

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20180227161616
Kansas Corporation Commission

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

Governor Jeff Colyer, M.D.

NOTICE OF PENALTY ASSESSMENT
18-TRAM-353-PEN

February 27, 2018

David Turner, Safety Manager
Sysco Kansas City, Inc.
1915 E Kansas City Rd
Olathe, Kansas 66061

Certified Mail No. 70161970000105744141

This is a notice of a penalty assessment against Sysco Kansas City, Inc. (Sysco Kansas City) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 7, 2018, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

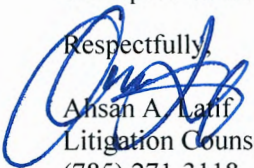
IF YOU ACCEPT THE PENALTY: Sysco Kansas City has been assessed a \$1,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,250, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Sysco Kansas City to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: 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. Sysco Kansas City must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,250 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


Ansan A. Latif
Litigation Counsel
(785) 271-3118

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

In the Matter of the Investigation of **Sysco**)
Kansas City, Inc., of Olathe, Kansas, Regarding)
the Violation of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 18-TRAM-353-PEN
Authority to Impose Penalties, Sanctions and/or)
the Revocation of Motor Carrier Authority.)
)

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. Pursuant to K.S.A. 2016 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. 2016 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. 2016 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 issue an order 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. Sysco Kansas City, Inc. (Sysco Kansas City) has private operating authority with the Commission and further operates USDOT number 88865.

5. Sysco Kansas City is an interstate carrier and primarily operates within 100 air-miles from their distribution center in Olathe, Kansas. They operate 126 truck tractors, two trucks, and 182 trailers. Sysco Kansas City employs 160 CDL drivers.

6. Sysco Kansas City is a private motor carrier which primarily hauls hazardous materials and groceries.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on February 7, 2018, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of Sysco Kansas City. 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, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 8, 2017, Sysco Kansas City required or permitted its driver, Ross Curtright, to operate a CDL-required commercial motor vehicle, a 2006 Sterling A9500 tractor, VIN ending in 69259, GVWR 72,000 lbs.,

pulling a 2003 Great Dane trailer, VIN ending in 040603, GVWR 34,000 lbs., in interstate commerce from Olathe, Kansas to Kansas City, Missouri. This trip is evidenced by Driver's Daily Log, dated September 8, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver Ross Curtright operated a CDL-required combination of commercial motor vehicles without having been medically examined and certified during the preceding 24 months. Mr. Curtright's medical certificate expired on September 4, 2017. Sysco Kansas City's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On November 9, 2017, Sysco Kansas City required or permitted its driver, Daniel Crofton, to operate a CDL-required commercial motor vehicle, a 2011 Freightliner Cascadia 113 tractor, VIN ending in 5665, GVWR 72,000 lbs., pulling a 2008 Kidron 48 trailer, VIN ending in 054351, GVWR 34,000 lbs., in interstate commerce from Olathe, Kansas to Chillicothe, Missouri. This trip is evidenced by Driver's Daily Log, dated November 9, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, driver Daniel

Crofton delivered packages while logging the deliveries as “Off Duty” on his Driver’s Daily Log. This violation occurred during the 30-minute break portion of the driver’s hours of service record. Sysco Kansas City’s 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), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Sysco Kansas City committed two (2) violation(s) 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 \$1,250 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Sysco Kansas City be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission’s website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Sysco Kansas City submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation 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 Sysco Kansas City because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Sysco Kansas City committed two (2) violation(s) 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. Sysco Kansas City, Inc., of Olathe, Kansas is hereby assessed a \$1,250 civil penalty for two (2) violation(s) 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. Sysco Kansas City is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Sysco Kansas City is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. On February 27, 2018, this Penalty Order was mailed to Sysco Kansas City via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105744141. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Sysco Kansas City's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,250 civil penalty against Sysco Kansas City, and ordering a representative from Sysco Kansas City to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. If a request for hearing is filed, 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 less

than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,250 is due in thirty (30) days from the date of service of this Order. Payment of \$1,250 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,250 civil penalty within thirty (30) days from the date of 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 Sysco Kansas City'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 revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

I. 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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner








Dated: Feb. 27, 2018

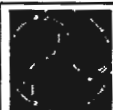


Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 88865	Legal: SYSCO KANSAS CITY, INC. Operating (DBA):			
MC/MX #:		State #: 		Federal Tax ID:  (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:	HM	N/A	Business: Corporation		
Shipper:	N/A	N/A	Gross Revenue:  for year ending: 6/30/2017		
Cargo Tank:	N/A				
Company Physical Address:					
					
Contact Name: David Turner					
Phone numbers: (1) 					
E-Mail Address: 					
Company Mailing Address:					
1915 E KANSAS CITY RD OLATHE, KS 66061-5858					
Carrier Classification					
Private Property					
Cargo Classification					
Other Groceries					
Hazardous Materials					
2.1 Flammable gas	Carried	Non-Bulk	2.2 Nonflammable gas	Carried	Non-Bulk
3 Flammable liquid	Carried	Non-Bulk	5.1 Oxidizer	Carried	Non-Bulk
5.2 Organic peroxide	Carried	Non-Bulk	8 Corrosive material	Carried	Non-Bulk
ORM-D	Carried	Non-Bulk			
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	2	0	0	Truck Tractor	126 0 0
Trailer	182	0	0		
Power units used in the U.S. 128					
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:	134		Total Drivers: 163		
>= 100 Miles:	29		CDL Drivers: 160		



SYSCO KANSAS CITY INC

U.S. DOT # 88865

State #

Review Date

02/07/2018

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: David Turner

Title: Safety Manager

Name:



SYSCO KANSAS CITY INC
U.S. DOT #: 88865

State #

Review Date:
02/07/2018

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.3(a)(3)(ii)	Discovered 85	Checked 177	Drivers/Vehicles In Violation	Checked 17
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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.

Example

On 11/09/2017, Sysco Kansas City Inc. had driver (MO CDL#) operate a combination of vehicles (Unit # 119514 - 2011 Freightliner Cascadia 113 Tractor VIN # 5665 and Unit # 203282 - 2008 Kidron 48 Trailer VIN # 054351) in interstate commerce. These vehicles have a gross vehicle weight rating of 72,000 lbs. and 34,000 lbs. respectively. Driver operated these vehicles in commerce from Olathe Kansas to Chillicothe Missouri. This trip is evidenced by a driver record of duty status and a parcel scan data sheet (STS). At the time of this trip, driver delivered packages while logging the deliveries as "Off Duty". This violation occurred during the 30-minute break portion of the driver's hours of service record. Carrier required or permitted 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.

2 STATE CRITICAL	Primary: 395.3(a)(3)(ii) CFR Equivalent: 395.3(a)(3)(ii)	Discovered 57	Checked 333	Drivers/Vehicles In Violation	Checked 17
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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.

Example

On 10/23/2017, Sysco Kansas City Inc. had driver (MO CDL#) operate a combination of vehicles (Unit # 106632 - 2010 Freightliner Cascadia 125 Tractor VIN # 5415 and Unit # 229658 - 2013 Kidron 38 Trailer VIN # 5001051) in intrastate commerce. These vehicles have a gross vehicle weight rating of 72,000 lbs. and 34,000 lbs. respectively. Driver operated these vehicles in commerce from Olathe Kansas to Topeka Kansas. This trip is evidenced by a driver record of duty status and a parcel scan data sheet (STS). At the time of this trip, driver delivered packages while logging the deliveries as "Off Duty". This violation occurred during the 30-minute break portion of the driver's hours of service record. Carrier required or permitted 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.

3 FEDERAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 1	Checked 32	Drivers/Vehicles In Violation	Checked 32
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Description

Using a driver not medically examined and certified during the preceding 24 months.

Example

On 09/08/2017, Sysco Kansas City Inc. had driver (MO CDL#) operate a combination of vehicles (Unit # 102469 - 2006 Sterling A9500 Tractor VIN # 69259 and Unit # 203271 - 2003 Great Dane Trailer VIN # 040603) in interstate commerce. These vehicles have a gross vehicle weight rating of 72,000 lbs. and 34,000 lbs. respectively. Driver operated these vehicles in commerce from Olathe Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status. At the time of this trip, driver operated a CDL required combination of vehicles without having been medically examined and certified during the preceding 24 months. Drivers previous MEC expired on 09/04/2017.

Safety Fitness Rating Information:

Total Miles Operated 5,246,072
Recordable Accidents 6
Recordable Accidents/Million Miles 1.14

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 5
Number of Vehicles Inspected (MCMIS): 20





Part B Violations	
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Your proposed safety rating is :

CONDITIONAL

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.

SYSCO KANSAS CITY INC
U.S. DOT #: 88865

State #

Review Date:
02/07/2018

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

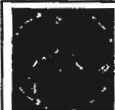
- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor 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.





SYSCO KANSAS CITY INC

U.S. DOT # 88865

State #. [REDACTED]

Review Date

02/07/2018

Part B Requirements and/or Recommendations

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

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

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

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating.

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to

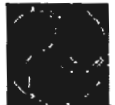

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to

US Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300-A
Matteson, IL 60443



	SYSCO KANSAS CITY INC	State # 	Review Date
	U.S. DOT # 88865		02/07/2018
Part B Requirements and/or Recommendations			

Ensure that a CC copy of the letter is mailed to

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

This letter should be submitted as soon as possible.

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 reoccurrence 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

2. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

3. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.
4. DRIVER FITNESS BASIC PROCESS BREAKDOWN. Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN:

Sysco Kansas City Inc.'s violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established organized driver qualification files for each CMV driver. That



Part B Requirements and/or Recommendations

said, you need to develop a better methodology for ensuring that all drivers have the requisite medical examiner's certificate in their individual files. Overall, this is being done to a high degree of efficiency. That being said, ensure that no driver operates a CDL required vehicle in interstate commerce without having been medically examined within the last 24 months. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files, applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://a1.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.)

HAZMAT Carriers Only

- Ensure that HAZMAT assignments are allocated according to qualification requirements.

Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://a1.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.

5. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Monitoring and Tracking**DESCRIPTION OF PROCESS BREAKDOWN:**

Sysco Kansas City Inc.'s violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established the correct methods of recording hours of service records for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers record complete and accurate records of duty status. It is incumbent upon the carrier to review all driver records of duty status reports



Part B Requirements and/or Recommendations

and verify that they are correct and accurate. Monitor the time records continually in order to track the driver movements. Finally, verify the accuracy of their reports with supporting documents. Compare STS data against the driver hours of service records to ensure that drivers are taking their 30 minute breaks. Driver false logs were observed for every driver examined during the course of this review. Ensure that drivers are not working through the required 30 minute break. Redouble your efforts to ensure that violations of this nature do not occur in the future. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://a1.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably, and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources.

- You are encouraged to review your company's record at the following website <http://a1.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.



ATTACHMENT “B”



DRIVER'S DAILY LOG

(24 HOURS)

9/8/2017
Month - Day - Year

Original - File at home terminal Duplicate - Driver retains in his/her possession for 8 days

Sysco / Sygma / Sysco Canada

Name of Carrier or Carriers

Main Office Address

1859 N Kansas City Rd, Olathe, KS, 66061

Home Terminal Address

I certify these entries are true and correct:

25.2 mi

Distance Driven Today

25.2 mi

Total Distance Today

102469 (203271)

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

SHIPPING DOCUMENTS:

-

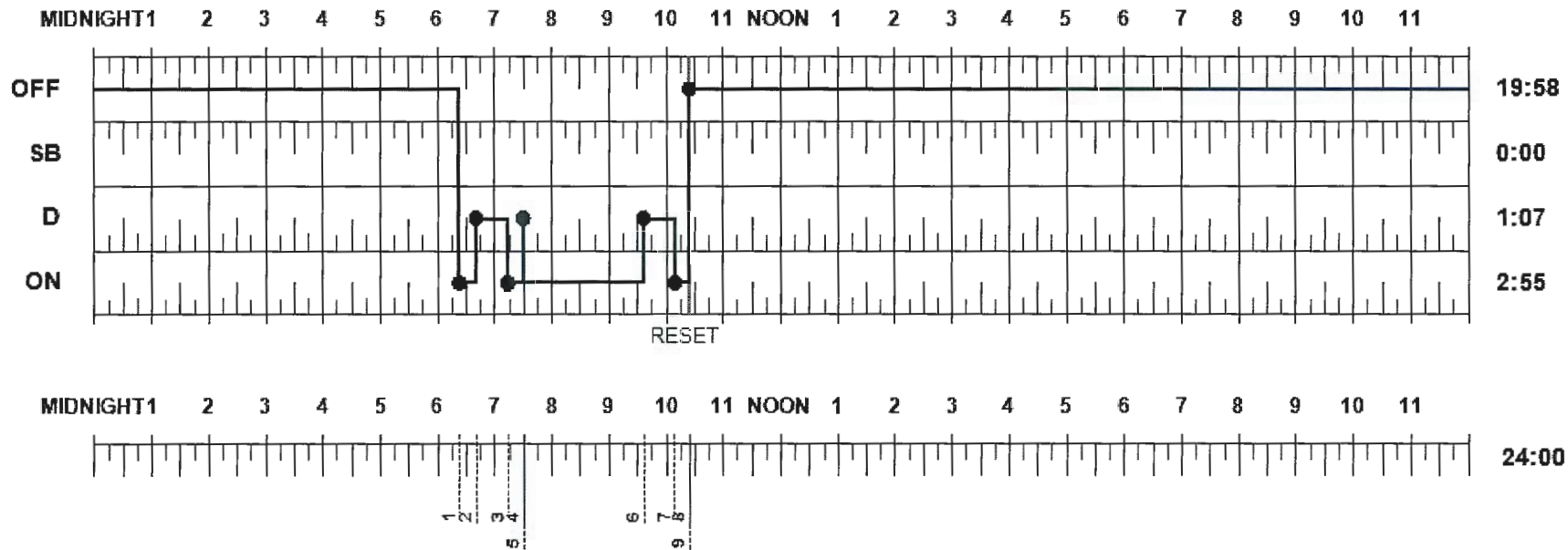
B/L or Manifest No.

Food

Shipper & Commodity

Driver's Full Signature (Ross Curtright)

Co-Driver's Name



RECAP

Completed at
end of workday

4:01

On-duty hours
today. (Total
lines 3 and 4)

**60 Hour / 7 Day
Drivers**

A. 4:01

Total hours on
duty last 6 days,
including today.

B. 55:58

Total hours
available
tomorrow. (60
hr. minus A)*

C. 4:01

Total hours on
duty last 7 days,
including today.

*If you took 34
consecutive
hours off duty,
you have 60/70
hours available
again.

From: Olathe, KS
Created at: 12/18/2017 4:04 PM

To: Olathe, KS

ATTACHMENT “C”



DRIVER'S DAILY LOG

(24 HOURS)

11/9/2017

Month - Day - Year

Original - File at home terminal Duplicate - Driver retains in his/her possession for 8 days

Sysco / Sygma / Sysco Canada

Name of Carrier or Carriers

Main Office Address

1859 N Kansas City Rd, Olathe, KS, 66061

Home Terminal Address

I certify these entries are true and correct:

258.0 mi

Distance Driven Today

258.0 mi

Total Distance Today

119514 (203282)

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

SHIPPING DOCUMENTS:

-

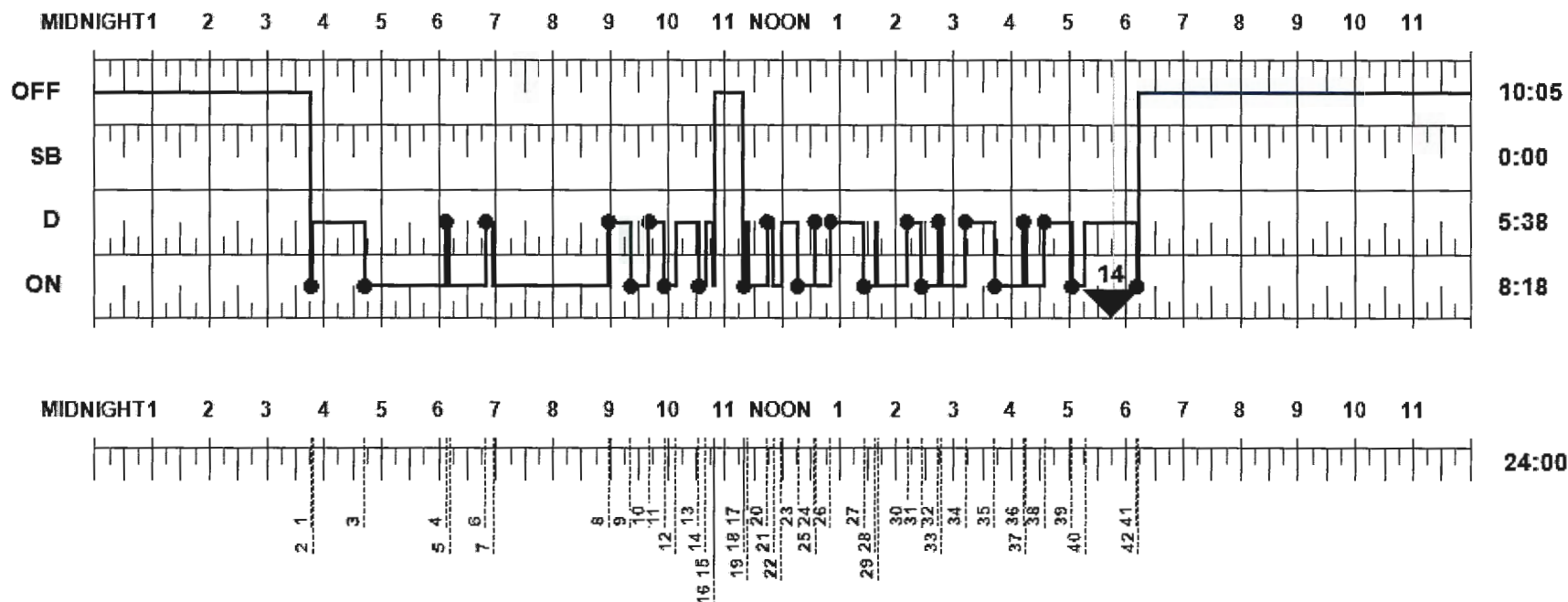
B/L or Manifest No.

Food

Shipper & Commodity

Driver's Full Signature (Daniel Crofton)

Co-Driver's Name



RECAP

Completed at end of workday

13:55

On-duty hours today. (Total lines 3 and 4)

60 Hour / 7 Day Drivers

A. 32:53

Total hours on duty last 6 days, including today.

B. 27:07

Total hours available tomorrow. (60 hr. minus A)*

C. 32:53

Total hours on duty last 7 days, including today.

*If you took 34 consecutive hours off duty, you have 60/70 hours available again.

From: Olathe, KS

Created at: 12/15/2017 1:39 PM

To: Chillicothe, MO

CERTIFICATE OF SERVICE

18-TRAM-353-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 Feb. 27, 2018.

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/s/ DeeAnn Shupe

DeeAnn Shupe