

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

Before Commissioners: Mark Sievers, Chairman
 Thomas E. Wright
 Shari Feist Albrecht

In the Matter of the Emergency Suspension of)
Operating Authority of **Clarence "Doug" Martin**)
of La Cygne, Kansas, for Failure to Comply with) Docket No. 14-TRAM-089-OOS
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. 2012 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. 2012 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. 2012 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. 2012 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. Clarence "Doug" Martin is a motor carrier as defined in K.S.A. 2012 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Clarence "Doug" Martin is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1641747.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Clarence "Doug" Martin's New Entrant Registration had been revoked effective August 6, 2013 for failure to comply with safety requirements.

7. Pursuant to the above authority, on August 15, 2013, the Commission entered an Emergency Suspension of Operating Authority Order on Clarence "Doug" Martin in the above-referenced docket, until such time that Staff recommends reinstatement.

III. STAFF'S RECOMMENDATION

8. On August 13, 2013, 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 Clarence "Doug" Martin has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329(b)(2). As a result, the carrier's reapplication for New Entrant registration under USDOT No. 1641747 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 Clarence "Doug" Martin's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Clarence "Doug" Martin because it is a motor carrier as defined in K.S.A. 2012 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Clarence "Doug" Martin's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Clarence "Doug" Martin'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) Clarence "Doug" Martin remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on August 15, 2013.

(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.

Sievers, Chmn; Wright, Com.; Albrecht, Com.

Dated: AUG 22 2013


ORDER MAILED AUG 23 2013

Kim Christiansen
Executive Director

AS



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

**Federal Motor Carrier
Safety Administration**

**CLARENCE D MARTIN
22964 ULLERY ROAD
LA CYGNE, KS 66040**

Midwestern Service Center
4749 Lincoln Mall Drive, Suite
300a
Matteson, IL 60443

August 13, 2013

In reply refer to:
USDOT Number: **1641747**

Acceptance of Corrective Action

A safety audit was conducted on your company, which resulted in a failed safety audit. Following the safety audit, your company was advised to submit a written response outlining your company's corrective action plan (CAP) or your company's New Entrant registration would be revoked. CLARENCE D MARTIN submitted a CAP designed to ensure compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and/or the Hazardous Materials Regulations (HMRs).

After reviewing your response, the Federal Motor Carrier Safety Administration (FMCSA) has determined your corrective action plan is acceptable.

FMCSA will continue to monitor and evaluate CLARENCE D MARTIN's safety management practices and on-road performance to ensure CLARENCE D MARTIN has basic safety management controls that are operating effectively and is complying with Federal requirements including the FMCSRs and applicable HMRs. Failure to comply with applicable requirements may result in the revocation of CLARENCE D MARTIN's USDOT New Entrant or permanent registration.

If your New Entrant registration was revoked and its interstate operations placed out-of-service, you may reapply no earlier than 30 days after the date of revocation as follows: In order to reapply, your company must begin the application process from the beginning by submitting an updated Motor Carrier Identification Report (MCS-150), and restart the 18-month new entrant monitoring period. Reapplication may be made via the FMCSA web site (<http://safer.fmcsa.dot.gov>) or by submitting a MCS-150 form. The form may be obtained by calling FMCSA support services at 1-800-832-5660 or via the FMCSA web site at <http://www.fmcsa.dot.gov>. Additional instructions can be found in the enclosure entitled "Instructions for Electronic Re-application."

Please be aware, if CLARENCE D MARTIN requires motor carrier operating authority in addition to a USDOT New Entrant registration number, or if reinstatement of operating authority is necessary, CLARENCE D MARTIN is required to apply for and be granted such operating authority before conducting any transportation as a motor carrier in interstate commerce. Information on applying for motor carrier operating authority may be found at FMCSA's Web site, <http://www.fmcsa.dot.gov>.

Should you have any questions or need additional information, please contact a New Entrant Transportation Specialist at Telephone No.: 708-283-3564.

Sincerely,

Davina L. Farmer
Service Center Director

Enclosure:
Instructions for Electronic Re-application

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
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CLARENCE "DOUG" MARTIN, OWNER/OPERATOR
22964 ULLERY RD
LA CYGNE, KS 66040

AMBER SMITH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027

Hand Delivered

ORDER MAILED AUG 23 2013

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.