

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

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

In the Matter of the Emergency Suspension of )  
Operating Authority of **Arch Design Builders** )  
**LLC of Overland Park, Kansas**, for Failure to ) Docket No. 18-TRAM-070-OOS  
Comply with New Entrant Safety Requirements as )  
Required by the Motor Carrier Safety Statutes, )  
Rules and Regulations. )

**ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY**

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 2016 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 2016 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Arch Design Builders LLC is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Arch Design Builders LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2209017.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Arch Design Builders LLC's New Entrant Registration had been revoked effective August 3, 2017, for failure to comply with safety requirements.

7. Pursuant to the above authority, on August 17, 2017, the Commission entered an Emergency Suspension of Operating Authority Order on Arch Design Builders LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On September 22, 2017, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Arch Design Builders LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2209017 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Arch Design Builders LLC's motor carrier operating authority in Kansas.

#### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Arch Design Builders LLC because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Arch Design Builders LLC's operating authority in Kansas is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

(A) Arch Design Builders LLC's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

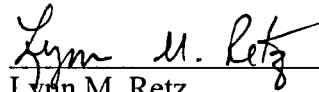
(B) Arch Design Builders LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on August 17, 2017, and provide proof of attendance to Litigation Counsel.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 19 2017

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

AAL

Order Mailed Date  
OCT 20 2017



U.S. Department of  
Transportation  
1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

**Federal Motor Carrier  
Safety Administration**

**ARCH DESIGN BUILDERS LLC  
11100 W 91ST ST STE 200  
OVERLAND PARK, KS 66214-1709**

September 21, 2017

In reply refer to:  
USDOT Number: **2209017**  
Review No.: 1378902/CR

Dear DONNY RANDOLPH:

The motor carrier safety rating for your company is:

**CONDITIONAL**

This CONDITIONAL rating is the result of a review and evaluation of your safety fitness completed on September 19, 2017. A CONDITIONAL rating indicates that your company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences of violations listed in 49 C.F.R. 385.5(a-k).

Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review. Your operation was found to be deficient with respect to the applicable safety regulations in the following areas:

- Part 391 QUALIFICATIONS OF DRIVERS
  - Part 395 HOURS OF SERVICE OF DRIVERS
  - Part 396 INSPECTION, REPAIR AND MAINTENANCE
  - Part 382 CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING
- INSPECTION OUT OF SERVICE RATE

Please refer to the copy of the compliance review left at your office for more specific guidance regarding areas in need of corrective action.

You may obtain further information from the local Federal Motor Carrier Safety Administration office listed below:

U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
1303 SW FIRST AMERICAN PLACE, SUITE 200  
TOPEKA, KS 66604-4040  
Telephone No.: 785-271-1260

You may request the Federal Motor Carrier Safety Administration to perform an administrative review of a proposed or final safety rating or you may request a change to a proposed or final safety rating based upon corrective action. The procedures and the time limits are described in 49 C.F.R. 385.15 and 385.17, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe P. DeLorenzo', with a stylized flourish at the end.

Joseph P. DeLorenzo

Director, Office of Enforcement and Compliance

\*\* The rating for Part 396 was comprised of the vehicles placed out-of-service during roadside inspections in the twelve months prior to the compliance review and/or inspected at the time of the review, and non-compliance with the Part 396 inspection, repair and maintenance systems requirements.

**CERTIFICATE OF SERVICE**

18-TRAM-070-OOS

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 OCT 19 2017.

DONNY RANDOLPH, OPERATOR/MANAGER  
ARCH DESIGN BUILDERS LLC  
11100 W 91ST STE STE 200  
OVERLAND PARK, KS 66214-1709  
Fax: 913-599-5568  
donny@archcompanies.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

OCT 20 2017