

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emmler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

April 30, 2019

19-TRAM-424-PEN

David E. Crystal, Manager
Crystal's Livestock Express, L.L.C.
692 E 600th Ave
Pittsburg, KS 66762

This is a notice of a penalty assessment against Crystal's Livestock Express, L.L.C. (Crystal's Livestock Express) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 3, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Crystal's Livestock Express has been assessed a \$750 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$750 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.

CRYSTAL'S LIVESTOCK EXPRESS IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

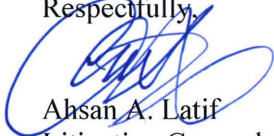
IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Crystal's Livestock Express, L.L.C. 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) 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. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$750 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,



Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Fax: 785-271-3354
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Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

19-TRAM-424-PEN

Crystal's Livestock Express, L.L.C. (Crystal's Livestock Express) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 25, 2019. Crystal's Livestock Express has agreed to comply with the following terms and obligations:

1. Crystal's Livestock Express has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Crystal's Livestock Express will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Crystal's Livestock Express will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Crystal's Livestock Express will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Crystal's Livestock Express, L.L.C. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$375, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Crystal's Livestock Express will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2019.

Crystal's Livestock Express, L.L.C.

David E. Crystal
Manager

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Crystal's**)
Livestock Express, L.L.C., of Pittsburg, KS,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-424-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.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 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 order a hearing 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. Crystal's Livestock Express, L.L.C. (Crystal's Livestock Express) has private and common operating authority with the Commission and further operates under USDOT number 807187.

5. David Crystal attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 6, 2017, on behalf of Crystal's Livestock Express.

6. Crystal's Livestock Express is a private and common motor carrier which primarily hauls livestock.

7. Crystal's Livestock Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on April 3, 2019, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Crystal's Livestock Express. A copy of the safety compliance review is attached hereto 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 May 22, 2018, Crystal's Livestock Express required or permitted its driver, James F. Evans, to operate a CDL-required commercial motor vehicle, a 2005 Peterbilt, VIN ending in 878365, GVWR 52,000 lbs., pulling a 2012 Wilson cattle trailer, VIN ending in 541005, GVWR 64,000 lbs., in intrastate commerce from Girard, Kansas to Montezuma, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP92601632, dated May 22, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Crystal's Livestock Express 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 (2) violations of this type. The carrier'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. 2018 Supp. 66-1,112. Staff recommends a fine of \$250.
- b. During the transportation described in paragraph a., above, Crystal's Livestock Express failed to maintain in the driver's qualification file a signed receipt indicating the driver received a written policy on the company's drug and alcohol program. The carrier's failure to obtain a certificate of receipt is a violation of 49 C.F.R. 382.601(d), adopted by

K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. During the transportation described in paragraph a, above, Crystal's Livestock Express could not produce an annual inspection on the trailer being used in commerce. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Crystal's Livestock Express 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.

10. Staff recommends a civil penalty of \$750 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Crystal's Livestock Express, L.L.C. is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Crystal's Livestock Express, L.L.C. submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff,

documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Crystal's Livestock Express attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Crystal's Livestock Express submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Crystal's Livestock Express because it is a motor carrier as defined in K.A.R. 82-4-1.

16. The Commission finds a penalty of \$750 should be assessed to Crystal's Livestock Express for committing 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.

17. The Commission finds Crystal's Livestock Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Crystal's Livestock Express, L.L.C., of Pittsburg, KS is hereby assessed a penalty of \$750 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. Payment of \$750 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 owed.

B. A representative from Crystal's Livestock Express is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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.

C. Crystal's Livestock Express must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Crystal's Livestock Express 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Crystal's Livestock Express does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$750 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Crystal's Livestock Express' motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and

desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2018 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, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. 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 Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Crystal's Livestock Express' right to a hearing.

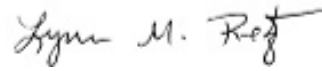
G. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

H. 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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/30/2019


A handwritten signature in cursive script, reading "Lynn M. Retz".

Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

Kansas Corporation Commission

	US DOT # 807187		Legal: CRYSTAL'S LIVESTOCK EXPRESS LLC Operating (DBA):					
	MC/MX #: 359043		Federal Tax ID: [REDACTED] (EIN)					
Review Type: Compliance Review (CR)								
Scope: Principal Office			Location of Review/Audit: Company facility in the U. S.				Territory: C	
Operation Types			Business: Corporation					
Carrier: Non-HM Non-HM			Gross Revenue: [REDACTED] for year ending: 12/31/2018					
Shipper: N/A N/A								
Cargo Tank: N/A								
Company Physical Address:								
692 E 600 AVE PITTSBURG, KS 66762-8517								
Contact Name: David E Crystal								
Phone numbers: (1) [REDACTED]			Fax					
E-Mail Address: [REDACTED]								
Company Mailing Address:								
692 E 600 AVE PITTSBURG, KS 66762-8517								
Carrier Classification								
Authorized for Hire			Private Property					
Cargo Classification								
Livestock								
Equipment								
	Owned		Term Leased		Trip Leased			
Truck Tractor	2	0	0	Trailer	3	0	0	
Power units used in the U.S.:2								
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	Average trip leased drivers/month: 0					
< 100 Miles:			Total Drivers: 2					
>= 100 Miles:	2		CDL Drivers: 2					





CRYSTAL'S LIVESTOCK EXPRESS LLC
U.S. DOT #: 807187

Review Date:
04/03/2019

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:

1500 SW Arrowhead Rd
Topeka, Ks 66604-4027
Attn: Gary Davenport 620-785-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: David E Crystal

Title: President

Name:

Title:





CRYSTAL'S LIVESTOCK EXPRESS LLC

U.S. DOT #: 807187

Review Date:

04/03/2019

Part B Violations

1 STATE	Primary: 382.601(b) CFR Equivalent: 382.601(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. Example James F Evans 5-22-18 At the time of this trip, and the time of this review, the above driver had no signed drug policy receipt that they would prove that he read and understood. The receipt was dated 04-03-19.					
2 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to maintain driver's employment application in driver's qualification file. Example James F Evans 5-22-18 At the time of this trip, and the time of this review, the above driver had no application for employment in his driver file. Carrier/driver David Crystal had an application in his file dated 2004					
3 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a). Example James F Evans 5-22-18 At the time of this trip, and the time of this review, the above driver or the carrier David Crystal had any current MVR in their driver files. The last MVRs were dated 12-5-13.					
4 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Example James F Evans 5-22-18 At the time of this trip, and the time of this review, the above driver had a expired annual review in both driver files. Both were dated in 2013					





CRYSTAL'S LIVESTOCK EXPRESS LLC
U.S. DOT #: 807187

Review Date:
04/03/2019

Part B Violations

5 STATE	Primary: 391.51(b)(6) CFR Equivalent: 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.

James F Evans

5-22-18

At the time of this trip, and the time of this review, the above driver had no certificate of violations in either driver file. Both were dated 2013.

6 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example

Carrier had 3 cattle pots and 2 tractors that they did not have any files that described the vehicles as required by this part.

7 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description

Using a commercial motor vehicle not periodically inspected.

Example

James F Evans

5-22-18

At the time of this trip, the above driver had no annual inspection for the trailer listed below. At the time of this review the carrier could not produce a copy of the inspection. The trailer was not on site of the review and the file did not have a copy of the inspection.

Wilson Cattle Pot

541005

#TKO

Safety Fitness Rating Information:

Total Miles Operated 120,000
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

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

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





CRYSTAL'S LIVESTOCK EXPRESS LLC
U.S. DOT #: 807187

Review Date:
04/03/2019

Part B Requirements and/or Recommendations

1. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. maintenance files must identify the vehicle by make, serial number, year, tire size, and carrier unit number.
2. Ensure that you give drivers a written drug policy and educational materials.
3. Ensure that all commercial motor vehicles, which would include trailers as well as power units, have a current Annual Inspection as required by 396.17. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of the inspection, and the name and address of the motor carrier or entity where the report is maintained.
4. 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].
5. Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.
6. 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 Crystal Livestock Express LLC operating authority and/or the impoundment of Crystal Livestock Express LLC vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

x DAVID E Crystal
Printed

x 
Signed Mahesh Khera

7. 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





CRYSTAL'S LIVESTOCK EXPRESS LLC
U.S. DOT #: 807187

Review Date:
04/03/2019

Part B Requirements and/or Recommendations

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 carrier's 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.

8. Carrier must maintain an accident register and accident report on file for three years after the date of each accident.
9. This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.
10. 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.
11. Pursuant to 391.23 (a) (1) An inquiry to each state where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.
12. A record identifying the vehicle to include company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle





CRYSTAL'S LIVESTOCK EXPRESS LLC
U.S. DOT #: 807187

Review Date:
04/03/2019

Part B Requirements and/or Recommendations

13. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
14. 391.21 - A person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
15. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Mike Heenan at 620-338-0093 or email at m.heenan@kcc.ks.gov
16. If carrier is not subject to federal corrective action plan the KCC requires you reply in writing with corrections made to violations in this review. Please advise how you will correct deficiencies and how you intend to rectify them from happening in the future. Please include all copies of documents to be included in this correction action letter and send to the following individual at the following address within 30 days of this review.

Kansas Corporation Commission
1500 SW Arrowhead Rd
Topeka, Ks 66604-4027
Attn: Gary Davenport



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

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: KSHP92601632
Inspection Date: 05/22/2018
Start: 12:25 PM CT End: 12:57 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

CRYSTAL'S LIVESTOCK EXPRESS LLC
692 E 600 AVE
PITTSBURG, KS 66762
USDOT#: 00807187
MC/MX#: 359043
State#:

Phone#:
Fax#:

Driver: EVANS, JAMES F
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:

State: KS

State:

Location: KINGMAN
Highway: U54
County:

MilePost: 167
Origin: GIRARD,KS
Destination: MONTEZUMA,KS
Shipper: CRYSTAL LIVESTOCK
Bill of Lading: N/A
Cargo: COWS

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	PTRB	2005	KS		11	878365	52,000			
2	ST	WILX	2012	KS		TKO	541005	64,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal; Inoperative right rear turn lamp
393.9T	393.9T	1	N		N	N	Inoperable tail lamp; Inoperative right tail lamp
393.25F	393.25F	1	N		N	N	Stop lamp violations; Inoperative right brake lamp
393.75C	393.75C	2	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove; Axle 5 right outside tire tread depth less than 2/32
392.2-SLLS2	392.2-SLLS2	1	N		N	N	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.; paced at 74mph
396.17C	396.17C	2	N		N	N	Operating a CMV without proof of a periodic inspection: none in truck or trailer

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: Traffic Enforcement; Size & Weight;

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

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

I DRIVER THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION **/** *CARRIER CERTIFICATION: All defects on this sheet 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

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

Report Prepared By:
S.C. Little

Badge #:
9260

Copy Received By:
JAMES EVANS

Page 1 of 1



00807187 KS KSHP92601632

X _____

X _____

CERTIFICATE OF SERVICE

19-TRAM-424-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 05/01/2019.

DAVID E CRYSTAL, MANAGER
CRYSTAL'S LIVESTOCK EXPRESS, L.L.C.
692 E 600 AVE
PITTSBURG, KS 66762
crystalslivestock@yahoo.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe