation Patterns," Journal of Leisure Research, Vol 10, No. 4, 1978, pp. 298-310.
7. Corsi, Thomas M. and Harvey, Milton H. "Toward a Causal Model for Differentiating Carpoolers and Auto Drivers to a Major University," The Logistics and Transportation Review, Vol. 14, No. 1, 1978, pp. 67-79.
8. Corsi, Thomas M. and Harvey, Milton H. "Changes in Vacation Travel in Response to Motor Fuel Shortages and Higher Prices," Journal of Travel Research, Vol. 17, No. 4, 1979, pp. 7-12.
9. Corsi, Thomas M. "The Impact of Multiple-Unit Fleet Owners in the Owner-Operator Segment on Regulatory Reform," Transportation Journal, Vol. 19, No. 2, 1979, pp. 44-59.
10. Boisjoly, Russell P. and Corsi, Thomas M. "The Economic Implications of Less-than-Truckload Motor Carrier Mergers," Journal of Economics and Business, Vol. 33, No. 1, 1980, pp. 18-26.
11. Corsi, Thomas M. and Roberts, Merrill J. "The Potential Fuel Efficiency Consequences of Motor Carrier Deregulation," The Logistics and Transportation Review, Vol. 16, No. 3, 1980, pp. 265-297.
12. Corsi, Thomas M. "Consequences of Regulatory Reform on the Owner-Operator Segment," Transportation Research Record, No. 758, 1981, pp. 56-62.
13. Bixby, Ronald H. and Corsi, Thomas M. "Framework for Analyzing the 1979 Summer Fuel Crisis: The New York State Experience," Transportation Research Record, No. 801, 1981, pp. 72-80.
14. Corsi, Thomas M. and Roberts, Merrill J. "Implications of Regulatory Reform for Intermodal Competition," Transportation Research Record, No. 804, 1981, pp. 27-32.

15. McGinnis, Michael A.; Corsi, Thomas M.; and Roberts, Merrill J. "A Multiple Criteria Analysis of Modal Choice," Journal of Business Logistics, Vol. 2, No. 2, 1981, pp. 48-68.
16. Corsi, Thomas M. and Martin, John C. "An Explanatory Model of Turnover Among Owner-Operators," Journal of Business Logistics, Vol. 3, No. 2, 1982, pp. 47-71.
17. Corsi, Thomas M.; Gardner, Leland L.; and Tuck, J. Michael. "Minority Motor Carriers and the Motor Carrier Act of 1980," Transportation Journal, Vol. 22, No. 3, 1982, pp. 42-55.
18. Corsi, Thomas M.; Gardner, Leland L.; and Tuck, J. Michael. "Owner-Operators and the Motor Carrier Act of 1980," The Logistics and Transportation Review, Vol. 18, No. 3, 1982, pp. 255-278.
19. Boisjoly, Russell P. and Corsi, Thomas M. "The Changing Nature of the Motor Carrier Acquisition Market," Quarterly Journal of Business and Economics, Vol. 22, No. 4, 1983, pp. 25-39.
20. Corsi, Thomas M.; Fanara, Jr., Philip; and Roberts, Merrill J. "Linkages Between Motor Carrier Accidents and Safety Regulation," The Logistics and Transportation Review, Vol. 20, No. 2, 1984, pp. 149-164.
21. Corsi, Thomas M.; Fanara, Jr., Philip; and Roberts, Merrill J. "Small Transit Insurance Programs: Current Status and the Group Purchase Alternative," Transportation Research Record, No. 1011, 1985, pp. 65-71.
22. Corsi, Thomas M. and Grimm, Curtis M. "Changes in Owner-Operator Use, 1977-1985: Implications for Management Strategy," Transportation Journal, Vol. 26, No. 3, 1987, pp. 4-16.
23. Corsi, Thomas M. and Grimm, Curtis M. "Mobility Barriers in the Motor Carrier Industry," Journal of the Transportation Research Forum, Vol. XXVIII, No. 1, 1987, pp. 302-309.
24. Murphy, Jr., Paul and Corsi, Thomas M. "Sales Force Management in a Deregulated Environment: General Freight Carriers," Journal of the Transportation Research Forum, Vol. XXVIII, No. 1, 1987, pp. 310-318.
25. Murphy, Jr., Paul and Corsi, Thomas M. "Current Status of Sales Force Management Practices Among LTL General Freight Carriers," Transportation Journal, Vol. 27, No. 1, 1987, pp. 23-35.
26. Corsi, Thomas M.; Fanara, Jr., Philip; and Jarrell, Judith L. "Safety Performance of Pre-MCA Motor Carriers: 1977 Versus 1984," Transportation Journal, Vol. 27, No. 3, 1988, pp. 30-36.

27. Corsi, Thomas M. and Fanara, Jr., Philip. "Driver Management Policies and Motor Carrier Safety," The Logistics and Transportation Review, Vol. 24, No. 2, 1988, pp. 153-164.
28. Murphy, Jr., Paul and Corsi, Thomas M. "Strategic Differentiation Among LTL General Freight Carriers: Sales Force Management Policies," The Logistics and Transportation Review, Vol. 24, No. 3, 1988, pp. 217-236.
29. Corsi, Thomas M. and Fanara, Jr., Philip. "Deregulation, New Entrants, and the Safety Learning Curve," Journal of the Transportation Research Forum, Vol. XXIX, No. 1, 1988, pp. 3-8.
30. Corsi, Thomas M. and Grimm, Curtis M. "ATLFs: Driving Owner-Operators into the Sunset," Journal of the Transportation Research Forum, Vol. XXIX, No. 2, 1989, pp. 285-290.
31. Corsi, Thomas M. and Scheraga, Carl A. "Pre- and Post-Deregulation Financial Strategies and Linkages to Performance in the Motor Carrier Industry: An Application of Canonical Scores," Transportation Research Series A, Vol 23A, No. 2, 1989, pp. 161-171.
32. Murphy, Jr., Paul and Corsi, Thomas M. "Performance Implications of the Sales Force Strategies of LTL General Freight Carriers," Journal of the Transportation Research Forum, Vol. XXX, No. 1, 1989, pp. 84-91.
33. Corsi, Thomas M. and Grimm, Curtis M. "Strategies and Performance in the Truckload General Freight Segment Before and After Deregulation," Journal of the Transportation Research Forum, Vol. XXX, No. 1, 1989, pp. 92-97.
34. Murphy, Jr., Paul and Corsi, Thomas M. "Modelling Sales Force Turnover Among LTL General Freight Carriers: A Management Perspective," Transportation Journal, Vol. 29, No. 1, 1989, pp. 25-37.
35. Grimm, Curtis M.; Corsi, Thomas M.; and Jarrell, Judith L. "U.S. Motor Carrier Cost Structure Under Deregulation," The Logistics and Transportation Review, Vol. 25, No. 3, 1989, pp. 231-250.
36. Smith, Raymond D.; Corsi, Thomas M.; and Grimm, Curtis M. "Motor Carrier Strategies and Performance," Transportation Research Series A, Vol. 24, No. 3, 1990, pp. 201-210.
37. Corsi, Thomas M. and Stowers, Joseph R.; "Effects of a Deregulated Environment on Motor Carriers: A Systematic, Multi-Segment Analysis," Transportation Journal, Vol. 30, No. 3, 1991, pp. 4-28.
38. Kling, James A.; Grimm, Curtis M.; and Corsi, Thomas M. "Strategies of Challenging Airlines at Hub-Dominated Airports," Journal of the Transportation Research Forum, Vol. XXXI, No. 2, 1991, pp. 359-370.

39. Kling, James A.; Grimm, Curtis M.; and Corsi, Thomas M. "Hub-Dominated Airports: An Empirical Assessment of Challenger Strategies," The Logistics and Transportation Review, Vol. 27, No. 3, 1991.
40. Corsi, Thomas M.; Grimm, Curtis M.; Smith, Ken G.; and Smith, Raymond D. "Deregulation, Strategic Change, and Firm Performance Among LTL Motor Carriers," Transportation Journal, Vol. 31, No. 1, 1991, pp. 4-13.
41. Smith, Raymond D.; Corsi, Thomas M.; Grimm, Curtis M.; and Smith, Kenneth G. "The Effects of LTL Motor Carrier Size on Strategy and Performance," Logistics and Transportation Review, Vol. 28, No. 2, June 1992, pp. 129-146.
42. Emerson, Carol J.; Gimm, Curtis M.; and Corsi, Thomas M. "The Advantage of Size in the U.S. Trucking Industry: An Application of the Survivor Technique," Journal of the Transportation Research Forum, Vol. XXXII, No. 2, 1992, pp. 369-378.
43. Corsi, Thomas M.; Grimm, Curtis M.; and Feitler, Jane. "The Impact of Deregulation on LTL Motor Carriers: Size, Structure, and Organization," Transportation Journal, Vol. 32, No. 2, 1992, pp. 24-31.
44. Grimm, Curtis M.; Corsi, Thomas M.; and Smith, Raymond D. "Determinants of Strategic Change in the LTL Motor Carrier Industry: A Discrete Choice Analysis," Transportation Journal, Vol. 32, No. 4, 1993, pp. 56-62.
45. Scheraga, Carl A.; Haslem, Jack; and Corsi, Thomas M. "The Financial Mobility of Motor Carriers: Pre- and Post-Deregulation," Transportation Research, Part A, Vol. 28A, No. 5, September 1994, pp. 401-414.
46. Xu, Kefeng; Windle, Robert; Grimm, Curtis; and Corsi, Thomas M. "Re-evaluating Returns to Scale in Transportation," Journal of Transport Economics and Policy, September 1994, pp.275-286.
47. Corsi, Thomas M.; Dresner, Martin; and Windle, Robert, "Air Passenger Forecasts: Principles and Practices," Journal of the Transportation Research Forum, Vol. 36, No. 2, 1997, pp. 42-62.
48. Corsi, Thomas M. "Surface Freight Prospects," Annals of the American Academy of Political and Social Sciences, Vol. 553, September 1997, pp. 186-191.
49. Feitler, Jane; Corsi, Thomas M.; and Grimm, Curtis M., "Measuring Firm Strategic Change in the Regulated and Deregulated Motor Carrier Industry: An Eighteen Year Evaluation," Logistics and Transportation Review, Vol. 33E, No. 3, September 1997, pp. 159-169.

50. Feitler, Jane; Corsi, Thomas M.; and Grimm, Curtis M., "Strategic and Performance Changes Among LTL Motor Carriers: 1976-1993," Transportation Journal, Vol. 37, No. 4, Summer 1998, pp. 5-12.
51. Boyson, Sandor; Corsi, Thomas M.; Dresner, Martin; and Rabinovich, Elliot," Managing Effective Third Party Logistics Partnerships: What Does It Take," Journal of Business Logistics, Vol. 20, No. 1, 1999, pp. 73-100.
52. Rabinovich, Elliot; Dresner, Martin; Windle, Robert J.; and Corsi, Thomas M., "Outsourcing of Integrated Logistics Functions: An Examination of Industry Practices," International Journal of Physical Distribution and Logistics Management, Vol. 29, No. 5, 1999, pp.353-373.
53. Mejza, Michael C. and Corsi, Thomas M. "Assessing Motor Carrier Potential for Improving Safety Processes," Transportation Journal, Vol 38, No. 4, Summer 1999, pp. 36-50.
54. Corsi, Thomas M.; Windle, Robert J.; and Knemeyer, A. Michael, "Evaluating the Potential Impact of Interstate Highway Rights-of-Way Commercialization on Economic Activity at Interchanges," Transportation Journal, Vol 39, No. 2, Winter 1999, pp. 16-25.
55. Corsi, Thomas M. and Boyson, Sandor, "The Real-Time Supply Chain," Supply Chain Management Review, Vol. 5, No. 1, January/February 2001, pp. 44-51.
56. Corsi, Thomas M.(with Sandor Boyson), "Real-Time e-Supply Chain Management: Diffusion of New Technologies and Business Practices," Transportation Research: Part E, The Logistics and Transportation Review, Vol. 39, March 2003, pp. 79-82.
57. Corsi, Thomas M. (with Curtis Grimm and Kirk Patterson), "Adopting New Technologies for Supply Chain Management," Transportation Research: Part E, The Logistics and Transportation Review, Vol. 39, March 2003, pp. 95-122.
58. Corsi, Thomas M. (with Sandor Boyson and Alexander Verbraeck), "The e-Supply Chain Portal: a Core Business Model," Transportation Research: Part E, The Logistics and Transportation Review, Vol. 39, March 2003, pp. 175-192.
59. Corsi, Thomas M. (with A. Micheal Knemeyer and Paul Murphy),"A Comparison of Key Logistics Outsourcing Relationship Constructs Across Levels of Partnership Development," Journal of Business Logistics, March 2003, Vol. 24, No. 1, pp. 77-110.
60. Corsi, Thomas M. (with Michael Mejza and Richard Barnard), "Driver Management Practices of Motor Carriers with High Compliance and Safety Performance," Transportation Journal, Summer 2003, Vol. 42, No. 4, pp. 16-29..



61. Corsi, Thomas M. (with Curtis M. Grimm and Kirk Patterson), "Diffusion of Supply Chain Technologies," Transportation Journal, Summer 2004, Vol. 43, No. 3, pp. 5-23.
62. Corsi, Thomas M. (with David E. Cantor and Curtis M. Grimm), "Safety Technology Adoption Patterns in the U.S. Motor Carrier Industry," Transportation Journal, Summer 2006, Vol. 45, No. 3, pp. 20-45.
63. Corsi, Thomas M. (with Sandor Boyson, Alexander Verbraeck, Stijn-Pieter Van Houten, Chaodong Han, and John R. Macdonald), "The Real-Time Global Supply Chain Game: New Educational Tool for Developing Supply Chain Management Professionals," Transportation Journal, Summer 2006, Vol. 45, No. 3, pp. 61-73.
64. Corsi, Thomas M. (with David Cantor and Curtis M. Grimm), "Determinants of Motor Carrier Safety Technology Adoption," Transportation Research, Part E, Logistics and Transportation Review, July 2008, Vol. 44E, No. 5, September 2008, pp. 932-947.
65. Corsi, Thomas M. (with Chaodong Han and Curtis M. Grimm), "Why Do Carriers Use Owner Operators in the U.S. For-Hire Trucking Industry?" Transportation Journal, Summer 2008, Vol. 47, No. 3, pp. 22-35.
66. Corsi, Thomas M. (with David Cantor and Curtis M. Grimm), "Do Electronic Logbooks Contribute to Motor Carrier Safety Performance?" Journal of Business Logistics, 2009, Vol. 30, No. 1., pp. 203-222.
67. Corsi, Thomas M. (with David Cantor and Curtis M. Grimm). "A Driver Focused Crash Prediction Model." Transportation Research, Part E, Logistics and Transportation Review, September 2010, Vol. 46, No. 5, pp. 683-692.
68. Corsi, Thomas M. (with Rodrigo Britto and Curtis M. Grimm), "Impact of Motor Carrier Firms' Financial Performance on Safety Performance," Transportation Journal, Vol. 49, No. 4, Fall 2010, pp. 42-51.
69. Corsi, Thomas M. (with David Cantor, Curtis M. Grimm, and Dale Sienicki), "Safety Performance Differences between Unionized and Non-Union Motor Carriers," Transportation Research, Part E, Logistics and Transportation Review, Vol. 48, 2012, pp.807-816.
70. Corsi, Thomas M. (with Adams B. Steven), "Choosing a Port: An Analysis of Containerized Imports into the U.S.," Transportation Research, Part E, Logistics and Transportation Review, Vol 48, 2012, pp.881-895.

71. Corsi, Thomas M. (with Ken Casavant and Tim Graciano), "A Preliminary Investigation of Private Railcars in North America," Journal of the Transportation Research Forum, Vol. 51, No. 1, Spring 2012, pp.53-70.
72. Corsi, Thomas M. (with John Macdonald), "Supply Chain Disruption Management: Severe Events, Recovery, and Performance," Journal of Business Logistics, 34 (4), 2013, pp.269-287.
73. Corsi, Thomas M. (with David Cantor, Heidi Celebi, and Curtis Grimm), "Do Owner-Operators Pose a Safety Risk on the Nation's Highways," Transportation Research, Part E, Logistics and Transportation Review, 59 (2013), pp. 34-47.
74. Corsi, Thomas M. (with Curtis Grimm, Donald Wright, and David Cantor), "Should Smaller Commercial Trucks be Subject to Safety Regulations?" Transportation Journal, Vol. 53, No. 2 (2014), pp. 117-143.
75. Corsi, Thomas M. (with Adams Steven and Yan Dong), "Global Sourcing and Quality Recalls: An Empirical Study of Outsourcing-Supplier Concentration-Product Recalls Linkages," Journal of Operations Management, Vol 32, No. 5 (July 2014), pp. 241-253.
76. Corsi, Thomas M. (with Curtis M. Grimm and David E. Cantor), "Technology, Firm Size, and Safety: Theory and Empirical Evidence from the U.S. Motor Carrier Industry," Transportation Journal, Vol. 55, No. 2 (2016), pp. 150-167.
77. Corsi, Thomas M. (with Curtis M. Grimm and David E. Cantor), "The Impact of New Entrants and the New Entrant Program on Motor Carrier Safety Performance," Transportation Research, Part E, Logistics and Transportation Review, Vol. 97, January 2017, pp. 217-227.
78. Corsi, Thomas M. (with Isaac Elking, John-Patrick Paraskevas, Curtis Grimm, and Adams Steven), "Financial Dependence, Lean Inventory Strategy, and Firm Performance," Journal of Supply Chain Management, Vol. 53, Issue 2, April 2017, pp. 22-38.

79. Corsi, Thomas M. (with Shalini Kurpati, Heidi Lukosch, Stephanie Eckerd, and Alexander Verbraeck), "Relating Planner Task Performance for Container Terminal Operations to Multi-Tasking Skills and Personality Type," Transportation Research: Part F, Traffic Psychology and Behavior, 51 (2017), pp. 47-64.
80. Corsi, Thomas M. (with Laharish Guntuka, Curtis M. Grimm, and David E. Cantor), "US Motor Carrier Exit: Prevalence and Determinants," Transportation Journal, Vol 58, No.2 (2019).
81. Corsi, Thomas M. (with Sandor Boyson and John-Patrick Paraskevas), "Defending Digital Supply Chains: Evidence from A Decade-Long Research Program, forthcoming Technovation (2021)."

#### ARTICLES IN EDITED VOLUMES

Mayer, Harold M. and Corsi, Thomas M. "Northeastern Ohio Urban Complex," in Contemporary Metropolitan America, Volume 3: Nineteenth Century Inland Centers and Ports, Association of American Geographers, Comparative Metropolitan Analysis Project, John Adams, editor, Cambridge, Massachusetts: Ballinger Publishing Co., 1976, pp. 109-179.

Corsi, Thomas M. and Fanara, Jr., Philip. "Effects of New Entrants on Motor Carrier Safety," in Transportation Safety in an Age of Deregulation, Leon Moses and Ian Savage, editors, London, England: Oxford University Press, 1989, pp. 241-258.

Corsi, Thomas M. "Survey of Inland Terminal Operators," in Landside Access to U.S. Ports, Transportation Research Board, National Research Council, Special Report 238, National Academy Press, 1993, pp. 177-190.

Corsi, Thomas M. "Motor Carrier Industry Structure and Operations," in International Symposium on Motor Carrier Transportation, Transportation Research Board, National Research Council, National Academy Press, Washington, D.C., 1994, pp. 38-60.

Thomas Corsi and Sandor Boyson, "North America Insights and Challenges," in volume edited by Anne M. Brewer, Kenneth J. Button, and David Hensher, entitled Handbook of Logistics and Supply-Chain Management, Elsevier Science, Ltd., Oxford, U.K., 2001, pp. 47-58

Thomas M. Corsi, "The Truckload Carrier Segment," in Dale Belman and Chelsea White III, editors, Trucking in the Information Age, Ashgate Publishing Co. (UK), 2005, pp. 21-42..

Thomas M. Corsi, "The Business of Motor Carriers," article in Darren Prokop, editor, The Business of Transportation, Praeger Publishing, 2012, pp. 16-36.

Thomas M. Corsi, "Broker/Third Party Logistics Provider and Shipper Responsibility in Motor Carrier Selection: Considering Carrier Safety Performance," article in James Peoples and John Bitzan, Transportation Policy and Economic Regulation: Essays in Honor of Theodore Keeler, Elsevier, Inc., 2018, pp. 311-330.

Corsi, Tom. (2021) Duty of Care in the Selection of Motor Carriers. In: Vickerman, Roger (eds.) International Encyclopedia of Transportation. vol. 3, pp. 382-387. UK: Elsevier Ltd.

Corsi, Thomas M. "Duty of Care in the Selection of Motor Carriers," in **International Encyclopedia of Transportation**, 1<sup>st</sup> Edition, Roger Vickerman, editor, Elsevier, Inc., 2021.

Corsi, Thomas M. (with C. Martinez, J.P. Paraskevas, C. Grimm, and S. Boyson) "The Impact of Environmental Risks in Supply chain Resilience," in **Supply Chain Management and Logistics in Emerging Markets: Selected Papers from the 2018 MIT SCALE Latin America Conference**, edited by Hugo Yoshizaki, Chrstopher Argueta; and Marina Mattos, Emerald Publishing, 2021, pp. 11-40.

## **MONOGRAPHS**

Corsi, Thomas M. National Transportation Organizations: Their Roles in the Policy Development & Implementation Process, Eno Transportation Foundation, Lansdowne, Virginia, 1994.

## **ARTICLES IN JOURNALS WITH INTERNAL REVIEW BOARDS**

Corsi, Thomas M. "Development at Interchanges: The Ohio Turnpike," Traffic Quarterly, Vol. XXIX, No. 1, 1975, pp. 65-79.

Corsi, Thomas M. "The Policy of the ICC in Trucking Merger, Control, and Acquisition of Certificate Cases, 1965-1972," ICC Practitioners' Journal, Vol. 43, No. 1, 1975, pp. 24-38.

Corsi, Thomas M. and Harvey, Milton E. "Travel Behavior Under Increases in Gasoline Prices," Traffic Quarterly, Vol. XXXI, No. 3, 1977, pp. 30-36.

Corsi, Thomas M. and Boisjoly, Russell P. "An Identification of the Distinguishing Characteristics of Acquired Trucking Firms," ICC Practitioners' Journal, Vol. 48, No. 5, 1981, pp. 560-578.

Boisjoly, Russell P. and Corsi, Thomas M. "The Long-Run Effects of Merger in the Motor Carrier Industry: The Implications of Deregulation," ICC Practitioners' Journal, Vol. 49, No. 3, 1982, pp. 280-293.

Corsi, Thomas M.; Gardner, Leland; and Tuck, J. Michael. "The ICC and Owner-Operators: Leasing Rule Modifications," ICC Practitioners' Journal, Vol. 51, No. 1, 1983, pp. 54-76.

Corsi, Thomas M. and Grimm, Curtis M. "Transportation Education in the 1980s: An Examination of Teaching Materials," Transportation Practitioners Journal, Vol. 52, No. 1, 1984, pp. 27-39.

## **BOOKS**

Winston, Clifford; Corsi, Thomas M.; Grimm, Curtis M.; and Evans, Carol A., The Economic Effects of Surface Freight Deregulation, 1990, The Brookings Institution, Washington, D.C.

Boyson, Sandor; Corsi, Thomas M.; Dresner, Martin; and Harrington, Lisa, Logistics and the Extended Enterprise: Benchmarks and Best Practices for the Manufacturing Professional. New York: John Wiley & Sons, 1999.

Corsi, Thomas M. (with Sandor Boyson and Lisa Harrington) In Real Time: Managing the New Supply Chain, New York, Praeger Books, 2004, 166 pages

Corsi, Thomas M. (with Sandor Boyson and Lisa Harrington) X-treme Supply Chains: The New Science of X-treme Supply Chain Management, New York and London, Routledge Press, 2011, 299 pages

## **PUBLISHED PROCEEDINGS**

Corsi, Thomas M.; Schmitt, Robert P.; and Beimborn, Edward A. "Voter Response to Highway and Transit Referenda: A Case Study in Milwaukee County, 1974," Transportation Research Forum Proceedings, Vol. XVI, No. 1, 1975, pp. 80-90.

Corsi, Thomas M. and Roberts, Merrill J. "Rail/Truck Market Share Dynamics, 1963-1972," Transportation Research Forum Proceedings, Vol. XVIII, No. 1, 1977, pp. 532-544.

McGinnis, Michael A. and Corsi, Thomas M. "Effects of Product Characteristics and Individual Shipper Attitudes on the Use of Alternative Transportation Modes," Transportation Research Forum Proceedings, Vol. XIX, No. 1, 1978, pp. 314-322.

Heilmann, Ronald L. and Corsi, Thomas M. "Modeling the Shipper's Route Choice for the Movement of Goods: An Application to General Cargo Exports," Transportation Research Forum Proceedings, Vol. XIX, No. 1, 1978, pp. 450-455.

Corsi, Thomas M. "Use of Travel Survey Data to Design a Commuter Ridesharing Program," Applied Geography Proceedings, Vol. 1, 1978, pp. 183-192.

Corsi, Thomas M. and Harvey, Milton H. "Travel Trends and Energy," Proceedings of the National Outdoor Recreation Trends Symposium, Vol. 1, U.S. Department of Agriculture, Forest Service, General Technical Report, NE-57, 1980, pp. 59-70.

Boisjoly, Russell P. and Corsi, Thomas M. "The Aftermath of the Motor Carrier Act of 1980: Entry, Exit, and Merger," Transportation Research Forum Proceedings, Vol. XXIII, No. 1, 1982, pp. 258-264.

Corsi, Thomas M. and Roberts, Merrill J. "Patterns of Discrimination in the Collective Ratemaking System," Transportation Research Forum Proceedings, Vol. XXIII, No. 1, 1982, pp. 621-630.

Corsi, Thomas M. and Agar, Michael H. "Dynamics of Owner-Operator Behavior and Profitability: 1978 Versus 1984," Transportation Research Forum Proceedings, Vol. XXVI, No. 1, 1985, pp. 123-136.

Corsi, Thomas M.; Grimm, Curtis M.; and Lundy, Robert. "ICC Exemptions of Rail Services: Summary and Evaluation," Transportation Research Forum Proceedings, Vol. XXVI, No. 1, 1985, pp. 86-92.

Corsi, Thomas M.; Grimm, Curtis M.; and Smith, Raymond D. "Motor Carrier Strategies in a Changing Environment: An Empirical Analysis," Transportation Research Forum Proceedings, Vol. XXVII, No. 1, 1986, pp. 177-180.

Corsi, Thomas M.; Boyson, Sandor; Dresner, Martin; et. al. Logistics Challenges and Opportunities in the 1990s: A National Survey of Corporate Logistics Best Practices, Council of Logistics Management, Annual Conference Proceedings, October 1995, pp. 61-80.

Corsi, Thomas M. and Schumann, Kurt A., "Fleet Fuel Purchasing Study," Journal of Transportation Research, Vol. 1, No. 1, 1999, pp. 1-10.

Corsi, Thomas M. and Schumann, Kurt A., "Fleet Fuel Purchasing Study: Private Fleets," Journal of Transportation Research, Vol. 2, No. 1, 2000, pp. 1-14.

Corsi, Thomas M. "Profile of Truckstop Driver Customers: National Survey Results," Journal of Transportation Research, Vol. 2, No. 1, 2000, pp. 41-54.

Corsi, Thomas M. (with Thomas Keane and Kris Braaten, "Motor Carrier Industry Profile Study: Safety Performance by Motor Carrier Industry Segment," International Truck and Bus Safety Reserach & Policy Symposium, Center for Transportation Research, the University of Tennessee, April 2002 (Proceedings), pp. 15-28.

Corsi, Thomas M. (with Martin Newhouse, Alok Shukla, and Peter Chandler), "Passenger Motor Carriers: A Safety Performance Profile," International Truck and Bus Safety Reserach & Policy Symposium, Center for Transportation Research, the University of Tennessee, April 2002 (Proceedings), pp. 523-548.

Corsi, Thomas M. (with Alexander Verbraeck, Stijn-Pieter van Houten, Sandor Boyson), "Training For Today's Supply Chains: An Introduction to The Distributor Game," Proceedings of the 2005 Winter Simulation Conference, Orlando Florida, M. E. Kuhl, N. M. Steiger, F. B. Armstrong, and J. A. Joines, eds.

## **OTHER PRESENTATIONS**

"Voter Response to Highway and Transit Referenda: A case study in Milwaukee County, 1974." Paper presented at the Transportation Research Forum meetings in Toronto, Canada, November 1974 (with Robert P. Schmitt and Edward A. Beimborn).

"The Effect of Motor Fuel Shortages and Higher Prices Upon the Transportation Planning Process." Paper presented at the meetings of the Regional Science Association in Toronto, Canada, November 1976.

"Impact of the Energy Crisis on Travel Behavior: Some Implications for the Transportation Planning Process." Paper presented at the meetings of the Transportation Research Board in Washington, D.C., January 1977 (with Milton E. Harvey).

"Rail/Truck Market Share Dynamics, 1963-1972." Paper presented at the Transportation Research Forum meetings in Atlanta, Georgia, October 1977 (with Merrill J. Roberts).

"Use of Travel Survey Data to Design a Commuter Ridesharing Program." Paper presented at the Applied Geography Conference in Binghamton, New York, September 1978.

"Effects of Product Characteristics and Individual Shipper Attitudes on the Use of Alternative Transportation Modes." Paper presented at the Transportation Research Forum meetings in New York, New York, October 1978 (with Michael A. McGinnis).

"Modeling the Shipper's Route Choice for the Movement of Goods: An Application to General Cargo Exports." Paper presented at the Transportation Research Forum meetings in New York, New York, October 1978 (with Ronald L. Heilmann).

"Determination of Characteristics Associated with Market Dominance-Guidelines for Changes in Regulatory Policy." Paper presented at the Applied Geography Conference in Binghamton, New York, September 1979.

"The Effects of Mergers on Motor Carrier Performance." Paper presented at the Institute for Decision Sciences meetings in New Orleans, Louisiana, November 1978 (with Russell P. Boisjoly).

"Consequences of Regulatory Reform on the Owner-Operator Segment." Paper presented at the Transportation Research Board meetings in Washington, D.C., January 1980.

"An Identification of the Distinguishing Characteristics of Acquired Trucking Firms." Paper presented at the Western Finance Association meetings in San Diego, California, June 1980 (with Russell P. Boisjoly).

"Planning for Changing Urban Travel Patterns in Response to Continuing Fuel Price Increases." Paper presented at Applied Geography Conference in Kent, Ohio, September 1980.

"The Long-Run Effects of Merger and the Implication of Deregulation on the Motor Carrier Industry." Paper presented at the Financial Management Association meetings in New Orleans, Louisiana, October 1980.

"Energy in the 1980s--Implications and Coping Strategies for Recreation and Tourism--Implications for Private Suppliers." Paper presented at the National Recreation and Parks Association Congress for Recreation and Parks in Phoenix, Arizona, October 1980.

"Framework for Analyzing the Summer 1979 Fuel Crisis--The New York State Experience." Paper presented at the Transportation Research Board meetings in Washington, D.C., January 1981 (with Ron Bixby).

"The State Role in Energy Contingency Planning: An Evaluation of Alternative Measures." Paper presented at the Applied Geography Conference in Phoenix, Arizona, October 1981.

"Patterns of Discrimination in the Collective Ratemaking System." Paper presented at the Transportation Research Forum meetings in New Orleans, Louisiana, October 1982 (with Merrill J. Roberts).

"The Aftermath of the Motor Carrier Act of 1980: Entry, Exit, and Merger." Paper presented at the Transportation Research Forum meetings in New Orleans, Louisiana, October 1982 (with Russell P. Boisjoly).

"Shifts in Indicators of Motor Carrier Bankruptcies: Before and After the Motor Carrier Act." Paper presented at the Transportation Research Forum meetings in Boston, Massachusetts, October 1984 (with Russell P. Boisjoly).

"ICC Exemptions of Rail Services: Summary and Evaluation." Paper presented at the Transportation Research Board meetings in Washington, D.C., January 1985.

"Small Transit Insurance Programs: Current Status and the Group Purchase Alternative." Paper presented at the Transportation Research Board meetings in Washington, D.C., January 1985 (with Philip Fanara, Jr. and Merrill J. Roberts).

"Dynamics of Owner-Operator Behavior and Profitability: 1978 Versus 1984." Paper presented at the Transportation Research Forum meetings in Amelia Island, Florida, November 1985 (with Michael H. Agar).



"I.C.C. Exemptions of Rail Services: Summary and Evaluation." Paper presented at the Transportation Research Forum meetings in Amelia Island, Florida, November 1985 (with Curtis M. Grimm and Robert Lundy).

"Motor Carrier Strategies in a Changing Environment: An Empirical Analysis." Paper presented at the Transportation Research Forum meeting in Seattle, Washington, October 1986 (with Curtis M. Grimm).

"Mobility Barriers in the Motor Carrier Industry." Paper presented at the Transportation Research Forum meeting in San Antonio, Texas, November 1987 (with Curtis M. Grimm).

"Sales Force Management in a Deregulated Environment: General Freight Carriers." Paper presented at the Transportation Research Forum meeting in San Antonio, Texas, November 1987 (with Paul R. Murphy, Jr.).

"Deregulation, New Entrants, and the Safety Learning Curve." Paper presented at the Transportation Research Forum meeting in Toronto, Canada, November 1988 (with Philip Fanara, Jr.).

"ATLFs: Driving Owner-Operators into the Sunset." Paper presented at the Transportation Research Forum meeting in Toronto, Canada, November 1988 (with Curtis M. Grimm).

"Performance Implications of the Sales Force Strategies of LTL General Freight Carriers." Paper presented at the Transportation Research Forum meeting in Williamsburg, Virginia, November 1989 (with Paul Murphy, Jr.).

"Strategies and Performance in the Truckload General Freight Segment Before and After Deregulation." Paper presented at the Transportation Research Forum meeting in Williamsburg, Virginia, November 1989 (with Curtis M. Grimm).

"Strategies of Challenging Airlines at Hub-Dominated Airports." Paper presented at the Transportation Research Forum meeting in Long Beach, California, October 1990 (with James A. Kling and Curtis M. Grimm).

"Size, Strategy, and Performance: LTL Motor Carriers." Paper presented at the Transportation Research Board meeting in Washington, D.C., January 1991 (with Raymond D. Smith and Curtis M. Grimm).

"The Advantage of Size in the U.S. Trucking Industry: An Application of the Survivor Technique." Paper presented at the Transportation Research Forum meeting in New Orleans, Louisiana, November 1991 (with Carol J. Emerson and Curtis M. Grimm).

"Motor Carrier Performance Measures." Paper presented at the Highway-Related Transportation Industry Productivity Measures Symposium in Arlington, Virginia, November 1992.

"Perspectives on Key Freight Issues and Developments: The University Perspective." Paper presented at the Transportation Research Board meeting in Washington, D.C., January 1993.

"Motor Carrier Industry Dynamics: Assessing Future Regulatory Policy," Paper presented at the Conference of the Transportation Industry of the Future, Conference Sponsored by the Office of the Secretary, U.S. Department of Transportation, January 9, 1995.

"Logistics Challenges and Opportunities in the 1990s," Paper presented at the ATA Logistics Council, Atlanta, Georgia, March 6, 1995.

"Insider's Look at the Trucking Industry's Future," Paper presented at Annual Spring Meeting of the ATA Foundation, Tarpon Springs, Florida, April 27, 1995.

"A Transportation Best Practices Evaluation," Paper presented at Annual Meeting of the Council of Logistics Management, October 1995, San Diego, California (with Martin Dresner).

"Bundling of Logistics Outsourcing Services," Paper presented at Annual Meeting of the Council of Logistics Management, October 1998, Anaheim, California.

## **OTHER PUBLICATIONS**

Corsi, Thomas M. "A Look Ahead at U.S. Trucking," Journal of Commerce, January 24, 1995, p. 10A.

Corsi, Thomas M. "Third-Party Logistics Providers: A Viable Option for Trucking Firms," Western Highway Institute News, January/February 1995, p. 3-4.

Corsi, Thomas M. and Boyson, Sandor, "Emerging Logistics: Adopting the Emerging Best Practices," Executive Excellence, Vol. 16, No. 6, June 1999, pp. 19-20.

Corsi, Thomas M. and Boyson, Sandor, "Matching Demand and Supply in Realtime: The Value of Supply Chain Collaboration," Global Purchasing and Supply Chain Management, October 1999, pp. 130-133.

## **Ph. D. DISSERTATION COMMITTEES**

Michael A. McGinnis, committee member, Retired, Faculty, School of Business, University of Alabama.

Edward Morash, committee member, Retired, Faculty, School of Business, Michigan State University.

Paul R. Murphy, Jr., committee member, Retired, Faculty, School of Business, John Carroll University.

Raymond D. Smith (major advisor and chairperson), 1988, Currently, Faculty, School of Business and Management, Howard University, Washington, D.C.

James A. Kling (major advisor and chairperson), 1989, Currently, Professor, School of Business and Management, Niagara University, Buffalo, NY.

Robert Trempe (major advisor and chairperson), 1991, Program Manager, ASD International.

Judith L. Jarrell (major advisor and chairperson), 1992, Federal Express Corporation.

Carol Emerson, committee member, 1995, Currently Faculty, School of Business and Management, University of Denver, Denver, Colorado.

Jane Feitler (major advisor and chairperson), 1995, Menlo Logistics Corporation.

Michael Mejza (major advisor and chairperson), 1998, Currently Faculty, School of Business and Management, University of Nevada-Las Vegas, Las Vegas, Nevada.

Michael Knemeyer (major advisor and chairperson), 2000, Currently, Faculty Member, School of Business, Ohio State University.

Elliott Rabinovich, committee member, 2001, Currently, Faculty Member, School of Business, Arizona State University.

Kirk Patterson (major advisor and chairperson), 2002, Faculty Member, Air Force Institute of Technology.

Matthew Morris (major advisor and chairperson), 2005, Faculty Member, University of Manitoba.

David Cantor (major advisor and chairperson), 2007, Currently, Faculty Member, Iowa State University.

John Macdonald (major advisor and chairperson), 2008, Currently, Faculty Member, Colorado State University.

Rodrigo Britto (major advisor and chairperson), 2012, faculty member in Columbia, South America

Adams Steven (major advisor and chairperson), 2013, Currently, Faculty Member, University of Maryland, College Park.

John Patrick-Paraskevas (major advisor and chairperson), 2017, faculty member at Miami University of Ohio

Camil Martinez (major advisor and chairperson), 2018, faculty member at MIT International Logistics Program in Columbia

Rohan D'Lima (major advisor and chairperson), 2019, Faculty Member, Oregon State University

Laharish Guntuka (major advisor and chairperson), 2020, Prospective, Faculty Member, Rochester Institute of Technology (September 2021).

## **GRANTS, HONORS, AWARDS, AND OTHER RECOGNITIONS**

International Cargo Potential at BWI Airport, Office of Transportation Planning, Maryland State Department of Transportation, Co-Principal Investigator, June 1980 - July 1981, \$30,000 (Paul M. Schonfeld, Co-Principal Investigator).

Follow-Up Investigation of Specific International Air Cargo Markets at BWI, Office of Transportation Planning, Maryland State Department of Transportation, Principal Investigator, August 1981 - June 1982, \$10,000.

Rail Exemption Program, Office of Policy and Analysis, Interstate Commerce Commission, Co-Principal Investigator, July 1981 - June 1983, \$110,000 (Merrill J. Roberts, Co-Principal Investigator).

Review of Shipper/Carrier Comments to Proposed Railroad Exemptions, Office of Transportation Analysis, Interstate Commerce Commission, Co-Principal Investigator, July 1983 - July 1984, \$25,000 (Merrill J. Roberts, Co-Principal Investigator).

Evaluation of Insurance Programs of Small Urban and Rural Transit Systems, Mass Transit Administration, Maryland Department of Transportation, Co-Principal Investigator, July 1983 - March 1984, \$33,000 (Philip Fanara, Jr. and Merrill J. Roberts, Co-Principal Investigators).

Design of a Systematic Data Collection Program for Air Cargo at BWI Airport, Office of Transportation Planning, Maryland Department of Transportation, Principal Investigator, May 1984 - January 1985, \$18,000.

Small Business and Regulatory Change: The Case of Independent Truckers, National Science Foundation, Co-Principal Investigator, July 1984 - December 1985, \$25,000 (Michael H. Agar, Co-Principal Investigator).

Benefit-Cost Analysis of Exempting Overweight Containers on State Route 50, State Highway Administration, State of Maryland, Co-Principal Investigator, October 1987 - December 1987, \$32,000 (Curtis M. Grimm and Merrill J. Roberts, Co-Principal Investigators).

International Management, Marketing, and Transportation: A Program for Curriculum and Program Development, Research and Professional Outreach, U.S. Department of Education, Business and International Education Program, Co-Principal Investigator, September 1988 - August 1990, \$132,000 (Lee Preston, Co-Principal Investigator).

Analysis of BWI Passenger Data, Maryland State Aviation Administration, Co-Principal Investigator, April 1992-July 1992, \$15,000 (Martin Dresner and Robert Windle).

Economic Analysis of Dump Service Permit System in the State of Maryland, Prepared for the State Highway Administration, Principal Investigator, September 1992-April 1993, \$20,000.

Transportation Best Practices Study, Office of Transportation, Emergency Management, and Analytical Services, U.S. Department of Energy, Investigator on this project with Graduate School of Management and Technology, University of Maryland-University College, 1994-1997.

Passenger Forecast for BWI, Maryland State Aviation Administration, Co-Principal Investigator, May 1995-April 1996, \$60,000 (Martin Dresner and Robert Windle).

Measuring Exposure in the Diverse Commercial Motor Carrier Industry, Federal Motor Carrier Safety Administration, Federal Highway Administration, Principal Investigator, June 1998-July 2000, \$150,000, Phase 1.

Measuring Exposure in the Diverse Commercial Motor Carrier Industry, Federal Motor Carrier Safety Administration, Federal Highway Administration, Principal Investigator, July 2000-June 2002, \$200,000, Phase 2.

Bus Industry Profile, Federal Motor Carrier Safety Administration, Principal Investigator, July 2000-June 2001, \$90,000.

Intermodal Portal for the Delivery of Intermodal Transportation Services, Department of Management and Budget and the Maryland Department of Transportation, Principal Investigator (with Sandor Boyson), July 2000 to June 2001, \$350,000.

Corsi, Thomas M., Principal Investigator, Measuring Exposure in the Diverse Motor Carrier Industry, Federal Highway Administration, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Washington, D.C., July 2002-June 2003 Phases 3 & 4: \$150,000

Corsi, Thomas M. and Robert Windle, Principal Investigators, Fueling Prosperity: A Study of the Economic Activity of Interstate Interchange Businesses and the Impact of Commercialization, National Association of Truck Stop Operators, 2002/2003, \$100,000.

Corsi, Thomas M.; Boyson, Sandor; and Gansler, Jacques. Portal Development for Himars Weapons Systems, U.S. Department of the Army, (joint project with School of Public Affairs, \$2.5 million, September 2003-August 2004.

Corsi, Thomas M, Principal Investigator, Measuring Exposure in the Diverse Motor Carrier Industry, Federal Highway Administration, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Washington, D.C., July 2003-August 2005, Phase 5, \$140,000.

Corsi, Thomas M., Boyson, Sandor, and Dresner, Martin, Future of Wholesale Food Markets, Maryland Food Center Authority, \$170,000, September 2004-August 2005.

Corsi, Thomas M, Principal Investigator, Motor Carrier Industry Overview and Safety Performance, Federal Highway Administration, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Washington, D.C., September 2005-August 2010, Cooperative Agreement, \$140,000 annually.

Pyke Johnson Award for the best paper in the area of planning and administration of transportation facilities, Transportation Research Board, 1985.

Regular Common Carrier Conference Award for the best research paper of relevance to motor carriers, Transportation Research Forum Annual Meeting, September 1986.

Best Airline Paper and Best Overall paper, Transportation Research Forum Annual Meeting, October 1990.