

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

August 4, 2016

17-TRAM-038-PEN

James T. Newell, Jr., Owner
d/b/a Jim Newell Trucking
1262 N 500 Rd
Baldwin City, Kansas 66006

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 July 13, 2016, by Kansas Corporation Commission Special Investigator Wade Patterson. 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 \$350 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.

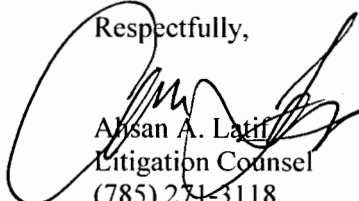
IF YOU CONTEST THE PENALTY:

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. Latif
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 **James T.)
Newell, Jr., d/b/a Jim Newell Trucking, of)
Baldwin City, Kansas, Regarding the Violation)
of the Motor Carrier Safety Statutes, Rules and) Docket No. 17-TRAM-038-PEN
Regulations and the 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. James T. Newell, Jr., d/b/a Jim Newell Trucking (Jim Newell Trucking) obtained private and common operating authority from the Commission on June 15, 2015, and operates under KSMCID number 157951 and USDOT number 348566. The carrier owns one truck and one trailer and employs one CDL driver.

5. James Newell attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on June 9, 2015, on behalf of Jim Newell Trucking.

6. Jim Newell Trucking is a private and common motor carrier which primarily hauls grain, feed, hay, farm supplies, construction and scrap metal.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 13, 2016, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of Jim Newell Trucking. 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. Patterson identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On April 21, 2016, Jim Newell Trucking required or permitted its driver, James T. Newell, Jr., to operate a CDL-required commercial motor vehicle, a 2000 Kenworth tractor, VIN ending in 847487, GVWR 48,000

lbs., with a 2016 Mac End dump trailer, VIN ending in 34007, GVWR 50,000 lbs., in interstate commerce from Mercer, Missouri to Louisburg, Kansas. This trip is evidenced by Driver's Daily Log, dated April 21, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Jim Newell Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a)(c)(1), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a., above, driver James T. Newell, Jr. failed to take at least a 30 minute break after driving for eight hours. *See* Driver's Daily Log, Attachment "B". Jim Newell Trucking's failure to provide "rest breaks" to its driver 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 \$250.

IV. STAFF'S RECOMMENDATIONS

- 8. Based upon the available facts, Staff recommends the Commission find Jim Newell Trucking committed two (2) 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 \$350 for two (2) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Jim Newell Trucking 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 Jim Newell Trucking 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 Jim Newell Trucking because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Jim Newell Trucking committed two (2) 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. James T. Newell, Jr., d/b/a Jim Newell Trucking, of Baldwin City, Kansas is hereby assessed a \$350 civil penalty for two (2) 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. Jim Newell Trucking 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, Jim Newell Trucking 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 Jim Newell Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$350 civil penalty against Jim Newell Trucking, and ordering Jim Newell Trucking 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.*

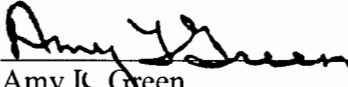
F. Failure to pay the \$350 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Jim Newell Trucking's motor carrier operating authority without further notice. Additionally, 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: AUG 04 2016




Amy L. Green
Secretary to the Commission

Order Mailed Date

AUG 05 2016

AAL

ATTACHMENT “A”

	US DOT # 348566	Legal: JAMES T NEWELL JR Operating (DBA): JIM NEWELL TRUCKING	
MC/MX #: 233937		State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S. Territory:	
Operation Types Interstate Intrastate Carrier: Non-HM N/A Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: [REDACTED] for year ending: 12/31/2015	
Company Physical Address: [REDACTED]			
Contact Name: James T Newell Jr Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED] E-Mail Address: [REDACTED]			
Company Mailing Address: 1262 N 500 ROAD BALDWIN CITY, KS 66006-7249			
Carrier Classification			
Authorized for Hire		Private Property	
Cargo Classification			
Grain, Feed, Hay		Farm Supply	Construction
Other: Scrap Metal			
Equipment			
	Owned	Term Leased	Trip Leased
Truck Tractor	1	0	0
Trailer	1	0	0
Power units used in the U.S.: 1			
Percentage of time used in the U.S.: 100			
Does carrier transport placardable quantities of HM? No			
Is an HM Permit required? N/A			
Driver Information			
	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 1
>= 100 Miles:	1		CDL Drivers: 1





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #: [REDACTED]

Review Date:

07/13/2016

Part A

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road
Topeka, Kansas 66604
Telephone (785)640-9132

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: James T. Newell

Title: Owner/Operator

Name:

Title:





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #: [REDACTED]

Review Date:

07/13/2016

Part B Violations

1 FEDERAL	Primary: 391.25(c)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file. Example On 04/21/2016 Jim Newell Trucking had driver [REDACTED] operate a CDL required commercial motor vehicle in commerce. This combination of vehicles (VIN# [REDACTED] 347487 & VIN# [REDACTED] 034007) was used to transport freight from Mercer Missouri to Louisburg Kansas. At the time of this trip and during the review, carrier failed to maintain a copy of the MVR in the driver qualification file. This trip is evidenced by a driver record of duty status, a trip sheet, and a fuel receipt.					
2 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Example On 04/21/2016 Jim Newell Trucking had driver [REDACTED] operate a CDL required commercial motor vehicle in commerce. This combination of vehicles (VIN# [REDACTED] 347487 & VIN# [REDACTED] 034007) was used to transport freight from Mercer Missouri to Louisburg Kansas. At the time of this trip and during the review, carrier failed to maintain a note in the file relating to the annual review of the driver's driving record. This trip is evidenced by a driver record of duty status, a trip sheet, and a fuel receipt.					
3 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example On 04/21/2016 Jim Newell Trucking had driver [REDACTED] operate a CDL required commercial motor vehicle in commerce. This combination of vehicles (VIN# [REDACTED] 347487 & VIN# [REDACTED] 034007) was used to transport freight from Mercer Missouri to Louisburg Kansas. At the time of this trip and during the review, carrier failed to maintain the list or certificate relating to the violations of motor vehicle laws and ordinances. This trip is evidenced by a driver record of duty status, a trip sheet, and a fuel receipt.					
4 STATE	Primary: 395.3(a)(3)(ii) CFR Equivalent: 395.3(a)(3)(ii)	Discovered 0	Checked 1	Drivers/Vehicles In Violation 0	Checked 1
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 There were no violations of this type discovered in intrastate commerce.					





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #: [REDACTED]

Review Date:

07/13/2016

Part B Violations

5 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 1	Checked 29	Drivers/Vehicles In Violation 1	Checked 1
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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.

On 04/21/2016 Jim Newell Trucking had driver [REDACTED] operate a CDL required commercial motor vehicle in commerce. This combination of vehicles (VIN# [REDACTED] 847487 & VIN# [REDACTED] 034007) was used to transport freight from Mercer Missouri to Louisburg Kansas. At the time of this trip, carrier failed to take the required 30 minute break. This trip is evidenced by a driver record of duty status, a trip sheet, and a fuel receipt.

6 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 0	Checked 1	Drivers/Vehicles In Violation 0	Checked 1
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

There were no violations of this type discovered in intrastate commerce.

7 FEDERAL	Primary: 395.8(f)	Discovered 1	Checked 29	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

On 04/24/2016 Jim Newell Trucking had driver [REDACTED] operate a CDL required commercial motor vehicle in commerce. This combination of vehicles (VIN# [REDACTED] 847487 & VIN# [REDACTED] 034007) was used to transport freight from Baldwin Kansas to Newport Arkansas. At the time of this trip, carrier failed require driver to prepare record of duty status in the form and manner perscribed. This trip is evidenced by a driver record of duty status, a trip sheet, and a fuel receipt.

Safety Fitness Rating Information: Total Miles Operated 130,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0
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Your proposed safety rating is :	Rating Factors	Acute	Critical
SATISFACTORY	Factor 1:	S	0
	Factor 2:	S	0
	Factor 3:	S	0
	Factor 4:	S	0
	Factor 5:	N	0
	Factor 6:	S	-

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





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #: [REDACTED]

Review Date

07/13/2016

Part B Requirements and/or Recommendations

1. 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.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (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. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office.





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #:

Review Date:

07/13/2016

Part B Requirements and/or Recommendations

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Mr. Max Strathman
1303 First American Place
Suite 200
Topeka, KS 66604-4040

- All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

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

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

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

2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Failure to have a current motor vehicle record (MVR) on file in the driver qualification file. Additionally, carrier failed to have a listing of the driver's violations and the carrier's certification of that note or list.

BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that you execute your MVR annually and keep three years worth of records in the DQ file. You should use the form provided in the "Red Book" to complete the driver's listing of violations and the carrier's subsequent certification of that list. This is designed to be completed once you have the driver's MVR on hand. These steps serve to qualify your driver for another year. If you have questions or needs, please don't hesitate to contact me.

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

- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
- Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #: [REDACTED]

Review Date:

07/13/2016

Part B Requirements and/or Recommendations

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.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Failing to take the required 30 rest break within the first 8 hours of driving and a form and manner violation.

BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that you take to requisite 30 minute break within the first eight hours of driving. Additionally, ensure that complete and accurate logs are created each day. This information must be accurate and true. Record all stops and changes of duty status.

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

- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

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.

4. 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 James T Newell Jr's operating authority and/or the impoundment of James T Newell Jr's vehicles.

X

James T Newell Jr





JIM NEWELL TRUCKING (JAMES T NEWELL JR dba)

U.S. DOT #: 348566

State #

Review Date

07/08/2016

Part B Requirements and/or Recommendations

to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of James T Newell Jr's operating authority and/or the impoundment of James T Newell Jr's vehicles

X

James T Newell Jr



ATTACHMENT “B”

[illegible]

RECAP
Complete at
end of workday.

Name of Carrier or Carriers

Total Miles, Driving, Today

Region Office Address

"Truck #1 Trailer #1"

Locality Base entries are used and correct.

Journal of Management Studies, 19(1), 67-80.

2000年12月15日

[illegible][illegible]

1. OFr duty

2. SLERP, BERTH

3. DRIVING

1. ON DUTY

154

REMARKS

SHIPPING DOCUMENTS

B/I, or Manifest No.

Shimper & Commodity

Index

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THE STANDARD FOR THE FURNACE

CERTIFICATE OF SERVICE

17-TRAM-038-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 AUG 04 2016.

JAMES T. NEWELL, JR., OWNER
JAMES T. NEWELL, JR.
D/B/A JIM NEWELL TRUCKING
1262 N 500 RD
BALDWIN CITY, KS 66006-7249
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