

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
18-TRAM-233-PEN

December 12, 2017

Thomas Herrell, Vice President
K & L Tank Truck Service, Inc.
PO Box 821
Garden City, Kansas 67846

Certified Mail No. 70161970000105742642

This is a notice of a penalty assessment against K & L Tank Truck Service, Inc. (K & L Tank Truck Service) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 13-14, 2017, by Kansas Corporation Commission Special Investigator Michael McAvoy. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

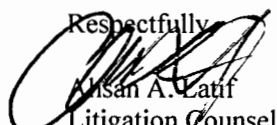
IF YOU ACCEPT THE PENALTY: K & L Tank Truck Service has been assessed a \$1,000 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,000, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of K & L Tank Truck Service to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. K & L Tank Truck Service 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 Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,000 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


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

**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 Investigation of **K & L Tank**)
Truck Service, Inc., of Garden City, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-233-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

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. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, 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, 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. K & L Tank Truck Service, Inc. (K & L Tank Truck Service) has common operating authority with the Commission and further operates USDOT number 954099.

5. K & L Tank Truck Service employs thirteen (13) CDL drivers, operates intrastate and primarily in a 100 air-mile radius of Garden City, Kansas.

6. K & L Tank Truck Service is a common motor carrier which primarily hauls liquids/gases in cargo tanks.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on November 13-14, 2017, Commission Staff (Staff) Special Investigator Michael McAvoy conducted a compliance review of the operations of K & L Tank Truck Service. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 7, 2017, K & L Tank Truck Service required or permitted its driver, Orlando Mata-Orozco to operate a CDL-required commercial motor vehicle, a 2015 Mack, VIN ending in 023745, GVWR 52,320 lbs., pulling a 2015 Troxell cargo tank trailer, VIN ending in 67723, GVWR 65,000 lbs.,

in intrastate commerce from Garden City, Kansas to Sublette, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP03792306, dated September 7, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, K & L Tank Truck Service failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator found five (5) violations of this type. K & L Tank Truck Service's failure to inquire into its drivers' MVR at least once every 12 months and maintain copies of the MVRs in the driver qualification files is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, K & L Tank Truck Service operated the commercial motor vehicle 8,800 lbs. over the legal weight. Axles 1-5 allowed 80,000 lbs. and the vehicle weighed 88,800 lbs. The carrier operating a commercial motor vehicle over the legal limit is a violation of 49 C.F.R. Part 392.2, as adopted by K.A.R. 82-4-3 and authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$500.
- c. On September 6, 2017, K & L Tank Truck Service required or permitted its driver, Orlando Mata-Orozco, to operate a CDL-required commercial, a 2015 Mack, VIN ending in 023745, GVWR 52,320 lbs., pulling a 2015

Troxell cargo tank trailer, VIN ending in 67723, GVWR 65,000 lbs., in intrastate commerce from Garden City, Kansas to Johnson, Kansas. This trip is evidenced by Driver's Daily Log, dated September 6, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, the driver drove after the end of the 14th hour after coming on duty. K & L Tank Truck Service's failure to require its driver to cease driving at the 14th hour after coming on duty following ten (10) consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds K & L Tank Truck Service committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,000 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from K & L Tank Truck Service be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that K & L Tank Truck Service submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over K & L Tank Truck Service because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds K & L Tank Truck Service committed three (3) 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. K & L Tank Truck Service, Inc., of Garden City, Kansas is hereby assessed a \$1,000 civil penalty for three (3) 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. K & L Tank Truck Service 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. K & L Tank Truck Service is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. On December 12, 2017, this Penalty Order was mailed to K & L Tank Truck Service via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742642. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Commission's Secretary, 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 K & L Tank Truck Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,000 civil penalty against K & L Tank Truck Service, and ordering a representative from K & L Tank Truck Service to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less

than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,000 is due in thirty (30) days from the date of service of this Order. Payment of \$1,000 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,000 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of K & L Tank Truck Service's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

I. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 12 2017



Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

DEC 13 2017

ATTACHMENT "A"

	US DOT # 954099	Legal: K & L TANK TRUCK SERVICE INC Operating (DBA):		
MC/MX #:		State #:	Federal Tax ID: (EIN)	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F
Operation Types Interstate Intrastate				
Carrier: N/A Non-HM		Business: Corporation		
Shipper: N/A N/A		Gross Revenue: for year ending: 11/30/2016		
Cargo Tank: N/A				
Company Physical Address: <div style="background-color: black; height: 30px; width: 100%;"></div>				
Contact Name: Thomas Herrell				
Phone numbers: (1)		Fax		
E-Mail Address:				
Company Mailing Address: P O Box 821 Garden City, KS 67846				
Carrier Classification Authorized for Hire				
Cargo Classification Liquids / Gases in Cargo Tanks				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	7	0	0	Truck Tractor
Trailer	21	0	0	
Power units used in the U.S.: 16 Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra		
< 100 Miles:		13	Average trip leased drivers/month: 0	
>= 100 Miles:			Total Drivers: 13	
			CDL Drivers: 13	



K & L TANK TRUCK SERVICE INC
U.S. DOT #: 954099

State #: [REDACTED]

Review Date:
11/13/2017

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Thomas Herrell

Title: Vice President

Name: [REDACTED]



	K & L TANK TRUCK SERVICE INC	State #: [REDACTED]	Review Date:
	U.S. DOT #: 954099		11/14/2017

Part B Violations

1 STATE	Primary: 391.25(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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Description

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Example

Driver: [REDACTED]

Trip Date- 9/7/2017

Violation: Carrier fail to obtain driver's motor vehicle record each 12 months (No current record on file MVR created on 10/13/2017)

2 STATE	Primary: 392.2 CFR Equivalent: 392.2	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example

Company Number: unit 18

Driver: [REDACTED]

Trip date 7 September 2017

Violation Description: Operate a vehicle overweight (as per Kansas Highway Patrol, post crash inspection, axles 1-5 allowed 80,000 pounds, vehicle weighed 88,800 pounds which is 8,800 pounds over legal weight)

3 STATE	Primary: 395.3(a)(2) CFR Equivalent: 395.3(a)(2)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

Example

Trip date: september 6, 2017

Driver: [REDACTED] (driver drove one half hour after being on duty and driving after the 14th hour)

4 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 37	Checked 150	Drivers/Vehicles In Violation 5	Checked 5
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

Driver- [REDACTED]

Trip date-9/7/2017

Fail to identify load with Bill of Lading number or listing shipper and commodity (Carrier is identifying load listing commodity and not including the name of the shipper)

Safety Fitness Rating Information:

Total Miles Operated 390,294
Recordable Accidents 1

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 1
Number of Vehicles Inspected (MCMIS): 4





K & L TANK TRUCK SERVICE INC
U.S. DOT #: 954099

State #: XXXXXXXXXX

Review Date:
11/14/2017

Part B Violations

Your proposed safety rating is :

This Review is not Rated.





K & L TANK TRUCK SERVICE INC
U.S. DOT #: 954099

State #: XXXXXXXXXX

Review Date:
11/13/2017

Part B Requirements and/or Recommendations

1. **DQ** Each motor carrier shall maintain a driver qualification (DQ) file for each driver it employs. A driver's qualification file may be combined with his/her personnel file. The DQ file must include: driver's application for employment completed in accordance with 391.21; a copy of the motor vehicle record received from each State within 30 days of the hire date pursuant to 391.23(a)(1); certificate of the driver's road test issued to the driver [391.31(e)] or a copy of the CDL license [391.33]; copy of the annual motor vehicle record received from each State agency [391.25(a)]; note relating to the annual review of the driver's driving record [391.25(c)(2)]; list or certificate relating to violations of motor vehicle laws and ordinances of the annual review of the driver's driving record [391.27]; copy of the medical examiner's certificate [391.43(g)]; a note relating to the verification of medical examiner listing on the National Registry of Certified Medical Examiners [391.23(m)]; and a Skill Performance Evaluation Certificate if applicable [391.49].
2. **DQ** As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
3. **Hours of Service** Require driver to prepare record of duty status in the form and manner prescribed. Required fields are: Date, total miles, truck/trailer number, carrier name, signature, 24 hour time, main office address, remarks, co-driver information if applicable, total hours, shipping document #/commodity.
4. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
5. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

6. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Meaningful Action

DESCRIPTION OF REAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Meaningful Action.

- Design and implement incentives and/or recognition programs to reward and encourage safe-driving behavior - for example, including bonuses, gift certificates, and/or verbal recognition for clean inspections, no crashes, and/or no moving citations.
- Examine monitoring and tracking data to see if a problem is an individual issue or a systematic breakdown in the Safety Management Cycle (i.e., Policies and Procedures, Roles and Responsibilities, etc.)
- Give employees immediate feedback and require corrective action as soon as the company is aware that responsibilities related to unsafe driving issues are not being fulfilled.
- Provide remedial training to employees with unsafe driving performance issues that can be addressed by enhancing their knowledge and skills.
- Implement a disciplinary policy where potential disciplinary measures correspond to risk posed, with violations associated with high-consequence accidents or incidents being punished more severely.
- Give feedback to employee as soon as the company is aware that an employee is not fulfilling his/her safety management responsibilities.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

7.





K & L TANK TRUCK SERVICE INC
U.S. DOT #: 954099

State #: XXXXXXXXXX

Review Date:
11/13/2017

Part B Requirements and/or Recommendations

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Notice of Claim:





K & L TANK TRUCK SERVICE INC
U.S. DOT #: 954099

State #: [REDACTED]

Review Date:
11/13/2017

Part B Requirements and/or Recommendations

• **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

US Department of Transportation

Kansas Division

Jeff Ellett – 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.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

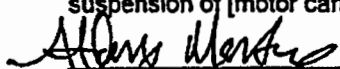
Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

8. Applies only to CR "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 [motor carrier's] operating authority and/or the Impoundment of [motor carrier's] vehicles.


Carrier Representative

11-14-17
Date



K & L TANK TRUCK SERVICE INC
U.S. DOT #: 954099

State #: [REDACTED]

Review Date:
11/13/2017

Part B Requirements and/or Recommendations

ATTACHMENT “B”

ACCIDENT

DRIVER/VEHICLE EXAMINATION REPORT

INSPCT 1.0.96



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03792306
 Inspection Date: 09/07/2017
 Start: 8:00 PM CT End: 9:53 PM CT
 Inspection Level: I - Full
 HM Inspection Type: None

K & L TANK TRUCK SERVICE INC

GARDEN CITY, KS, 67846

USDOT: 954099

MC/MX#:

State#:

Location: HASKELL COUNTY - 081

Highway: CR 100 @ CR 00

County: HASKELL

Driver: MATA-OROZCO, ORLANDO

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: Shipper: K & L TANK

Origin: SUBLETTE,KS

Bill of Lading: N/A

Destination: SUBLETTE,KS

Cargo: SALTWATER

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	MACK	2015	KS				23745	48000		
2	ST	TROX	2015	KS				57723	65000		

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	3/4	1	1 1/2	2 1/4	2
Left	3/4	1 1/4	5/8	1 1/2	2 1/2
Chamber	C-24	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
393.47E	F	2	N		N	Clamp or Roto type brake out-of-adjustment: 4 axle passenger side out of adjustment (half brake)
393.53B	F	2	N		N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	F	2	N		N	Clamp or Roto type brake out-of-adjustment: 5 axle driver side out of adjustment (full brake)
392.9A2	F	2	Y		U	Falling to secure vehicle equipment: side fender on driver side that hold the hoses broken
393.100B	F	2	Y		U	Leaking/spilling/blowing/falling cargo: load accessories not secured (hoses dragging behind trailer (attached to the tank)
396.3A1	F	1	Y		U	Inspection, repair and maintenance of parts & accessories: So mounted or inflated that it comes in contact with any part of the the vehicle - trailer fender contacting the #3 axle driver inside/outside tire of truck
392.2Y	F	D	N		N	Failure to yield right of way: Intersection is controlled with a yield sign
392.2C	F	D	N		N	Failure to obey traffic control device: The traffic control device is a yield sign
392.2-	F	D	N		N	State/Local Laws - Excessive weight - More than 5000 lbs over on an axle/axle groups.: axle group 1-5 legal is 80000 lbs actual is 88800 lbs, vehicle is 8800 lbs over gross
SLLEWA3						
396.3A1BOS	F	1	Y		U	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 2 of 10 brakes out of adjustment

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

Alcohol/Controlled Substance Check
 Conducted by Local Jurisdiction
 Size and Weight Enforcement
 eScreen Inspection

X Traffic Enforcement
 PASA Conducted Inspection
 Drug Interdiction Search

X Post Crash Inspection
 PBBT Inspection

Notes: No citations have been issued due to this is a fatal crash and pending County Attorney review for charges. K-9245 came to the scene and weighed the truck and trailer in the crashed state and obtained the weight violations found listed on the inspection. The driver of the this truck failed to yield at a posted yield sign when the accident had occurred. The brake violations that were discovered were found to be out of adjustment and were in this conditions prior to the accident. I do not have the annual inspection reports for this truck and trailer at this time.



ACCIDENT

DRIVER/VEHICLE EXAMINATION REPORT

inSPECT 1.0.96



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03792306
Inspection Date: 09/07/2017
Start: 8:00 PM CT **End:** 9:53 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1, 129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE." No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the carrier indicated on this report. Driver Initials: _____

Signature Of Repairer X: _____ Facility: _____ Date: _____

Advisory: This vehicle has been identified as having brake adjustment violations. 49 CFR Section 393.53 requires that a brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:

H. Bradley

Badge #:

0379

Copy Received By:

ORLANDO MATA-
OROZCO

X _____ X _____



ATTACHMENT "C"

DRIVER'S DAILY LOG

ORIGINAL - Submit to carrier
DUPLICATE - Retain in possession for 8 days

9 6 17
Month Day Year

I certify these entries are true and correct: Vehicle Numbers - Show Each Unit

262
Total Miles Driving Today

Orlando, FL
Driver's Signature in Full

K&L Tank Truck Service Inc

Garden City, KS 67846

Main Office Address

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
OFF DUTY																									9
SLEEPER BERTH																									0
DRIVING																									6
ON DUTY (NOT DRIVING)																									9
REMARKS	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	24

Manifest No.

Commodity

Shipper

Check the time and enter name of place you reported and where released from work and where each change of duty occurred. Explain excess hours.

USE TIME STANDARD AT HOME TERMINAL

4007527

CERTIFICATE OF SERVICE

18-TRAM-233-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on DEC 12 2017.

THOMAS HERRELL, VICE PRESIDENT
K & L TANK TRUCK SERVICE, INC.
PO BOX 821
GARDEN CITY, KS 67846
kandltom@wbsnet.org

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

DEC 13 2017