

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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<http://kcc.ks.gov>

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

Governor Jeff Colyer, M.D.

NOTICE OF PENALTY ASSESSMENT
18-TRAM-307-PEN

February 6, 2018

Patti Muller, Co-Owner
Muller Auto Transport LLC
22294 NW Snokomo Frontage Rd
Paxico, Kansas 66526

Certified Mail No. 70161970000105744448

This is a notice of a penalty assessment against Muller Auto Transport LLC (Muller Auto Transport) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 10, 2018, by Kansas Corporation Commission Special Investigator Jared Smith. 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: Muller Auto Transport has been assessed a \$1,200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,200, 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 Muller Auto Transport 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. Muller Auto Transport 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 \$1,200 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,


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

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

PENALTY ORDER

I. 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. Muller Auto Transport LLC (Muller Auto Transport) has private and common operating authority with the Commission and further operates USDOT number 884531.

5. Peggy Mueller and Patti Mueller attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on September 18, 2017, on behalf of Muller Auto Transport.

6. Muller Auto Transport is a private and common motor carrier which primarily hauls motor vehicles.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 10, 2018, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of Muller Auto Transport. 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 four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 21, 2017, Muller Auto Transport required or permitted its driver, Kenneth Muller, to operate a CDL-required commercial motor vehicle, a 1995 Freightliner, VIN ending in 571850, GVWR 52,000 lbs.,

pulling a 1987 Deln trailer, VIN ending in 017058, GVWR 65,000 lbs., in intrastate commerce from Topeka, Kansas to Wichita, Kansas. This trip is evidenced by Driver's Daily Log, dated November 21, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Muller Auto Transport failed to provide educational materials to its driver explaining the requirements for a controlled substance and alcohol testing program pursuant to the motor carrier regulations. This carrier was cited for the same violation in a compliance review conducted on May 18, 2016. Muller Auto Transport's failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver's qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends an enhanced fine of \$250.

- b. On December 15, 2017, Muller Auto Transport required or permitted its driver, Thomas Roberts, to operate a CDL-required commercial motor vehicle, a 2005 Peterbilt, VIN ending in 862328, GVWR 48,000 lbs., pulling a 1999 Hide trailer, VIN ending in 159515, GVWR 48,000 lbs., in intrastate commerce from Wichita, Kansas to Topeka, Kansas. This trip is evidenced by Driver's Daily Log, dated December 15, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by

reference. At the time of this transportation, Muller Auto Transport failed to maintain in the driver's qualification file the responses of each state agency to the annual driver record inquiry required by 49 C.F.R. 391.25(a). This carrier was cited for the same violation in a compliance review conducted on May 18, 2016. Muller Auto Transport's failure to maintain a copy of the annual motor vehicle record received from each State in the driver qualification file is a violation of 49 C.F.R. 391.51(b)(4), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends an enhanced fine of \$200.

- c. During the transportation described in paragraph a., above, Muller Auto Transport operated in intrastate commerce without having the required State of Kansas common (KAN-C) operating authority. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.
- d. During the transportation described in paragraph a., above, Muller Auto Transport required its driver to continue driving after 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. The special investigator found eight (8) violations of this type. Muller Auto Transport'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 \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Muller Auto Transport committed four (4) 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 \$1,200 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Muller Auto Transport 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 Muller Auto Transport 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 Muller Auto Transport because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Muller Auto Transport committed four (4) 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. Muller Auto Transport LLC, of Paxico, Kansas is hereby assessed a \$1,200 civil penalty for four (4) 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. Muller Auto Transport 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. Muller Auto Transport 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 6, 2018, this Penalty Order was mailed to Muller Auto Transport via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105744448. 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 Muller Auto Transport's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,200 civil penalty against Muller Auto Transport, and ordering a representative from Muller Auto Transport 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 \$1,200 is due in thirty (30) days from the date of service of this Order. Payment of \$1,200 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 \$1,200 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 Muller Auto Transport's motor carrier operating authority

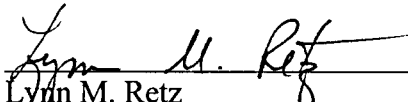
without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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 06 2018








Lynn M. Retz
Secretary to the Commission

AAL


Order Mailed Date

FEB 07 2018

ATTACHMENT “A”

	US DOT # 884531	Legal: MULLER AUTO TRANSPORT LLC Operating (DBA):			
MC/MX #:		Federal Tax ID:  (EIN)			
Review Type: Non-ratable Review - CSA					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types		Interstate Intrastate			
Carrier: N/A HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue:  for year ending: 12/31/2016			
Company Physical Address: 					
Contact Name: Patti Muller Phone numbers: (1)  Fax E-Mail Address: 					
Company Mailing Address: 22294 NW SNOKOMO FRONTAGE RD PAXICO, KS 66526-9388					
Carrier Classification Authorized for Hire					
Cargo Classification Motor Vehicles					
Hazardous Materials 9 Miscellaneous HM : Carried : Non-Bulk					
Equipment					
		Owned	Term Leased	Trip Leased	
Truck Tractor		3	0	0	Trailer
					Owned Term Leased Trip Leased
		3	0	0	
Power units used in the U.S.: 3 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: 5		
>= 100 Miles:	5		CDL Drivers: 5		



	MULLER AUTO TRANSPORT LLC U.S. DOT #: 884531	Review Date: 01/18/2018
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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: Patti Muller

Title: Member

Name:

Title:



	MULLER AUTO TRANSPORT LLC U.S. DOT #. 884531	Review Date 01/10/2018
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Part B Violations

1 STATE	Primary: 382.601(a) CFR Equivalent 382.601(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation Checked
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Description

Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies.

Example

On November 21, 2017 Muller Auto Transport LLC had driver [REDACTED] operate a 1995 Freightliner (Unit # 10-VIN # [REDACTED] 571850) in combination with a 1987 Deln trailer (Unit # 12- VIN # [REDACTED] 017058). These vehicles have a gross vehicle weight rating of 52,000 lbs. and 65,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Topeka, Kansas to Wichita, Kansas. This trip is evidenced by a driver's record of duty status, a fuel receipt and K-tag records. At the time of this trip carrier was found to be in violation of failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies.

2 STATE	Primary: 391.51(b)(4)	Discovered 1	Checked 5	Drivers/Vehicles In Violation Checked
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Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example

On December 15, 2017 Muller Auto Transport LLC had driver [REDACTED] operate a 2005 Peterbilt (Unit # 9, VIN # [REDACTED] 362328) in combination with a 1999 Hide trailer (unit # 9, VIN # [REDACTED] 159515M0). These Vehicles have a gross vehicle weight rating of 48,000 lbs. and 48,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Wichita, Kansas to Topeka, Kansas. This trip is evidenced by a driver's record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each state agency to the annual driver record inquiry required by 391.25 (a).

3 STATE	Primary 391.51(b)(5)	Discovered 1	Checked 5	Drivers/Vehicles In Violation Checked
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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 December 15, 2017 Muller Auto Transport LLC had driver [REDACTED] operate a 2005 Peterbilt (Unit # 9, VIN # [REDACTED] 362328) in combination with a 1999 Hide trailer (unit # 9, VIN # [REDACTED] 159515M0). These Vehicles have a gross vehicle weight rating of 48,000 lbs. and 48,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Wichita, Kansas to Topeka, Kansas. This trip is evidenced by a driver's record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

4 STATE	Primary: 391.51(b)(6)	Discovered 1	Checked 5	Drivers/Vehicles In Violation Checked
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

On December 15, 2017 Muller Auto Transport LLC had driver [REDACTED] operate a 2005 Peterbilt (Unit # 9, VIN # [REDACTED] 362328) in combination with a 1999 Hide trailer (unit # 9, VIN # [REDACTED] 159515M0). These Vehicles have a gross vehicle weight rating of 48,000 lbs. and 48,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Wichita, Kansas to Topeka, Kansas. This trip is evidenced by a driver's record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.



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	U.S. DOT # 884531	01/10/2018

Part B Violations

5 STATE	Primary: 392.2 Secondary: KSA 66-1,111	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Operating a commercial motor vehicle without KCC public carrier (KAN-C) operating authority.

Example

On November 21, 2017 Muller Auto Transport LLC had driver [REDACTED] operate a 1995 Freightliner (Unit # 10-VIN # [REDACTED] 571850) in combination with a 1987 Deln trailer (Unit # 12- VIN # [REDACTED] 017058). These vehicles have a gross vehicle weight rating of 52,000 lbs. and 65,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Topeka, Kansas to Wichita, Kansas. This trip is evidenced by a driver's record of duty status, a fuel receipt and K-tag records. At the time of this trip carrier and time of this review, carrier operated without the required state operating authority.

6 STATE	Primary 395.3(a)(3)(ii) CFR Equivalent 395.3(a)(3)(ii)	Discovered 8	Checked 150	Drivers/Vehicles In Violation Checked
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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 November 21, 2017 Muller Auto Transport LLC had driver [REDACTED] operate a 1995 Freightliner (Unit # 10-VIN # [REDACTED] 571850) in combination with a 1987 Deln trailer (Unit # 12- VIN # [REDACTED] 017058). These vehicles have a gross vehicle weight rating of 52,000 lbs. and 65,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Topeka, Kansas to Wichita, Kansas. This trip is evidenced by a driver's record of duty status, a fuel receipt and K-tag records. At the time of this trip carrier was found to be in violation of 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.

Safety Fitness Rating Information:		OOS Vehicle (CR):
Total Miles Operated	239,621	Number of Vehicle Inspected (CR): 1
Recordable Accidents	0	OOS Vehicle (MCMIS): 1
		Number of Vehicles Inspected (MCMIS): 2

Your proposed safety rating is :

This Review is not Rated.

	MULLER AUTO TRANSPORT LLC U.S. DOT # 884531	Review Date 01/10/2018
Safety Management Process Breakdowns and Remedies		

1. 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 carrier's 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.

2. 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.

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



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Safety Management Process Breakdowns and Remedies		

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

3. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain KAN-C operating authority from Kansas Corporation Commission prior to operating in commerce. Records indicate the carrier failed to acquire KCC KAN-C Authority prior to December 27, 2017.

4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Training and Communication


DESCRIPTION OF PROCESS BREAKDOWN. Muller Auto Transport LLC's violations occurred due to a breakdown of the training and communication elements within this section. Carrier failed to provide educational materials explaining the requirements of part 382 and employer's drug and alcohol program

BASIC SPECIFIC RECOMMENDED REMEDIES: Establish educational materials that explain the requirements of part 382 of the FMCSA's. Make sure that all drivers get a copy and maintain a signed certificate from drivers acknowledging they received a copy.

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts: for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.
- Encourage disclosure of personal problems with controlled substances and alcohol within a safe environment by having an open-door policy with management or using an Employee Assistance Program (EAP). An EAP enables drivers to alert management of concerns about other personnel and to seek help for their own substance abuse and/or alcohol problems.
- After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
- Ensure that managers and supervisors regularly communicate and demonstrate their ongoing commitment to abiding by regulations and company policies regarding controlled-substance and alcohol use.
- Communicate the carrier's Controlled Substances and Alcohol BASIC percentile to all staff, and explain to them individually what they can do to help improve compliance.
- Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior, testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result, referral to a Substance Abuse Professional (SAP), and confidentiality requirements in relation to record keeping.
- Ensure that personnel in safety-sensitive positions receive required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled-substance and alcohol use.
- Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives.
- Ensure that drivers are trained on driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and



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Safety Management Process Breakdowns and Remedies		

the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.

- Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to controlled-substance and alcohol-use regulations and related company 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.

5. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Training and Communication


DESCRIPTION OF PROCESS BREAKDOWN Muller Auto Transport LLC's violations occurred due to a breakdown of communication and training. Carrier has established the correct methods for recording hours of duty status and carrier officials check the drivers log every week. However, you need to educate the drivers on the requirement of the 30 minute break.

BASIC SPECIFIC RECOMMENDED REMEDIES: Train the drivers on the 30 minute break requirement, make sure the drivers understand the regulation and it's importance. Make sure to check for 30 minute violations when you verify the logs.

Implement Safety Improvement Practices. The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.
- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.
- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to



	MULLER AUTO TRANSPORT LLC U.S. DOT # 884531	Review Date 01/10/2018
Safety Management Process Breakdowns and Remedies		

adhere to Hours-of-Service (HOS) regulations and company policies and procedures.

- Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

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.

6. 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 Muller Auto Transport LLC's operating authority and/or the impoundment of Muller Auto Transport LLC commercial motor vehicle.

Carrier Representative

Date





MULLER AUTO TRANSPORT LLC
U.S. DOT #: 884531

Review Date:
01/10/2018

Safety Management Process Breakdowns and Remedies

4. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain KAN-C operating authority from Kansas Corporation Commission prior to operating in commerce. Records indicate the carrier failed to acquire KCC KAN-C Authority prior to December 27, 2017.
5. 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 Muller Auto Transport LLC's operating authority and/or the impoundment of Muller Auto Transport LLC commercial motor vehicle.

John S. Mull
Carrier Representative

1-10-18
Date

6. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.
- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.
- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to Hours-of-Service (HOS) regulations and company policies and procedures.
- Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.



ATTACHMENT "B"



DRIVER'S DAILY LOG

(24 HOURS)

11 / 21 / 17
(Month) (Day) (Year)

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

RECAP
Complete at
end of workday.

332 332
Total Miles Driving Today Total Mileage Today

Miller Auto Transport
Name of Carrier or Carriers
Main Office Address
Pawnee KS

Same

Home Terminal Address

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

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

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 TOTAL HOURS

1. OFF DUTY

2. SLEEPER
BERTH

3. DRIVING

4. ON DUTY
(NOT DRIVING)

REMARKS

SHIPPING
DOCUMENTS:

I-20 Auto Auction

B/L or Manifest No.

or

Shipper & Commodity

From:

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

From:

Topeka KS

To:

Wichita KS

USE TIME STANDARD AT HOME TERMINAL

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

Total hours
available
tomorrow,
70 hr. minus A.

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

60 Hour/
7 Day
Drivers

10.5

Total hours on
duty last 6 days,
including today.

49.5

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

10.5

*If you meet the
34-hour restart
requirements
in §395.3, you
have 6070
hours available
again.

IFTA/IRP TRIP REPORT

Company
Name

Truck
Unit #

Origin Destination

DATE	STATE OR PROVINCE	HIGHWAYS USED	ODOMETER READING BEGINNING STATE EXIT	TOTAL MILEAGE

STAPLE ALL ORIGINAL FUEL & TOLL
RECEIPTS TO THIS PORTION
IFTA/IRP trip report retain 4 years

SHIPMENTS ON TRUCK

ORDER NO.	WEIGHT	FROM	TO

SHIPMENTS UNLOADED TODAY

ORDER NO.	COLLECT OR BILLED	AMOUNT COLLECTED	MAILED PAPERS FROM

DRIVER'S VEHICLE INSPECTION REPORT

DRIVER USE / IF SATISFACTORY
USE X IF NOT SATISFACTORY

MECHANIC USE / WHEN CORRECTED AND
YOUR INITIALS

TRACTOR/TRUCK NO.: 0910		TIRAFER(S) NO.(S): 0912	
D - DRIVER'S REPORT		D - DRIVER'S REPORT	
M - MECHANIC'S REPORT		M - MECHANIC'S REPORT	
D	M	D	M
Brake Lines to Trailer		Brakes	
Electric Lines to Trailer		Brake Connections	
Drive Line		Coupling Devices	
Coupling Devices		Coupling (King) Pin	
Tires, Wheels, Hubs		Coupling	
Suspension System		Hitch	
Body		Landing Gear	
Glass		Lights - All	
Exhaust		Fuel	
Frame & Assembly		Suspension System	
Fuel System		Tandem	
Cooling System		Tank	
Engine		Wheels - Hubs	
Lubrication		Other	
Head Light		TIRAFER(S) AS REQUIRED ON LISTED ITEMS	
Tail Light		DRIVER: Kenneth Miller	
Stop & Turn Lights		ODOMETER END OF DAY 89735	
Clearance & Marker Lights		ODOMETER START OF DAY 89703	
Reflectors		TOTAL MILES DRIVEN TODAY 332	
Air Pressure Warning Device		NEXT LUBRICATION DUE AT	
Air Pressure		MILEAGE	
Amplifier			
Horn			
Windshield Wiper			
Parking Brakes			
Clutch			
Transmission			
Rear Vision Mirror			
Steering			
Service Brakes			
Exhaust			
Other Brakes			
EMERGENCY EQUIPMENT			
Reflective Triangles			
Fire Extinguisher			
Flags, Fuses, Fuses, Spare Bulbs			
Tire Chains			
		MECHANIC'S SIGNATURE:	
		DATE: 11/21/17	

ATTACHMENT “C”

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CERTIFICATE OF SERVICE

18-TRAM-307-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 06 2018**.

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psm@mullerautotransport.com

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

FEB 07 2018