

# STATE OF KANSAS

20190115134807  
Kansas Corporation Commission



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

19-TRAM-264-PEN

January 15, 2019

Brian R. Neal, Vice President  
Neal Concrete, Inc.  
1906 W 69th N  
Wichita, KS 67204

This is a notice of a penalty assessment against Neal Concrete, Inc. (Neal Concrete) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 29, 2018, by Kansas Corporation Commission Special Investigator Gary Goeller. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Neal Concrete has been assessed a \$1,400 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,400, 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 Neal Concrete 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. Neal Concrete 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. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,400 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

Before Commissioners: Shari Feist Albrecht, Chair  
Jay Scott Emler  
Dwight D. Keen

## PENALTY ORDER

## I. JURISDICTION

2. Pursuant to K.S.A. 2018 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. Neal Concrete, Inc. (Neal Concrete) operates USDOT number 1215298.

5. Travis Neal attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on May 22, 2017, on behalf of Neal Concrete.

6. Neal Concrete is a private motor carrier which primarily hauls logs, poles, beams, lumber, building materials, and construction.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on November 29, 2018, Commission Staff (Staff) Special Investigator Gary Goeller conducted a safety compliance review of the operations of Neal Concrete. 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 November 16, 2018, Neal Concrete required or permitted its driver, Don Koehn, to operate a CDL-required commercial motor vehicle, a 1987 International, VIN ending in 495844, GVWR 28,000 lbs., in intrastate commerce from Wichita, Kansas to Bel Aire, Kansas. This trip is

evidenced by Driver's Daily Log, dated November 16, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Neal Concrete 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. 2018 Supp. 66-1,112. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a, above, Neal Concrete failed to maintain a copy of its driver's medical examiner's certificate in his driver qualification file. The carrier's failure to obtain a copy of its drivers medical examiner certificates in the driver's qualification file is a violation of 49 C.F.R. 391(b)(7), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a, above, Neal Concrete failed to require its driver to complete a driver vehicle inspection report (DVIR) on the commercial motor vehicle operated. The special investigator discovered four (4) violations of this type. The carrier's failure to require its driver to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the

reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$300.

- d. During the transportation described in paragraph a, above, Neal Concrete failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator identified three (3) 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.

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

8. Based upon the available facts, Staff recommends the Commission finds Neal Concrete 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.

9. Additionally, Staff recommends a civil penalty of \$1,400 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Neal Concrete 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).

11. Finally, Staff recommends that Neal Concrete 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 Neal Concrete because it is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108.

13. The Commission finds Neal Concrete 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. Neal Concrete, Inc., of Wichita, KS is hereby assessed a \$1,400 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. Neal Concrete 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. Neal Concrete is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 2018 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 Neal Concrete's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,400 civil penalty against Neal Concrete, and ordering a representative from Neal Concrete to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,400 is due in thirty (30) days from the date of service of this Order. Payment of \$1,400 must be made

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

G. Failure to pay the \$1,400 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 Neal Concrete's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 01/15/2019




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Lynn M. Retz  
Secretary to the Commission

AAL



## **ATTACHMENT “A”**

	<b>US DOT #</b> 1215298	<b>Legal:</b> NEAL CONCRETE INC <b>Operating (DBA):</b>		
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> [REDACTED] (EIN)		
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> F
<b>Operation Types</b> Interstate Intrastate				
Carrier: N/A      Non-HM Shipper: N/A      N/A Cargo Tank: N/A		<b>Business:</b> Corporation <b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2017		
<b>Company Physical Address:</b> [REDACTED] WICHITA, KS 67204-1055  <b>Contact Name:</b> Brian R Neal <b>Phone numbers:</b> (1) [REDACTED] <b>Fax</b> <b>E-Mail Address:</b> [REDACTED]				
<b>Company Mailing Address:</b> [REDACTED] WICHITA, KS 67204-1055				
<b>Carrier Classification</b> Private Property				
<b>Cargo Classification</b> Logs, Poles, Beams, Lumber      Building Materials      Construction				
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Owned   Term Leased   Trip Leased</b>
Truck	3	0	0	
Power units used in the U.S.: 3 Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>		
< 100 Miles:		1	<b>Average trip leased drivers/month:</b> 0	
>= 100 Miles:			<b>Total Drivers:</b> 1	
			<b>CDL Drivers:</b> 1	





NEAL CONCRETE INC  
U.S. DOT #: 1215298

Review Date:  
11/29/2018

**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: Brian Neal

Title: Vice President

Name: [REDACTED]

Title: Supervisor





NEAL CONCRETE INC  
U.S. DOT #: 1215298

Review Date:  
11/29/2018

### Part B Violations

1 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Using a driver who has not completed and furnished an employment application. <b>Example</b> Don Koehn Trip date 11.16.2018 1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
2 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. <b>Example</b> Don Koehn Trip date 11.16.2018 1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
3 STATE	Primary: 391.51(b)(3) CFR Equivalent: 391.51(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent. <b>Example</b> Don Koehn Trip date 11.16.2018 1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
4 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Don Koehn Trip date 11.16.2018 1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					





NEAL CONCRETE INC  
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11/29/2018

### Part B Violations

5 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Don Koehn Trip date 11.16.2018  1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
6 STATE	Primary: 391.51(b)(7) CFR Equivalent: 391.51(b)(7)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain medical examiner's certificate in driver's qualification file. <b>Example</b> Don Koehn Trip date 11.16.2018  1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
7 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s). <b>Example</b> Don Koehn Trip date 11.16.2018  1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
8 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
<b>Description</b> Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. <b>Example</b> Don Koehn Trip date 11.16.2018  1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					







NEAL CONCRETE INC  
U.S. DOT #: 1215298

Review Date:  
11/29/2018

### Part B Violations

9 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
<b>Description</b> Failing to require driver to prepare driver vehicle inspection report. Don Koehn Trip date 11.16.2018  1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000  Four trips made in the month of November 2018					
10 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
<b>Description</b> Using a commercial motor vehicle not periodically inspected. <b>Example</b> Don Koehn Trip date 11.16.2018  1987 International, KS VIN# [REDACTED] 495844/ KS Tag [REDACTED] gvwr 28,000					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 1,200 Recordable Accidents 0		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			
Your proposed safety rating is :					
<b>This Review is not Rated.</b>					





NEAL CONCRETE INC  
U.S. DOT #: 1215298

Review Date:  
11/29/2018

## Part B Requirements and/or Recommendations

### 1. For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:

<http://www.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 could result in a Notice of Claim:

~~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 recurrence 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:~~





NEAL CONCRETE INC  
U.S. DOT #: 1215298

Review Date:  
11/29/2018

## Part B Requirements and/or Recommendations

~~Kansas Corporation Commission~~  
~~Atty. Gen. Davenport~~  
~~1506 SW Arrowhead Rd.~~  
~~Topeka, KS 66604-4027~~

2. 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)
3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. 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.
5. Obtain a copy of each driver's driving record and review it annually.
6. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
7. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
8. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
9. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
10. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
11. I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this website: <http://kcp.ks.gov/transportation/safety-information>

Carrier representative:

Date 11-29-18

12. I acknowledge that these requirements/violations 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 Neal Concrete INC's vehicles operating authority and/or the impoundment of Neal Concrete INC's vehicles.

Signed

Date 11-29-18





## **ATTACHMENT “B”**



# DRIVER'S DAILY LOG

(24 HOURS)

11 / 18 / 18  
(Month) (Day) (Year)

Original - File at home terminal  
Duplicate - Driver retains in his/her possession for eight days

RECAP  
Complete at  
end of workday.

Total Miles Driving Today  Total Mileage Today

Name of Carrier or Carriers  
**WEAL Concrete**

Main Office Address

I certify these entries are true and correct.

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or  
License Plate(s) / State (show each unit)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																									
2. SLEEPER BERTH																									
3. DRIVING																									
ON DUTY (NOT DRIVING)																									
REMARKS																									

MOVE TRUCKS

SHIPPING  
DOCUMENTS:

B/L or Manifest No.  
or

Shipper & Commodity

From:

Enter name of place you reported and where released from work and when and where each change of duty occurred.

To:

USE TIME STANDARD AT HOME TERMINAL

Copyright 2013 J. J. Keller & Associates, Inc.® All rights reserved.

8527



On-duty hours  
today: (Total  
lines 3 & 4)

70 Hour/  
8 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today.

B.  
Total hours  
available  
tomorrow:  
70 hr. minus A.\*

C.  
Total hours on  
duty last 8 days,  
including today.

60 Hour/  
7 Day  
Drivers

A.  
Total hours on  
duty last 6 days,  
including today.

B.  
Total hours  
available  
tomorrow:  
60 hr. minus A.\*

C.  
Total hours on  
duty last 7 days,  
including today.

\*If you meet the  
34-hour restart  
requirements  
in 49 CFR, you  
have 60/70  
hours available  
again.

**CERTIFICATE OF SERVICE**

19-TRAM-264-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 01/16/2019.

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

BRIAN R. NEAL, VICE PRESIDENT  
NEAL CONCRETE, INC.  
1906 W 69TH N  
WICHITA, KS 67204-1055  
captainconcrete0472@yahoo.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe