

CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027PHONE: 785-271-3100
FAX: 785-271-3354
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

November 8, 2018

19-TRAM-183-PEN

Bob Stevens, General Manager
Blackburn's All Star Roofing, Inc.
902 Osage
Kansas City, KS 66105

This is a notice of a penalty assessment against Blackburn's All Star Roofing, Inc. (Blackburn's Roofing) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 12, 2018, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Blackburn's Roofing has been assessed an \$800 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$800, 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 Blackburn's Roofing 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. Blackburn's Roofing 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 Secretary to the Commission 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. 2017 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$800 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,

A handwritten signature in blue ink, appearing to read "Ahsan A. Latif".

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
 Dwight D. Keen

In the Matter of the Investigation of)
Blackburn's All Star Roofing, Inc., of Kansas)
City, KS, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 19-TRAM-183-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). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2017 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. 2017 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. 2017 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 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. Blackburn's All Star Roofing, Inc. (Blackburn's Roofing) has private operating authority with the Commission and further operates USDOT number 524333.

5. Blackburn's Roofing is a private motor carrier which primarily hauls building materials, garbage, refuse, trash and construction.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on October 12, 2018, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of Blackburn's Roofing. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 18, 2018, Blackburn's Roofing required or permitted its driver, James Oliver, to operate a CDL-required commercial motor vehicle, a 1997 GMC Dump Truck, VIN ending in 520766, GVWR 26,001 lbs. in interstate commerce from Kansas City, Kansas to Farey/Weston, Missouri. This trip is evidenced by a document, a copy of

which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Blackburn’s Roofing had not implemented an alcohol and/or controlled substances testing program for its CDL driver. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a., above, Blackburn’s Roofing 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 carrier’s failure to inquire into its driver’s MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, Blackburn’s Roofing failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds Blackburn's Roofing committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

8. Additionally, Staff recommends a civil penalty of \$800 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

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

V. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Blackburn's Roofing because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

12. The Commission finds Blackburn's Roofing committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor

Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Blackburn's All Star Roofing, Inc., of Kansas City, KS is hereby assessed a \$800 civil penalty for three (3) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Blackburn's Roofing 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. Blackburn's Roofing 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.

D. Pursuant to K.S.A. 2017 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 Secretary to the Commission, 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 Blackburn's Roofing's right to a hearing, and this Penalty Order will become a Final Order assessing a \$800 civil penalty

against Blackburn's Roofing, and ordering a representative from Blackburn's Roofing 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.

E. 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$800 is due in thirty (30) days from the date of service of this Order. Payment of \$800 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.

G. Failure to pay the \$800 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 Blackburn's Roofing'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.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner






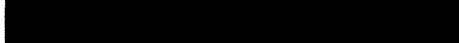

Dated: 11/08/2018




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 524333	Legal: BLACKBURN'S ALL STAR ROOFING INC Operating (DBA):		
MC/MX #:		Federal Tax ID:  (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 Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue:  for year ending: 12/31/2017		
Company Physical Address:  KANSAS CITY, KS 66105				
Contact Name: Bob Stevens Phone numbers: (1)  Fax E-Mail Address: 				
Company Mailing Address:  KANSAS CITY, KS 66105				
Carrier Classification Private Property				
Cargo Classification Building Materials Garbage, Refuse, Trash Construction				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	3	0	0	
Power units used in the U.S.: 3 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:	1		Total Drivers: 1	
>= 100 Miles:			CDL Drivers: 1	



	BLACKBURN'S ALL STAR ROOFING INC U.S. DOT # 524333	Review Date: 10/11/2018
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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: Bob Stevens

Title: General Manager

Name:

Title:



	BLACKBURN'S ALL STAR ROOFING INC	Review Date
	U.S. DOT # 524333	10/11/2018

Part B Violations

1 FEDERAL ACUTE	Primary 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

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

Example

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to implement an alcohol and/or controlled substances testing program.

2 FEDERAL	Primary 391.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Using a driver who has not completed and furnished an employment application.

Example

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to have driver application for employment retained in the driver qualification file.

3 FEDERAL	Primary 391.51(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Example

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to maintain inquiries into the driver's driving record in the driver's qualification file.

4 FEDERAL	Primary 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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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

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).



	BLACKBURN'S ALL STAR ROOFING INC	Review Date.
	U S DOT # 524333	10/11/2018

Part B Violations

5 FEDERAL	Primary 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27

Example

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

6 FEDERAL	Primary 391.51(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to keep required records in driver's qualification file for 3 years after date of execution.

Example

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to keep required records in driver's qualification file for 3 years after date of execution. No records pertaining to the original investigation of the driver before date of hire existed in the driver qualification file

7 FEDERAL	Primary: 396.3(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

Failing to keep minimum records of inspection and vehicle maintenance.


Example

On 09-18-2018 Blackburn's All Star Roofing Inc. had driver James Oliver (KS CDL# [REDACTED]) operate a commercial motor vehicle (1997 GMC Dump Truck VIN # [REDACTED] 520766) in interstate commerce. The gross vehicle weight rating of this vehicle is 26,001 lbs. Carrier had the driver operate this dump truck from the principal place of business in Kansas City Kansas to a job site in Farley/Weston Missouri. At the time of this trip and during the review, carrier failed to keep minimum records of inspection and vehicle maintenance

Safety Fitness Rating Information: Total Miles Operated 15,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0
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Your proposed safety rating is : SATISFACTORY	Rating Factors			Acute	Critical
	Factor 1:	S	0	0	
	Factor 2:	C	1	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.

	BLACKBURN'S ALL STAR ROOFING INC U.S. DOT #. 524333	Review Date 10/11/2018
Part B Requirements and/or Recommendations		

1. 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 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.fmcsc.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking You could be a target Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information.
<http://www.fmcsc.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim


- PLEASE NOTE The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office

US Department of Transportation
 Federal Motor Carrier Safety Administration
 Kansas Division
 Division Administrator



	BLACKBURN'S ALL STAR ROOFING INC U.S. DOT #. 524333	Review Date 10/11/2018
Part B Requirements and/or Recommendations		

1303 First American Place
 Suite 200
 Topeka, KS 66604-4040

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

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

2. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

3. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN Roles and Responsibilities


DESCRIPTION OF PROCESS BREAKDOWN

Blackburn's All Star Roofing Inc., failed to keep maintenance file on the vehicle. Carrier violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. Carrier neglected to establish the appropriate maintenance file on his commercial motor vehicle. Carrier must create the policies and procedures necessary to effectively maintain his fleet. This includes establishing your maintenance file. All pertinent information must be kept in this file. Follow the directions given to you at the time of our review. All of the required maintenance documents were provided to you from the "Red Book". These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES

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



	BLACKBURN'S ALL STAR ROOFING INC U S. DOT #. 524333	Review Date 10/11/2018
Part B Requirements and/or Recommendations		

Responsibilities.

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS)
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders.

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. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN:

Blackburn's All Star Roofing Inc., violations occurred due to a breakdown regarding the Roles and Responsibilities elements of compliance within this section. Carrier failed to implement an alcohol and controlled substances testing program for CDL drivers. Partner with a consortium of your choosing and immediately begin a testing program. Establish the company policy and adhere to the procedures laid forth in the FMCSA's (Federal Motor Carrier Safety Administration) regulations. Again, partner with a consortium of your choosing and follow the steps outlined during the review to guide you in this process. If you have any questions or needs, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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


- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

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. DRIVER FITNESS BASIC PROCESS BREAKDOWN Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

	BLACKBURN'S ALL STAR ROOFING INC U.S. DOT #: 524333	Review Date 10/11/2018
Part B Requirements and/or Recommendations		

Blackburn's All Star Roofing Inc., violations occurred due to a breakdown regarding the roles and responsibilities elements of compliance within this section. Carrier has established a very basic driver qualification files for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
- Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

Seek Out Resources

- You are encouraged to review your company's record at the following website <http://a1.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.



ATTACHMENT “B”

Date: 8/17/17
 Job: Stay Roofing
 C/Fuel 9-13 9-14 9-15 9-17 52.25
 36.08
 INVOICE 298819 1000.00
 1036.08

DATE	DESCRIPTION	AMOUNT
Thurs 9/13/18	Sob on Doyle St in Louisville 8:00 - 4:00	13.11
Fri 9/14/18	Sob on Doyle St in Louisville 8:00 - 10:00	
Fri 9/14	on Doyle 1:00 - 6:00	
Sat 9/15	on Doyle 7:30 - 4:15	32.00
Mon 9/17	went to dump then Perf then to ABC then Shop 9:15 - 1:00	
Mon 9/17	worked on intermountain	
2 off 23	on white truck 7:00 - 8:00	
10	Mon 9-19 western 7:00 - 6:00	
11	Mon 9-19 western 7:15 - 6:15	
50		
50		

CURRENT	OVER 30 DAYS	OVER 60 DAYS	TOTAL AMOUNT

8/17/17
 1036.08

CERTIFICATE OF SERVICE

19-TRAM-183-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 11/09/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe