



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
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
20-TRAM-125-PEN

September 19, 2019

Scott Taylor, President
Metro Excavating, Inc.
PO Box 383
Stilwell, KS 66085

This is a notice of a penalty assessment against Metro Excavating, Inc. (Metro Excavating) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 27, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. 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: Metro Excavating has been assessed a \$2,900 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,900, 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 Metro Excavating 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. Metro Excavating 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 Executive Director 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. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$2,900 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

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. Metro Excavating, Inc. (Metro Excavating) operates under USDOT number 1428653.

5. Metro Excavating is a private motor carrier which primarily hauls rock, dirt, sand and large machinery.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on August 27, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of Metro Excavating. 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 five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 28, 2019, Metro Excavating required or permitted its driver, Taylor Braxton, to operate a CDL-required commercial motor vehicle, a 1988 Kenworth, VIN ending in 515179, GVWR 84,000 lbs., in interstate commerce from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by Driver/Vehicle Examination Report Number

MO00K5011462, dated June 28, 2019, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this trip, Metro Excavating had not paid its Unified Carrier Registration (UCR) fees for 2019 to operate interstate commerce. Metro Excavating owns seven (7) power units. The carrier’s failure to annually register its commercial motor vehicle(s) operating in interstate commerce and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.60, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$500.

- b. During the transportation described in paragraph a, above, Metro Excavating had not implemented an alcohol and controlled substance testing program for its CDL drivers. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$650.
- c. On June 14, 2019, Metro Excavating required or permitted its driver, Brett Shurtz, to operate a CDL-required commercial motor vehicle, a 2005 Kenworth, VIN ending in 080924, GVWR 52,000 lbs., pulling a 2016 Armor trailer, VIN ending in 000415, GVWR 70,000 lbs., in interstate commerce from Buycrus, Kansas to Belton, Missouri. This trip is evidenced by driver’s Timesheet, a copy of which is attached hereto as

Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Metro Excavating 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.

- d. During the transportation described in paragraph a, above, Metro Excavating failed to keep maintenance records that identify the vehicle, including make, serial number, year and tire size. The special investigator discovered five (5) violations of this type. Metro Excavating’s failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.
- e. During the transportation described in paragraph a, above, Metro Excavating used a commercial motor vehicle that had not been periodically (annually) inspected. The special investigator discovered five (5) violations of this type. 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 \$750.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds Metro Excavating committed five (5) 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.

8. Additionally, Staff recommends a civil penalty of \$2,900 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Metro Excavating 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.

10. Finally, Staff recommends that Metro Excavating 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

11. The Commission finds it has jurisdiction over Metro Excavating because it is a motor carrier as defined in K.A.R. 82-4-1.

12. The Commission finds Metro Excavating committed five (5) 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. Metro Excavating, Inc., of Stilwell, KS is hereby assessed a \$2,900 civil penalty for five (5) 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. Metro Excavating 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Metro Excavating 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.

E. 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. 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 Executive Director 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 Metro Excavating's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,900 civil penalty against Metro Excavating, and ordering a representative from Metro Excavating 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$2,900 is due in thirty (30) days from the date of service of this Order. Payment of \$2,900 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 \$2,900 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 Metro Excavating'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.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/19/2019




Lynn M. Retz
Executive Director

AAL

ATTACHMENT "A"

UNITED STATES DEPARTMENT OF TRANSPORTATION

		U.S. DOT#: 1428653 MC/MX#:	Legal: METRO EXCAVATING INC Operating (DBA):	Investigation Date: 08/27/19
Investigation Type: Onsite Comprehensive Investigation		Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation		
Physical Address		Mailing Address		
21080 K 68 HWY PAOLA, KS 66071 United States		PO BOX 383 STILWELL, KS 66085-0383 United States		
Contact Information				
Contact Name: SCOTT TAYLOR Email: Phone:				
Business and Financial				
Business Type: Corporation Gross Revenue: For Year Ending: 12/31/18 Federal Tax ID:				
Operation Classification and Type			Cargo	
Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier Operation Classification Private Motor Carrier Property – Non-Hazardous Materials			Other (Rock, dirt, sand), Machinery, Large Objects	
Equipment			Driver Information	
	Owned	Term Leased	Drivers	
			Intrastate	Interstate
Straight Trucks	2		< 100 Miles	3
Truck Tractors	5		>= 100 Miles	
Trailers	4			
Power units used in the U.S.: 7 Percentage of time used in the U.S.: 100.0%			Average trip leased driver/month: 0 Drivers with CDL: 3 Total Drivers: 3	

Person(s) Interviewed

Name: SCOTT TAYLOR

Title: VICE PRESIDENT

Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1303 SW FIRST AMERICAN PLACE, SUITE 200
TOPEKA, KS 66604-4040
Phone: (785) 271-1260
Fax: (785) 228-9725

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.



Acute

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

On June 28, 2019 Metro Excavating Inc. had driver Taylor Braxton operate a 1988 Kenworth (VIN # [REDACTED] 515179.) This vehicle has a gross vehicle weight rating of 84,000 lbs. Driver Taylor Braxton operated in commerce on an interstate trip from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by a Level 1 roadside inspection performed by C. Praschak (MO4496) with the Missouri State Highway Patrol. At the time of this trip carrier was found to be in violation of failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations

Drivers/Vehicles

In Violation	Checked

2. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
5		5

Violations Checked

Fed	State	Total
5		5

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

On June 28, 2019 Metro Excavating Inc. had driver Taylor Braxton operate a 1988 Kenworth (VIN # [REDACTED] 515179.) This vehicle has a gross vehicle weight rating of 84,000 lbs. Driver Taylor Braxton operated in commerce on an interstate trip from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by a Level 1 roadside inspection performed by C. Praschak (MO4496) with the Missouri State Highway Patrol. At the time of this trip carrier was found to be in violation of using a commercial motor

Drivers/Vehicles

In Violation	Checked
5	5

vehicle not periodically inspected.

3. Primary: 367
 Failed to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce

Violations Discovered		
Fed	State	Total
1		1

Violations Checked		
Fed	State	Total
1		1

Example/Notes:
 On June 28, 2019 Metro Excavating Inc. had driver Taylor Braxton operate a 1988 Kenworth (VIN # [REDACTED] 515179.) This vehicle has a gross vehicle weight rating of 84,000 lbs. Driver Taylor Braxton operated in commerce on an interstate trip from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by a Level 1 roadside inspection performed by C. Praschak (MO4496) with the Missouri State Highway Patrol. At the time of this trip carrier was found to be in violation of Failure to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce

Drivers/Vehicles	
In Violation	Checked

4. Primary: 391.23(c)
 Failing to investigate driver's background within 30 days of employment.

Violations Discovered		
Fed	State	Total
1		1

Violations Checked		
Fed	State	Total
3		3

Example/Notes:
 On June 28, 2019 Metro Excavating Inc. had driver Taylor Braxton operate a 1988 Kenworth (VIN # [REDACTED] 515179.) This vehicle has a gross vehicle weight rating of 84,000 lbs. Driver Taylor Braxton operated in commerce on an interstate trip from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by a Level 1 roadside inspection performed by C. Praschak (MO4496) with the Missouri State Highway Patrol. At the time of this trip carrier was found to be in violation of failing to investigate driver's background within 30 days of employment.

Drivers/Vehicles	
In Violation	Checked

5. Primary: 391.51(b)(4)
 Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Violations Discovered		
Fed	State	Total
2		2

	<table border="1"> <thead> <tr> <th colspan="3">Violations Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table>	Violations Checked			Fed	State	Total	3		3
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Drivers/Vehicles										
In Violation	Checked									

<p>6. Primary: 391.51(b)(5)</p> <p>Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p>	<table border="1"> <thead> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td></td> <td>2</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">Violations Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table>	Violations Discovered			Fed	State	Total	2		2	Violations Checked			Fed	State	Total	3		3
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In Violation	Checked																		

<p>7. Primary: 391.51(b)(6)</p> <p>Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p>	<table border="1"> <thead> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td></td> <td>2</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">Violations Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td></td> <td>2</td> </tr> </tbody> </table>	Violations Discovered			Fed	State	Total	2		2	Violations Checked			Fed	State	Total	2		2
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Example/Notes:

On June 14, 2019 Metro Excavating Inc. had driver Brett Shurtz (KS CDL# [REDACTED]) operate a 2005 Kenworth (Unit # 5, VIN # [REDACTED]080924) in combination with a 2016 Armor (VIN# [REDACTED]000415.) These vehicle have a gross vehicle weight rating of 52,000 lbs. and 70,000 lbs. Driver Brett Shurtz operated in commerce on an interstate trip from Buycrus, Kansas to Belton, Missouri. This trip is evidenced by a driver's record of duty status and an invoice. 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.

Drivers/Vehicles

In Violation	Checked
2	2

8. Primary: 391.51(b)(9)

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s)

Violations Discovered

Fed	State	Total
3		3

Violations Checked

Fed	State	Total
3		3

Example/Notes:

On June 14, 2019 Metro Excavating Inc. had driver Brett Shurtz (KS CDL# [REDACTED]) operate a 2005 Kenworth (Unit # 5, VIN # [REDACTED]080924) in combination with a 2016 Armor (VIN# [REDACTED]000415.) These vehicle have a gross vehicle weight rating of 52,000 lbs. and 70,000 lbs. Driver Brett Shurtz operated in commerce on an interstate trip from Buycrus, Kansas to Belton, Missouri. This trip is evidenced by a driver's record of duty status and an invoice. At the time of this trip carrier was found to be in violation of failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).

Drivers/Vehicles

In Violation	Checked

9. Primary: 396.3(b)(1)

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

Violations Discovered

Fed	State	Total
5		5

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Drivers/Vehicles

On June 28, 2019 Metro Excavating Inc. had driver Taylor Braxton operate a 1988 Kenworth (VIN # [REDACTED] 515179.) This vehicle has a gross vehicle weight rating of 84,000 lbs. Driver Taylor Braxton operated in commerce on an interstate trip from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by a Level 1 roadside inspection performed by C. Praschak (MO4496) with the Missouri State Highway Patrol. At the time of this trip carrier was found to be in violation of failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size

In Violation	Checked
5	5

10. Primary: 396.3(b)(2)

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Violations Discovered		
Fed	State	Total
1		1

Violations Checked		
Fed	State	Total
1		1

Example/Notes:

On June 28, 2019 Metro Excavating Inc. had driver Taylor Braxton operate a 1988 Kenworth (VIN # [REDACTED] 515179.) This vehicle has a gross vehicle weight rating of 84,000 lbs. Driver Taylor Braxton operated in commerce on an interstate trip from Bucyrus, Kansas to Lees Summit, Missouri. This trip is evidenced by a Level 1 roadside inspection performed by C. Praschak (MO4496) with the Missouri State Highway Patrol. At the time of this trip carrier was found to be in violation of failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed

Drivers/Vehicles	
In Violation	Checked

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 3 OOS Rate: 0%	Conditional		1
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 100,000 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

ATTACHMENT "B"

DRIVER/VEHICLE EXAMINATION REPORT

Missouri State Highway Patrol
 Commercial Vehicle Enforcement Division
 Post Office Box 568
 Jefferson City, MO 65102-0568
 Phone: (573)526-6128 Fax: (573)526-4637

Report Number: MO00K5011462
 Inspection Date: 06/28/2019
 Start: 8:09 AM CT End: 8 40 AM CT
 Inspection Level: I - Full
 HM Inspection Type: None

METRO EXCAVATING INC
 PO BOX 383
 STILWELL, KS. 66085-0383
 USDOT: 1428653 Phone#: [REDACTED]
 MC/MX#: Fax#: [REDACTED]
 State#: [REDACTED]
 Location: 150 HWY AND HOLMES
 Highway: MO-150
 County: JACKSON

Driver: TAYLOR, BRAXTON S
 License#: [REDACTED] State: KS
 Date of Birth: [REDACTED]
 CoDriver: [REDACTED]
 License#: [REDACTED] State: [REDACTED]
 Date of Birth: [REDACTED]
 Milepost: [REDACTED] Shipper: N/A
 Origin: BUCYRUS, KS Bill of Lading: N/A
 Destination: LEES SUMMIT, MO Cargo: ROCK; GRAVEL

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GWR	CVSA #	Issued #	OOS Sticker
1	TR	KW	1988	KS	615696	5179	[REDACTED]515179	84000			

BRAKE ADJUSTMENTS

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.9H	F	1	N		N	N	Inoperable head lamps
396.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection
393.203B	F	1	N		N	N	Cab/body improperly secured to frame
393.203B	F	1	N		N	N	Cab/body improperly secured to frame
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.207A	F	1	N		N	N	Axle positioning parts defective/missing

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

<input checked="" type="checkbox"/> Alcohol/Controlled Substance Check	Traffic Enforcement	Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	PASA Conducted Inspection	PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	Drug Interdiction Search	
<input type="checkbox"/> eScreen Inspection		

I certify that the above violation(s) was/were corrected

Signature Of Repairer X _____ Facility _____ Date _____

NOTICE TO DRIVER/MOTOR CARRIER The motor carrier name that appears on this report must sign the certification and fax, mail to the Missouri State Highway Patrol, Commercial Vehicle Enforcement Division, P O. Box 568, Jefferson City, MO 65102-0568 or Email to cvemail@mshp.dps.mo.gov within 15 days. If no violations were discovered, you are NOT required to sign and return a copy of the report.

IF NO VIOLATIONS ARE CITED, THEN NO RETURN IS NECESSARY.

Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By:
C PRASCHAK

Badge #:
4496

Copy Received By:
BRAXTON TAYLOR

X

X



ATTACHMENT "C"



Metro Excavating, Inc.

We Make Dirt Look Good

Employee Brett Shultz

Week ending: 6-17

Day	Date	START	LUNCH	STOP	JOB	JOB	JOB	Total
Monday	6/11	7:00	30 min	5:00pm	Haul truck in Belton			9.5
Tuesday	6/12	7:00	30 min	5:30pm	Haul truck in Belton			10.0
Wednesday	6/13	7:00	30 min	5:00pm	Haul truck in Belton			10.0
Thursday	6/14	7:00	30 min	5:30pm	Haul truck Red Stader on mini (yards)			10.0
Friday	6/15	7:00	30 min	5:30pm	Haul truck in Belton			10.0
Saturday	6/16							
Sunday	6/17							
Total hours								49.5

Brett Shultz
Employee signature

6-15-18
Date

CERTIFICATE OF SERVICE

20-TRAM-125-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail/hand delivered on 09/20/2019.

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

SCOTT TAYLOR, PRESIDENT
METRO EXCAVATING, INC.
PO BOX 383
STILWELL, KS 66085-0383

/S/ DeeAnn Shupe

DeeAnn Shupe