

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

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

In the Matter of the Investigation of)
Stafford County Trash Service, Inc. of)
St. John, Kansas, Regarding the)
Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 16-TRAM-380-PEN
Commission's Authority to Impose)
Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

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. Pursuant to K.S.A. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. Stafford County Trash Service, Inc. of St. John, Kansas (Respondent) is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.

5. Respondent operates under USDOT Number 1272454.

6. On March 1, 2016, Respondent was issued a penalty assessment for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on December 29, 2015, by Kansas Corporation Commission Special Investigator Doug Handy. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. The Penalty Order was mailed to Respondent via certified mail, return receipt requested, on March 1, 2016. A Proof of Service of the Penalty Order was filed on March 16, 2016.

8. As of July 15, 2016, Commission records indicate Respondent has not complied with requirements of the Penalty Order in that Respondent had thirty (30) days from service to pay the fine amount of \$4,000, and Transportation Division records indicate the fine is unpaid. Further, Respondent was mailed a letter dated April 5, 2016,

to the carrier's mailing address, notifying it of its unpaid fine and lack of compliance with the above-referenced Penalty Order.

III. CONCLUSIONS OF LAW

9. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

10. The Commission finds Respondent received sufficient notice of the Commission's Penalty Order and the requirement to pay the fine within 30 days of the Order.

11. The Commission finds Respondent failed to act upon this notice.

12. The Commission finds Respondent's failure to comply with the requirements of the Penalty Order is intentional and therefore this Commission orders the Respondent to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2015 Supp. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. Stafford County Trash Service, Inc. of St. John, Kansas is to be immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2015 Supp. 66-1,129, until such time as Respondent pays the penalty amount of \$4,000 and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier

entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. 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. Service of this order will be by certified mail, return receipt requested, and service is complete when Respondent signs the Domestic Return Receipt. Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Respondent's right to a hearing, and this Order will become a Final Order against Respondent, suspending Respondent's motor carrier operations, ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance.

C. 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.

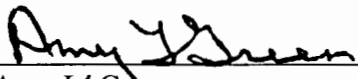
D. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

E. 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.

Emler, Chair; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 02 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

AUG 03 2016

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

March 1, 2016

16-TRAM-380-PEN

Terry Welch, President
Stafford County Trash Service, Inc.
602 N US Hwy 281
St. John, Kansas 67576

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 December 29, 2015, by Kansas Corporation Commission Special Investigator Doug Handy. 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 \$4,000 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.

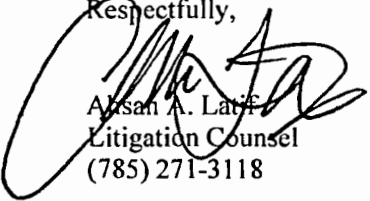
IF YOU CONTEST THE PENALTY:

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: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Investigation of **Stafford**)
County Trash Service, Inc., of St. John,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 16-TRAM-380-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. Stafford County Trash Service, Inc. (Stafford County Trash Service) operates under USDOT number 1272454.

5. Stafford County Trash Service is an intrastate carrier that operates four (4) trucks with a GVWR of 26,001 or more.

6. Stafford County Trash Service is a common motor carrier which primarily hauls garbage, refuse and trash.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on December 29, 2015, Commission Staff (Staff) Special Investigator Doug Handy conducted a compliance review of the operations of Stafford County Trash Service. 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. Handy identified seven (7) violations of the Motor Carrier Safety Regulations.

- a. On November 20, 2015, Stafford County Trash Service required or permitted its driver, Cassidy Mawhirter, to operate a commercial motor vehicle a 1992 White, VIN ending in 653155 in intrastate commerce in and around the area of St. John, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP02760075, dated November

20, 2015, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Stafford County Trash Service had not implemented an alcohol and/or controlled substance testing program for its CDL drivers. Stafford County Trash Service's failure to establish an alcohol and/or controlled substances program for its 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), as adopted by K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- b. During the transportation described in paragraph a., above, Stafford County Trash Service failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator found three (3) violations of this type. Stafford County Trash Service'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 August 25, 2015, Stafford County Trash Service required or permitted its driver, Rodger LaChance, to operate a commercial motor vehicle, a 1992 White, VIN ending in 653155, in intrastate commerce in and around the area of St. John, Kansas. This trip is evidenced by Driver/Vehicle

Examination Report No. KSHP92600308, dated August 25, 2015, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Stafford County Trash Service failed to require its driver to be medically examined and certified as physically fit to operate a commercial motor vehicle. The carrier's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.45(b)(1) and 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

- d. During the transportation described in paragraph a., above, Stafford County Trash service failed to require its driver, Cassidy Mawhirter, to make a record of duty status. The carrier operates under the 100 air mile radius exemption for their hours of service. This violation was discovered on 71 of 91 records required on two (2) of three (3) drivers. Stafford County Trash Service's failure to require its drivers to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, 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 a 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 \$1,000.

- e. On July 2, 2015, Stafford County Trash Service required or permitted its driver, Terry Welch, to operate a commercial motor vehicle, a 1992 White, VIN ending in 653155, in intrastate commerce from St. John, Kansas to Stafford, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP02760041, dated July 2, 2015, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this investigation, Stafford County Trash Service failed to systematically inspect, repair and maintain the commercial motor vehicle. The driver/vehicle was involved in the KHP inspection and was found that the truck had lost one set of dual tires and wheels to the lug nut studs being loose and broke off. The carrier's failure to systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all commercial motor vehicles subject to its control is a violation of 49 C.F.R. 396.3(a), as adopted by K.A.R. 82-4-3, and as implemented by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.
- f. During the transportation described in paragraph a., above, Stafford County Trash Service failed to require its driver to prepare a driver vehicle inspection report on the commercial motor vehicle. The special investigator found 48 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), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

- g. During the transportation described in paragraph e., above, Stafford County Trash Service permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Stafford County Trash Service committed seven (7) 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 \$4,000 for seven (7) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Stafford County Trash Service 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 Stafford County Trash Service 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 Stafford County Trash Service because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Stafford County Trash Service committed seven (7) 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. Stafford County Trash Service, Inc., of St. John, Kansas is hereby assessed a \$4,000 civil penalty for seven (7) 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. Stafford County Trash Service 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, Stafford County Trash Service 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 Stafford County Trash Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$4,000 civil penalty against Stafford County Trash Service, and ordering Stafford County Trash Service 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.*

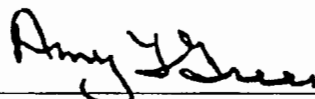
F. Failure to pay the \$4,000 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Stafford County Trash Service's motor carrier operating authority without further notice. 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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: MAR 1 2016



Amy L. Green
Secretary to the Commission


Order Mailed Date

AAL

MAR 2 2016

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 1272454	Legal: STAFFORD COUNTY TRASH SERVICE INC			
	Operating (DBA):				
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory: F
Operation Types		Interstate	Intrastate		
Carrier: N/A		Non-HM		Business: Corporation	
Shipper: N/A		N/A		Gross Revenue: [REDACTED] for year ending: 9/30/2015	
Cargo Tank: N/A					
Company Physical Address: [REDACTED]					
Contact Name: Gary P. Welch					
Phone numbers: (1) [REDACTED]					
E-Mail Address: [REDACTED]					
Company Mailing Address: 602 N US Hwy 281 ST JOHN, KS 67576					
Carrier Classification Exempt for Hire					
Cargo Classification Garbage, Refuse, Trash					
Equipment					
	Owned	Term Leased	Trip Leased	Owned	Term Leased Trip Leased
Truck	4	0	0		
Power units used in the U.S.: 4					
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:	3		Total Drivers: 3		
>= 100 Miles:			CDL Drivers: 3		





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT # 1272454

Review Date
01/19/2016

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

1500 SW Arrowhead Rd
Topeka, Ks 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Terry Welch

Title: President

Name: [REDACTED]



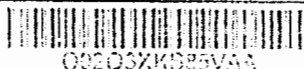



STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #. 1272454

Review Date
02/11/2016

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 Carrier had no records provided during this investigation of having a controlled substance/alcohol testing program				
2 FEDERAL	Primary: 382.303(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1
Description Failing to conduct post accident alcohol testing on driver following a recordable crash. Example Driver Name [REDACTED] Accident Date 12/02/2015 Carrier's driver was involved in a DOT Recordable accident investigated by KHP (#2015016957) where the driver was cited and transported by Stafford County EMS to Stafford Co. District Hospital. Carrier had no records of a post accident alcohol test ever conducted during this investigation				
3 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1
Description Failing to conduct post accident testing on driver for controlled substances Example Driver Name [REDACTED] Accident Date 12/02/2015 Carrier's driver was involved in a DOT Recordable accident investigated by KHP (#2015016957) where the driver was cited and transported by Stafford County EMS to Stafford Co. District Hospital. Carrier had no records of a post accident controlled substance test ever conducted during this investigation				
4 STATE	Primary: 390.15(b) CFR Equivalent: 390.15(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1
Description Failing to maintain, for a period of three years after an accident occurs, an accident register. Example Driver Name [REDACTED] Accident Date 12/02/2015 Carrier's driver was involved in a DOT Recordable accident investigated by KHP (#2015016957) where the driver was cited. Carrier had copy of accident report received on 12/16/2015. Carrier could not provide a accident register				



	STAFFORD COUNTY TRASH SERVICE INC	Review Date:
	U.S. DOT # 1272454	02/11/2016

Part B Violations

5 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3 Checked 3
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 Carrier had no record of obtaining a MVR in the driver qualification file				
6 STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1 Checked 3
Description Using a driver not medically examined and certified during the preceding 24 months Example Driver Name [REDACTED] Trip Date 08/25/2015 KS. Roadside Insp. KSHP92600303 Driver qualification file provided medical certificate conducted on 12/10/2015. Driver's last medical certification expired on 12/5/2014				
7 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3 Checked 3
Description Failing to maintain driver's employment application in driver's qualification file Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 There were no application of employment in the driver qualification file				
8 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3 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). Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 Carrier failed to conduct the annual review on each driver as required				





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #: 1272454

Review Date
02/11/2016

Part B Violations

9 STATE	Primary 391.51(b)(6) CFR Equivalent 391.51(b)(6)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27 Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 Carrier failed to have the driver complete the certification of violations annually as required					
10 STATE	Primary 391.51(b)(9) CFR Equivalent: 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 Driver Name [REDACTED] Trip Date 11/20/2015 Ks. Roadside Level 2 Inspection #KSHP02760075 Medically Certified on 06/06/2014 by [REDACTED]					
11 FEDERAL	Primary: 395.8(a)	Discovered 71	Checked 91	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to require driver to make a record of duty status. Example Driver Name [REDACTED] Trip Date 11/20/2015 Ks. Roadside Inspection #KSHP02760075 Carrier operates under the 100 air mile exemption for their hours of service. Carrier had no time records that met the requirements of the exemption at the time of the investigation.					
12 STATE	Primary: 396.3(a) CFR Equivalent: 396.3(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to your control Example Driver Name [REDACTED] Trip Date 07/02/2015 Ks Roadside Level 2 #KSHP02760041 1992 White VIN# [REDACTED] 353155 Unit #4 Carrier was in violation of 3 serious equipment violations and placed OOS. The last 12 months the carrier has had 27 equipment violations with 10 OOS violations on 4 roadside inspections					





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT # 1272454

Review Date
02/11/2016

Part B Violations

13 STATE	Primary 395.3(b)(1) CFR Equivalent: 395.3(b)(1)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
Description Failing to keep a maintenance record which identifies the vehicle including make, serial number, year, and tire size. Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 Carrier had no maintenance records with the required information per the regulations					
14 STATE	Primary 395.3(b)(2) CFR Equivalent: 395.3(b)(2)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. Example Driver Name [REDACTED] Trip Date 08/25/2015 Ks. Roadside Insp. KSHP92600306 Carrier has no documentation indicating when the maintenance is due and when it was completed.					
15 STATE	Primary 395.9(d)(3) CFR Equivalent: 395.9(d)(3)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed. Example Driver Name [REDACTED] Trip Date 11/20/2015 Hire Date 09/19/2014 Ks. Roadside Level 2 Inspection #KSHP02760075 Carrier has received 4 Level 2 Roadside Inspections within the last 12 months. Carrier had no copies of those inspections at the PPOB.					
16 STATE	Primary 395.11(a) CFR Equivalent 395.11(a)	Discovered 48	Checked 48	Drivers/Vehicles In Violation 3	Checked 4
Description Failing to require driver to prepare driver vehicle inspection report Example Driver Name [REDACTED] Trip Date 11/20/2015 Ks. Roadside Inspection #KSHP02760075 Carrier had no DVIR completed during this investigation					





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #: 1272454

Review Date
02/11/2016

Part B Violations

17 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 2	Checked 4	Drivers/Vehicles In Violation	Checked 4
-------------	---	-----------------	--------------	----------------------------------	--------------

Description

Using a commercial motor vehicle not periodically inspected

Example

Driver Name [REDACTED]

Trip Date 07/02/2015

Ks Roadside Level 2 #KSHPD2760041

1992 White VIN# [REDACTED] 553155 Unit #4

Carrier was in violation of not have proof of an annual inspection in 4 of 4 inspections within the last 12 months. Carrier provided a annual inspection that was conducted on 08/12/2015. No other record of a periodic inspection prior to 08/12/2015.

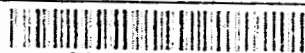
Safety Fitness Rating Information:

Total Miles Operated 30,000
Recordable Accidents 1

OOS Vehicle (CR): 2
Number of Vehicle Inspected (CR): 2
OOS Vehicle (MCMIS): 4
Number of Vehicles Inspected (MCMIS): 4

Your proposed safety rating is :

This Review is not Rated.





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #: 1272454

Review Date:
01/19/2016

Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
4. Ensure that all drivers are fully and properly qualified before operating in interstate/intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
5. Do not allow drivers to drive interstate/intrastate unless they have been physically re-examined each 24 months.
6. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
7. 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.
8. 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.
9. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
10. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
11. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
12. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Carrier failed to meet the requirements of the 100 air mile exemption. Carrier failed to have time records for 2 of 3 drivers records reviewed with a start time, end time, and total hours.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT # 1272454

Review Date
01/19/2016

Part B Requirements and/or Recommendations

Hours

- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

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.

13. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN-Carrier had 27 equipment violations with 10 OOS violations discovered with 4 roadside inspections conducted within the last 12 months.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

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.

14. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN- Carrier failed to have documentation indicating which violations were corrected by vehicle and date per the roadside inspections. Carrier had no DVIR's to present during this





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #: 1272454

Review Date:
01/19/2016

Part B Requirements and/or Recommendations

investigation. No Policy was implemented to ensure drivers are completing DVIR's as required.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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.

15. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Carrier failed to implement a alcohol/controlled substance testing program.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #: 1272454

Review Date:
01/19/2016

Part B Requirements and/or Recommendations

checks and guidelines for interacting with a consortium, if applicable.

- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

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.

16. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Carrier failed to have the required documentation in the driver qualification file as required. Carrier failed to establish policies to monitor the driver qualification files and maintain the records annually as required.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

HAZMAT Carrier Only:

- Establish policies and procedures for managers and dispatchers for companies that haul HAZMAT and regular cargo to ensure that only drivers with an "H" endorsement are assigned placardable HAZMAT; only those with an "N" endorsement, tank loads; only those with an "X" endorsement, combination tank HAZMAT.





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT #: 1272454

Review Date:
01/19/2016

Part B Requirements and/or Recommendations

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

17. 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.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.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

18. "Have you reviewed your data?"

The SMS results are based on your State-reported crash or inspection data. Be sure to review your data in SMS for accuracy. If you think there is an error, request a data review (RDR) by registering for DataQs through the FMCSA Portal at <https://portal.fmcsa.dot.gov> or through the DataQs system directly at <http://dataqs.fmcsa.dot.gov/>.

19. 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.





STAFFORD COUNTY TRASH SERVICE INC
U.S. DOT # 1272454

Review Date:
01/19/2016

Part B Requirements and/or Recommendations

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.

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

21. For all investigations that did not result in a Cooperative Safety Plan:


Kansas Corporation Commission requires that you prepare a corrective action letter addressing the measures taken to correct the violations identified in this investigation. Submit this letter within 15 days and 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

22. For all investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance investigation 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 the receipt of this report acknowledges your understanding that the violations discovered by the KCC during this investigation may be used to calculate any civil penalty proposed as a result of this investigation. Your signature is not an admission to the violations identified.

23. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Stafford County Trash Service, Inc. operating authority and/or the impoundment of Stafford County Trash Service, Inc. vehicles.


1/19/16

Terry Welch, President
Date



ATTACHMENT "B"

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2658

Report Number: KSHF02760075
Inspection Date: 11/20/2015
Start: 7:40 AM CT End: 8:35 AM CT
Inspection Level: II - Walk-Around Inspection
HM Inspection Type: None

STAFFORD COUNTY TRASH SERVICE INC

Driver: MAWHIRTER, CASSIDY Q

State: KS

ST JOHN, KS, 67578

License#: [REDACTED]

Date of Birth: [REDACTED]

USDOT: 1272454

Phone#: [REDACTED]

CoDriver:

MC/MX#:

Fax#: [REDACTED]

License#: [REDACTED]

State:

State#:

Date of Birth:

Location: STAFFORD COUNTY - 185

Milepost: 74

Shipper: NA

Highway: U281

Origin: ST. JOHN, KS

Bill of Lading: NA

County: STAFFORD

Destination: LOCAL FARMS & BUSINESSES

Cargo: TRASH

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment	UID	VIN	GWR	GVSA#	Issued#	QOS Sticker
1	TR	WHIT	1992	KS	[REDACTED]	4	[REDACTED]	353155 52000				111537

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	QOS	Station #	Verify	Crash	Violations Discussed
333.979	F	1	Y		U	N	Inoperative turn signal-passenger side rear turn signal inoperative
333.9	F	1	N		N	N	Inoperative required lamp-front center ID light and both side clearance light inoperative
333.11	F	1	N		N	N	No or defective lighting devices or reflective material as required-front center clearance light and passenger side ID light missing
333.9	F	1	N		N	N	Inoperative required lamp-rear ID lights and top light inoperative
333.9	F	1	Y		U	N	Inoperative required lamp-no operative rear brake lights
393.95A	F	1	N		N	N	Not discharged/secured fire extinguisher-showing discharged
393.95F	F	1	N		N	N	No / insufficient warning devices-no triangles
393.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection-no inspection present, owner has stated in the past he does not get them
392.2AU	F	1	N		N	N	State Operating Authority violation-8-133 bag covered in dirt/mud and unreadable

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

Alcohol/Controlled Substance Check
Conducted by Local Jurisdiction
Size and Weight Enforcement

X Traffic Enforcement
PASA Conducted Inspection
Drug Interdiction Search

Post Crash Inspection
FBST Inspection

Notes: I was traveling NB and saw the truck turning right. I saw the right rear turn signal not operative. The brake lights worked, but when checking them during the inspection they were not working. These violations have been the same repetitive violations this company has had.

Pursuant to the authority contained in Title 49, CFR; K.S.A. 68-1, 129; K.C.C. Reg. 62-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE." No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a CMV Penalty being issued against the carrier indicated on this report. Driver Initials: _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt. MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA) 7e Data Q Challenge process, at <https://data.fmcsa.dot.gov>

Report Prepared By:
J. Schawe

Badge #:
0278

Copy Received By:
CASSIDY
MAWHIRTER

01272454 KS KSHF02760075

X _____ X _____

ATTACHMENT "C"

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7169 Fax: (785)296-2858

Report Number: KSHPS2600308
 Inspection Date: 08/25/2015
 Start: 8:27 AM CT End: 8:57 AM CT
 Inspection Level: II - Walk-Around Inspection
 HM Inspection Type: None

STAFFORD COUNTY TRASH SERVICE INC

Driver: LACHANCE, RODGER D

License#: [REDACTED]

State: KS

ST JOHN, KS, 67576

Date of Birth: [REDACTED]

USDOT: 1272454

Phone#: [REDACTED]

CoDriver:

MC/MX#:

Fax#: [REDACTED]

License#:

State:

State#:

Date of Birth:

Location: ST JOHN

Milepost: 79 Shipper: STAFFORD COUNTY TRASH

Highway: U281

Origin: ST JOHN, KS

Bill of Lading: N/A

County:

Destination: ST JOHN, KS

Cargo: TRASH

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	COS Sticker
1	TR	VOLO	1992	KS	[REDACTED]	4	[REDACTED]	53155 62000			68760

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	COS	Category #	Verify/Correct	Violations/Comments
391.438	F	D	N		N N	Expired medical examiner certificate expired 12-6-14
393.978	F	1	N		N N	Inoperative right front turn lamp
393.9	F	1	N		N N	Inoperative center td lamp and right clearance lamp
393.973	F	1	Y		U N	Inoperative left and right rear turn lamps
393.25F	F	1	Y		U N	Inoperative left and right brake lamps
393.9	F	1	N		N N	Inoperative rear id lamps
393.17C	F	1	N		N N	Operating a CMV without proof of a periodic inspection

HandMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials: _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____

Facility: _____

Date: _____

"I" DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. "I"/"C" CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Report Prepared By:
 S. Little

Badge #:
 9260

Copy Received By:
 RODGER LACHANCE



X _____ X _____

ATTACHMENT “D”

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7169 Fax: (785)296-2353

Report Number: KSHP02760041
Inspection Date: 07/02/2015
Start: 5:10 PM CT End: 6:10 PM CT
Inspection Level: II - Walk-Around Inspection
HM Inspection Type: None

STAFFORD COUNTY TRASH SERVICE INC

Driver: WELCH, TERRY J

State: KS

ST JOHN, KS, 67576

License#: [REDACTED]

Date of Birth: [REDACTED]

USDOT: 1272454

Phone#: [REDACTED]

CoDriver:

State:

NIC/MX#:

Fax#: [REDACTED]

License#:

Date of Birth:

Location: STAFFORD COUNTY - 185

Milepost: Shipper: N/A

Highway: 200 BLK OF OLD HWY 50

Origin: ST. JOHN, KS

Bill of Lading: N/A

County:

Destination: STAFFORD, KS

Cargo: TRASH

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	GVSA #	Issued #	QOS Status
1	TR	WHITE	1992	KS	[REDACTED]	[REDACTED]	[REDACTED]	53165	52000		111531

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	QOS	Citation #	Verify	Crash	Violations Discovered
303.205A	F	1	Y	EC00397341	U	N	Wheel/tire cracked or broken-Passenger side rear tire and wheels separated from vehicle while driving down the road.
393.205C	F	1	Y		U	N	Wheel fasteners loose and/or missing-all passenger side rear lug studs broke off.
356.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection-no proof of inspection at scene

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

* Pursuant to the authority contained in Title 49, CFR, K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials: _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

*** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. *** CARRIER CERTIFICATION: At least one of this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Report Prepared By:
J. SCHAW

Badge #:
6276

Copy Received By:
TERRY WELCH



01272454 KS KSHP02760041

X _____

X _____

CERTIFICATE OF SERVICE

16-TRAM-380-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 **MAR 1 2016**.

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

TERRY WELCH, PRESIDENT
STAFFORD COUNTY TRASH SERVICE, INC.
602 N US HWY 281
ST JOHN, KS 67576
Fax: 620-549-3262
sjwelding@stjohn.net

Order Mailed Date

MAR 2 2016

/S/ DeeAnn Shupe
DeeAnn Shupe

CERTIFICATE OF SERVICE

16-TRAM-380-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 AUG 02 2016.

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

TERRY WELCH, PRESIDENT
STAFFORD COUNTY TRASH SERVICE, INC.
602 N US HWY 281
ST JOHN, KS 67576
Fax: 620-549-3262
sjwelding@stjohn.net

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

AUG 03 2016