

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:     Jay Scott Emler, Chairman  
                                  Shari Feist Albrecht  
                                  Pat Apple

In the Matter of the Emergency Suspension of )  
Operating Authority of **Mid-America Equipment,** )  
**Inc. of Benton, Kansas,** for Failure to Comply )     Docket No. 17-TRAM-130-OOS  
with New Entrant Safety Requirements as )  
Required by the Motor Carrier Safety Statutes, )  
Rules and Regulations. )

**ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY**

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

**I.     JURISDICTION**

1.     Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2.     Pursuant to K.S.A. 2015 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any

provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Mid-America Equipment, Inc. is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Mid-America Equipment, Inc. is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2826575.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Mid-America Equipment, Inc.'s New Entrant Registration had been revoked effective October 14, 2016 for failure to comply with safety requirements.

7. Pursuant to the above authority, on October 20, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on Mid-America Equipment, Inc. in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On November 17, 2016, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Mid-America Equipment, Inc. has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2826575 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Mid-America Equipment, Inc.'s motor carrier operating authority in Kansas.

#### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Mid-America Equipment, Inc. because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Mid-America Equipment, Inc.'s operating authority in Kansas is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

(A) Mid-America Equipment, Inc.'s certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

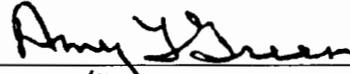
(B) Mid-America Equipment, Inc. remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on October 20, 2016.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 22 2016



Amy L. Green  
Secretary to the Commission

AAL

**Order Mailed Date**

**NOV 23 2016**



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
November 16, 2016

BEN ROGERS  
OWNER  
MID-AMERICA EQUIPMENT INC  
1100 SW KOCH  
BENTON, KS 67017

In reply refer to:  
USDOT Number: 2826575

**Action Required: Call to schedule a Safety Audit.**

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since MID-AMERICA EQUIPMENT INC's USDOT New Entrant registration was revoked on October 14, 2016, and that MID-AMERICA EQUIPMENT INC has reapplied in accordance with 49 CFR 385.329. This is to inform MID-AMERICA EQUIPMENT INC that MID-AMERICA EQUIPMENT INC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; MID-AMERICA EQUIPMENT INC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of MID-AMERICA EQUIPMENT INC's USDOT New Entrant registration and MID-AMERICA EQUIPMENT INC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

MID-AMERICA EQUIPMENT INC's 18-month new entrant safety monitoring period restarts as of November 16, 2016. FMCSA will continue to monitor and evaluate MID-AMERICA EQUIPMENT INC's safety management practices and on-road performance to ensure MID-AMERICA EQUIPMENT INC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of MID-AMERICA EQUIPMENT INC's USDOT New Entrant or permanent registration.

MID-AMERICA EQUIPMENT INC's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by MID-AMERICA EQUIPMENT INC as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

Joseph P. DeLorenzo, Director, Office of  
Enforcement and Compliance

**CERTIFICATE OF SERVICE**

17-TRAM-130-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on NOV 22 2016.

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BENJAMIN ROGERS, PRESIDENT  
MID-AMERICA EQUIPMENT, INC.  
1100 SW KOCH  
BENTON, KS 67017

/S/ DeeAnn Shupe  
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DeeAnn Shupe

**Order Mailed Date**

**NOV 23 2016**