20211014103358
Kansas Corporation
Commission

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Kansas
Corporation Commission

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

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
22-TRAM-162-PEN

October 14, 2021

Don Johnson, Vice President
J A S Express Inc.
PO Box 115
Lewis, KS 67552

This is a notice of a penalty assessment against J A S Express Inc. (J A S) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from September 15 to October 4, 2021, by Kansas Corporation Commission Special Investigators, Erica Pargas and Penny Fryback. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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: J A S has been assessed a $6,600 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of $6,600, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 J A S 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.

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 spec.ific grounds upon which relief is sought. J A S 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.[1]

IF YOU FAIL TO ACT: Failure to pay the penalty of $6,600 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,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

[1] K.A.R. 82-1-215; K.S.A. 77-542.

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Susan K. Duffy

In the Matter of the Investigation of **J A S Express Inc., of Lewis, KS**, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.	)	Docket No. 22-TRAM-162-PEN

PENALTY ORDER

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:

I. JURISDICTION

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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. J A S Express Inc. (J A S or Carrier) has common and private operating authority with the Commission and further operates under USDOT number 891718.

5. There is no record of an authorized agent for J A S attending the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission.

6. J A S is a common motor carrier which primarily hauls general freight, fresh produce, grain, feed, hay, commodities dry bulk, farm supplies, and fertilizer/salt.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, from September 15 to October 4, 2021, Commission Staff (Staff) Special Investigators, Erica Pargas and Penny Fryback, conducted a safety compliance review of the operations of J. A. S. 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 thirteen (13) violation(s) of the Motor Carrier Safety Regulations.

a. On August 10, 2021, J A S required or permitted its driver, David Mason, to operate a CDL-required commercial motor vehicle, a 1992 Kenworth, VIN ending in 573225, GVWR 52,000 lbs., pulling a 2016 Timpte trailer,

VIN ending in 153901, GVWR 65,000 lbs., in intrastate commerce in from Lyons, Kansas to Pittsburgh, Kansas. This trip is evidenced by pay sheet for David Mason, dated August 10, 2021, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, J A S required or permitted its driver, Mr. Mason, to operate a commercial motor vehicle while Mr. Mason was prohibited to operate per the Drug and Alcohol Clearinghouse under 49 C.F.R. 382.501(a). The Carrier permitting or requiring a driver, who was prohibited from operating a commercial vehicle per the Drug and Alcohol Clearinghouse under 49 C.F.R. 382.501(a), to operate a commercial motor vehicle is a violation of 49 C.F.R. 391.15(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

b. On August 16, 2021, J A S required or permitted its driver, Rumaldo Estrada Loya, to operate a CDL-required commercial motor vehicle, a 2004 International, VIN ending in 27678, GVWR 52,000 lbs., pulling a 2004 Timpte trailer, VIN ending in 103777, GVWR 65,000 lbs., in commerce in Kansas. This trip is evidenced by email communication between Donald Johnson and Special Investigator, Erica Pargas, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, J A S failed to require its driver, Mr. Loya, to submit his records of duty status within the required timeframe. The Carrier's failure to require its drivers to submit their

records of duty status within the required timeframe of thirteen days of the end of the duty assigned is a violation of 49 C.F.R. 395.8(a)(2)(ii), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

c. On April 7, 2021, J A S required or permitted its driver, Stanley Ditges, to operate a CDL-required commercial motor vehicle, a 2022 Peterbilt, VIN ending in 774151, GVWR 52,300 lbs., pulling a 2019 Timpte trailer, VIN ending in 162383, GVWR 65,000 lbs., in interstate commerce from Dodge City, Kansas to Canadian, Texas. This trip is evidenced by a Driver/Vehicle Examination Report, dated April 7, 2021, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, J A S failed to maintain the records of inspection and vehicle maintenance on the commercial motor vehicle operated. The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicle owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $750.

d. During the transportation described in paragraph a., above, J A S required or permitted its driver, Mr. Mason, to operate a commercial motor vehicle prior to receiving the driver's pre-employment controlled substance and alcohol test results with a negative result. The Carrier's failure to require

its driver to submit to a pre-employment alcohol and/or controlled substances USDOT regulated test and to obtain a negative test result within 30 days of him/her employment and prior to requiring or permitting him/her to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $650.

e. On August 5, 2021, J A S required or permitted its driver, Rumaldo Estrada Loya, to operate a CDL-required commercial motor vehicle, a 2004 International, VIN ending in 027678, GVWR 52,000 lbs., pulling a 2004 Timpte trailer, VIN ending in 103777, GVWR 65,000 lbs., in intrastate commerce from Sublette, Kansas to Inola, Kansas. This trip is evidenced by a Driver's Daily Log for Rumaldo Estrada, dated August 5, 2021, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, J A S failed to accurately maintain their alcohol and controlled substance random testing pool by having three (3) drivers who were not employed by the company. Due to this, the Carrier failed to ensure that each of its CDL drivers have an equal chance at being selected. The Special Investigators found three (3) violations of this type. The Carrier's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $100.

f. During the transportation described in paragraph e., above, J A S failed to have an alcohol and controlled substance written policy. The Carrier's failure to have an alcohol and controlled substance written policy that complies with 49 C.F.R. 382.601(b) is a violation of 49 C.F.R. 382.601(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

g. During the transportation described in paragraph e., above, J A S failed to ensure the designated person to determine that drivers undergo reasonable suspicion testing received 60 minutes of alcohol training and 60 minutes of controlled substance training. The Carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $100.

h. During the transportation described in paragraph e., above, J A S failed to be enrolled in the FMCSA Drug and Alcohol Clearinghouse. The Carrier's failure to be in enrolled in the FMCSA Drug and Alcohol Clearinghouse is a violation of 49 C.F.R. 382.711(b), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

i. During the transportation described in paragraph e., above, J A S required or permitted its driver, Mr. Loya, to operate a commercial motor vehicle. At the time of operation, Mr. Loya's Medical Examination Certificate had

expired. The Carrier failure to require its drivers to maintain a current Medical Examiner's Certificate is a violation of 49 C.F.R. 391.45(b)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

j. During the transportation described in paragraph a., J A S failed to require its driver, Mr. Mason, to maintain a record of duty status. The Special Investigators found seven (7) violations of this type. The Carrier's failure to require their drivers to maintain a record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

k. During the transportation described in paragraph e., J A S failed to require its driver, Mr. Loya, to record his hours of service using an electronic logging device (ELD) provided within the commercial motor vehicle, as the driver was required to record his hours of service more than eight days in a 30 day period. The Special Investigators found two (2) violations of this type. The Carrier's failure to require its driver to record his hours of service on the ELD when required is a violation of 49 C.F.R. 395.8(a)(2)(i), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

l. During the transportation described in paragraph e., J A S permitted its driver, Mr. Loya, to prepare a false record of duty status. The Special Investigators found eleven (11) violations of this type. The Carrier permitting its driver to falsify records of duty status is a violation of 49

C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $3,000.

m. During the transportation described in paragraph c., above, J A S failed to retain evidence of the inspector's, Bruce Colbert, qualifications that inspected the Carrier's commercial motor vehicles. The Special Investigators found four (4) violations of this type. The Carrier's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicle is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

IV. STAFF'S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated October 5, 2021, attached hereto as Attachment "F" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds J A S committed thirteen (13) 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.

10. Additionally, Staff recommends a civil penalty of $6,600 for thirteen (13) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from J A S 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.

12. Staff further recommends J A S submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

13. Finally, Staff recommends that J A S 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

14. The Commission finds it has jurisdiction over J A S pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds J A S committed thirteen (13) 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. J A S Express Inc., of Lewis, KS is hereby assessed a $6,600 civil penalty for thirteen (13) 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. J A S 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. J A S 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.

E. Pursuant to K.S.A. 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 Executive Director 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 J A S's right to a hearing, and this Penalty Order will become a Final 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.[2]

G. If you do not request a hearing, the payment of the civil penalty of $6,600 is due in thirty (30) days from the date of service of this Order. Payment of $6,600 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 $6,600 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of J A S's motor carrier operating authority without further notice.[3] 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.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 10/14/2021

Lynn M. Retz
Executive Director

AAL

[2] . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).
[3] K.S.A. 66-1,105.

ATTACHMENT "A"

UNITED STATES DEPARTMENT OF TRANSPORTATION

U.S. DOT#: 891718 **MC/MX#:** 255839	**Legal:** J A S EXPRESS INC **Operating (DBA):**	**Investigation Date:** 10/04/21

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)
Extent of Operations: Entire Operation

Physical Address	Mailing Address
2133 O ROAD LEWIS, KS 67552-0115 United States	PO BOX 115 LEWIS, KS 67552-0115 United States

Contact Information

Contact Name: AMY JOHNSON, DON JOHNSON, BOBI CROSS
Email:
Phone: (620)324-5802 **Cell:** ( )- **Fax:** (620)324-5803

Business and Financial

Business Type: Corporation
Gross Revenue: [redacted] **For Year Ending:** 12/31/20
Federal Tax ID: [redacted]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier

Operation Classification
For-Hire Motor Carrier
Property
Other Non-Hazardous Freight

Cargo

General Freight, Grain, Feed, Hay, Farm Supplies, Other (Fertilizer/Salt), Commodities Dry Bulk, Fresh Produce

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2	3	
Trailers	3	4	

Power units used in the U.S.: 5
Percentage of time used in the U.S.: 100%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		3

Average trip leased driver/month: 0
Drivers with CDL: 3
Total Drivers: 3

Person(s) Interviewed	
Name: AMY JOHNSON	**Title:** PRESIDENT
Name: DON JOHNSON	**Title:** VICE PRESIDENT
Name: BOBI CROSS	**Title:** BOOKKEEPER

Questions	
Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

1. Primary: 391.15(a)

Using a disqualified driver.

A **Acute**

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

BASIC Impacted
Driver Fitness

Rating Factor 2: Driver = Part 391

Example/Notes:

Driver name: David Mason
Trip date: 8/2/2021

J A S Express Inc. allowed or required driver, David Mason to operate a CMV while the driver was disqualified or prohibited from operating a CMV pursuant to 382.501(a).

Drivers/Vehicles

In Violation	Checked
1	3

2. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status

C **Critical**
At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
11		11

Checked

Fed	State	Total
90		90

BASIC Impacted
Hours-of-Service Compliance

Rating Factor 3: Operational = Part 395

Example/Notes:

Driver name: David Mason
Trip Date: 8/2/2021

J A S Express Inc. allowed or required driver, David Mason to drive from Hays, KS to Lyons, KS to load Salt that would be delivered to ADM Animal Nutrition in Columbus, NE. Driver, David Mason failed to log his drive time from Hays, KS to Lyons, KS. Driver, David Mason then drove from Lyons, KS to Columbus, NE with no drive time.

Drivers/Vehicles

In Violation	Checked
1	3

3. Primary: 396.3(b)

Failing to keep minimum records of inspection and vehicle maintenance.

C **Critical**

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

BASIC Impacted
Vehicle Maintenance

Rating Factor 4: Vehicle = Part 396

Example/Notes:

Unit #88
Trip date: 4/7/21

J A S Express Inc. failed to provide a maintenance record for Unit #88 and Unit #99.

Drivers/Vehicles

In Violation	Checked
2	5

4. Primary: 376.11
Secondary: 376.12

Authorized carrier performed authorized transportation in equipment it does not own without obtaining a written lease.

Violations Discovered

Fed	State	Total
	4	4

Checked

Fed	State	Total
	5	5

Example/Notes:

Unit #: 4/16/21
Driver: Monroe Powers

J A S Express failed to provide investigators with a copy of the lease agreement for Unit #100, Unit #89, Unit #L71, and Unit #88.

Drivers/Vehicles

In Violation	Checked
4	5

5. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: David Mason
Trip date: 8/2/21
Hire date: 7/6/21
On 7/6/21, J A S Express Inc. conducted a pre-employment test on driver, David Mason. Driver, David Mason started operating in interstate commerce on 7/19/21 prior to J A S Express Inc. receiving the results of the pre-employment test. At the time of this investigation, J A S Express Inc. had no record of the results of driver, David Mason's pre-employment test and had to request the results from the consortium.

Drivers/Vehicles

In Violation	Checked
1	3

6. Primary: 382.305(i)(2)

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: David Mason
Selection date: 9/15/21
Trip date: 8/2/21

As of 9/15/21, J A S Express Inc. had three (3) drivers in the random pool that are not currently employed or were never employed by J A S Express Inc. J A S Express Inc. failed to remove drivers: David Mason, Gilbert Escalante, and Robert Frazier from the Drug & Alcohol random pool list.

Drivers/Vehicles

In Violation	Checked
3	3

7. Primary: 382.601(a)

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

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Name: David Mason
Trip date: 8/2/21

Drivers/Vehicles

In Violation	Checked
1	1

J A S Express Inc. failed to provide Kansas Corporation Commission with a Drug & Alcohol Policy for J A S Express Inc.	

8. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: David Mason
Trip date: 8/2/21
J A S Express Inc. failed to provide proof of completion of reasonable suspicion training.

Drivers/Vehicles

In Violation	Checked
1	1

9. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver: David Mason
Trip: 8/2/21

J A S Express Inc. failed to register in the Drug & Alcohol Clearinghouse.

Drivers/Vehicles

In Violation	Checked
1	1

10. Primary: 390.15(b)

Failing to maintain, for a period of three years after an accident occurs, an accident register.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: Monroe Powers
Accident/Trip date: 4/16/21

J A S Express Inc. failed to provide an Accident Register that lists all DOT accidents the carrier has had in the last three (3) years.

Drivers/Vehicles

In Violation	Checked
1	1

11. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: David Mason
Trip date: 8/2/2021

J A S Express Inc. failed to provide an employment application for drivers: David Mason, and Rumaldo Estrada Loya. Driver, Monroe Powers' employment application was incomplete.

Drivers/Vehicles

In Violation	Checked
3	3

12. Primary: 391.23(e)(1)

Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Monroe Powers
Trip date: 6/7/21

J A S Express Inc. failed to investigate driver, Monroe Powers' history of alcohol and controlled substances for the previous 3 years.

Drivers/Vehicles

In Violation	Checked
1	3

13. Primary: 391.25(c)(2)

Failing to maintain record of annual review in driver's qualification file.

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Rumaldo Estrada
Trip date: 8/4/21

J A S Express Inc. failed to complete Annual Reviews in 2021 for drivers: Monroe Powers and Rumaldo Estrada Loya.

Drivers/Vehicles

In Violation	Checked
2	3

14. Primary: 391.45(b)(1)
Secondary: 391.11(a)

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

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Rumaldo Estrada Loya
Trip date: 8/4/21
Last examination date: 7/8/21

J A S Express Inc. allowed or required driver, Rumaldo Estrada Loya to operate a CMV in interstate commerce while driver, Rumaldo Estrada Loya was not medically certified. At the time of this investigation, Rumaldo Estrada Loya had not had a medical exam since 7/8/21 and did not obtain a new exam until 9/15/21.

Drivers/Vehicles

In Violation	Checked
1	3

15. Primary: 391.51(b)(9)

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: David Mason
Trip date: 8/5/21

J A S Express Inc. failed to provide proof or documentation verifying that the medical examiners were on the national registry for: Leslie Osborn, Melissa Whitney, and Kenneth Koerner.

Drivers/Vehicles

In Violation	Checked
3	3

16. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method.

Violations Discovered

Fed	State	Total
7		7

Checked

Fed	State	Total
90		90

Example/Notes:

Date: 8/10/21
Driver name: David Mason

J A S Express Inc. allowed or required driver, David Mason to operate a CMV from Lyons, KS to Pittsburgh, KS without preparing a record of duty status.

Drivers/Vehicles

In Violation	Checked
2	3

17. Primary: 395.8(a)(2)(i)

Driver failed to record driver's record of duty status on an Electronic Logging Device.

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Example/Notes:

Driver: Rumaldo Estrada Loya
Date: 8/4/2021
Orgin and Destination: Inola, OK to Ensign, KS

J A S Express Inc. allowed or required driver, Rumaldo Estrada Loya to operate a 2004 Truck Tractor in interstate commerce more than eight (8) trips in a 30 day period and failed to require driver, Rumaldo Estrada Loya to record his records of duty status on an ELD.

Drivers/Vehicles

In Violation	Checked
2	3

18. Primary: 395.8(a)(2)(ii)

Failing to require driver to forward within 13 days of completion, the original of the record of duty status.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
90		90

Example/Notes:

Driver name: Rumaldo Estrada Loya
Trip date: 8/4/21

J A S Express Inc. failed to require driver, Rumaldo Estrada Loya to submit the drivers records of duty status within 13 days of completion. At the time of this investigation, driver, Rumaldo Estrada Loya had not provided J A S Express Inc. for the records of duty status for 8/16/21 to 8/18/21.

Drivers/Vehicles

In Violation	Checked
1	3

19. Primary: 396.3(b)(1)

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
5		5

Example/Notes:

Unit #100

J A S Express Inc.'s maintenance file for Unit #100 is not properly identified and missing

Drivers/Vehicles

In Violation	Checked
3	5

the VIN/Serial number.	

20. Primary: 396.19(b)

Failing to maintain evidence of inspector's qualifications.

Violations Discovered

Fed	State	Total
4		4

Checked

Fed	State	Total
5		5

Example/Notes:

Inspectors name: Bruce Colbert
Inspection date: 2/20/21
Vehicle: Unit #88
Trip date: 4/7/21

J A S Express Inc. failed to provide inspector qualifications for inspectors: Bruce Colbert, Gary Salmans, James Babcock, and Robert Trent.

Drivers/Vehicles

In Violation	Checked
4	5

Safety Fitness Rating

Your proposed safety rating is: **CONDITIONAL** 1 UNSATISFACTORY rating factor and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	
Factor 3: Operational = Parts 392 and 395	Unsatisfactory		1
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Conditional		1
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 641,494 Recordable Accidents: 1 Recordable Accidents/Million Miles: 1.56	Satisfactory	N/A	N/A

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Conditional rating will take effect 60 days after the date of the official notice.

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

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i). If the safety rating improves a previous Unsatisfactory rating, it becomes effective immediately and you must submit your appeal within 90 days of the final safety rating. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and

track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to https://dataqs.fmcsa.dot.gov.

Process Breakdown and Remedies

BASIC: Driver Fitness
Process Breakdown: Monitoring and Tracking

J A S Express Inc. will ensure that all drivers are qualified to drive prior to operating a Commercial Motor Vehicle.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. 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.
2. 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.
3. 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.
4. 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.

BASIC: Hours-of-Service Compliance
Process Breakdown: Monitoring and Tracking

J A S Express Inc. will review all records of duty status to ensure each driver is preparing a record of duty status, not falsified, and written in the correct form and manner.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
3. 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.

4. 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.
5. 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.
6. 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.).

Recommendations

1. **Acute and Critical Violations**
   Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record. 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.
2. **Additional Information**
   Please visit the CSA outreach site for additional guidance: https://csa.fmcsa.dot.gov.
3. **Accident Countermeasures website has strategies and forms.**
   Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: http://www.fmcsa.dot.gov/forms/print/accident.htm
4. **Obtain copies of the regulations, forms, interpretations, manuals.**
   Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
5. **A copy of your profile can be obtained by accessing the Portal.**
   A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (https://portal.fmcsa.dot.gov/login).
6. **Conduct periodic internal reviews. (non-HM)**
   Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
7. **Obtain a copy of each driver's driving record and review it.**
   Obtain a copy of each driver's driving record and review it annually.
8. **CDL and drug testing rules apply.**
   Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
9. **10-year driver employment history required.**
   Ensure that drivers provide a 10-year employment history on their employment application.
10. **Maintain a complete file documenting the qualification process.**
    Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
11. **Physically unqualified drivers cannot drive in interstate commerce**
    Do not allow physically unqualified drivers to drive in interstate commerce.
12. **Maintain all required controlled substance testing records.**
    Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
13. **Duty status records must be kept on file for 6 months.**
    Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
14. **Retain supporting documents for 6 months.**
    Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.

15. **Ensure that all drivers' logs are accurate.**
Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
16. **Establish a maintenance records program for all vehicles.**
Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
17. **Require all drivers to prepare a written inspection report.**
Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
18. **Review maintenance and inspection records for all vehicles.**
Periodically review the maintenance and inspection records for all vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.
19. **Driver drug tests required.**
Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
20. **Drug and Alcohol Testing Company Policy (Educational Materials)**
Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirments noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifiing they have recieved your company drug and alcohol testing pollicy.
21. **Reasonable Suspicion Training**
Provide new-hire and refresher training, to all 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 recordkeeping.
22. **New Hires**
Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

    Review and evaluate driver applicants gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.
23. **MCS-150 biennial updates**
Is Your Registration Information Current?
FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.
https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option

24. **Drug and Alcohol Clearinghouse**
Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting https://clearinghouse.fmcsa.dot.gov .
25. **Unsat & Conditional CR's**
I 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.
Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

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 C.F.R. Part 391.23 requires prospective employers to , at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substance history from all employers the driver worked for within the previous three 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 is a screening tool that assists 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 visa 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. Motor carriers should visit the following website for more information:

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for enforcement interventions and is designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview their companies SMS information.. The data preview may be found at http://csa.fmcsa.dot.gov/.

For all Investigations resulting in a Penalty Order:

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

For all Investigations 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
Kansas Division
Michael Christopher - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, Kansas 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:

US Department of Transportation
Jack Van Steenburg -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
Max Strathman - Midwestern Field Administrator Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

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

This letter should be submitted as soon as possible. Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures 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:

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

e-mail: g.davenport@kcc.ks.gov
FAX: 785-271-3124;

or mail to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 J A S Express Inc.'s operating authority and/or the impoundment of J A S Express Inc.'s vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans penalty_assessment_table.htm

X _____

Signature

X_____

Topeka, KS 66604-4027

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 J A S Express Inc.'s operating authority and/or the impoundment of J A S Express Inc.'s vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans penalty_assessment_table.htm

X Amy Johnson 10-4-21

Signature

X_____

ATTACHMENT "B"

PAY SHEET

DRIVER David Mason

[redacted] #25

WEEK OF July 25-31/2021

INV.	DATE	FROM	PRODUCT	LOAD WEIGHT	TO	UNLOAD WEIGHT	TONS BU/CWT MILES	RATE	TOTAL $	FSC	Work on Truck	GRAND TOTAL $	BEG. MILES	END. MILES	TOTAL MILES	FUEL STOP	GALS.
33371	8/10/2021	Lyons,KS Reliant	Salt	49880	Pittsburg,Ks		24.94	$24.00	$598.56			$598.56					
33372	8/10/2021	Jasper,Mo	Lime	50480	Dodge City,Ks	50340	25.24	$22.00	$555.28	$188.80		$744.08	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
									$0.00			$0.00	0		0		
					Work on Truck 4HRS @ $10.00				$0.00			$0.00	0		0		
									$1,153.84	$188.80	$0.00	$1,342.64			0		0
								#DIV/0!	per mile								

	TOTAL $	$1,342.64
-	DRIVERS WAGE	$335.66
+	INSUR.	
-	OCCUP IN.	
-	FUEL TAX	
	GRAND TOTAL $	$1,006.98

SS 7.65%	$25.68
Fed 6%	$20.14
ST 3%	$20.14
Total Deductions	$65.96

335.66
− 65.96
269.70

Paid
#210
8/20/21

ATTACHMENT "C"

From: Donald Johnson
To: Erica Pargas
Subject: Re: Request for documents
Date: Thursday, September 23, 2021 9:35:00 AM

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Good Morning.
Just wanted to check in and let you know I am still waiting for Rumaldo's paperwork....I was just at the post office today and still nothing. Hopefully they get here tomorrow and I can get them over to you. Good old snail mail

Sent from Outlook

From: Erica Pargas <e.pargas@kcc.ks.gov>
Sent: Monday, September 20, 2021 7:19 AM
To: Donald Johnson <jasexpress2016@outlook.com>
Subject: Request for documents

Good Morning Amy,

I was just following up with you on our request for records of duty status for Rumaldo Estrada. Did you receive any of his logs and supporting documents over the weekend? If not, do you know when you will be expecting those? If he has not mailed those to you yet, is there a way he can take pictures of them and send them to you that way?

Also, I reviewed your email on the engine for Monroe Powers previous unit. Do you know if he has a different engine model on the currently unit he is operating or is it a 2001?

Erica Pargas, Special Investigator
Transportation Division
Kansas Corporation Commission
1500 SW Arrowhead Road | Topeka, KS | 66604-4027
Phone (620) 255-3868 | Fax (785) 271-3124

ATTACHMENT "D"

DRIVER/VEHICLE EXAMINATION REPORT

OKLAHOMA HIGHWAY PATROL (TROOP S)
COMMERCIAL VEHICLE ENFORCEMENT
200 NE 38TH TERR www.ok.gov/ohpcmve
OKLAHOMA CITY, OK 73105-3703
Phone: (405)521-6060 Fax: (405)702-0819

Report Number: OKM407153525
Inspection Date: 04/07/2021
Start: 9:55 AM CT **End:** 10:10 AM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

Carrier: J A S EXPRESS INC
DBA:
2133 O ROAD
LEWIS, KS, 67552-0115
USDOT: 891718 **Phone#:**
MC/MX#: 00255839 **Fax#:**
State#:
Location: LAVERNE
Highway: U.S. 283
County:

Driver: DITGES, STANLEY W
License#: [redacted] **State:** KS
Date of Birth: [redacted]
CoDriver:
License#: **State:**
Date of Birth:
Milepost: **Shipper:** HI PLAINS FEED
Origin: DODGE CITY,KS **Bill of Lading:** SHPD12405
Destination: CANADIAN,TX **Cargo:** LIVESTOCK FEED

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	PTRB	2022	KS	KS	189	[redacted]74151	52300			
2	ST	TIMP	2019	KS	[redacted]	88	[redacted]62383	65000			

BRAKE ADJUSTMENTS:No brake measurements required for level II or level III

VIOLATIONS:No violations were discovered

HazMat: No HM transported **Placard:** **Cargo Tank:**

Special Checks: No data for special checks

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO CARRIER: If violations are noted, please ensure corrections are completed and sign the below certification. Please return the signed copy of this report within fifteen (15) days to the Oklahoma Highway Patrol, Troop S. Failure to comply may result in forfeiture of OCC License.
Signature Of Repairer X: _____ Facility: _____ Date: _____

**CARRIER CERTIFICATION: THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE OKLAHOMA MOTOR CARRIER SAFETY STATUTES AS THEY ARE APPLICABLE TO MOTOR CARRIERS AND DRIVERS.
Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: D. MCATEE
ID/Badge #: 927

Copy Received By: STANLEY DITGES

X _____

X _____

00891718 OK OKM407153525

ATTACHMENT "E"

DRIVER'S DAILY LOG

(24 HOURS)

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

8 (Month) 5 (Day) 21 (Year)

334 Total Miles Driving Today

334 Total Mileage Today

#66 L-71 Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

JAS Name of Carrier or Carriers

P.O. Box 115 Lewis Ks. Main Office Address

Lewis Ks. Home Terminal Address

I certify these entries are true and correct

Rumaldo Estrada Driver's Full Signature

Co-Driver's Name

	Total Hours
1. OFF DUTY	3.75
2. SLEEPER BERTH	9
3. DRIVING	8.25
4. ON DUTY (NOT DRIVING)	3
REMARKS	24

REMARKS: PT #66 Ensing Ks. / Sublette Ks. / STATE LINE Hwy 183 Ks. / Medford Ks. / Inola Ok. / PT #66 Catoosa Ok.

SHIPPING DOCUMENTS: 0143131

B/L or Manifest No. or Wheat

Shipper & Commodity

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

From: Ensing Ks. To: Catoosa Ok.

USE TIME STANDARD AT HOME TERMINAL

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613-[illegible] (Rev. 7/13) 8524

RECAP Complete at end of workday.

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

70 Hr./8 Day Drivers

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

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

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

60 Hr./7 Day Drivers

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

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

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

*If you meet the 34-hour restart requirements in §395.3, you have 60/70 hours available again.

ATTACHMENT "F"

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Kansas
Corporation Commission

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

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: October 5, 2021

SUBJECT: **Docket No. 22-TRAM-162-PEN**
In the Matter of the Investigation of J A S Express Inc. of Lewis, Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

J A S Express Inc. (J A S or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling general freight, fresh produce, grain, feed, hay, commodities dry bulk, farm supplies, and fertilizer/salt. J A S operates under USDOT 891718. From September 15 to October 4, 2021, Commission Staff Special Investigators, Erica Pargas and Penny Fryback, conducted a safety compliance review of the operations of J A S. As a result of this investigation, the special investigator identified thirteen (13) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of $6,600.

DISCUSSION AND ANALYSIS:

From September 15 to October 4, 2021, Commission Staff Special Investigators, Erica Pargas and Penny Fryback, conducted a safety compliance review of the operations of J A S. As a result of this investigation, the special investigator identified thirteen (13) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 13)

On August 10, 2021, J A S required or permitted its driver, David Mason, to operate a CDL-required commercial motor vehicle, a 1992 Kenworth, VIN ending in 573225, GVWR 52,000 lbs., pulling a 2016 Timpte trailer, VIN ending in 153901, GVWR 65,000 lbs., in intrastate commerce in from Lyons, Kansas to Pittsburgh, Kansas. This trip is evidenced by pay sheet for David Mason, dated August 10, 2021. At the time of this transportation, J A S required or

permitted its driver, Mr. Mason, to operate a commercial motor vehicle while Mr. Mason was prohibited to operate per the Drug and Alcohol Clearinghouse under 49 C.F.R. 382.501(a). The Carrier permitting or requiring a driver, who was prohibited from operating a commercial vehicle per the Drug and Alcohol Clearinghouse under 49 C.F.R. 382.501(a), to operate a commercial motor vehicle is a violation of 49 C.F.R. 391.15(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Two (2 of 13)

On August 16, 2021, J A S required or permitted its driver, Rumaldo Estrada Loya, to operate a CDL-required commercial motor vehicle, a 2004 International, VIN ending in 27678, GVWR 52,000 lbs., pulling a 2004 Timpte trailer, VIN ending in 103777, GVWR 65,000 lbs., in commerce in Kansas. This trip is evidenced by email communication between Donald Johnson and Special Investigator, Erica Pargas. At the time of this transportation, J A S failed to require its driver, Mr. Loya, to submit his records of duty status within the required timeframe. The Carrier's failure to require its drivers to submit their records of duty status within the required timeframe of thirteen days of the end of the duty assigned is a violation of 49 C.F.R. 395.8(a)(2)(ii), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Three (3 of 13)

On April 7, 2021, J A S required or permitted its driver, Stanley Ditges, to operate a CDL-required commercial motor vehicle, a 2022 Peterbilt, VIN ending in 774151, GVWR 52,300 lbs., pulling a 2019 Timpte trailer, VIN ending in 162383, GVWR 65,000 lbs., in interstate commerce from Dodge City, Kansas to Canadian, Texas. This trip is evidenced by a Driver/Vehicle Examination Report, dated April 7, 2021. At the time of this transportation, J A S failed to maintain the records of inspection and vehicle maintenance on the commercial motor vehicle operated. The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicle owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $750.

Violation Four (4 of 13)

During the transportation described in Violation One, above, J A S required or permitted its driver, Mr. Mason, to operate a commercial motor vehicle prior to receiving the driver's pre-employment controlled substance and alcohol test results with a negative result. The Carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances USDOT regulated test and to obtain a negative test result within 30 days of him/her employment and prior to requiring or permitting him/her to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $650.

Violation Five (5 of 13)

On August 5, 2021, J A S required or permitted its driver, Rumaldo Estrada Loya, to operate a CDL-required commercial motor vehicle, a 2004 International, VIN ending in 027678, GVWR 52,000 lbs., pulling a 2004 Timpte trailer, VIN ending in 103777, GVWR 65,000 lbs., in intrastate commerce from Sublette, Kansas to Inola, Kansas. This trip is evidenced by a Driver's Daily Log for Rumaldo Estrada, dated August 5, 2021. At the time of this transportation, J A S

failed to accurately maintain their alcohol and controlled substance random testing pool by having three (3) drivers who were not employed by the company. Due to this, the Carrier failed to ensure that each of its CDL drivers have an equal chance at being selected. The Special Investigators found three (3) violations of this type. The Carrier's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $100.

Violation Six (6 of 13)

During the transportation described in Violation Five, above, J A S failed to have an alcohol and controlled substance written policy. The Carrier's failure to have an alcohol and controlled substance written policy that complies with 49 C.F.R. 382.601(b) is a violation of 49 C.F.R. 382.601(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Seven (7 of 13)

During the transportation described in Violation Five, above, J A S failed to ensure the designated person to determine that drivers undergo reasonable suspicion testing received 60 minutes of alcohol training and 60 minutes of controlled substance training. The Carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $100.

Violation Eight (8 of 13)

During the transportation described in Violation Five, above, J A S failed to be enrolled in the FMCSA Drug and Alcohol Clearinghouse. The Carrier's failure to be in enrolled in the FMCSA Drug and Alcohol Clearinghouse is a violation of 49 C.F.R. 382.711(b), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Nine (9 of 13)

During the transportation described in Violation Five, above, J A S required or permitted its driver, Mr. Loya, to operate a commercial motor vehicle. At the time of operation, Mr. Loya's Medical Examination Certificate had expired. The Carrier failure to require its drivers to maintain a current Medical Examiner's Certificate is a violation of 49 C.F.R. 391.45(b)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Ten (10 of 13)

During the transportation described in Violation One, J A S failed to require its driver, Mr. Mason, to maintain a record of duty status. The Special Investigators found seven (7) violations of this type. The Carrier's failure to require their drivers to maintain a record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Eleven (11 of 13)

During the transportation described in Violation Five, J A S failed to require its driver, Mr. Loya, to record his hours of service using an electronic logging device (ELD) provided within the commercial motor vehicle, as the driver was required to record his hours of service more than eight days in a 30 day period. The Special Investigators found two (2) violations of this type. The Carrier's failure to require its driver to record his hours of service on the ELD when required is a violation of 49 C.F.R. 395.8(a)(2)(i), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

Violation Twelve (12 of 13)

During the transportation described in Violation Five, J A S permitted its driver, Mr. Loya, to prepare a false record of duty status. The Special Investigators found eleven (11) violations of this type. The Carrier permitting its driver to falsify records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $3,000.

Violation Thirteen (13 of 13)

During the transportation described in Violation Three, above, J A S failed to retain evidence of the inspector's, Bruce Colbert, qualifications that inspected the Carrier's commercial motor vehicles. The Special Investigators found four (4) violations of this type. The Carrier's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicle is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of $250.

RECOMMENDATION:

Transportation Staff recommends the Commission find J A S committed thirteen (13) 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.

Additionally, Staff recommends a civil penalty of $6,600 for thirteen (13) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from J A S be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the 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.

Staff further recommends J A S submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that J A S submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

CERTIFICATE OF SERVICE

22-TRAM-162-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 10/14/2021.

Don Johnson, VICE PRESIDENT
J A S Express Inc
PO Box 115
Lewis, KS 67552
jasexpress2016@outlook.com

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/S/ DeeAnn Shupe
DeeAnn Shupe