

STATE OF KANSAS



CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

PHONE: 785-271-3100
FAX: 785-271-3354
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT
18-TRAM-435-PEN

April 17, 2018

Jarrold Scott, President
Scott Construction Co., Inc.
2153 S Hwy 59
Ottawa, Kansas 66067

Certified Mail No. 70161970000105743731

This is a notice of a penalty assessment against Scott Construction Co., Inc. (Scott Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 26, 2018, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

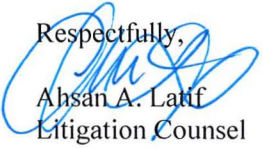
IF YOU ACCEPT THE PENALTY: Scott Construction has been assessed a \$3,000 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$3,000, through your personal account with the Kansas Corporation Commission's KTRAN system located at <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 Scott 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. 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. Scott 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$3,000 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: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Investigation of **Scott**)
Construction Co., Inc., of Ottawa, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-435-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. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2017 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Scott Construction Co., Inc. (Scott Construction) operates USDOT number 443454.

5. Scott Construction is an interstate and intrastate motor carrier and owns two (2) truck tractors and two (2) trailers. It employs one (1) CDL driver.

6. Scott Construction is a private motor carrier which primarily hauls machinery, large objects, construction, gravel and dirt.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on March 26, 2018, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of Scott 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 six (6) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 5, 2017, Scott Construction required or permitted its driver, George Mell, to operate a CDL-required commercial motor vehicle, a 1994 Freightliner, VIN ending in 431110, GVWR 48,000 lbs., in interstate commerce in and around the area of Kansas City, Missouri. This trip is evidenced by Driver/Vehicle Examination Report Number

MO00K8012184, dated September 5, 2017, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Scott Construction did not have implemented an alcohol and controlled substance testing policy for its CDL driver. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. On March 20, 2018, Scott Construction required or permitted its driver, George Mell, to operate a CDL-required commercial motor vehicle, a 1998 Kenworth, VIN ending in 510869, GVWR 58,000 lbs., in intrastate commerce from Ottawa, Kansas to Garnett, Kansas. This trip is evidenced by a KCC Written Statement, dated March 26, 2018, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Scott Construction had failed to preserve records of duty status for the previous six (6) months. The special investigator found 30 violations of this type. The carrier’s failure to retain driver supporting documents and the record of duty status for a period of six (6) months is a violation of 49 C.F.R. Part 395.8(k)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.

- c. During the transportation described in paragraph b., above, Scott Construction failed to maintain minimum records of inspection and vehicle maintenance on the commercial motor vehicle operated. The special investigator discovered five (5) violations of this type. The carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.
- d. During the transportation described in paragraph b., above, Scott Construction permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator found 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. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.
- e. During the transportation described in paragraph a., above, Scott Construction failed to pay its Unified Carrier Registration (UCR) fee for 2017. The carrier's failure to annually register its commercial motor vehicle(s) operating in interstate commerce over the highways of this state and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, authorized by

K.S.A. 2017 Supp. 66-1,139a and K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$300.

- f. During the transportation described in paragraph b., above, Scott 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 carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Scott Construction committed six (6) 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.

9. Additionally, Staff recommends a civil penalty of \$3,000 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Scott 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.

11. Finally, Staff recommends that Scott 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

12. The Commission finds it has jurisdiction over Scott Construction because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Scott Construction committed six (6) 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. Scott Construction Co., Inc., of Ottawa, Kansas is hereby assessed a \$3,000 civil penalty for six (6) 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. Scott 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. Scott 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.

D. On April 17, 2018, this Penalty Order was mailed to Scott Construction via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105743731. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Scott Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$3,000 civil penalty against Scott Construction, and ordering a representative from Scott 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$3,000 is due in thirty (30) days from the date of service of this Order. Payment of \$3,000 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 \$3,000 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 Scott 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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 04/17/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 443454	Legal: SCOTT CONSTRUCTION CO 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:
Operation Types		Business: Corporation		
Interstate Intrastate Carrier: HM HM Shipper: N/A N/A Cargo Tank: N/A		Gross Revenue: [REDACTED] for year ending: 12/20/2017		
Company Physical Address: [REDACTED]				
Contact Name: Jarrod Scott Phone numbers: (1 [REDACTED]) Fax E-Mail Address: [REDACTED]				
Company Mailing Address: 2153 S HWY 59 OTTAWA, KS 66067				
Carrier Classification Private Property				
Cargo Classification Machinery, Large Objects Construction Other: gravel, dirt				
Hazardous Materials 9 Miscellaneous HM Carried Non-Bulk				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	1	0	0	Truck Tractor
Trailer	2	0	0	
Power units used in the U.S.: 3 Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra		
< 100 Miles:	1		Average trip leased drivers/month: 0	
>= 100 Miles:			Total Drivers: 1	
			CDL Drivers: 1	



	SCOTT CONSTRUCTION CO INC U.S. DOT #: 443454	Review Date: 03/29/2018
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Part A

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

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Jarrod Scott

Title: President

Name:

Title:





SCOTT CONSTRUCTION CO INC
U.S. DOT #: 443454

Review Date:
03/29/2018

Part B Violations

1 FEDERAL ACUTE	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] (KS CDL# [REDACTED]) operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this trip carrier had no alcohol and/or controlled substance testing program in place.					
2 FEDERAL CRITICAL	Primary: 395.8(k)(1)	Discovered 0	Checked 30	Drivers/Vehicles In Violation	Checked 1
Description Failing to preserve driver's record of duty status for 6 months. Example No violations of this type were found in interstate commerce. Carrier did not operate in interstate commerce in the past 6 months.					
3 FEDERAL CRITICAL	Primary: 396.3(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Failing to keep minimum records of inspection and vehicle maintenance. Example On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this trip carrier was found to be in violation of failing to keep minimum records of inspection and vehicle maintenance.					
4 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Using a commercial motor vehicle not periodically inspected. Example On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this trip and time of the review carrier was found to be in violation of using a commercial motor vehicle not periodically inspected.					



	SCOTT CONSTRUCTION CO INC	Review Date:
	U.S. DOT #: 443454	03/29/2018

Part B Violations

5 STATE CRITICAL	Primary: 395.8(k)(1)	Discovered 30	Checked 30	Drivers/Vehicles In Violation	Checked
				1	1

Description

Failing to preserve driver's record of duty status for 6 months.

On March 20, 2018 Scott Construction Co Inc. had driver [REDACTED] operate a 1988 Kenworth (Unit # 88, VIN # [REDACTED] 510869). This vehicle has a GVWR of 58,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Ottawa, Kansas to Garnett, Kansas. A written statement provided by Jarrod Scott, President of Scott Construction Co Inc. evidences this trip. At the time of this trip and time of the review carrier was found to be in violation of failing to preserve driver's record of duty status for 6 months.

6 FEDERAL	Primary: 367.3	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked

Description

Failed to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce.

Example

On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this trip and time of the review carrier was found to be in violation of failing to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce.

7 FEDERAL	Primary: 390.19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked

Description

Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule.

Example

On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. Carrier last updated their MCS-150 on March 22, 2016.

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

Description

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

Example

On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).



	SCOTT CONSTRUCTION CO INC U.S. DOT #: 443454	Review Date: 03/29/2018

Part B Violations

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

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).
 On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver George Mell operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this review carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

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

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

Example

On 9/5/2017 Scott Construction Co Inc. had driver [REDACTED] operate a 1994 Freightliner (Unit # 93-VIN # [REDACTED] 431110.) This vehicle has a gross vehicle weight rating of 48,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Kansas City, Missouri. This trip is evidenced by a roadside inspection performed by S. Craven (MO4392) with the Missouri Highway Patrol. At the time of this review carrier was found to be in violation of failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

11 STATE	Primary: 392.2 Secondary: KSA 66-1,112 a	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Operating a commercial motor vehicle without KCC private carrier (PRI-D) operating Authority.

Example

On March 20, 2018 Scott Construction Co Inc. had driver [REDACTED] operate a 1988 Kenworth (Unit # 88, VIN # [REDACTED] 510869). This vehicle has a GVWR of 58,000 lbs. Driver [REDACTED] operated in commerce on an intrastate trip from Ottawa, Kansas to Garnett, Kansas. A written statement provided by Jarrod Scott, President of Scott Construction Co Inc. evidences this trip.

On January 28, 2018 the Kansas Corporation Commission suspended the carrier's Intrastate Motor Carrier Operations. Carrier continued to operate in intrastate commerce after this date.

Safety Fitness Rating Information: Total Miles Operated 30,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0
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Your proposed safety rating is : <h2>UNSATISFACTORY</h2>	<table border="1"> <thead> <tr> <th colspan="2">Rating Factors</th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>C</td> <td>1</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>U</td> <td>0</td> <td>2</td> </tr> <tr> <td>Factor 4:</td> <td>U</td> <td>0</td> <td>2</td> </tr> <tr> <td>Factor 5:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 6:</td> <td>S</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	C	1	0	Factor 3:	U	0	2	Factor 4:	U	0	2	Factor 5:	S	0	0	Factor 6:	S	-	-
Rating Factors		Acute	Critical																										
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Factor 5:	S	0	0																										
Factor 6:	S	-	-																										





SCOTT CONSTRUCTION CO INC
U.S. DOT #: 443454

Review Date:
03/29/2018

Part B Violations

Effective date: The unsatisfactory rating will take effect 60 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

PROHIBITION: Under 49 USC sections 13905(f)(1)(B) and 31144, and 49 CFR section 385.13 a motor carrier that receives a final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce and, if applicable, shall have its registration revoked unless and until such time the FMCSA determines the motor carrier is fit and the motor carrier has reinstated its registration.

49 U.S.C. 31144 provides that the prohibition takes effect unless the motor carrier, within 60 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

Administrative Review: A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





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Part B Requirements and/or Recommendations

1. 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 carrier's 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.

2. 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:





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<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 could result in a Notice of Claim:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

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

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all Investigations resulting in a proposed conditional or unsatisfactory rating:
385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590





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385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

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

3. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce. Payment of UCR is available on your KTRAN account.
4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Scott Construction Co Inc. failed to keep minimum records of inspection and vehicle maintenance and failed to have current annual inspections. Carrier violations occurred due to a lack of policies and procedures. Carrier must create the policies and procedures necessary to effectively maintain the fleet. Follow the directions given to you at the time of our review. All of the required maintenance documents were provided to you from the "Red Book". These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES: Establish a maintenance file for each power unit and trailer; make sure that the file contains the make, serial number, year and tire size. Use the forms given to you at the time of the review to track and indicate the nature and due dates of the various inspection and maintenance operations to be





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performed; a record of inspection, repairs and maintenance indicating their date and nature. Make sure all power units and trailers receive annual inspections prior to operating in commerce. If you have any questions or needs, please don't hesitate to contact me.

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.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Scott Construction Co Inc. violations occurred due to a breakdown in the policies and procedures elements of compliance within this section. Carrier has established organized driver qualification file for the driver. However, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES: Ensure that driver's are qualified to operate commercial motor vehicles by running the driver's motor vehicle record at least once every 365 days. Additionally, make sure that you have drivers complete a listing of driver violations when you run the motor vehicle report. Then sign the certificate qualifying them for another year if they meet the standards. Utilize the documents provided to you at the time of this review to complete these requirements.

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





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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 (CDL) 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 (HOSE), driver wellness, and whistle blower 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.

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

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

DESCRIPTION OF PROCESS BREAKDOWN: Scott Construction Co Inc. failed to implement an alcohol and/or controlled substance testing program prior to February 2018. Carrier set up a testing program after being contacted for a review.

BASIC SPECIFIC RECOMMENDED REMEDIES: Although you are currently enrolled in a testing program, you need to make sure that your driver receives educational materials and then you retain a signed certificate of receipt. Additionally make sure that you have complete the 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance. Make sure that you continue to monitor and track this section of the regulations.

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 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





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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.

7. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking


DESCRIPTION OF PROCESS BREAKDOWN: Scott Construction Co Inc. violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier failed to retain hours of service records for a period of at least 6 months. Carrier needs to establish the correct method of recording and retaining hours of service records. It is incumbent upon the carrier to review all driver records of duty status reports and verify that they are correct and accurate. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies

BASIC SPECIFIC RECOMMENDED REMEDIES: Utilize the forms provided to you from the "Red Book" to assist you in correcting this HOS violation. These documents illustrate the correct way for drivers to document short-haul provision. Make sure to retain all record of duty status and supporting documents for a period of not less than 6 months from the date of the receipt.

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

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and



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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.

8. 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 Scott Construction Co Inc. operating authority and/or the impoundment of Scott Construction Co Inc. commercial motor vehicles.

Carrier Representative

Date



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Missouri State Highway Patrol
Commercial Vehicle Enforcement Division
Post Office Box 568
Jefferson City, MO 65102-0568
Phone: (816)482-8286 Fax: (573)526-4637

Report Number: MO00K8012184
Inspection Date: 09/05/2017
Start: 9 31 AM CT End: 9 49 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

SCOTT CONSTRUCTION CO INC

Driver: MELL, GEORGE T

OTTAWA, KS, 66067

License#:

State: KS

USDOT: 443454

Phone#:

Date of Birth:

MC/MX#:

Fax#:

CoDriver:

State#:

License#:

State:

Date of Birth:

Location: 18TH & INDIANA

Milepost:

Shipper: N/A

Highway: I-70

Origin: KANSAS CITY, MO

Bill of Lading: N/A

County:

Destination: KANSAS CITY, MO

Cargo: DIRT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	FRHT	1994	KS		93	431110	48000			

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
390 19A3	F	1	N		N N	Intermodal Equipment Provider failed to file required biennial update of MCS-150C as required.
392 2IRP	F	1	N		N N	IRP Apportioned Tag or Registration Violation
393 100B	F	1	N		N N	Leaking/spilling/blowing/falling cargo
393 95A	F	1	N		N N	No/discharged/unsecured fire extinguisher

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

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

Traffic Enforcement
PASA Conducted Inspection
Drug Interdiction Search

Post Crash Inspection
PBBT Inspection

Notes: This carrier was shown as not having operating authority by a real-time query at 9/5/2017 9 36 07 AM

I certify that the above violation(s) was/were corrected

Signature Of Repairer X _____ Facility _____ Date _____

NOTICE TO DRIVER/MOTOR CARRIER The motor carrier name that appears on this report must sign the certification and fax, mail to the Missouri State Highway Patrol, Commercial Vehicle Enforcement Division, P O Box 568, Jefferson City, MO 65102-0568 or Email to cvemail@mshp.dps.mo.gov within 15 days. If no violations were discovered, you are NOT required to sign and return a copy of the report.****Warning**** If this box is checked(), A separate traffic citation was issued to the violator. Please refer to the issued traffic citation for additional information. DO NOT send fine payment with the return of this report.

Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By: Badge #
S CRAVEN 4392

Copy Received By:
GEORGE MELL

X

X



ATTACHMENT “C”

KCC WRITTEN STATEMENT

Signed Statement of <u>Jarred Scott</u>	
Representative of Motor Carrier <u>Scott Construction Co. Inc.</u>	
USDOT# <u>4418334154</u>	
I, <u>Jarred Scott</u> , voluntarily give the following statement to <u>Jared Smith</u> , who has identified himself/herself as a Special Investigator for the State Of Kansas, Kansas Corporation Commission. No threats or promises have been made to me in exchange for this statement.	
NARRATIVE: <u>On 3rd 20th 2018 George mell drove truck # 88</u> <u>From [REDACTED] Walnut Ottawa, KS to Anderson County</u> <u>Landfill in Garnett KS.</u>	
I have read the foregoing statement consisting of <u>1</u> page(s). It is true, accurate and complete to The best of my knowledge. I reviewed any changes and they bear my initials.	
I sign this statement under the penalty of perjury in the presence of <u>Jarred Smith</u> .	
Witness'/Interviewee's signature <u>[Signature]</u>	Date <u>3-26-18</u>
I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with the witness.	
Safety Investigator's Signature <u>[Signature]</u>	Date <u>3-26-18</u>

CERTIFICATE OF SERVICE

18-TRAM-435-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 04/18/2018.

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

JARROD SCOTT, PRESIDENT
SCOTT CONSTRUCTION CO., INC.
2153 S HWY 59
OTTAWA, KS 66067
jarrod.scottconstruction@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe