

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Jacinto Casas Lozano d/b/a Jacinto's Trucking, of Syracuse, Kansas (Carrier), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2529654.

6. On December 5, 2023, the Commission issued an Order suspending Carrier's intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on September 14, 2023. The Penalty Order also assessed Carrier a \$500 civil fine. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On December 5, 2023, Carrier submitted payment of the \$500 civil assessment. Transportation Staff (Staff) confirmed the payment had been made as of that date and determined the carrier was now in compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order.

8. On December 6, 2023, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations on Carrier.

III. STAFF'S RECOMMENDATION

9. Based on Staff's Motion and Carrier's compliance, Staff recommends the Commission reinstate Carrier's Kansas motor carrier operations.

10. Staff recommends the Commission to order Carrier to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order, and to provide Litigation Counsel with written proof of attendance.

IV. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Carrier because it is a motor carrier as defined in K.A.R. 82-4-3f.

12. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Jacinto Casas Lozano d/b/a Jacinto's Trucking's motor carrier operations is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Jacinto Casas Lozano d/b/a Jacinto's Trucking's intrastate motor carrier authority is hereby reinstated.

B. Jacinto Casas Lozano d/b/a Jacinto's Trucking remains obligated to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order. Carrier must also provide Litigation Counsel with written proof of attendance.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/12/2023



Lynn M. Retz
Executive Director

AAL

CERTIFICATE OF SERVICE

24-TRAM-234-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/hand delivered on 12/12/2023.

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/S/ KCC Docket Room
KCC Docket Room