

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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<http://kcc.ks.gov/>

Jay Scott Emler, Chairman
Shari Feist Albrecht, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

December 8, 2016

17-TRAM-225-PEN

Pamela Harvey, Office Manager
RS Used Oil Services, Inc.
2932 N Ohio St
Wichita, Kansas 67219

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 16-19, September 6, and October 24-25 and 27, 2016, by Kansas Corporation Commission Special Investigators Gary Goeller, Doug Handy and Greg Askren. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$2,100 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

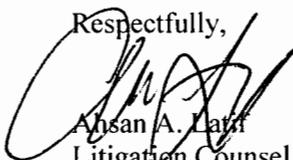
IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



Ahsan A. Jaffri
Litigation Counsel
(785) 271-3118

**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 Investigation of **RS Used**)
Oil Services, Inc., of Wichita, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-225-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes 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, 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, 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. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. RS Used Oil Services, Inc. (RS Used Oil Services) operates under USDOT number 758189.

5. RS Used Oil Services is a used oil reclamation company and operates 46 straight trucks, 17 truck tractors, 35 trailers, 6 HM cargo tank trucks, 7 HM cargo tank trailers in intrastate commerce. The carrier employs 39 drivers all of which have CDL licenses.

6. RS Used Oil Services is a private and common motor carrier which primarily hauls general freight, liquids, gases in cargo tanks, and used oil/spc. waste.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 16-19, 2016, Commission Staff (Staff) Special Investigators Gary Goeller, Doug Handy and Greg Askren conducted a compliance review of the operations of RS Used Oil Services. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Goeller, Mr. Handy and Mr. Askren identified five (5) violations of the Motor Carrier Safety Regulations.

- a. On June 24, 2016, RS Used Oil Services required or permitted its driver, Ken Wilson, to operate a CDL-required commercial motor vehicle, a 1996 Peterbilt, VIN ending in 391083, GVWR 80,000 lbs., in interstate commerce from Carthage, Missouri to Wichita, Kansas. This trip is

evidenced by Driver's Daily Log, dated June 24, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. RS Used Oil Services permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The last periodic inspection expired in April 2016. The special investigators found three violations of this type. RS Used Oil Services' failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- b. On June 6, 2016, RS Used Oil Services required or permitted its driver, Bret Blackburn, to operate a CDL-required commercial motor vehicle, a 2007 International tractor, VIN ending in 301746, GVWR greater than 33,000 lbs., pulling a 2011 Wabash trailer, VIN ending in 1310174, in interstate commerce from Wichita, Kansas to Siloam Springs, Arkansas. This trip is evidenced by Driver's Daily Log, dated June 6, 2016, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, RS Used Oil Services failed to designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled

substance training. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603 as adopted by K.A.R. 82-4-3c and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$100.

c. On June 7, 2016, RS Used Oil Services required or permitted its driver, William Merriman, to operate a CDL-required commercial motor vehicle, a 2001 Peterbilt, VIN ending in 56111, GVWR 33,000 lbs., in intrastate commerce from Wichita, Kansas to Hutchinson, Kansas to Pratt-Cheney-Rago, Kansas and back to Wichita, Kansas. This trip is evidenced by Driver's Daily Log, dated June 7, 2016, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, RS Used Oil Services did not have Kansas Private Carrier authority to operate and transport property point-to-point in the state of Kansas. The carrier's commercial operation of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2015 Supp. 66-1,111 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

d. During the transportation described in paragraph b., above, driver Bret Blackburn failed to take a break of at least 30 minutes after driving for eight (8) hours. *See*, Driver's Daily Log, dated June 6, 2016, Attachment

“C”. The special investigators found 12 violations of this type. RS Used Oil Services’ failure to provide “rest breaks” to its drivers if more than eight (8) hours have passed since the end of the driver’s last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), as adopted by K.A.R. 82-4-3, and as implemented by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

- e. On June 3, 2016, RS Used Oil Services required or permitted its driver, Bret Blackburn, to operate a CDL-required commercial motor vehicle, a 2007 International tractor, VIN ending in 301746, GVWR greater than 33,000 lbs., pulling a 2011 Wabash trailer, VIN ending in 1310174, in interstate commerce from Wichita, Kansas to the state of Oklahoma. This trip is evidenced by gas record, dated June 3, 2016, a copy of which is attached hereto as Attachment “E” and is hereby incorporated by reference. At the time of this transportation, driver Bret Blackburn failed to make a record of duty status. Driver’s Daily Logs were missing from June 1 through June 6, 2016. The special investigators found five (5) violations of this type. RS Used Oil Services’ failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find RS Used Oil Services committed five (5) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$2,100 for five (5) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that RS Used Oil Services be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that RS Used Oil Services submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over RS Used Oil Services because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds RS Used Oil Services committed five (5) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. RS Used Oil Services, Inc., of Wichita, Kansas is hereby assessed a \$2,100 civil penalty for five (5) violations of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. RS Used Oil Services is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, RS Used Oil Services is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of RS Used Oil Services's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,100 civil penalty against RS Used Oil Services, and ordering RS Used Oil Services to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a

corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$2,100 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of RS Used Oil Services's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: DEC 08 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

DEC 09 2016

ATTACHMENT "A"

	US DOT # 758189	Legal: RS USED OIL SERVICES INC Operating (DBA):	
	MC/MX #: 342030	State #: 000000	Federal Tax ID: [REDACTED] (EIN)
Review Type: Compliance Review (CR)			
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.		Territory: F
Operation Types		Business: Corporation	
Carrier: HM	HM	Gross Revenue: [REDACTED] for year ending: 12/31/2015	
Shipper: N/A	N/A		
Cargo Tank: N/A			
Company Physical Address: [REDACTED]			
Contact Name: Pamela Harvey			
Phone numbers: (1) [REDACTED]		Fax	
E-Mail Address: [REDACTED]			
Company Mailing Address:			
2932 NORTH OHIO STREET WICHITA, KS 67219			
Carrier Classification			
Authorized for Hire		Private Property	
Cargo Classification			
General Freight		Liquids / Gases in Cargo Tanks Other: used oil/spc. waste	
Hazardous Materials			
3 Flammable liquid	Carried	Bulk/Non-Bulk	3 Combustible liquid
8 Corrosive material	Carried	Bulk/Non-Bulk	9 Miscellaneous HM
9 (Marine pollutants)	Carried	Bulk/Non-Bulk	9 (Hazardous substance)
			Carried Bulk/Non-Bulk
			Carried Bulk/Non-Bulk
			Carried Bulk/Non-Bulk
Equipment			
	Owned	Term Leased	Trip Leased
Truck	37	9	0
Trailer	35	0	0
HM Cargo Tank Trailer	7	0	0
	Owned	Term Leased	Trip Leased
Truck Tractor	17	0	0
HM Cargo Tank Truck	5	1	0
Power units used in the U.S.: 69			
Percentage of time used in the U.S.: 100			
Does carrier transport placardable quantities of HM? Yes			
Is an HM Permit required? N/A			
Driver Information			
	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:	13	0	Total Drivers: 39
>= 100 Miles:	26	0	CDL Drivers: 39





RS USED OIL SERVICES INC
U.S. DOT #: 752189

State #: 000000

Review Date:
11/29/2016

Part B Violations

1 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered	Checked	Drivers/Vehicles	
		3	13	In Violation	Checked
Description Using a commercial motor vehicle not periodically inspected. Example [REDACTED] Trip date 06.24.2016 Truck number 1313 Annual expired on April 2016					
2 FEDERAL	Primary: 382.603	Discovered	Checked	Drivers/Vehicles	
		1	1	In Violation	Checked
Description Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. Example [REDACTED] Trip date 06062016 Only Supervisor trained found was [REDACTED] based in Illinois, not in Wichita, KS Interstate trip from Wichita, KS to Silam Springs, AR.					
3 STATE	Primary: 392.2 Secondary: 66-1,112g CFR Equivalent: 392.2	Discovered	Checked	Drivers/Vehicles	
		1	1	In Violation	Checked
Description Operating Intra state without KCC Private carrier authority Example Driver [REDACTED] Trip date 06.07.2016 On 06.07.2016 Carrier driver operated a 2001 Peterbilt, KS tag [REDACTED] VIN# [REDACTED] 661111/ GVWR 33,000 on a trip from Wichita, KS to Hutchinson, KS, Prait, KS, Cheney, KS, Rago, KS and back to Wichita, KS without having Kansas Private Carrier Authority.					
4 STATE	Primary: 395.3(a)(3)(ii) CFR Equivalent: 395.3(a)(3)(ii)	Discovered	Checked	Drivers/Vehicles	
		0	17	In Violation	Checked
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. Example [REDACTED] Trip date 06062016					





RS USED OIL SERVICES INC
U.S. DOT #: 758189

State #: 000000

Review Date:
11/29/2016

Part B Violations

5 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered	Checked	Drivers/Vehicles	
		12	193	In Violation	Checked
				3	7

Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.

Example

██████████
Trip date 06062016

driver failed to complete 30 minute break 12 days of 18 interstate trips checked for June 2016.

6 FEDERAL	Primary: 395.8(a)	Discovered	Checked	Drivers/Vehicles	
		5	210	In Violation	Checked
				1	8

Description

Failing to require driver to make a record of duty status.

Example

██████████
06.03 2016
No logs from June 1-5, 2016

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	1,324,600	Number of Vehicle Inspected (CR):	0
Recordable Accidents	1	OOS Vehicle (MCMIS):	2
Recordable Accidents/Million Miles	0.75	Number of Vehicles Inspected (MCMIS):	11

Your proposed safety rating is : SATISFACTORY	Rating Factors	Acute	Critical
	Factor 1:	S	0
	Factor 2:	S	0
	Factor 3:	S	0
	Factor 4:	C	0
	Factor 5:	S	0
	Factor 6:	S	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report





**Security Contact Q & A
Sensitive Security Information**

Security Assessment

- | | | |
|---|--|-------------|
| 1 | Does plan include a specific assessment of possible HM transp. security risks? | Answer: Yes |
| 2 | Does assessment adequately capture specific threats and vulnerabilities (T&V)? | Answer: Yes |
| 3 | Does the assessment adequately capture specific T&V of personnel security? | Answer: Yes |
| 4 | Does the assessment adequately capture specific T&V of unauthorized access? | Answer: Yes |
| 5 | Does the assessment adequately capture specific T&V of en route security? | Answer: Yes |
| 6 | Is the organization's security posture periodically assessed? | Answer: Yes |

Security Plan

- | | | |
|----|--|-------------|
| 7 | Does the security plan correlate to the security assessment in question 2 above? | Answer: Yes |
| 8 | Is the security plan "specific" to the organization? | Answer: Yes |
| 9 | Are there written procedures on actions to take in event of a security breach? | Answer: Yes |
| 10 | Are there written procedures to report the above to law enforcement? | Answer: Yes |
| 11 | Do security plan measures "vary commensurate with the level of threat"? | Answer: Yes |

Personnel Security

- | | | |
|----|--|-------------|
| 12 | Are the personnel security measures appropriate for the assessment as written? | Answer: Yes |
| 13 | Are the personnel security measures adequate even if not all risks identified? | Answer: Yes |
| 14 | Are the security plan's personnel security measures being followed? | Answer: Yes |
| 15 | Do all drivers required to have valid CDLs with required endorsements have them? | Answer: Yes |
| 16 | Are required background checks on drivers conducted? | Answer: Yes |
| 17 | Is information confirmed for applicants applying for positions dealing with HM? | Answer: Yes |
| 18 | Are performance standards or PSOs used in the approach to personnel security? | Answer: Yes |
| 19 | Is citizenship or legal residence status confirmed for all employees? | Answer: Yes |

Unauthorized Access

- | | | |
|----|---|-------------|
| 20 | Is the security plan's approach to unauthorized access operation specific? | Answer: Yes |
| 21 | Are the unauthorized access measures appropriate for the assessment as written? | Answer: Yes |
| 22 | Are the unauthorized access measures adequate even if not all risks identified? | Answer: Yes |
| 23 | Are the security plan's unauthorized access measures being followed? | Answer: Yes |

En Route Security

- | | | |
|----|---|-------------|
| 24 | Is the security plan's approach to en route security operation specific? | Answer: Yes |
| 25 | Are the en route security measures appropriate for the assessment as written? | Answer: Yes |
| 26 | Are State/Indian title NRHM (non-RAM) routing designations being followed? | Answer: N/A |
| 27 | Are written route plans provided to drivers of Division 1.1, 1.2, and 1.3 HM? | Answer: N/A |
| 28 | Are drivers of vehicles transporting HPCQ RAM complying with preferred routing? | Answer: N/A |





Security Contact Q & A
Sensitive Security Information

- | | | |
|----|---|-------------|
| 29 | Are routing guidelines being followed for vehicles transporting NRHM (non-RAM)? | Answer: N/A |
| 30 | Are hazardous materials delivered expeditiously? | Answer: Yes |
| 31 | Are the routing regs. and ER instr. provided for Div. 1.1, 1.2, and 1.3 HM? | Answer: N/A |

Security Plan Administration

- | | | |
|----|--|-------------|
| 32 | Is the security plan written? | Answer: Yes |
| 33 | Is the security plan retained for as long as it remains in effect? | Answer: Yes |
| 34 | Is the plan (or parts) available to employees responsible for implementing it? | Answer: Yes |
| 35 | Are all copies of the security plan updated and revised as necessary? | Answer: Yes |
| 36 | Does the organization have fixed management responsibility for security? | Answer: Yes |

Security Training

- | | | |
|----|--|-------------|
| 37 | Has security awareness training been provided to all HM employees on schedule? | Answer: Yes |
| 38 | Has in-depth training been provided to HM employees with plan responsibilities? | Answer: Yes |
| 39 | Does the in-depth training include company security objectives? | Answer: Yes |
| 40 | Does the in-depth training include specific personnel security procedures? | Answer: Yes |
| 41 | Does in-depth training material include specific unauthorized access procedures? | Answer: Yes |
| 42 | Does in-depth training material include specific en route security procedures? | Answer: Yes |
| 43 | Does the in-depth training material include employee responsibilities? | Answer: Yes |
| 44 | Does in-depth training include actions to take in event of a security breach? | Answer: Yes |
| 45 | Does in-depth training material include an organizational security structure? | Answer: Yes |

Additional Security Management

- | | | |
|----|---|-------------|
| 46 | Has the organization established partnerships with other agencies for security? | Answer: Yes |
|----|---|-------------|

Security Plan

- | | | |
|----|--|-------------|
| 47 | Overall, does the Security Plan conform to Part 172 Subpart 1? | Answer: Yes |
|----|--|-------------|

Security Plan Administration

- | | | |
|----|---|-------------|
| 48 | Ensure the individual for security reports to top management. | Answer: Yes |
|----|---|-------------|





RS USED OIL SERVICES INC
U.S. DOT #: 758189

State #: 000000

Review Date:
11/29/2016

Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
4. Conduct periodic internal reviews of your maintenance, hazardous materials handling, driver qualification, hours of service control, accident reporting, training, and other safety systems to ensure continued compliance.
5. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
6. **VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities**

DESCRIPTION OF PROCESS BREAKDOWN. Carrier failed to have adequate measures in place to insure that annual periodic inspections were performed every 12 months as required.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS)
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://a.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

7. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
8. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce





RS USED OIL SERVICES INC
U.S. DOT #: 758189

State #: 000000

Review Date:
11/29/2016

Part B Requirements and/or Recommendations

9. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to have local supervisor designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and 60 minutes of training for controlled substances. Carrier Safety Director only one trained was in Illinois office.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

10. Cease and Desist all intra state operations outside of a 25 mile radius of corporate city limits of Wichita, KS until KCC Private Domestic Authority is granted.

11. For all Investigations:

- **Understand Why Compliance Saves Time and Money.** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.



	RS USED OIL SERVICES INC U.S. DOT #: 758169	Review Date 10/27/2016
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Part B Requirements and/or Recommendations

(FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their recurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
 Attn: Gary Davenport
 1500 SW Arrowhead Rd
 Topeka, KS 66604-4027

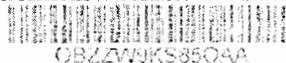
12. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of RS Used Oil Services Inc's vehicles operating authority and/or the impoundment of RS Used Oil Services Inc's vehicles

Signed: APL date 10/27/2016

Printed Name: Anthony P. Cellucci

Title: Sr. Vice President, Health, Safety and Transportation Compliance

13. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
14. This review will result in a Safety Rating.
15. Stay in contact with your KCC investigator for any questions or issues with continued safety compliance. You may contact me, KCC Special Investigator Gary Goeller at 785-623-0541 or email at g.goeller@kcs.ks.gov





RS USED OIL SERVICES INC
U.S. DOT #: 758189

State #: 000000

Review Date:
11/29/2016

Part B Requirements and/or Recommendations

contact me: KCC Special Investigator Gary Goeller at 785-623-0541 or email at g.goeller@kcc.ks.gov



ATTACHMENT "B"



DRIVER'S DAILY LOG

(24 HOURS)

6 / 24 / 16
(Month) (Day) (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

R S USED OIL SERVICE, INC.

Name of Carrier or Carriers

[REDACTED] - MATTESON, IL 60443

Main Office Address

ROXANA, IL KANSAS CITY, KS OLIVE BRANCH, MS GRAND PRAIRIE, TX

Home Terminal Address

I certify these entries are true and correct:

Ron Wilco
Driver's Full Signature

NA
Co-Driver's Name

Total Miles Driving Today

Total Mileage Today

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Mid-Night	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Mid-Night
-----------	---	---	---	---	---	---	---	---	---	----	----	------	---	---	---	---	---	---	---	---	---	----	----	-----------

- 1. OFF DUTY
- 2. SLEEPER BERTH
- 3. DRIVING
- 4. ON DUTY (NOT DRIVING)

REMARKS

SHIPPING DOCUMENTS:

B/L or Manifest No.
or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

Carthage mo

To:

Wichita KS

USE TIME STANDARD AT HOME TERMINAL

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RECAP
Complete at end of workday.

Duty hours today. Total lines 3 & 4

70 Hour/8 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow. 70 hr. minus A.

C. Total hours on duty last 8 days, including today.

60 Hour/7 Day Drivers

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow. 60 hr. minus A.

C. Total hours on duty last 7 days, including today.

*If you meet the 34-hour restart requirements in §265.3, you have 69.75 hours available again.

19644



ATTACHMENT "C"

ATTACHMENT "D"

ATTACHMENT "E"

Card Number	Department	Customer Vehicle ID	Post Date	Trans Date	Time	Merchant	Merchant Name
0047 - 1	4008	1342	7/1/2016	6/29/2016	4:16:00 PM	EXXONMOB	HAWGS EXXON
0047 - 1	4008	1342	6/28/2016	6/24/2016	7:18:59 AM	LOVES	LOVES STORE #213
0047 - 1	4008	1342	6/27/2016	6/23/2016	12:37:17 PM	UNBRANDED	PWI 105
0047 - 1	4008	1342	6/23/2016	6/21/2016	6:58:08 AM	LOVES	LOVES STORE #347
0047 - 1	4008	1342	6/17/2016	6/15/2016	10:56:25 AM	LOVES	LOVES STORE #204
0047 - 1	4008	1342	6/15/2016	6/13/2016	9:05:57 AM	LOVES	LOVES STORE #213
0047 - 1	4008	1342	6/15/2016	6/13/2016	7:29:35 AM	CENEX	Universal Motor Fuel
0047 - 1	4008	1342	6/9/2016	6/7/2016	4:00:00 PM	DIAMOND	FM 388
0044 - 1	4008	1337	7/4/2016	6/30/2016	3:50:45 AM	CENEX	Universal Motor Fuel
0044 - 1	4008	1337	6/29/2016	6/27/2016	4:58:13 AM	CONOCO	KANZA TRAVEL PLAZA
0012 - 1	4008	935	6/23/2016	6/21/2016	4:52:19 AM	CONOCO	KANZA TRAVEL PLAZA
0053 - 1	4007	1364	6/9/2016	6/7/2016	8:18:12 AM	CENEX	Universal Motor Fuel
0044 - 1	4008	1337	6/7/2016	6/3/2016	4:41:55 AM	CONOCO	KANZA TRAVEL PLAZA
0044 - 1	4008	1337	6/3/2016	6/1/2016	5:07:46 AM	CONOCO	KANZA TRAVEL PLAZA

CERTIFICATE OF SERVICE

17-TRAM-225-PEN

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 DEC 08 2016.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

PAMELA HARVEY
RS USED OIL SERVICES, INC.
2932 NORTH OHIO STREET
WICHITA, KS 67219
pharvey@rsusedoil.com

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date
DEC 09 2016