



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

February 21, 2017

17-TRAM-371-PEN

Lorie Calderon, Office Manager  
Dreiling Pipeline, LLC  
PO Box 1218  
Garden City, Kansas 67846

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 25-26, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback. For a full description of the penalty and process please refer to the Order that is attached to this notice.

### **IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$750 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar 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).

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY:** 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. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

### **IF YOU FAIL TO ACT:**

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



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

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

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

In the Matter of the Investigation of **Dreiling**     )  
**Pipeline, LLC, of Garden City, Kansas,**     )  
Regarding the Violation of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 17-TRAM-371-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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2016 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and 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. Dreiling Pipeline, LLC (Dreiling Pipeline) obtained private operating authority from the Commission on March 6, 2015, and operates under KSMCID number 170844 and USDOT number 2557663.

5. Lorie Calderon attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on January 20, 2015, on behalf of Dreiling Pipeline.

6. Dreiling Pipeline is a private motor carrier which primarily hauls machinery, large objects, and conduit.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on January 25-26, 2017, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Dreiling Pipeline. 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, Ms. Fryback identified three (3) violations of the Motor Carrier Safety Regulations.

- a. On November 17, 2016, Dreiling Pipeline required or permitted its driver, Rod Loving, to operate a CDL-required commercial motor vehicle, a 1994 Peterbilt, VIN ending in 33888, GVWR 50,000 lbs., pulling a 2003 Cheater trailer, VIN ending in 004430, GVWR 101,088 lbs., in intrastate

commerce from Elkhart, Kansas to Garden City, Kansas. This trip is evidenced by the driver's Time Card, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Dreiling Pipeline had not obtained a certificate of road test on its driver. The special investigator found five (5) violations of this type. Dreiling Pipeline's failure to maintain a road test certificate issued to the driver pursuant to 49 C.F.R. 391.3(e) in the driver's qualification file, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to 49 C.F.R. 391.33 is a violation of 49 C.F.R. 391.51(b)(3), as adopted by K.A.R. 82-4-3g. Staff recommends a fine of \$100.

- b. On September 21, 2016, Dreiling Pipeline required or permitted its driver, George Palomino, to operate a CDL-required commercial motor vehicle, a 2005 International, VIN ending in 213411, GVWR 52,000 lbs., pulling a 2007 Pitts trailer, VIN ending in 071187, GVWR 119,000 lbs., in intrastate commerce from Holcomb, Kansas to Garden City, Kansas. This trip is evidenced by the driver's Time Record, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Dreiling Pipeline did not have a record of maintenance and inspections for the 2007 Pitts trailer. The carrier's failure to maintain the required vehicle inspection records and vehicle maintenance records for 30 days is in violation of 49 C.F.R. 396.3(b), as

adopted by K.A.R. 82-4-3j and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

- c. On December 21, 2016, Dreiling Pipeline required or permitted its driver, Dennis Davis, to operate a CDL-required commercial motor vehicle, a 1993 GMC Topkick Reel truck, VIN ending in 518677, GVWR 26,001 to 33,000 lbs., in intrastate commerce in and around the area of Garden City, Kansas. This trip is evidenced by Mr. Davis' Time Record, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Dreiling Pipeline failed to require driver Dennis Davis to complete a Dailey Vehicle Inspection report on the 1993 GMC Topkick Reel truck. The special investigator found four (4) violations of this type. The carrier's failure to require each of its drivers to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$300.

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

8. Based upon the available facts, Staff recommends the Commission find Dreiling Pipeline committed three (3) violations 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 \$750 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Dreiling Pipeline be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar 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 Dreiling Pipeline submit to one follow-up safety compliance review within the next eighteen (18) months. 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 Dreiling Pipeline because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Dreiling Pipeline committed three (3) violations 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. Dreiling Pipeline, LLC, of Garden City, Kansas is hereby assessed a \$750 civil penalty for three (3) violations 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. Dreiling Pipeline is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance.

Further, Dreiling Pipeline is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Dreiling Pipeline's right to a hearing, and this Penalty Order will become a Final Order assessing a \$750 civil penalty against Dreiling Pipeline, and ordering Dreiling Pipeline to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

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

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall

be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$750 civil penalty within thirty (30) days of the 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 Dreiling Pipeline'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 out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: FEB 21 2017

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission


AAL

**Order Mailed Date**

**FEB 22 2017**



**ATTACHMENT "A"**

	US DOT # 2557663	Legal: DREILING PIPELINE LLC Operating (DBA):					
MC/MX #:	State #:	Federal Tax ID: (EIN)					
Review Type: Compliance Review (CR)							
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S. Territory:						
<b>Operation Types</b> Interstate IntraState							
Carrier: N/A	HM	Business: Corporation Gross Revenue: for year ending: 12/31/2016					
Shipper: N/A	N/A						
Cargo Tank: N/A							
<b>Company Physical Address:</b>							
[Redacted]							
Contact Name:							
Phone numbers: (1) [Redacted]							
E-Mail Address: [Redacted]							
<b>Company Mailing Address:</b>							
PO BOX 1218 GARDEN CITY, KS 67846-1218							
<b>Carrier Classification</b>							
Private Property							
<b>Cargo Classification</b>							
Machinery, Large Objects Other: Conduit							
<b>Hazardous Materials</b>							
9 Miscellaneous HM Carried Non-Bulk							
<b>Equipment</b>							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	4	0	0	Truck Tractor	2	0	0
Trailer	3	0	0				
Power units used in the U.S.:6							
Percentage of time used in the U.S.:100							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
<b>Driver Information</b>							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:		5	Total Drivers: 5				
>= 100 Miles:			CDL Drivers: 5				





DREILING PIPELINE LLC  
U.S. DOT #: 2557663

State #: [REDACTED]

Review Date:  
01/25/2017

**Part A**

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

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

Name: Lorie Calderon

Title: Office Manager

Name:

Title:





**DREILING PIPELINE LLC**  
U.S. DOT #: 2557663

State #: [REDACTED]

Review Date:  
01/25/2017

**Part B Violations**

1 FEDERAL	Primary: 376.11 (a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<p><b>Description</b> There shall be a written lease granting the use of the equipment and meeting the requirements contained in §376.12.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 12/22/2016</p> <p>You must have a written lease agreement to operate equipment belonging to another company.</p>					
2 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<p><b>Description</b> Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 12/21/2016</p> <p>Drivers were all enrolled in the random drug testing program with Dreiling Construction L.L.C. and there was no contract with Dreiling Construction L.L.C. for Dreiling Construction to take on the responsibility for Dreiling Pipeline L.L.C. drug testing.</p>					
3 STATE	Primary: 390.21(b)(1)  CFR Equivalent: 390.21(b)(1)	Discovered 6	Checked 6	Drivers/Vehicles In Violation	Checked 6
<p><b>Description</b> Failing to mark a commercial motor vehicle with the legal name or a single trade name.</p> <p><b>Example</b> Unit 139 Driver [REDACTED]</p> <p>2007 Dodge Flatbed that is marked with Dreiling Construction-Pipeline with Dreiling Pipeline L.L.C. U.S. DOT number. Dreiling Construction L.L.C. vehicles are marked the same way but have Dreiling Construction L.L.C. U.S. DOT number on them.</p>					
4 STATE	Primary: 391.21(a)  CFR Equivalent: 391.21(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
<p><b>Description</b> Using a driver who has not completed and furnished an employment application.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 12/22/2016</p> <p>Application is missing previous ten years of employment</p>					



**Part B Violations**

<b>5</b>	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>	
<b>STATE</b>		1	5	<b>In Violation</b>	<b>Checked</b>
				1	5

**Description**  
 Using a driver not medically examined and certified.

**Example**  
 Driver ██████████  
 Trip Date: 12/12/2016

Driver ██████████ had a medical examiners certificate issued by ██████████ on January 5, 2016. ██████████ is not on the National Registry but thought that he could do intrastate medical certifications. ██████████ National Registry number was ██████████ but ██████████ did not want to take the training and testing to retain it.

<b>6</b>	Primary: 391.51(b)(3) CFR Equivalent: 391.51(b)(3)	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>	
<b>STATE</b>		5	5	<b>In Violation</b>	<b>Checked</b>
				5	5

**Description**  
 Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

**Example**  
 Driver ██████████  
 Trip Date: 12/22/2016

No record of road test and certificate of road test or a photo copy of the drivers CDL's

<b>7</b>	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>	
<b>STATE</b>		2	5	<b>In Violation</b>	<b>Checked</b>
				2	5

**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**  
 Driver ██████████  
 Trip Date: 12/22/2016

Carrier had not completed the annual review on Driver ██████████ or Driver ██████████ in the previous 12 months.

<b>8</b>	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>	
<b>STATE</b>		5	5	<b>In Violation</b>	<b>Checked</b>
				5	5

**Description**  
 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 disqualification file(s).

**Example**  
 Driver ██████████  
 Trip Date: 12/12/2016

Medical card was issued by ██████████ in Oakley, Kansas. ██████████ was not on the National Registry and the carrier had not checked any of the doctors who had conducted the medical examiners certifications for any of the five drivers.



DREILING PIPELINE LLC  
U.S. DOT #: 2557663

State #: 170844

Review Date:  
01/25/2017

**Part B Violations**

9 STATE	Primary: 396.3(b) CFR Equivalent: 396.3(b)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
<b>Description</b> Failing to keep minimum records of inspection and vehicle maintenance. <b>Example</b> Unit 215 Driver [REDACTED] Trip Date: 9/21/2016					
10 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 4	Checked 5	Drivers/Vehicles In Violation	Checked 5
<b>Description</b> Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. <b>Example</b> Driver [REDACTED] Trip Date: 12/22/2016  Unit 119 and Unit 219					
11 STATE	Primary: 396.3(b)(2) CFR Equivalent: 396.3(b)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation	Checked 5
<b>Description</b> Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. <b>Example</b> Unit 139					
12 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 4	Checked 14	Drivers/Vehicles In Violation	Checked 5
<b>Description</b> Failing to require driver to prepare driver vehicle inspection report. <b>Example</b> Driver [REDACTED] Unit 141 Trip Date: 11/21/2016  Driver [REDACTED] drove the black dump truck to load up concrete and haul it back to Garden City the operated a pickup pulling the Top Hat trailer (GVWR 20,000 lbs) to get a tire fixed on the trailer					





DREILING PIPELINE LLC  
U.S. DOT #: 2557663

State #: [REDACTED]

Review Date:  
01/25/2017

**Part B Violations**

13 STATE	Primary: 396.11(b)	Discovered 1	Checked 14	Drivers/Vehicles	
	CFR Equivalent: 396.11(b)			In Violation 1	Checked 5

**Description**

Failing to ensure driver vehicle inspection report is complete and accurate.

Driver [REDACTED]

Trip Date: 11/23/2016

Unit # 139

Driver received a roadside inspection showing windshield damage and it is not listed on the post trip inspection

**Safety Fitness Rating Information:**

Total Miles Operated                    32,200  
Recordable Accidents                    0

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 :

**This Review is not Rated.**





DREILING PIPELINE LLC  
U.S. DOT #: 2557663

State #: [REDACTED]

Review Date:  
01/25/2017

### Part B Requirements and/or Recommendations

1. There shall be a written lease granting the use of the equipment and meeting the requirements contained in §376.12. The lease shall be between the authorized carrier and the owner of the equipment. It shall specify the time and date that the lease begins and ends, specify compensation, and the responsibilities of each party.
2. Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made. All driver must be enrolled in the random testing program. This shall include multiple employer drivers and part time drivers.
3. Every commercial motor vehicle must be marked in accordance with 390.21 (b). It must have the legal name or trade name as it appears on the MCS-150 and U.S. Dot number on both sides of the vehicle.
4. Ensure that drivers provide a 10-year employment history on their employment application.
5. A person shall not drive a commercial motor vehicle unless he/she has first successfully completed a road test and has been issued a certificate of driver's road test or obtained a photo copy of the drivers CDL. If the driver operates double or triple trailers, a cargo tank or a non CDL required vehicle the written road test is required.
6. Every motor carrier shall maintain a note relating to the annual review of the drivers driving record to determine that the driver meets the minimum requirements for safe driving
7. For Drivers required to have a CDL the carrier is required to have a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m)(2).
8. 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 and tire size.,
9. The carrier must have a means of indicating the nature and due date of the various inspections and maintenance operations to be performed.
10. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
11. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
12. 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







DREILING PIPELINE LLC  
U.S. DOT #: 2557663

State #: [REDACTED]

Review Date:  
01/25/2017

### Part B Requirements and/or Recommendations

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.

13. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
14. 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

15. I, *[Signature]* 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 Dreiling Pipeline L.L.C. operating authority and/or the impoundment of Dreiling Pipeline L.L.C. vehicles.



**ATTACHMENT "B"**

NAME Rod Loving Temp 5/31/11 Last Day

Pay Period 11/11/2016 11/17/2016 Paydate 11/25/2016

Day	Date	Time		Lunch	System Calculated Hours	7/29/16 Actual	Description
		Start	End				
Friday	11/11/2016	7:15	17:01	0:50	9:27		ATT - Minneola
Saturday	11/12/2016	0:00	0:00	0:00	0:00		OFF
Sunday	11/13/2016	0:00	0:00	0:00	0:00		OFF
Monday	11/14/2016	7:18	17:08	0:50	9:33		Chaimey St
Tuesday	11/15/2016	7:18	17:10	0:50	9:37		KMI Eikhart haul machines
Wednesday	11/16/2016	7:19	17:21	0:50	9:53		ATT - Minneola
Thursday	11/17/2016	7:16	17:01	0:50	9:25		KMI Eikhart haul machines
Friday	11/18/2016	0:00	0:00	0:00	0:00		
Saturday	11/19/2016	0:00	0:00	0:00	0:00		
Sunday	11/20/2016	0:00	0:00	0:00	0:00		
Monday	11/21/2016	0:00	0:00	0:00	0:00		
Tuesday	11/22/2016	0:00	0:00	0:00	0:00		
Wednesday	11/23/2016	0:00	0:00	0:00	0:00		
Thursday	11/24/2016	0:00	0:00	0:00	0:00		
Friday	11/25/2016	0:00	0:00	0:00	0:00		
Saturday	11/26/2016	0:00	0:00	0:00	0:00		
						40	Regular
						6.75	OT
							Add'l Reg
							Add'l OT
							VAC
							Holiday

TOTAL HOURS

46.75

Check

**ATTACHMENT "C"**

NAME: George Palomino

3/27/2015

Pay Period

9/16/2016

to

9/22/2016

Paydate 9/30/2016

Day	Date	Time		Lunch	System Calculated Hours	7/29/16 Actual	Description
		Start	End				
Friday	9/16/2016	5:58	23:01	0.50	16.55		ATT - Goodland & Holcomb
Saturday	9/17/2016	6:04	20:26	0.50	13.87		ATT - Goodland
Sunday	9/18/2016	8:31	10:52	0.00	2.35		Hauled Vac from Deerfield
Monday	9/19/2016	5:58	18:30	0.50	12.03		ATT - Holcomb Lane
Tuesday	9/20/2016	7:00	19:30	0.50	12.00		Req Time Off
Wednesday	9/21/2016	7:00	19:22	0.50	11.87		ATT - Holcomb Lane
Thursday	9/22/2016	7:18	17:32	0.50	9.73		ATT - Goodland
Friday	9/23/2016	0:00	0:00	0:00	0:00		
Saturday	9/24/2016	0:00	0:00	0:00	0:00		
Sunday	9/25/2016	0:00	0:00	0:00	0:00		
Monday	9/26/2016	0:00	0:00	0:00	0:00		
Tuesday	9/27/2016	0:00	0:00	0:00	0:00		
Wednesday	9/28/2016	0:00	0:00	0:00	0:00		
Thursday	9/29/2016	0:00	0:00	0:00	0:00		
Friday	9/30/2016	0:00	0:00	0:00	0:00		
						32.77	Regular
						9.73	OT
						7.23	OOT - Reg
						28.67	OOT - OT
							VAC
							Holiday

TOTAL HOURS

78.40

**ATTACHMENT "D"**

NAME Dennis Davis Hired 5/9/16 Last Day

Pay Period 12/16/2016 12/22/2016 Paydate 12/30/2016

Day	Date	Time		Lunch	System Calculated Hours	7/29/16 Actual	Description
		Start	End				
Friday	12/16/2016	7:25	16:38	0.50	8.72		ATT - GC campus
Saturday	12/17/2016	7:30	18:13	0.00	10.72		ATT - Emerg ATT cut fiber
Sunday	12/18/2016	0:00	0:00	0.00	0.00		OFF
Monday	12/19/2016	6:03	16:34	0.50	10.02		KMI Sublette S 83
Tuesday	12/20/2016	7:25	15:28	0.50	7.55		Linn Trench N of Holcomb
Wednesday	12/21/2016	7:26	17:02	0.50	9.10		ATT - A00NRPQ GC
Thursday	12/22/2016	7:27	16:33	0.50	8.60		WTG blading Finney #2
Friday	12/23/2016	0:00	0:00	0.00	0.00		
Saturday	12/24/2016	0:00	0:00	0.00	0.00		
Sunday	12/25/2016	0:00	0:00	0.00	0.00		
Monday	12/26/2016	0:00	0:00	0.00	0.00		
Tuesday	12/27/2016	0:00	0:00	0.00	0.00		
Wednesday	12/28/2016	0:00	0:00	0.00	0.00		
Thursday	12/29/2016	0:00	0:00	0.00	0.00		
Friday	12/30/2016	0:00	0:00	0.00	0.00		
Saturday	12/31/2016	0:00	0:00	0.00	0.00		
						40	Regular
						14.7	OT
							Add'l Reg
							Add'l OT
							VAC
							Holiday

TOTAL HOURS

54.70

Check

**CERTIFICATE OF SERVICE**

17-TRAM-371-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 21 2017**.

LORIE CALDERON, OFFICE MANAGER  
DREILING PIPELINE, LLC  
PO BOX 1218  
GARDEN CITY, KS 67846-1218  
Fax: 620-275-2363  
dreilingconst@sbcglobal.net

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

/S/ DeeAnn Shupe  
DeeAnn Shupe

**Order Mailed Date**

**FEB 22 2017**