

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



20180227151826  
Kansas Corporation Commission

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

Governor Jeff Colyer, M.D.

## NOTICE OF PENALTY ASSESSMENT

February 27, 2018

18-TRAM-340-PEN

Thomas Wilson, Managing Member  
RD. G Truckin, LLC  
1767 RD G  
Emporia, Kansas 66801

**Certified Mail No. 70161970000105744240**

This is a notice of a penalty assessment against RD. G Truckin, LLC (RD. G Truckin) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 19, 2017, by Kansas Corporation Commission Special Investigator Jared Smith. 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:** RD. G Truckin has been assessed a \$1,500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,500, 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 RD. G Truckin 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](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. RD. G Truckin 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 Secretary to the Commission 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 \$1,500 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

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

## PENALTY ORDER

## I. 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. RD. G Truckin, LLC (RD. G Truckin) operates USDOT number 297611.

5. RD. G Truckin owns four truck tractors and four trailers and employs two CDL drivers.

6. RD. G Truckin is a common motor carrier which primarily hauls general freight, fresh produce, meat, refrigerated foods, beverages, meat and pet food.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on January 19, 2017, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of RD. G Truckin. 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 December 2, 2017, RD. G Truckin required or permitted its driver, Thomas Wilson, to operate a CDL-required commercial motor vehicle, a 1996 Kenworth, VIN ending in 671132, GVWR 50,000 lbs., pulling a 2007 Wabash trailer, VIN ending in 037325, GVWR 68,000 lbs., in intrastate commerce from Emporia, Kansas to Topeka, Kansas. This trip is evidenced by Mr. Wilson's Weekly Timesheet, a copy of which is attached hereto as

Attachment “B” and is hereby incorporated by reference. At the time of this transportation, RD. G Truckin failed to require its driver to total the number of hours on duty on his time record. The special investigator found 21 violations of this type. The carrier’s failure to require its driver to record the total number of hours worked each day on the Driver’s Daily Log is in violation of 395.8(d)(10), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750

- b. On December 20, 2017, RD. G Truckin required or permitted its driver, Thomas Wilson, to operate a CDL-required commercial motor vehicle, a 1996 Kenworth, VIN ending in 671132, GVWR 50,000 lbs., pulling and 1999 Barrett trailer, VIN ending in 1014148, GVWR 64,000 lbs., in interstate commerce from Cameron, Missouri to Emporia, Kansas. This trip is evidenced by Driver’s Daily Log, dated December 20, 2017, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, RD. G Truckin 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 discovered two violations of this type. RD. G Trucking’s failure to inquire into its driver’s MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file 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

- c. During the transportation described in paragraph a., above, RD. G Truckin did not have the proper Kansas Corporation Commission motor carrier authority to operate as a commercial motor carrier. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

#### **IV. STAFF'S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission finds RD. G Truckin 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 \$1,500 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from RD. G Truckin 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that RD. G Truckin 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 RD. G Truckin because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds RD. G Truckin 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. RD. G Truckin, LLC, of Emporia, Kansas is hereby assessed a \$1,500 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. RD. G Truckin 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. RD. G Truckin 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 February 27, 2018, this Penalty Order was mailed to RD. G Truckin via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105744240. 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 Secretary to the Commission, 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 RD. G Truckin's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,500 civil penalty against RD. G Truckin, and ordering a representative from RD. G Truckin 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 \$1,500 is due in thirty (30) days from the date of service of this Order. Payment of \$1,500 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.

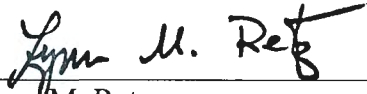
H. Failure to pay the \$1,500 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of RD. G Truckin's motor carrier operating authority without further notice. 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.**








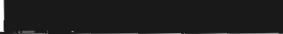
Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: Feb. 27, 2018

  
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Lynn M. Retz  
Secretary to the Commission

AAL

## **ATTACHMENT “A”**

	<b>US DOT #</b> 297611	<b>Legal:</b> RD.G TRUCKIN, LLC <b>Operating (DBA):</b>																		
<b>MC/MX #:</b> 202449		<b>Federal Tax ID:</b>  (EIN)																		
<b>Review Type:</b> Compliance Review (CR)																				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U S.		<b>Territory:</b>																
<b>Operation Types</b> Interstate Intrastate																				
<b>Carrier:</b> Non-HM Non-HM <b>Shipper:</b> N/A N/A <b>Cargo Tank:</b> N/A		<b>Business:</b> Corporation <b>Gross Revenue:</b>  for year ending: 12/31/2017																		
<b>Company Physical Address:</b>  EMPORIA, KS 66801																				
<b>Contact Name:</b> Stephanie Wilson <b>Phone numbers:</b> (1)  (2)  <b>Fax</b>  <b>E-Mail Address:</b> 																				
<b>Company Mailing Address:</b> 1767 RD G EMPORIA, KS 66801																				
<b>Carrier Classification</b> Authorized for Hire   Exempt for Hire																				
<b>Cargo Classification</b> <table style="width: 100%;"> <tr> <td>General Freight</td> <td>Fresh Produce</td> <td>Meat</td> </tr> <tr> <td>Refrigerated Foods</td> <td>Beverages</td> <td>Other: pet food</td> </tr> </table>					General Freight	Fresh Produce	Meat	Refrigerated Foods	Beverages	Other: pet food										
General Freight	Fresh Produce	Meat																		
Refrigerated Foods	Beverages	Other: pet food																		
<b>Equipment</b> <table style="width: 100%;"> <thead> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> </thead> <tbody> <tr> <td>Truck Tractor</td> <td>4</td> <td>0</td> <td>0</td> <td>Trailer</td> <td>4</td> <td>0</td> <td>0</td> </tr> </tbody> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck Tractor	4	0	0	Trailer	4	0	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck Tractor	4	0	0	Trailer	4	0	0													
<b>Power units used in the U.S.:</b> 4 <b>Percentage of time used in the U.S.:</b> 100																				
<b>Does carrier transport placardable quantities of HM?</b> No <b>Is an HM Permit required?</b> N/A																				
<b>Driver Information</b> <table style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;">Inter</td> <td style="width: 10%;">Intra</td> <td style="width: 50%;">Average trip leased drivers/month: 0</td> </tr> <tr> <td>&lt; 100 Miles:</td> <td></td> <td></td> <td>Total Drivers: 2</td> </tr> <tr> <td>&gt;= 100 Miles:</td> <td>2</td> <td></td> <td>CDL Drivers: 2</td> </tr> </table>						Inter	Intra	Average trip leased drivers/month: 0	< 100 Miles:			Total Drivers: 2	>= 100 Miles:	2		CDL Drivers: 2				
	Inter	Intra	Average trip leased drivers/month: 0																	
< 100 Miles:			Total Drivers: 2																	
>= 100 Miles:	2		CDL Drivers: 2																	





RD G TRUCKIN LLC  
U.S. DOT #: 297611

Review Date:  
01/26/2018

**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:**

[REDACTED]

**Name:** Thomas Wilson

**Title:** Owner



	RD G TRUCKIN LLC	Review Date:
	U.S. DOT #. 297611	01/26/2018

### Part B Violations

1 FEDERAL CRITICAL	Primary 395.8(a) Secondary 395.1 (e)	Discovered 0	Checked 16	Drivers/Vehicles In Violation 0	Checked 2
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**Description**

Failing to require driver to make a record of duty status.

**Example**

No violations of this type were found in Interstate commerce

2 STATE CRITICAL	Primary 395.8(a) Secondary: 395.1 (e)	Discovered 21	Checked 44	Drivers/Vehicles In Violation 1	Checked 2
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**Description**

Failing to require driver to make a record of duty status.

**Example**

On 12/2/17 RD G Truckin LLC had driver Thomas Wilson (KS CDL # [REDACTED]) operate a 1996 Kenworth (Unit # 132-VIN # [REDACTED] 671132) in combination with 2007 Wabash trailer (unit # 1832- VIN # [REDACTED] 037325.) These vehicles have a gross vehicle weight rating of 50,000 lbs. and 68,000 lbs. Driver Thomas Wilson operated in commerce on an intrastate trip from Emporia, Kansas to Topeka, Kansas. This trip is evidenced by a driver record of duty status and a bill of lading. At the time of this trip carrier was found to be in violation of failing to require driver to make a record of duty status. Driver failed to total the on duty hours.

3 FEDERAL	Primary 367.3	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Failed to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce.

**Example**

On 12/20/2017 RD G Truckin LLC had driver Thomas Wilson (KS CDL # [REDACTED]) operate a 1996 Kenworth (Unit # 132-VIN # [REDACTED] 671132) in combination with a 1999 Barrett trailer (Unit # 932- VIN # [REDACTED] 1014148. These vehicles have a gross vehicle weight rating of 50,000 lbs and 64,000 lbs. Driver Thomas Wilson operated in commerce on an interstate trip from Cameron Missouri, to Emporia, Kansas. This trip is evidenced by a driver record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce.

4 FEDERAL	Primary 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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**Description**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Example**

On 12/20/2017 RD G Truckin LLC had driver Thomas Wilson (KS CDL # [REDACTED]) operate a 1996 Kenworth (Unit # 132-VIN# [REDACTED] 671132) in combination with a 1999 Barrett trailer (Unit # 932- VIN # [REDACTED] 1014148. These vehicles have a gross vehicle weight rating of 50,000 lbs. and 64,000 lbs. Driver Thomas Wilson operated in commerce on an interstate trip from Cameron Missouri, to Emporia, Kansas. This trip is evidenced by a driver record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each state agency to the annual driver record inquiry required by 391.25 (a).



	<b>RD G TRUCKIN LLC</b>	<b>Review Date</b>
	U.S. DOT # 297611	01/26/2018

### Part B Violations

5 FEDERAL	Primary 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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#### Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).  
On 12/20/2017 RD G Truckin LLC had driver Thomas Wilson (KS CDL # [REDACTED]) operate a 1996 Kenworth (Unit # 132-VIN # [REDACTED] 671132) in combination with a 1999 Barrett trailer (Unit # 932- VIN # [REDACTED] 1014148. These vehicles have a gross vehicle weight rating of 50,000 lbs. and 64,000 lbs. Driver Thomas Wilson operated in commerce on an interstate trip from Cameron Missouri, to Emporia, Kansas. This trip is evidenced by a driver record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25 (c) (2).

6 FEDERAL	Primary 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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#### Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

#### Example

On 12/20/2017 RD G Truckin LLC had driver Thomas Wilson (KS CDL # [REDACTED]) operate a 1996 Kenworth (Unit # 132-VIN # [REDACTED] 671132) in combination with a 1999 Barrett trailer (Unit # 932- VIN # [REDACTED] 014148. These vehicles have a gross vehicle weight rating of 50,000 lbs. and 64,000 lbs. Driver Thomas Wilson operated in commerce on an interstate trip from Cameron Missouri, to Emporia, Kansas. This trip is evidenced by a driver record of duty status and a fuel receipt. At the time of this trip carrier was found to be in violation of failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

7 STATE	Primary 392.2 Secondary KSA 66-1,111	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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#### Description

Operating a commercial motor vehicle without KCC public carrier (KAN-C) operating authority.

#### Example

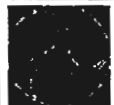
On 12/2/17 RD G Truckin LLC had driver Thomas Wilson (KS CDL # [REDACTED]) operate a 1996 Kenworth (Unit # 132-VIN # [REDACTED] 671132) in combination with 2007 Wabash trailer (unit # 1832- VIN # [REDACTED] 037325.) These vehicles have a gross vehicle weight rating of 50,000 lbs. and 68,000 lbs. Driver Thomas Wilson operated in commerce on an intrastate trip from Emporia, Kansas to Topeka, Kansas. This trip is evidenced by a driver record of duty status and a bill of lading. At the time of this trip carrier was found to be in violation of Operating a commercial motor vehicle without KCC public carrier (KAN-C) operating authority.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
Total Miles Operated	151,354	<b>Number of Vehicle Inspected (CR): 0</b>	
Recordable Accidents	0	<b>OOS Vehicle (MCMIS): 0</b>	
Recordable Accidents/Million Miles	0.00	<b>Number of Vehicles Inspected (MCMIS): 0</b>	

Your proposed safety rating is :      <b>CONDITIONAL</b>	<b>Rating Factors</b>		<b>Acute</b>	<b>Critical</b>
	Factor 1:	S	0	0
	Factor 2:	S	0	0
	Factor 3:	U	0	2
	Factor 4:	S	0	0
	Factor 5:	N	0	0
	Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor



	<b>RD G TRUCKIN LLC</b> U.S. DOT #: 297611	Review Date: 01/26/2018
<b>Part B Violations</b>		

Carrier Safety Administration headquarters in Washington, D.C.

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

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.



## Part B Requirements and/or Recommendations

1. 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.

2. For all Investigations:

- **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:



## Part B Requirements and/or Recommendations

<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

- 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.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office.

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

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



RD G TRUCKIN LLC  
U.S. DOT # 297611

Review Date  
01/26/2018

## Part B Requirements and/or Recommendations

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  
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

### 3. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN** RD G Truckin LLC's violations occurred due a breakdown regarding the monitoring and tracking elements within this section. Carrier has established organized driver qualification files for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

**BASIC SPECIFIC RECOMMENDED REMEDIES** Make sure that you have drivers complete a listing of driver violations when you run the MVRs. Then sign the certificate qualifying them for another year if they meet the standards. Utilize the documents provided to you at the time of this review to complete these requirements.

**Implement Safety Improvement Practices** The following are recommended practices related to Monitoring and Tracking Processes.

- 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



## Part B Requirements and/or Recommendations

program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.

- 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.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- 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.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- 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.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### 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.

## 4. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Training and Communication

**DESCRIPTION OF PROCESS BREAKDOWN:** RD G Truckin LLC's violation occurred due to a breakdown regarding the training and communication elements within this section. Driver failed to total on duty hours while utilizing the short haul exemption

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Train all drivers on the requirements of the short haul exemption. Additionally ensure that you review drivers hours of services records and make sure they correct and accurate.

**Implement Safety Improvement Practices:** The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.

### Part B Requirements and/or Recommendations

- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.
- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to Hours-of-Service (HOS) regulations and company policies and procedures.
- Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

#### Seek Out Resources

- You are encouraged to review your company's record at the following website. <http://a1.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.

5. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain KAN-C operating authority from Kansas Corporation Commission prior to operating in commerce. Records indicate the carrier failed to obtain KAN-C operating authority.
6. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce.
7. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain KAN-C operating authority from Kansas Corporation Commission prior to operating in commerce. Records indicate the carrier failed to obtain proper authority prior to operating for-hire during intrastate commerce.
8. 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 RD G Truckin LLC's operating authority and/or the impoundment of RDG Truckin LLC commercial motor vehicles.

Carrier Representative

Date



## **ATTACHMENT “B”**

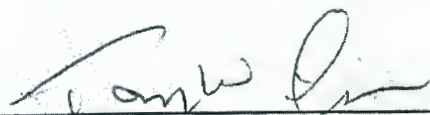
# Weekly Timesheet

Week of: 11-27-17 - 12-2-17

Employee: Tom Wilson  
 Department: \_\_\_\_\_  
 Supervisor: \_\_\_\_\_

Hourly rate: \_\_\_\_\_

	Date	Start Time	End Time	Start Time	End Time	Total Hours
Sun	<del>12-1-17</del>					
Mon						
Tue	11-28-17	6:45 AM	4:15 PM			
Wed	11-29-17	6:30 AM	11:50 AM	1:45 PM	5:45	
Thu	11-30-17	6:15 AM	4:18 PM			
Fri	12-1-17	6:30 AM	11:1 AM	12:15 PM	5:30 PM	
Sat	12-2-17	6:15 AM	12:45 PM	1:30 PM	3:15 PM	
Total Hours:						
Gross Pay:						

  
 Employee signature

Date

Supervisor signature

Date

## **ATTACHMENT “C”**

# DRIVER'S DAILY LOG

Original (White): Home Terminal  
Copy (Yellow): Driver Retains

12/20/17

DATE (MONTH/DAY/YEAR)

477

DRIVER MILES

TEAM MILES

132-932

VEHICLE NUMBERS

DRIVER ID(S)

Rd G Truckin LLC

COMPANY

1767 RD. G, Emporia, KS 66801

MAIN ADDRESS

CO-DRIVER NAME

SHIPPING DOCUMENT NUMBER(S), OR NAME OF SHIPPER AND COMMODITY

	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
1. Off-Duty																								
2. Sleeper																								
3. Driving																								
4. On Duty																								

TOTALS

4	7	2
2	2	5
7	4	5
2	6	0

Total MUST add up to 24 hours.  
.25 = 1/4 hr  
.50 = 1/2 hr  
.75 = 3/4 hr

Remarks:

Number of off-duty days INCLUDING today:

SIGNATURE / CERTIFICATION

Show when and where each change of duty status occurred.  
Use time standard at home terminal.

Please initial to certify.

396.11 DVIR

Completed

Repairs Needed

## Vehicle Inspection Report

Date: 12-20-17

Tractor: 132

Trailer: 932

Carrier: Rd G Truckin LLC

Address: 1767 RD. G, Emporia, KS 66801

### TRACTOR

- ☐ Air compressor
- ☐ Air lines
- ☐ Alternator
- ☐ Battery
- ☐ Body
- ☐ Brake
- ☐ accessories

- ☐ Brakes
- ☐ Clutch
- ☐ Defroster
- ☐ Drive line
- ☐ Engine
- ☐ Exhaust
- ☐ Fifth wheel
- ☐ Front axle

- ☐ Fuel tanks
- ☐ Heater
- ☐ Horn
- ☐ Lights: Head, stop, tail, dash, turn
- ☐ Mirrors
- ☐ Muffler
- ☐ Oil pressure

- ☐ Radiator
- ☐ Rear end
- ☐ Reflectors
- ☐ Safety equip: Fire extinguisher, triangles, flags, flares, fuses, spare

- bulbs and fuses, spare seal beam
- ☐ Springs
- ☐ Starter
- ☐ Steering
- ☐ Tacho-graph
- ☐ Tires
- ☐ Tire chains

- ☐ Transmission
- ☐ Wheels
- ☐ Windows
- ☐ Windshield wipers
- ☐ Other:

### TRAILER

- ☐ Brake connections
- ☐ Brakes
- ☐ Coupling devices
- ☐ Doors
- ☐ Hitch
- ☐ King pin

- ☐ Landing gear
- ☐ Lights (all)
- ☐ Roof
- ☐ Springs
- ☐ Tarpaulin
- ☐ Tires
- ☐ Wheels
- ☐ Other:

☐ Condition of vehicles is satisfactory

☐ Checked items may affect safety or result in breakdown (explain):

Signature

Remarks

☐ Defects corrected

☐ Defects need not be corrected for safe operation of vehicle

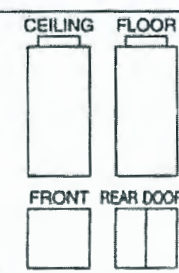
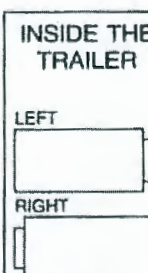
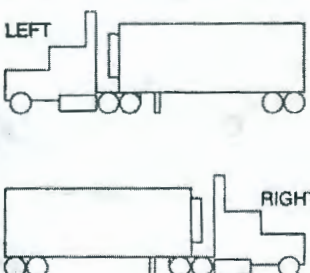
Mechanic:

Date

Driver:

Date

Use these diagrams to mark damage or help mechanic locate problems. Explain in "remarks" section.



### Hrs. On-duty or Driving

- A. 7 days ago
- B. 6 days ago
- C. 5 days ago
- D. 4 days ago
- E. 3 days ago
- F. 2 days ago
- G. Yesterday
- H. Today

### 60/7 Drivers

J. 7 day total Add B thru H

Tomorrow: 60 + B - J

### 70/8 Drivers

K. 8 day total Add A thru H

Tomorrow: 70 + A - K

## CERTIFICATE OF SERVICE

18-TRAM-340-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 Feb. 27, 2018.

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

THOMAS WILSON, MANAGING MEMBER  
RD. G TRUCKING, LLC  
1767 RD G  
EMPORIA, KS 66801  
rdgtruckin@yahoo.com

/S/ DeeAnn Shupe  
DeeAnn Shupe