

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

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

In the Matter of the Emergency Suspension of )  
Operating Authority of **Jayhawk Transport, Inc.** )  
**of Wichita, Kansas**, for Failure to Comply with )      Docket No. 15-TRAM-252-OOS  
New Entrant Safety Requirements as Required by )  
the Motor Carrier Safety Statutes, Rules and )  
Regulations. )

**ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY**

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

**I.      JURISDICTION**

1.      Pursuant to K.S.A. 2013 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2013 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. 2013 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any

provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 2013 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Jayhawk Transport, Inc. is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Jayhawk Transport, Inc. is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2443710.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Jayhawk Transport, Inc.'s New Entrant Registration had been revoked effective December 15, 2014 for failure to comply with safety requirements.

7. Pursuant to the above authority, on December 23, 2014, the Commission entered an Emergency Suspension of Operating Authority Order on Jayhawk Transport, Inc. in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On January 15, 2015, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Jayhawk Transport, Inc. has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2443710 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Jayhawk Transport, Inc.'s motor carrier operating authority in Kansas.

#### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Jayhawk Transport, Inc. because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Jayhawk Transport, Inc.'s operating authority in Kansas is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

(A) Jayhawk Transport, Inc.'s certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.


(B) Jayhawk Transport, Inc. remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on December 23, 2014.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

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

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 22 2015

  
ORDER MAILED JAN 23 2015

Neysa Thomas  
Acting Secretary

MJD



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

RHONDA SCULLY  
PRESIDENT  
JAYHAWK TRANSPORT INC  
240 N ROCK RD SUITE 355  
WICHITA, KS 67206

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
January 15, 2015

In reply refer to:  
USDOT Number: 2443710  
MC Number: MC843461

According to the Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since JAYHAWK TRANSPORT INC's USDOT New Entrant registration was revoked on December 15, 2014, based on JAYHAWK TRANSPORT INC's failure to timely respond demonstrating corrective action to FMCSA's Demand for Written Response after committing one or more actions listed under 49 CFR section 385.308. Our records also indicate that JAYHAWK TRANSPORT INC has reapplied in accordance with 49 CFR 385.329(a). JAYHAWK TRANSPORT INC's reapplication for USDOT New Entrant registration has been approved.

JAYHAWK TRANSPORT INC's 18-month new entrant safety monitoring period restarts as of January 15, 2015. FMCSA will continue to monitor and evaluate JAYHAWK TRANSPORT INC's safety management practices and on-road performance to ensure JAYHAWK TRANSPORT INC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of JAYHAWK TRANSPORT INC's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of  
Enforcement and Compliance

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
RHONDA SCULLY, PRESIDENT JAYHAWK TRANSPORT, INC. 240 N ROCK RD STE 355 WICHITA, KS 67206		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **JAN 23 2015**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.