

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

December 1, 2015

16-TRAM-249-PEN

Clinton M. Thompson, President
Mac Thompson Trucking, Inc.
9 W California
Osage City, Kansas 66523

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 November 13, 2015, by Kansas Corporation Commission Special Investigator Wade Patterson. 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 \$1,500 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.

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. 2015 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: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **Mac**)
Thompson Trucking, Inc., of Osage City,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 16-TRAM-249-PEN
and the 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. 2015 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. 2015 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. 2015 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. Mac Thompson Trucking, Inc. (Mac Thompson Trucking) obtained common operating authority from the Commission on March 15, 2001, and operates under KSMCID number 100352 and USDOT number 727914.

5. Mac Thompson Trucking utilizes five (5) truck tractors and seven (7) trailers in interstate commerce.

6. Mac Thompson Trucking is a common motor carrier which primarily hauls grain, feed, hay, refrigerated foods, construction, fly ash and salt.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on November 13, 2015, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of Mac Thompson 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, Mr. Patterson identified four (4) violations of the Motor Carrier Safety Regulations.

- a. On October 13, 2015, Mac Thompson Trucking required or permitted its driver, Donnell D. Martin, to operate a commercial motor vehicle, a 2004 Peterbilt, VIN ending in 810275, in interstate commerce from Manhattan, Kansas to St. Joseph, Missouri. This trip is evidenced by Driver's Daily

Log, dated October 13, 2015, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Mac Thompson Trucking failed to remove a terminated driver from the random alcohol/controlled substance testing program and did not enter Donnell D. Martin into the pool, thereby not providing an equal chance for each CDL driver to be selected for random testing. *See* Random list, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. Mac Thompson Trucking’s failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), as adopted by K.A.R. 82-4-3c and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- b. On July 28, 2015, Mac Thompson Trucking required or permitted its driver, Nick Thompson, to operate a commercial motor vehicle, a 1997 Peterbilt, VIN ending in 431149, pulling a 2008 Travis ED trailer, VIN ending in 1006335, in interstate commerce from Osage City, Kansas to Weston, Missouri. This trip is evidenced by Driver’s Daily Log, dated July 28, 2015, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, Mac Thompson Trucking failed to make an inquiry into the motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator found two

violations of this type. Mac Thompson 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), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112. Staff recommends a fine of \$250.

- c. On October 15, 2015, Mac Thompson Trucking required or permitted its driver, Donnell D. Martin, to operate a commercial motor vehicle, a 2004 Peterbilt, VIN ending in 810275, in intrastate commerce from Osage City, Kansas to Frankfurt, Kansas. This trip is evidenced by Driver's Daily Log, dated October 15, 2015, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, Mac Thompson Trucking permitted the driver to drive after the 14th hour after coming on duty. *See* Attachment "E". Mac Thompson Trucking's failure to require its driver to cease his driving at the 14th hour is in violation of 49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3 and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.
- d. On July 24 and July 27, 2015, Mac Thompson Trucking required or permitted its driver, Nick Thompson, to operate a commercial motor vehicle, a 1997 Peterbilt, VIN ending in 431149, in intrastate commerce in and around the area of Osage City, Kansas. This trip is evidenced by Driver's Daily Logs, dated July 24 and July 27, 2015, copies of which are attached hereto as Attachment "F" and are hereby incorporated by

reference. At the time of this transportation, driver Nick Thompson did not meet the provisions laid forth in the FMCSRs pertaining to the short haul provision. Mr. Thompson failed to total the hours for those days, therefore not making a proper record of duty status. *See* Attachment "F". Mac Thompson Trucking's failure to require its drivers to keep proper records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Mac Thompson Trucking committed four (4) 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 \$1,500 for four (4) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Mac Thompson Trucking 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.

11. Finally, Staff recommends that Mac Thompson Trucking 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 Mac Thompson Trucking because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Mac Thompson Trucking committed four (4) 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. Mac Thompson Trucking, Inc., of Osage City, Kansas is hereby assessed a \$1,500 civil penalty for four (4) 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. Mac Thompson Trucking 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, Mac Thompson Trucking is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 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 Mac Thompson Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,500 civil penalty against Mac Thompson Trucking, and ordering Mac Thompson Trucking 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. 2015 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 \$1,500 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,

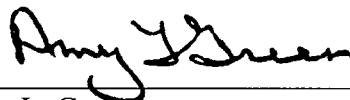
may result in suspension of Mac Thompson Trucking's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies 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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: DEC 01 2015




Amy L. Green
Secretary to the Commission

AAL

ORDER MAILED DEC 02 2015

ATTACHMENT “A”

	US DOT # 727914	Legal: MAC THOMPSON TRUCKING INC Operating (DBA):			
MC/MX #: 227823		State #: [REDACTED]		Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types		Interstate	Intrastate		
Carrier:	Non-HM	N/A	Business: Corporation		
Shipper:	N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2014		
Cargo Tank:	N/A				
Company Physical Address:					
[REDACTED]					
Contact Name: Clinton M. Thompson					
Phone numbers: (1) [REDACTED]					
E-Mail Address: [REDACTED]					
Company Mailing Address:					
9 W CALIFORNIA OSAGE CITY, KS 66523-9627					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
Grain, Feed, Hay		Refrigerated Foods		Construction	
Other: Fly Ash & Salt					
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck Tractor	5	0	0	Trailer	7 0 0
Power units used in the U.S.: 5					
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: 3		
>= 100 Miles:	3		CDL Drivers: 3		





MAC THOMPSON TRUCKING INC

U.S. DOT #: 727914

State #: [REDACTED]

Review Date:

11/13/2015

Part A

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road
Topeka, Kansas 66604
Telephone (785)640-9132

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Clinton M. Thompson

Title: President

Name: [REDACTED]





MAC THOMPSON TRUCKING INC

U.S. DOT #: 727914

State #: [REDACTED]

Review Date:

11/13/2015

Part B Violations

1 FEDERAL	Primary: 382.305(i)(2)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. Example On 10/13/2015 carrier had driver [REDACTED] operate a CDL required commercial motor vehicle (VIN# [REDACTED] 810275) in commerce from Manhattan Kansas to St. Joseph Missouri. This trip was evidenced by a log book page and a fuel receipt. At the time of this trip carrier failed to remove terminated employee [REDACTED] from the testing pool and did not enter driver [REDACTED] into the pool.					
2 FEDERAL	Primary: 391.21(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Using a driver who has not completed and furnished an employment application. Example On 07/28/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Weston Missouri. This trip was evidenced by a log book page and fuel receipt. At the time of this trip carrier was using a driver who had not completed and furnished an employment application.					
3 FEDERAL	Primary: 391.23(c)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to investigate driver's background within 30 days of employment. Example On 10/13/2015 carrier had driver [REDACTED] operate a CDL required commercial motor vehicle (VIN# [REDACTED] 810275) in commerce from Manhattan Kansas to St. Joseph Missouri. This trip was evidenced by a log book page and a fuel receipt. At the time of this trip carrier failed to investigate driver's background within 30 days of employment.					
4 FEDERAL	Primary: 391.25(c)(1)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file. Example On 07/28/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Weston Missouri. This trip was evidenced by a log book page and fuel receipt. At the time of this trip carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.					





MAC THOMPSON TRUCKING INC

U.S. DOT #: 727914

State #: [REDACTED]

Review Date:

11/13/2015

Part B Violations

5 FEDERAL	Primary: 391.51(b)(5)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). On 07/28/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Weston Missouri. This trip was evidenced by a log book page and fuel receipt. At the time of this trip carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).					
6 FEDERAL	Primary: 391.51(b)(6)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example On 07/28/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Weston Missouri. This trip was evidenced by a log book page and fuel receipt. At the time of this trip carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.					
7 FEDERAL	Primary: 391.51(b)(9)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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 On 07/28/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Weston Missouri. This trip was evidenced by a log book page and fuel receipt. At the time of this trip carrier failed 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).					
8 STATE	Primary: 395.3(a)(2) CFR Equivalent: 395.3(a)(2)	Discovered 1	Checked 70	Drivers/Vehicles In Violation 1	Checked 3
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. Example On 10/15/2015 carrier had driver [REDACTED] operate a CDL required commercial motor vehicle (VIN# [REDACTED] 310275) in commerce from Osage City Kansas to Frankfurt Kansas. This trip was evidenced by a log book page and a fuel receipt. At the time of this trip carrier required or permitted a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.					





MAC THOMPSON TRUCKING INC
U.S. DOT #: 727914

State #: [REDACTED]

Review Date:
11/13/2015

Part B Violations

9 FEDERAL	Primary: 395.3(a)(2)	Discovered 0	Checked 18	Drivers/Vehicles In Violation 0	Checked 3
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. No violation of this nature occurred in Interstate commerce.					
10 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 2	Checked 72	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to require driver to make a record of duty status. Example On the 24th and 27th of July 2015, driver [REDACTED] made a trip in commerce (VIN# [REDACTED] 431149) in Osage City Kansas and the surrounding area. At the time of this trip, Nick did not meet the provisions laid forth in the FMCSRs regulations pertaining to the short haul provision. Driver failed to total the hours for those days.					
11 FEDERAL	Primary: 395.8(a)	Discovered 0	Checked 18	Drivers/Vehicles In Violation 0	Checked 3
Description Failing to require driver to make a record of duty status. Example No violation of this nature was discovered in Interstate commerce.					
12 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 13	Checked 70	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example On 07/30/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Olathe Kansas. This trip was evidenced by a log book page. At the time of this trip carrier failed to require driver to prepare record of duty status in form and manner perscribed.					
13 FEDERAL	Primary: 395.8(f)	Discovered 2	Checked 18	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example On 07/28/15 driver [REDACTED] operated a CDL required commercial motor vehicle (VIN# [REDACTED] 431149 & VIN# [REDACTED] 1006335) in commerce from Osage City, Kansas to Weston Missouri. This trip was evidenced by a log book page and fuel receipt. At the time of this trip carrier driver did not prepare record of duty status in the form and manner perscribed. Driver did not list the cargo/commodity that was being transported.					





MAC THOMPSON TRUCKING INC
U.S. DOT #: 727914

State #: [REDACTED]

Review Date:
11/13/2015

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 230,000
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): 3

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.





MAC THOMPSON TRUCKING INC

U.S. DOT #: 727914

State #: [REDACTED]

Review Date:

11/13/2015

Part B Requirements and/or Recommendations

1. • Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan:

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 15 days and any additional evidence necessary to prove the corrective action has been taken to:

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

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Training and Communication





MAC THOMPSON TRUCKING INC
U.S. DOT #: 727914

State #: [REDACTED]

Review Date:
11/13/2015

Part B Requirements and/or Recommendations

DESCRIPTION OF PROCESS BREAKDOWN

Carrier failed to ensure that the random testing pool driver list was updated and current.

BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that whenever a CDL required driver leaves your service that the random testing pool listing of company drivers is updated. Furthermore, ensure that all CDL drivers newly hired are placed in your company's random testing pool.

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

- Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts: for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.
- Encourage disclosure of personal problems with controlled substances and alcohol within a safe environment by having an open-door policy with management or using an Employee Assistance Program (EAP). An EAP enables drivers to alert management of concerns about other personnel and to seek help for their own substance abuse and/or alcohol problems.
- After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
- Ensure that managers and supervisors regularly communicate and demonstrate their ongoing commitment to abiding by regulations and company policies regarding controlled-substance and alcohol use.
- Communicate the carrier's Controlled Substances and Alcohol BASIC percentile to all staff, and explain to them individually what they can do to help improve compliance.
- Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a Substance Abuse Professional (SAP); and confidentiality requirements in relation to recordkeeping.
- Ensure that personnel in safety-sensitive positions receive required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled-substance and alcohol use.
- Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives.
- Ensure that drivers are trained on driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to controlled-substance and alcohol-use regulations and related company policies and procedures.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN

Failure to have applications on each commercial motor vehicle operator and current MVRs. The MVRs should also be accompanied by a driver list of violations and the certification of that list by a supervisor.

BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that all drivers of commercial motor vehicles have complete driver qualification files at your principal place of





MAC THOMPSON TRUCKING INC

U.S. DOT #: 727914

State #: [REDACTED]

Review Date:

11/13/2015

Part B Requirements and/or Recommendations

business. These files must be up to date and records retained for a minimum of three years.

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

HAZMAT Carrier Only:

- Ensure that drivers can meet physical requirements and are able to handle the additional stress associated with multiple HAZMAT-transportation responsibilities.

Passenger Carriers Only:

- Check the Motor Vehicle Record (MVR) to ensure that drivers have the proper class of license and "P" or "S" endorsement, and to see if the applicable endorsement on the license has a specific restriction, such as an air-brake restriction.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities**DESCRIPTION OF PROCESS BREAKDOWN**

Failing to complete records of duty status in the form and manner prescribed, failing to complete records of duty status, and driving after the 14th hour.

BASIC SPECIFIC RECOMMENDED REMEDIES

Review all records of duty status from your drivers. Take care in looking for drive time violations. Furthermore, ensure that the records are being completed and all areas of the log page are being filled out. Make sure your drivers are listing the commodity/cargo being transported. Lastly, if drivers are utilizing the short haul provision ensure that all provisions of the exemption are being met.

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of





MAC THOMPSON TRUCKING INC
U.S. DOT #: 727914

State #: [REDACTED]

Review Date:
11/13/2015

Part B Requirements and/or Recommendations

Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.

- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

HAZMAT Carrier Only:

- Ensure that managers and dispatchers ascertain that drivers who may already be stressed for time due to non-driving HAZMAT responsibilities are not overburdened.

Passenger Carrier Only:

- Define and document responsibilities for verifying that Hours of Service (HOS) and available hours for separate operations within-company are accounted for, including part-time, intermittent, and relief drivers, and for "extended day".
- Designate a manager to collect and evaluate all fatigue-related customer complaints and their safety implications.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

5. 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 Mac Thompson Trucking Inc's operating authority and/or the impoundment of Mac Thompson Trucking Inc's vehicles.

X

Clinton "Mac" Thompson



ATTACHMENT "B"

ATTACHMENT “C”

Participants by Alpha Sort Field

From:

To:

Mac Thompson Trucking (G45895) (G45895)**Pool Group: ()**

Participant ID	Name	SSN	Home	DOT	Occu	Pool	Rnd	Term.	Term. Date
XXXXXXXXXX	Robert Noble	XXXXXXXXXX	2028	Y	CDL		Y	N	
XXXXXXXXXX	Clinton Thompson	XXXXXXXXXX	2028	Y	CDL		Y	N	
XXXXXXXXXX	Nicholas Thompson	XXXXXXXXXX	2028	Y	CDL		Y	N	

Records in this group: Pool Group: (): 3

Records in this company: Mac Thompson Trucking (G45895) (G45895): 3

Total Records Printed: 3

ATTACHMENT “D”

ATTACHMENT “E”



10 / 15 / 2015
Month Year Day

608
Total Miles Driven Today
Total Mileage Today

DRIVER'S DAILY LOG

Mac Thompson Trucking LLC
Name of Carrier
Osage City, Kansas
Main Office Address
Osage City, Kansas
Home Address

Truck/Trailer and Trailer Numbers or
License Plates / State where each unit

Leaving the
Driver's Full Signature
Please Mac

Co-Driver's Name

- 1. OFF DUTY
- 2. SLEEPER
BERTH
- 3. DRIVING
- 4. ON DUTY
(NOT DRIVING)

TIME	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	TOTAL
10/15/2015																								16 1/4

REMARKS

SHIPPING
DOCUMENTS:
B/L or Manifest No.
or
CRAID
Shipper & Commodity

From: Osage City, KS

USE TIME STANDARD AT HOME TERMINAL

Copyright 2012 A. J. Keller & Associates, Inc.

To: Edgemoor, Kansas City, Missouri

4012688

Pre-trip
Osage City, KS
Edgemoor, KS
Osage City, KS
Edgemoor, KS
Osage City, KS
Edgemoor, KS
Frankfort, KS
Frankfort, KS



RECAP
133 3/4

46 1/4

23 3/4

55 1/4

33 3/4

24

ATTACHMENT "F"



Month: 7 Day: 24 Year: 15

254 254

Total Miles Driven Today Total Mileage Today

97-33

Truck/Trailer and Trailer Numbers or License Plates/State is shown each unit

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Inter-relate in trailer possession for eight days

Name of Driver or Carrier
Orange city, ks

Main Office Address

Home Terminal Address

I certify these entries are true and correct.

Driver's Full Signature

Co-Driver's Name

1. OFF DUTY

- 2. SLEEPER BERTH
- 3. DRIVING
- 4. ON DUTY (NOT DRIVING)

local hauling

REMARKS

471852

SHIPPING DOCUMENTS

B/L or Manifest No.

Shipper & Commodity

FROM:

USE TIME STANDARD AT HOME TERMINAL

4012688

RECAP: complete at end of workday.

On-duty hours today (Total hours 24)

30 hr 00 Day Drivers

A. Total hours on duty last 7 days including today

B. Total hours available on duty last 7 days including today

C. Total hours on duty last 7 days including today

30 hr 00 Day Drivers

A. Total hours on duty last 7 days including today

B. Total hours available on duty last 7 days including today

C. Total hours on duty last 7 days including today

30 hr 00 Day Drivers



7/27/13

(Month) (Day) (Year)

168 168

Total Miles Driven Today Total Mileage Today

DRIVER'S DAILY LOG

(24 HOURS)

Original - File at Home Terminal
Duplicate - Driver keeps in his/her possession for 90 days

Mr. Thompson Trucking
Oran City, MS
Name of Carrier or Carriers
Main Office Address

97-35

Tractor and Trailer Numbers or
License Plates / State (below each unit)

Home Terminal Address

Verify these entries are true and correct.

Co-Driver's Name

Driver's Full Signature

Hour	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL HOURS
------	---	---	---	---	---	---	---	---	---	----	----	----	---	---	---	---	---	---	---	---	---	----	----	----	----------------

1. OFF DUTY

2. SLEEPER
BERTH

3. DRIVING

4. ON DUTY
NOT DRIVING

LOCAL - Hauling

MID
NIGHT

REMARKS

472/166

SHIPPING
DOCUMENTS

B/L or Manifest No.
or

Shipper & Commodity

From:

To:

USE TIME STANDARD HOME TERMINAL

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4012668

RECAP
Complete at
end of week

The duty hours
before 12:01 AM
have been:

70 Hrs/24 Day
Drivers

A. Total hours on
duty last 7 days
including today

B. Total hours
available
last 7 days

C. Total hours on
duty last 7 days
including today

70 Hrs/24 Day
Drivers

A. Total hours on
duty last 7 days
including today

B. Total hours
available
last 7 days

C. Total hours on
duty last 7 days
including today

70 Hrs/24 Day
Drivers

CERTIFICATE OF SERVICE

16-TRAM-249-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 **DEC 01 2015**.

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

CLINTON M. THOMPSON, PRESIDENT
MACK THOMPSON TRUCKING, INC.
9 W CALIFORNIA
OSAGE CITY, KS 66523-9627
Fax: 785-528-8154
djmacthompson@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe

ORDER MAILED DEC 02 2015