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Topeka, KS 66604-4027

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<http://kcc.ks.gov/>

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
22-TRAM-097-PEN

August 24, 2021

Jeff Blixt, Vice President  
L Blixt Construction Inc  
2646 Sage Road  
Chapman, KS 67431

This is a notice of a penalty assessment against L Blixt Construction Inc (L Blixt) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 13, 2021, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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:** L Blixt has been assessed an \$850 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$850, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 L Blixt 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

**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. L Blixt must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$850 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,  
*/s/ Ahsan A. Latif*  
Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners:     Andrew J. French, Chairperson  
                                  Dwight D. Keen  
                                  Susan K. Duffy

In the Matter of the Investigation of **L. Blixt**     )  
**Construction Inc, of Chapman, KS**, Regarding     )  
the Violation(s) of the Motor Carrier Safety     )  
Statutes, Rules and Regulations and the     ) Docket No. 22-TRAM-097-PEN  
Commission’s Authority to Impose Penalties,     )  
Sanctions and/or the Revocation of Motor     )  
Carrier Authority.     )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). 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 66-1,108b, 66-1,111, 66-1,112g, and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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. L. Blixt Construction Inc (L Blixt or Carrier) has private operating authority with the Commission and further operates under USDOT number 1408509.

5. L. Blixt is a private motor carrier which primarily hauls machinery, large objects, garbage, refuse, trash, and construction materials.

6. Nita Neff attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on March 9, 2020, on behalf of L. Blixt.

7. On December 10, 2019, Commission Staff (Staff) Special Investigator Gregory Askren conducted a safety compliance review of the operations of L Blixt. As a result of this investigation, Special Investigator Askren identified three (4) violations of the Motor Carrier Safety Regulations, and recommended civil penalties be assessed against the Carrier. On January 28, 2020, the Commission issued a Penalty Order against the Carrier in Docket No. 20-TRAM-308-PEN.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on August 13, 2021, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of L. Blixt. 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 January 28, 2020, L. Blixt was ordered by the Kansas Corporation Commission in a Penalty Order issued in Docket No. 20-TRAM-308-PEN to submit a written, comprehensive corrective action plan (CAP), a copy of the Penalty Order is attached hereto as Attachment “B” and is hereby incorporated by reference. To date, the Carrier has failed to submit the corrective action plan. The Carrier’s failure to submit a corrective action plan is a violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,142b. Staff recommends a fine of \$250.
- b. On March 3, 2021, L. Blixt required or permitted its driver, Guy Hanson, to operate a CDL-required commercial motor vehicle, a 2009 International, VIN ending in 154912, pulling a 2016 Spector Trailer, VIN ending in 188812, with a combined GVWR 52,000 lbs., in intrastate commerce from Chapman, Kansas to Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP04011288, dated March 3, 2021, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, the Carrier failed to investigate its driver’s controlled substance and alcohol history for the previous three years. The Carrier’s failure to investigate its driver’s controlled substance and alcohol history for the previous three years is a violation of 49 C.F.R. 391.23(e)(1),

adopted by K.A.R. 82-4-3g, and implement by K.S.A. 66-1,129. Staff recommends a fine of \$100.

- c. On September 18, 2020, L. Blixt required or permitted its driver, William Bement, to operate a CDL-required commercial motor vehicle, a 2009 International, VIN ending in 154911, pulling a 2016 Armor Lite Trailer, VIN ending in 000154, with a combined GVWR 52,000 lbs., in intrastate commerce in from Chapman, Kansas to Fort Riley, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report No. KSHP92661678, dated September 18, 2020, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, the Carrier failed to maintain the responses of each State agency to the annual driver record inquiry. The Special Investigators found two (2) violations of this type. The Carrier’s failure to maintain a complete driver qualification file on its driver(s), consisting of the driver’s application, motor vehicle record from each state, certificate of driver’s road test, a note relating to the annual review of the driver’s driving record, a list or certificate of violations, and the medical examiner’s certificate is in violation of 49 C.F.R. 391.51(b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

#### **IV. STAFF’S RECOMMENDATIONS**

9. Staff submitted a Report and Recommendation (R&R), dated August 16, 2021, attached hereto as Attachment “E” and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

10. Based upon the available facts, Staff recommends the Commission finds L. Blixt 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.

11. Additionally, Staff recommends a civil penalty of \$850 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

12. Staff further recommends that a representative from L. Blixt 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](http://kcc.ks.gov/trans/safety_meetings.htm).

13. Staff further recommends L. Blixt submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

14. Finally, Staff recommends that L Blixt 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

15. The Commission finds it has jurisdiction over L. Blixt pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

16. The Commission finds L. Blixt 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. L. Blixt Construction Inc, of Chapman, KS is hereby assessed a \$850 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. L. Blixt is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. L. Blixt is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of L. Blixt's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.<sup>2</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$850 is due in thirty (30) days from the date of service of this Order. Payment of \$850 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

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<sup>2</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

H. Failure to pay the \$850 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of L. Blixt's motor carrier operating authority without further notice.<sup>3</sup> 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.

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

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/24/2021



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Lynn M. Retz  
Executive Director

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<sup>3</sup> K.S.A. 66-1,105.



# **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 1408509  
**MC/MX#:** 0

**Legal:** L BLIXT CONSTRUCTION INC  
**Operating (DBA):**

**Investigation Date:**  
08/13/21

**Investigation Type:** Offsite Investigation

## Physical Address

2646 SAGE RD  
CHAPMAN, KS 67431-8823  
United States

## Mailing Address

2646 SAGE RD  
CHAPMAN, KS 67431-8823  
United States

## Contact Information

**Contact Name:** ETHAN BLIXT

**Email:**

**Phone:** [REDACTED] **Cell:** ()- [REDACTED] **Fax:** [REDACTED] 2

## Business and Financial

**Business Type:** Corporation

**Gross Revenue:** [REDACTED] **For Year Ending:** 12/31/21

**Federal Tax ID:** [REDACTED]

## Operation Classification and Type

**Type of Operation:** Non-HM Intrastate Carrier

### Operation Classification

Private Motor Carrier

Property – Non-Hazardous Materials

## Cargo

Machinery, Large Objects, Garbage, Refuse, Trash, Construction

## Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	4		
Truck Tractors	2		
Trailers	6		

**Power units used in the U.S.:** 6

**Percentage of time used in the U.S.:** 100%

## Driver Information

### Drivers

	Intrastate	Interstate
< 100 Miles	5	
>= 100 Miles		

**Average trip leased driver/month:** 0

**Drivers with CDL:** 5

**Total Drivers:** 5

## Person(s) Interviewed

**Name:** ETHAN BLIXT

**Title:** OFFICE MANAGER

## Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1303 SW FIRST AMERICAN PL STE 200  
TOPEKA, KS 66604-4040  
Phone: (785) 271-1260  
Fax: (877) 547-0378

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

# Violations

## 1. Primary: 392.2

### State Equivalent: KSA 66-142b

Failure to submit a corrective action plan.

#### Violations Discovered

Fed	State	Total
	1	1

#### Checked

Fed	State	Total
	1	1

#### Example/Notes:

Kansas Corporation Commission ordered L Blixt Construction to submit a written, comprehensive corrective action plan (CAP). This order was issued on January 28, 2020. This order was a result of violations found during the December 16, 2020 compliance review conducted by Special Investigator Greg Askren (KS8224). Carrier failed to submit corrective action plan.

#### Drivers/Vehicles

In Violation	Checked
1	1

## 2. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

#### Violations Discovered

Fed	State	Total
	2	2

#### Checked

Fed	State	Total
	2	2

#### Example/Notes:

Driver: William Bement  
 Trip date: 9/18/2020  
 Carrier failed to provide driver query in the Drug and Alcohol Clearinghouse.

#### Drivers/Vehicles

In Violation	Checked
2	2

## 3. Primary: 382.701(a)

Failing to conduct a pre-employment query.

#### Violations Discovered

Fed	State	Total
	1	1

#### Checked

Fed	State	Total
	1	1

**Example/Notes:**

Driver: Guy Hanson  
 Trip Date: 3/3/2021  
 Hire Date: 1/4/2021  
 Carrier failed to conduct a pre-employment query in the Drug and Alcohol Clearinghouse.

**Drivers/Vehicles**

In Violation	Checked
1	1

**4. Primary: 391.23(a)**

Failing to investigate driver's background.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver name: Guy Hanson  
 Trip date: 3/3/2021  
 Description of violation: Driver was hired on 1/4/2021. Carrier failed to obtain MVR within 30 days of hire. MVR provided dated 7/26/2021

**Drivers/Vehicles**

In Violation	Checked
1	1

**5. Primary: 391.51(b)(4)**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Violations Discovered**

Fed	State	Total
	2	2

**Checked**

Fed	State	Total
	2	2

**Example/Notes:**

Driver name: William Bement  
 Trip date: 9/18/2020  
 Description of violation: Carrier failed to maintain a Motor Vehicle Report (MVR) on file.

**Drivers/Vehicles**

In Violation	Checked
2	2

**6. Primary: 391.51(b)(5)**

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

**Violations Discovered**

Fed	State	Total
	2	2

**Checked**

Fed	State	Total
	2	2

**Example/Notes:**

Driver name: William Bement

Trip date: 9/18/2020

Description of violation: Carrier failed to maintain a note relating to the annual review of the driver's driving record

**Drivers/Vehicles**

In Violation	Checked
2	2

**7. Primary: 391.51(b)(6)**

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

**Violations Discovered**

Fed	State	Total
	2	2

**Checked**

Fed	State	Total
	2	2

**Example/Notes:**

Driver name: William Bement

Trip date: 9/18/2020

Description of violation: Carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27

**Drivers/Vehicles**

In Violation	Checked
2	2

## Safety Fitness Rating

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### This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

## Process Breakdown and Remedies

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### **BASIC: Driver Fitness**

#### **Process Breakdown: Monitoring and Tracking**

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L Blixt Construction failed to run a motor vehicle record within 30 days for driver Guy Hanson. Carrier also failed to run MVR's on the other 2 drivers requested.

#### **Specific Recommended Remedies**

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

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
2. When hiring a new driver you must obtain a Motor Vehicle Record (MVR) within 30 days.

### **BASIC: Controlled Substances/Alcohol**

#### **Process Breakdown: Monitoring and Tracking**

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L Blixt Construction Inc. failed to run query's in the Drug and Alcohol Clearinghouse.

#### **Specific Recommended Remedies**

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

1. All new drivers need to have a query on file from the Drug and Alcohol Clearinghouse. This query will verify that drivers are not prohibited from operating a commercial motor vehicle.
2. Annual Query's must be obtained from the Drug and Alcohol Clearinghouse. This query is an annual requirement and must be completed every year.

# Recommendations

## 1. **Additional Information**

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

## 2. **MVR**

As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

## 3. **MVR New Employee**

Each motor carrier shall maintain a driver qualification (DQ) file for each driver it employs. A driver's qualification file may be combined with his/her personnel file. The DQ file must include: driver's application for employment completed in accordance with 391.21; a copy of the motor vehicle record received from each State within 30 days of the hire date pursuant to 391.23(a)(1); certificate of the driver's road test issued to the driver [391.31(e)] or a copy of the CDL license [391.33]; copy of the annual motor vehicle record received from each State agency [391.25(a)]; note relating to the annual review of the driver's driving record [391.25(c)(2)]; list or certificate relating to violations of motor vehicle laws and ordinances of the annual review of the driver's driving record [391.27]; copy of the medical examiner's certificate [391.43(g)]; a note relating to the verification of medical examiner listing on the National Registry of Certified Medical Examiners [391.23(m)]; and a Skill Performance Evaluation Certificate if applicable [391.49].

## 4. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

## 5. **Drug and Alcohol clearinghouse**

For all drivers hired on or after January 6, 2020 carrier is required to run a pre-employment queries through the drug and alcohol clearinghouse.

## 6. **Drug and Alcohol Clearinghouse**

Carrier must run an annual query on each CDL operator.

## 7. **Review/Certificate**

Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

## 8. **CAP**

"The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027"

## 9. **Safety Seminar**

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

## 10. **MVR New Employee**

Each motor carrier shall maintain a driver qualification (DQ) file for each driver it employs. A driver's qualification file may be combined with his/her personnel file. The DQ file must include: driver's application for employment completed in accordance with 391.21; a copy of the motor vehicle record received from each State within 30 days of the hire date pursuant to 391.23(a)(1); certificate of the driver's road test issued to the driver [391.31(e)] or a copy of the CDL license [391.33]; copy of the annual motor vehicle record received from each State agency [391.25(a)]; note relating to the annual review of the driver's driving record [391.25(c)(2)]; list or certificate relating to violations of motor vehicle laws and ordinances of the annual review of the driver's driving record [391.27]; copy of the medical examiner's certificate [391.43(g)]; a note relating to the verification of medical examiner listing on the National Registry of Certified Medical Examiners [391.23(m)]; and a Skill Performance Evaluation Certificate if applicable [391.49].

## 11. **All Reviews**

"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.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. 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.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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.

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

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier s updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)  
FAX: 785-271-3124

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

## **ATTACHMENT “B”**



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Susan K. Duffy, Chair  
Shari Feist Albrecht, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
20-TRAM-308-PEN

January 28, 2020

Jeff Blixt, Vice President  
L. Blixt Construction, Inc.  
2646 Sage Road  
Chapman, KS 67431

This is a notice of a penalty assessment against L. Blixt Construction, Inc. (Blixt Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 10, 2019, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Blixt Construction has been assessed a \$2,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,250, 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 Blixt Construction 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](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. Blixt Construction must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$2,250 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

Before Commissioners:     Susan K. Duffy, Chair  
                                  Shari Feist Albrecht  
                                  Dwight D. Keen

In the Matter of the Investigation of **L. Blixt**     )  
**Construction, Inc., of Chapman, KS,**     )  
Regarding the Violation(s) of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 20-TRAM-308-PEN  
Commission’s Authority to Impose Penalties,     )  
Sanctions and/or the Revocation of Motor     )  
Carrier Authority.     )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). 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 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f., 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. 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. L. Blixt Construction, Inc. (Blixt Construction) operates under USDOT number 1408509.

5. Blixt Construction is a common motor carrier which primarily hauls machinery, large objects, garbage, refuse, trash and construction.

## **III. STATEMENT OF FACTS**

6. Pursuant to the jurisdiction and authority cited above, on December 10, 2019, Commission Staff (Staff) Special Investigator Gregory Askren conducted a safety compliance review of the operations of Blixt Construction. 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 four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 17, 2019, Blixt Construction required or permitted its driver, Jeffery Doyle, to operate a CDL-required commercial motor vehicle, a 1995 Ford, VIN ending in 65749, in intrastate commerce in and around the area of Chapman, Kansas. This trip is evidenced by Ticket No. 11595378, a copy of which is attached hereto as Attachment "B" and is

hereby incorporated by reference. At the time of this transportation, Blixt Construction did not have an alcohol and controlled substance testing program for its CDL drivers. 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. 66-1,129. Staff recommends a fine of \$1,000.

- b. During the transportation described in paragraph a, above, Blixt Construction failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered five (5) violations of this type. 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. 66-1,112. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a, above, Blixt Construction failed to maintain the responses of each state agency to the annual driver record in the driver qualification file. The special investigator discovered five (5) violations of this type. The carrier's failure to maintain a copy of the motor vehicle record received from each State in the driver qualification file is a violation of 49 C.F.R.

391.51(b)(4), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- d. During the transportation described in paragraph a, above, Blixt Transportation failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator discovered five (5) violations of this type. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

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

7. Based upon the available facts, Staff recommends the Commission finds Blixt Construction committed four (4) 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 \$2,250 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Blixt Construction 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](http://kcc.ks.gov/trans/safety_meetings.htm).

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

12. The Commission finds Blixt Construction committed four (4) 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. L. Blixt Construction, Inc., of Chapman, KS is hereby assessed a \$2,250 civil penalty for four (4) 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. Blixt Construction is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Blixt Construction is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Blixt Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,250 civil penalty against Blixt Construction, and ordering a representative from Blixt Construction to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$2,250 is due in thirty (30) days from the date of service of this Order. Payment of \$2,250 must be made

through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$2,250 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 Blixt Construction's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

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

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 01/28/2020



\_\_\_\_\_  
Lynn M. Retz  
Executive Director

AAL

**ATTACHMENT "A"**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 1408509  
**MC/MX#:**

**Legal:** L BLIXT CONSTRUCTION INC  
**Operating (DBA):**

**Investigation Date:**  
 12/16/19

**Investigation Type:** Onsite Comprehensive Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

## Physical Address

2646 SAGE ROAD  
 CHAPMAN, KS 67431-8823  
 United States

## Mailing Address

2646 SAGE ROAD  
 CHAPMAN, KS 67431-8823  
 United States

## Contact Information

**Contact Name:** JEFF BLIXT, Nita Neff

**Email:** [REDACTED]

**Phone:** [REDACTED]

## Business and Financial

**Business Type:** Corporation

**Gross Revenue:** [REDACTED] **For Year Ending:** 12/01/19

**Federal Tax ID:** [REDACTED]

## Operation Classification and Type

**Type of Operation:** Non-HM Intrastate Carrier

## Cargo

Machinery, Large Objects, Garbage, Refuse, Trash, Construction

## Operation Classification

For-Hire Motor Carrier

Property

Exempt Commodities

## Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	3		
Truck Tractors	8		

## Driver Information

Drivers	Intrastate	Interstate
	< 100 Miles	7
>= 100 Miles		

**Power units used in the U.S.:** 3

**Percentage of time used in the U.S.:** 100.0%

**Average trip leased driver/month:** 0

**Drivers with CDL:** 7

**Total Drivers:** 7

**Person(s) Interviewed**

**Name:** JEFF BLIXT

**Title:** VICE PRESIDENT

**Name:** Nita Neff

**Title:** Office Manager

**Questions**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1303 SW FIRST AMERICAN PLACE, SUITE 200  
TOPEKA, KS 66604-4040  
Phone: (785) 271-1260  
Fax: (785) 228-9725

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

# Violations

## 1. Primary: 382.115(a)

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

**A** Acute

### Violations Discovered

Fed	State	Total
1		1

### Violations Checked

Fed	State	Total
1		1

**BASIC Impacted**  
Controlled  
Substances/Alcohol

**Rating Factor 2:**  
Driver = Part 382

### Example/Notes:

L. Blixt Construction Inc does not have an alcohol and/or drug testing program.

### Drivers/Vehicles

In Violation	Checked

## 2. Primary: 391.51(b)(2)

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

**C** Critical

At least 10% of the number checked had violations

### Violations Discovered

Fed	State	Total
	5	5

### Violations Checked

Fed	State	Total
	5	5

**BASIC Impacted**  
Driver Fitness

**Rating Factor 2:**  
Driver = Part 391

### Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date, 9/17/2019

Description of violation; Failing to maintain inquiries into driver's driving record in driver's qualification file. 5 discovered of 5 checked and 5 in violation of 5 checked.

### Drivers/Vehicles

In Violation	Checked
5	5

## 3. Primary: 391.51(b)(7)

Failing to maintain medical examiner's certificate in driver's qualification file.

### Violations Discovered

Fed	State	Total

**BASIC Impacted**  
Driver Fitness

**Rating Factor 2:**  
Driver = Part 391



### Critical

At least 10% of the number checked had violations

5			5		
<b>Violations Checked</b>					
Fed	State	Total	Fed	State	Total
			5		5

#### Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to maintain medical examiner's certificate in driver's qualification file

#### Drivers/Vehicles

<b>In Violation</b>	<b>Checked</b>
5	5

#### 4. Primary: 390.15(b)

Failing to maintain, for a period of three years after an accident occurs, an accident register

#### Violations Discovered

<b>Fed</b>	<b>State</b>	<b>Total</b>
1		1

#### Violations Checked

<b>Fed</b>	<b>State</b>	<b>Total</b>
1		1

#### Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation. Failing to maintain, for a period of three years after an accident occurs, an accident register after having a DOT recordable accident.

#### Drivers/Vehicles

<b>In Violation</b>	<b>Checked</b>

#### 5. Primary: 390.15(b)(2)

Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.

#### Violations Discovered

<b>Fed</b>	<b>State</b>	<b>Total</b>
	1	1

#### Violations Checked

<b>Fed</b>	<b>State</b>	<b>Total</b>
	1	1

#### Example/Notes:

Driver name, Jeffery Doyle

#### Drivers/Vehicles

<b>In Violation</b>	<b>Checked</b>

Accident/Trip date. 9/17/2019

List accident reports not maintained for each State or other governmental entities or insurers. L. Blixt Construction Inc. failed to maintain copies of all accident reports required by State or other governmental entities or insurers.

**6. Primary: 391.51(b)(3)**

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

**Example/Notes:**

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

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

**Violations Discovered**

Fed	State	Total
	3	3

**Violations Checked**

Fed	State	Total
	5	5

**Drivers/Vehicles**

In Violation	Checked
3	5

**7. Primary: 391.51(b)(4)**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Example/Notes:**

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Violations Discovered**

Fed	State	Total
	5	5

**Violations Checked**

Fed	State	Total
	5	5

**Drivers/Vehicles**

In Violation	Checked
5	5

**8. Primary: 391.51(b)(5)**

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

**Violations Discovered**

Fed	State	Total
	2	2

**Violations Checked**

Fed	State	Total
	2	2

**Example/Notes:**

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

**Drivers/Vehicles**

In Violation	Checked
2	2

**Violations Discovered**

Fed	State	Total
	2	2

**Violations Checked**

Fed	State	Total
	2	2

**9. Primary: 391.51(b)(6)**

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

**Example/Notes:**

Driver name, Jeffery Doyle

Trip date. 9/17/2019

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

**Drivers/Vehicles**

In Violation	Checked
2	2

**Violations Discovered**

Fed	State	Total
	5	5

**Violations Checked**

Fed	State	Total
	5	5

**10. Primary: 391.51(b)(9)**

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 qualification file(s).

**Example/Notes:**

Driver name, Jeffery Doyle

Accident/Trip date 9/17/2019

Description of violation; 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 qualification file(s).

**Drivers/Vehicles**

In Violation	Checked
5	5

**11. Primary: 396.3(b)(1)**

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

**Example/Notes:**

Unit 1, 2011 IH Vin # [REDACTED] 371603, Ks. Reg. 653751

Unit 158, 1994 Ford Vin # [REDACTED] 06384, Ks. Reg. 505775

Unit 159, 1995 Ford Vin # [REDACTED] 65749 Ks. Reg. 505768

Unit 255, 1998 Mack Vin # [REDACTED] 023262 Ks. Reg. 505762

Unit 311, 2006 Volvo Vin # [REDACTED] 439472 Ks. Reg. 653704

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

**Violations Discovered**

Fed	State	Total
	5	5

**Violations Checked**

Fed	State	Total
	5	5

**Drivers/Vehicles**

In Violation	Checked
5	5

**12. Primary: 396.17(c)**

Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

**Example/Notes:**

Driver name, Jeffery Doyle

Accident/Trip date 9/17/2019

Description of violation; Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

**Violations Discovered**

Fed	State	Total
	5	5

**Violations Checked**

Fed	State	Total
	5	5

**Drivers/Vehicles**

In Violation	Checked
5	5

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## **Safety Fitness Rating**

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### **This Investigation is Not Rated**

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

**DataQs:** If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

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## **Process Breakdown and Remedies**

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### **BASIC: Controlled Substances/Alcohol**

#### **Process Breakdown: Policies and Procedures**

L. Blixt Construction Inc failed to implement a drug and/or alcohol testing program for CDL drivers.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

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

### **BASIC: Crash Indicator**

#### **Process Breakdown: Roles and Responsibilities**

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:**

1. Identify, clearly define, and document roles and responsibilities of drivers, managers, and supervisors with respect to the carrier's policies and procedures on safe driving and the timely reporting of inspection violations, citations and crash involvement.
2. Establish roles and responsibilities for managers and experienced drivers to provide oversight and instruction to newer drivers.
3. Identify, clearly define, and document role of managers and supervisors for implementing safe-driving policies and practices, and monitoring compliance in accordance with regulatory reporting and company policies and procedures.

### **BASIC: Vehicle Maintenance**

#### **Process Breakdown: Policies and Procedures**

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

1. 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.

2. Establish a policy requiring all drivers to submit copies of all roadside inspections to carrier management within 24 hours.
3. Establish a policy for employee completion of annual training on cargo-handling, loading, and securement.
4. Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
5. 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.
6. 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.
7. 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 cargo-securement violations.

## **BASIC: Vehicle Maintenance**

### **Process Breakdown: Roles and Responsibilities**

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:**

1. 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.
2. Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
3. Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
4. Define and document roles and responsibilities of managers and supervisors for implementing cargo-handling, loading, and securement policies and for monitoring compliance with them.

## **BASIC: Driver Fitness**

### **Process Breakdown: Policies and Procedures**

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

1. 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.
2. 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
- 3. Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- 4. 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.

## **BASIC: Driver Fitness**

### **Process Breakdown: Roles and Responsibilities**

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:**

1. 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.
2. Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.
3. 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.

## Recommendations

### 1. Acute and Critical Violations

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

### 2. Additional Information

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

### 3. For All Investigations Intra, Satisfactory, no PO #

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.psp.fmcsa.dot.gov/Pages/default.aspx>

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

For all Investigations that 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

4. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:  
<http://www.fmcsa.dot.gov/forms/print/accident.htm>

5. **Obtain copies of the regulations, forms, interpretations, manuals.**

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](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)

6. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>)

7. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

8. **Conduct periodic internal reviews. (HM)**

Conduct periodic internal reviews of your maintenance, hazardous materials handling, driver qualification, hours of service control, accident reporting, training, and other safety systems to ensure continued compliance.

9. **Employers are responsible for the compliance of 49 CFR Part 40.**

Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.

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

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

11. **CDL and drug testing rules apply.**

Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.

12. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application

13. **Maintain all required controlled substance testing records.**

Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR.

14. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

15. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs

16. **Establish a maintenance records program for all vehicles.**

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.

17. **Require all drivers to prepare a written inspection report.**

Require all drivers to prepare a written inspection report for each day a vehicle is operated when defects are found. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

18. **Keep all driver vehicle inspection reports for 90 days.**

Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.

19. **Ensure that inspections are done at proper intervals.**

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.

**20. Review with drivers procedure for pre and post trip inspections.**

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 as required when defects are found. Keep them on file for 90 days.

**21. Driver drug tests required.**

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.

**22. Reasonable Suspicion Training**

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

**23. New Hires**

Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

**24. MCS-150 biennial updates**

Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.

[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option)

**25. Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>. Implementation begins January 6, 2020.

**26. Safety Seminar**

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

**27. CAP Requirement**

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: 'vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

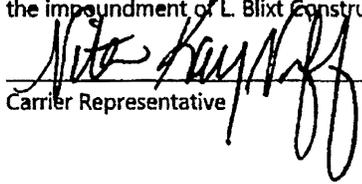
FAX: 785-271-3124

or mail:

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

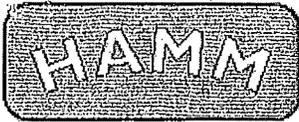
**28. Applies only to CR - Onsite**

I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of L. Blixt Construction Inc. operating authority and/or the impoundment of L. Blixt Construction Inc. commercial motor vehicles.

  
\_\_\_\_\_  
Carrier Representative

  
Date

**ATTACHMENT "B"**



**Hamm Quarries**

609 Perry Place  
Perry, KS 66073  
785-597-5111



Ticket No.: **11595378**

Date: 9/17/2019 Time: 2:39:16PM  
Location: 010114 N WOODBINE  
Customer: 307658 L BLIXT CONSTRUCTION  
Order:

*Handwritten scribble*

	Pounds	Tons	Metric
Gross	56140	28.07	25.46
Tare	26820 *	13.41 *	12.17 *
Net	29320 *	14.66 *	13.30 *

\* Manual Weight

P.O. :  
Product: 0331W19110 3/4" X 7/16" CS-1

14.66 Ton

Ordered	0.00
Received	0.00
Remaining	0.00
Today: 14.66	Loads: 1

Carrier :  
Vehicle: BLIXT BLIXT  
Received:

Weighmaster: Joel Calovich



**Hamm Quarries**

609 Perry Place  
Perry, KS 66073  
785-597-5111



Ticket No.: **11595378**

Date: 9/17/2019 Time: 2:39:16PM  
Location: 010114 N WOODBINE  
Customer: 307658 L BLIXT CONSTRUCTION  
Order:

*Side of Road - A  
Wyle Cook*

	Pounds	Tons	Metric
Gross	56140	28.07	25.46
Tare	26820 *	13.41 *	12.17 *
Net	29320 *	14.66 *	13.30 *

\* Manual Weight

P.O. :  
Product: 0331W19110 3/4" X 7/16" CS-1

14.66 Ton

Ordered	0.00
Received	0.00
Remaining	0.00
Today: 14.66	Loads: 1

Carrier :  
Vehicle: BLIXT BLIXT  
Received:

Weighmaster: Joel Calovich

**CERTIFICATE OF SERVICE**

20-TRAM-308-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail/hand delivered on 01/28/2020.

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

JEFF BLIXT, VICE PRESIDENT  
L. BLIXT CONSTRUCTION, INC.  
2646 SAGE ROAD  
CHAPMAN, KS 67431-8823  
blixtdemo2003@yahoo.com

/s/ DeeAnn Shupe  
DeeAnn Shupe

# **ATTACHMENT “C”**

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)296-2858

Report Number: KSHP04011288
Inspection Date: 03/03/2021
Start: 9:40 AM CT End: 10:15 AM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

Carrier: L BLIXT CONSTRUCTION INC

DBA:
2646 SAGE RD
CHAPMAN, KS, 67431

USDOT: 1408509

MC/MX#:

State#:

Location: HARVEY COUNTY - 079

Highway: I 135

County:

Driver: HANSON, GUY D

License#: [REDACTED]

Date of Birth: [REDACTED]

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: 23 Shipper: CARRIER

Origin: CHAPMAN,KS

Destination: WICHITA,KS

Bill of Lading: N/A

Cargo: SCRAP METAL

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Contains two rows of vehicle data.

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

VIOLATIONS: No violations were discovered

HazMat: No HM transported

Placard:

Cargo Tank:

Table with columns: Special Checks, Alcohol/Controlled Substance Check, Traffic Enforcement, Post Crash Inspection. Includes checkmarks for various inspection items.

\* 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: 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.
Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By: ID/Badge #:
D. Gifford 0401

Copy Received By:
GUY HANSON

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)296-7189 Fax: (785)296-2858

Report Number: KSHP92661678
Inspection Date: 09/18/2020
Start: 12:25 PM CT End: 12:54 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: L BLIXT CONSTRUCTION INC

DBA:
2646 SAGE RD
CHAPMAN, KS, 67431
USDOT: 1408509
MC/MX#:
State#:

Phone#:
Fax#:

Driver: BEMENT, WILLIAM E
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:

State: KS

State:

Location: RILEY COUNTY - 161
Highway: K-18
County: RILEY

Milepost: 180 Shipper: CARRIER
Origin: CHAPMAN,KS
Destination: FORT RILEY,KS

Bill of Lading: NONE
Cargo: DIRT

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Contains two rows of vehicle data.

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

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, CP, Citation #, VerifyCrash, Violations Discovered. Lists various traffic violations.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

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)s Data Q Challenge process, at https://dataqs.fmcsa.dot.gov

Signature Of Motor Carrier X: Title: Date:

Report Prepared By: J. French
ID/Badge #: 9266

Copy Received By: WILLIAM BEMENT

X

X



01408509 KS KSHP92661678

# **ATTACHMENT “E”**

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION  
TRANSPORTATION DIVISION**

**TO:** Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Susan K. Duffy, Commissioner

**FROM:** Mike Hoeme, Director of Transportation  
Gary Davenport, Deputy Director of Transportation

**DATE:** August 16, 2021

**SUBJECT: Docket No. 22-TRAM-097-PEN**  
In the Matter of the Investigation of L. Blixt Construction Inc of Chapman,  
Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and  
the Commission’s Authority to Impose Penalties, Sanctions and/or the Revocation  
of Motor Carrier Authority.

**EXECUTIVE SUMMARY:**

L. Blixt Construction Inc (L. Blixt or Carrier) is a motor carrier possessing private operating authority from the Commission, primarily hauling machinery, large objects, garbage, refuse, trash, and construction. L. Blixt operates under USDOT 1408509. On August 13, 2021, Commission Staff Special Investigator Jared Smith conducted a safety compliance review of the operations of L. Blixt. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$850.

**DISCUSSION AND ANALYSIS:**

On August 13, 2021, Commission Staff Special Investigator Jared Smith conducted a safety compliance review of the operations of L. Blixt. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 3)

On January 28, 2020, L. Blixt was ordered by the Kansas Corporation Commission to submit a written, comprehensive corrective action plan (CAP). To date, the Carrier has failed to submit the corrective action plan. The Carrier’s failure to submit a corrective action plan is a violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,142b. Staff recommends a fine of \$250.

Violation Two (2 of 3)

On March 3, 2021, L. Blixt required or permitted its driver, Guy Hanson, to operate a CDL-required commercial motor vehicle, a 2009 International, VIN ending in 154912, pulling a 2016 Spector Trailer, VIN ending in 188812, with a combined GVWR 52,000 lbs., in intrastate commerce in from Chapman, Kansas to Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP04011288, dated March 3, 2021. At the time of this transportation, the Carrier failed to investigate its driver's controlled substance and alcohol history for the previous three years. The Carrier's failure to investigate its driver's controlled substance and alcohol history for the previous three years is a violation of 49 C.F.R. 391.23(e)(1), adopted by K.A.R. 82-4-3g, and implement by K.S.A. 66-1,129. Staff recommends a fine of \$100.

#### Violation Three (3 of 3)

On September 18, 2020, L. Blixt required or permitted its driver, William Bement, to operate a CDL-required commercial motor vehicle, a 2009 International, VIN ending in 154911, pulling a 2016 Armor Lite Trailer, VIN ending in 000154, with a combined GVWR 52,000 lbs., in intrastate commerce in from Chapman, Kansas to Fort Riley, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP92661678, dated September 18, 2020. At the time of this transportation, the Carrier failed to maintain the responses of each State agency to the annual driver record inquiry. The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain a complete driver qualification file on its driver(s), consisting of the driver's application, motor vehicle record from each state, certificate of driver's road test, a note relating to the annual review of the driver's driving record, a list or certificate of violations, and the medical examiner's certificate is in violation of 49 C.F.R. 391.51(b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

#### **RECOMMENDATION:**

Transportation Staff recommends the Commission find L. Blixt 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.

Additionally, Staff recommends a civil penalty of \$850 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from L. Blixt be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the 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](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends L. Blixt submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

**CERTIFICATE OF SERVICE**

22-TRAM-097-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 08/24/2021.

JEFF BLIXT, VICE PRESIDENT  
L. BLIXT CONSTRUCTION, INC.  
2646 SAGE ROAD  
CHAPMAN, KS 67431-8823  
blixtdemo2003@yahoo.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe  
DeeAnn Shupe