



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-241-PEN

December 12, 2019

Shelby Steenson, President
S & S Trucking, Inc.
160 N Washington
Mentor, KS 67416

This is a notice of a penalty assessment against S & S Trucking, Inc. (S & S Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 22, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. 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: S & S Trucking has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$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 S & S Trucking 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. S & S Trucking 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 \$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

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. S & S Trucking, Inc. (S & S Trucking) has common operating authority with the Commission and further operates under USDOT number 991953.

5. Tony Steenson attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on August 13, 2018, on behalf of S & S Trucking.

6. S & S Trucking is a common motor carrier which primarily hauls grain, feed, hay and commodities dry bulk.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on November 22, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of S & S Trucking. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 7, 2019, S & S Trucking required or permitted its driver, Matt Medley, to operate a CDL-required commercial motor vehicle, a 1996 Peterbilt, VIN ending in 386787, GVWR 50,000 lbs., pulling a 2009

Cornhusker trailer, VIN ending in 0007235, GVWR 65,000 lbs., in interstate commerce from Mentor, Kansas to Meno, Oklahoma. This trip is evidenced by a Driver's Daily Log, dated November 7, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, S & S Trucking 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 three (3) violations of this type. Further, this carrier was cited for the same violation in a safety compliance review conducted on August 1, 2018. S & S 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. 2018 Supp. 66-1,112. Staff recommends an enhanced fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds S & S Trucking committed one (1) 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 \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

11. Finally, Staff recommends that S & S Trucking 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 S & S Trucking because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

13. The Commission finds S & S Trucking committed one (1) 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. S & S Trucking, Inc., of Mentor, KS is hereby assessed a \$500 civil penalty for one (1) 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. S & S Trucking 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. S & S Trucking 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 S & S Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against S & S Trucking, and ordering a representative from S & S Trucking 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 \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$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 \$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 S & S Trucking'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: 12/12/2019



Lynn M. Retz
Executive Director

AAL

ATTACHMENT "A"

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 991953	Legal: S & S TRUCKING INC Operating (DBA):	Investigation Date: 11/22/19
	MC/MX#: 413615		

Investigation Type: Offsite Investigation

Physical Address	Mailing Address
160 N WASHINGTON MENTOR, KS 67416 United States	160 N WASHINGTON MENTOR, KS 67416-8979 United States

Contact Information

Contact Name: SAMUEL BAXTER
Email: [REDACTED]
Phone: [REDACTED] **Fax:** ()-

Business and Financial

Business Type: Corporation
Gross Revenue: [REDACTED] **For Year Ending:** 12/31/18
Federal Tax ID: [REDACTED]

Operation Classification and Type	Cargo
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<p>Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier</p> <p>Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight</p>	Grain, Feed, Hay, Commodities Dry Bulk
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Equipment	Driver Information
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	Owned	Term Leased	Trip Leased
Truck Tractors	3		
Trailers	2	1	

Power units used in the U.S.: 3
Percentage of time used in the U.S.: 100%

	Intrastate	Interstate
< 100 Miles	1	
>= 100 Miles		2

Average trip leased driver/month: 0
Drivers with CDL: 3
Total Drivers: 3

Person(s) Interviewed

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:

Kansas Corporation Commission 1500 SW Arrowhead Rd
Topeka, KS 66604
Phone: (785) 271-3104
Fax: (785) 271-3124

This report will be used to assess your safety compliance.

Violations

<p>1. 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).</p>	<p>Violations Discovered</p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>1</td> <td>3</td> </tr> </tbody> </table> <p>Violations Checked</p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>1</td> <td>3</td> </tr> </tbody> </table>	Fed	State	Total	2	1	3	Fed	State	Total	2	1	3
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Fed	State	Total											
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<p>Example/Notes: Matt Medley, 11/7/2019. S & S Trucking Inc failed to maintain the responses of the driver's driving record at least once every 12 months. The MVR provided was obtained 11/15/2019, which was after the date of contact for this investigation.</p>	<p>Drivers/Vehicles</p> <table border="1"> <thead> <tr> <th>In Violation</th> <th>Checked</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>3</td> </tr> </tbody> </table>	In Violation	Checked	3	3								
In Violation	Checked												
3	3												

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

<p>3. Primary: 391.51(b)(6) Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p>	<p>Violations Discovered</p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>1</td> <td>3</td> </tr> </tbody> </table> <p>Violations Checked</p>	Fed	State	Total	2	1	3
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Fed	State	Total					
2	1	3					
<p>Example/Notes:</p> <p>Matt Medley, 11/7/2019. S & S Trucking Inc failed to maintain a list or certificate relating to the violations found on the driver's annual driving record.</p>	<p>Drivers/Vehicles</p> <table border="1"> <tr> <th data-bbox="1045 317 1286 426">In Violation</th> <th data-bbox="1286 317 1531 426">Checked</th> </tr> <tr> <td data-bbox="1045 426 1286 489">3</td> <td data-bbox="1286 426 1531 489">3</td> </tr> </table>	In Violation	Checked	3	3		
In Violation	Checked						
3	3						

Safety Fitness Rating

This Investigation is Not Rated

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

This was an offsite investigation. An offsite investigation allows FMCSA to evaluate your safety compliance with minimal disruption to your business. An offsite investigation will not result in a safety rating.

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>.

Process Breakdown and Remedies

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. 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.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

2. **If you have any questions concerning this report, contact KCC.**

If you have any questions concerning this report, please contact the Kansas Corporation Commission, 1500 SW Arrowhead Rd, Topeka, KS 66604 or call 785-271-3104.

3. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free

4. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

5. **CAP Requirement**

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

6. **CAP Penalty**

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all the violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

7. **Monetary Penalties**

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

Carrier Name

Carrier Official

8. **Safety Seminar Requirement**

Motor carriers are responsible for complying with all tasks ordered by the Commission in its Penalty Order. In addition to paying any civil fines issued, carriers are also required to attend a Commission sponsored safety seminar. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

9. **Acknowledgement Stmt - Offsite**

I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas

Motor Carrier Safety Statutes and Regulations could result in the suspension of [motor carrier's] operating authority and/or the impoundment of [motor carrier's] commercial motor vehicles.

Carrier Representative

Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.

ATTACHMENT "B"

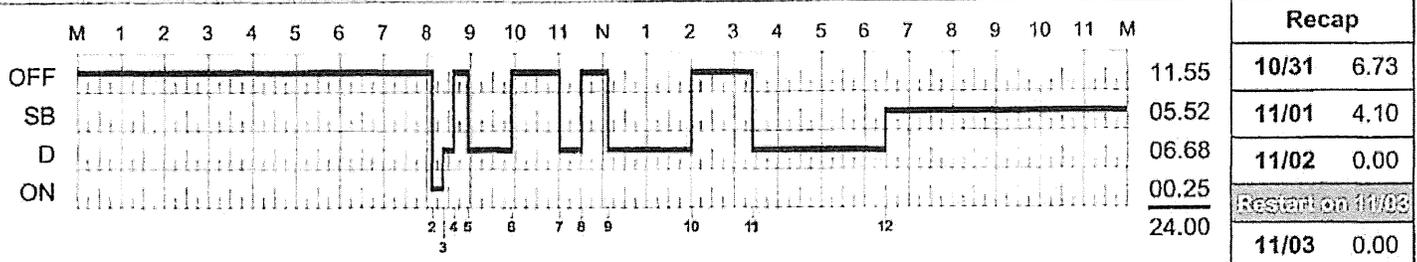


DRIVER'S DAILY LOG

November 07, 2019

USA Property 70 hour / 8 day

Driver	Matt Medley	Co-Drivers	
Distance	336 mi	Vehicles	24
Carrier	S & S Trucking	Main Office	160 N Washington Rd, Assaria, KS, 67416
Shipping Docs	01620000025786/200-0029924		



No.	Status	Start (CST)	Duration	Location	Notes
1	Off Duty	12:00 AM	8 hr 8 min	Mentor, KS	Post-Trip Inspection
2	On Duty	8:08 AM	15 min	Mentor, KS	Pre-Trip Inspection
3	Driving	8:23 AM	15 min	Mentor, KS	Driving
4	Off Duty	8:38 AM	19 min	Salina, KS	Fuel
5	Driving	8:57 AM	59 min	Salina, KS	Driving
6	Off Duty	9:56 AM	1 hr 6 min	Wakefield, KS	Break
7	Driving	11:02 AM	30 min	Wakefield, KS	Driving
8	Off Duty	11:32 AM	38 min	Clay Center, KS	Break
9	Driving	12:08 PM	1 hr 54 min	Clay Center, KS	Driving
10	Off Duty	2:02 PM	1 hr 24 min	Newton, KS	Break
11	Driving	3:26 PM	3 hr 3 min	Newton, KS	Driving
12	Sleeper	6:29 PM	5 hr 31 min	Meno, OK	Post-Trip Inspection

Total Hours Since Restart	23.57
Hrs Available Today	46.43
Hrs Worked Today	6.93

Odometers			
Vehicle	Start	End	Distance
24	1,568,354	1,568,690	336 mi

I certify that these entries are true and correct

Driver Signature

CERTIFICATE OF SERVICE

20-TRAM-241-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 12/13/2019.

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

SHELBY STEENSON, PRESIDENT
S & S TRUCKING, INC.
160 N WASHINGTON
MENTOR, KS 67416-8979
steenson2013@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe