



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**19-TRAM-435-PEN**

May 2, 2019

Alex Gnadt, Manager  
Flint Hills Stone Trucking, LLC  
24176 Prairie View Rd  
Alma, KS 66401

This is a notice of a penalty assessment against Flint Hills Stone Trucking, LLC (Flint Hills Stone Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 10, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. 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:** Flint Hills Stone Trucking has been assessed a \$250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$250, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Flint Hills Stone Trucking 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. Flint Hills Stone Trucking 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 \$250 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



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

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

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

In the Matter of the Investigation of **Flint Hills**    )  
**Stone Trucking, LLC, of Alma, KS**, Regarding    )  
the Violation of the Motor Carrier Safety        )  
Statutes, Rules and Regulations and the        ) Docket No. 19-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.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 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. Flint Hills Stone Trucking, LLC (Flint Hills Stone Trucking) has private and common operating authority with the Commission and further operates under USDOT number 2123827.

5. Christopher Rodgers attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 14, 2017, on behalf of Flint Hills Stone Trucking.

6. Flint Hills Stone Trucking is a private and common motor carrier which primarily hauls stone.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on April 10, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of Flint Hills Stone Trucking. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 6, 2019, Flint Hills Stone Trucking required or permitted its driver, Wayne Thowe, to operate a CDL-required commercial motor

vehicle, a 2007 Freightliner, VIN ending in 43961, GVWR 54,320 lbs., pulling a 2015 Armor Lite trailer, VIN ending in 000597, GVWR 75,000 lbs., in interstate commerce from Alma, Kansas to Buckner, Missouri. This trip is evidenced by Driver's Daily Log, dated March 6, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Flint Hills Stone Trucking failed to require its driver to make record of duty status using the appropriate method of logging hours of service on an Electronic Log Device (ELD). The special investigator discovered 10 violations of this type. The carrier's failure to require its driver to record his hours of service on the electronic logging device provided within the commercial motor vehicle is a violations of 49 C.F.R. 395.8(a)(1)(f), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 66-1,129. Staff recommends a fine of \$250.

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

8. Based upon the available facts, Staff recommends the Commission finds Flint Hills Stone Trucking committed one (1) 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 \$250 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Flint Hills Stone Trucking 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 Flint Hills Stone Trucking 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 Flint Hills Stone Trucking because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Flint Hills Stone Trucking committed one (1) 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. Flint Hills Stone Trucking, LLC, of Alma, KS is hereby assessed a \$250 civil penalty for one (1) 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. Flint Hills Stone Trucking 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. Flint Hills Stone Trucking 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 Flint Hills Stone Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$250 civil penalty against Flint Hills Stone Trucking, and ordering a representative from Flint Hills Stone Trucking 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 \$250 is due in thirty (30) days from the date of service of this Order. Payment of \$250 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$250 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Flint Hills Stone Trucking'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.**

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 05/02/2019

A handwritten signature in cursive script, reading "Lynn M. Retz".





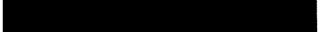
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Lynn M. Retz  
Secretary to the Commission


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## **ATTACHMENT “A”**

	<b>US DOT #</b> 2123827	<b>Legal:</b> FLINT HILLS STONE TRUCKING LLC <b>Operating (DBA):</b>	
<b>MC/MX #:</b> 15956		<b>Federal Tax ID:</b>  (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>			
<b>Operation Types</b>			
<b>Carrier:</b>	Non-HM	Non-HM	<b>Business:</b> Corporation <b>Gross Revenue:</b>  <b>for year ending:</b> 12/31/2018
<b>Shipper:</b>	N/A	N/A	
<b>Cargo Tank:</b>	N/A		
<b>Company Physical Address:</b>			
24176 PRAIRIE VIEW RD ALMA, KS 66401-8743			
<b>Contact Name:</b> Alex Gnadt			
<b>Phone numbers:</b> (1) 		<b>Fax</b>	
<b>E-Mail Address:</b> 			
<b>Company Mailing Address:</b>			
24176 PRAIRIE VIEW RD ALMA, KS 66401-8743			
<b>Carrier Classification</b>			
Authorized for Hire		Private Property	
<b>Cargo Classification</b>			
Other: Stone			
<b>Equipment</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Truck	1	0	0
Trailer	9	0	0
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Truck Tractor	4	0	0
Power units used in the U.S.: 5			
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>	<b>Average trip leased drivers/month:</b> 0
<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 5
<b>&gt;= 100 Miles:</b>	5		<b>CDL Drivers:</b> 5



	<b>FLINT HILLS STONE TRUCKING LLC</b> U.S. DOT # 2123827	Review Date: 04/19/2019
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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:

Kansas Corporation Commission

Topeka, KS 66604

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

**Person(s) Interviewed**


**Name:** Alex Gnadt

**Title:** Owner

**Name:**

**Title:**




	FLINT HILLS STONE TRUCKING LLC U.S. DOT # 2123827	Review Date. 04/19/2019
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### Part B Violations

1 FEDERAL	Primary. 391.51 (b) (4)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<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> On March 6, 2019 Flint Hills Stone Trucking LLC had driver Wayne Thowe (KS CDL# [REDACTED]) operate a 2007 Freightliner (Unit# 4, VIN# [REDACTED] 43961) in combination with a 2015 Armor Lite (VIN# [REDACTED] 000597.) These vehicles have a gross vehicle weight rating of 54,320 lbs. and 75,000 lbs. respectively. Driver Wayne Thowe operated in commerce on an interstate trip from Alma, Kansas to Buckner, Missouri. This trip is evidenced by a driver's record of duty status and a scale ticket. At the time of this trip 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).					
2 FEDERAL	Primary. 391.51(b)(6)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> On March 6, 2019 Flint Hills Stone Trucking LLC had driver Wayne Thowe (KS CDL# [REDACTED]) operate a 2007 Freightliner (Unit# 4, VIN# [REDACTED] 43961) in combination with a 2015 Armor Lite (VIN# [REDACTED] 000597.) These vehicles have a gross vehicle weight rating of 54,320 lbs. and 75,000 lbs. respectively. Driver Wayne Thowe operated in commerce on an interstate trip from Alma, Kansas to Buckner, Missouri. This trip is evidenced by a driver's record of duty status and a scale ticket. At the time of this trip 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.					
3 FEDERAL	Primary: 391.51(b)(9)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<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 qualification file(s). <b>Example</b> On March 6, 2019 Flint Hills Stone Trucking LLC had driver Wayne Thowe (KS CDL# [REDACTED]) operate a 2007 Freightliner (Unit# 4, VIN# [REDACTED] 43961) in combination with a 2015 Armor Lite (VIN# [REDACTED] 000597.) These vehicles have a gross vehicle weight rating of 54,320 lbs. and 75,000 lbs. respectively. Driver Wayne Thowe operated in commerce on an interstate trip from Alma, Kansas to Buckner, Missouri. This trip is evidenced by a driver's record of duty status and a scale ticket. At the time of this trip carrier was found to be in violation of failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).					
4 STATE	Primary. 395.8 (a) (1)	Discovered 0	Checked 30	Drivers/Vehicles In Violation 0	Checked 5
<b>Description</b> Failing to require a driver to prepare a record of duty status using the appropriate method <b>Example</b> No violations were discovered in intrastate commerce.					



	<b>FLINT HILLS STONE TRUCKING LLC</b>	<b>Review Date</b>
	U.S. DOT #: 2123827	04/19/2019

### Part B Violations

5 FEDERAL	Primary: 395.8(a)(1)	Discovered 10	Checked 120	Drivers/Vehicles In Violation	Checked 5
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#### Description

Failing to require a driver to prepare a record of duty status using the appropriate method

#### Example

On March 6, 2019 Flint Hills Stone Trucking LLC had driver Wayne Thowe (KS CDL# [REDACTED]) operate a 2007 Freightliner (Unit# 4, VIN# [REDACTED] 43961) in combination with a 2015 Armor Lite (VIN# [REDACTED] 000597.) These vehicles have a gross vehicle weight rating of 54,320 lbs. and 75,000 lbs. respectively. Driver Wayne Thowe operated in commerce on an interstate trip from Alma, Kansas to Buckner, Missouri. This trip is evidenced by a driver's record of duty status and a scale ticket. At the time of this trip carrier was found to be in violation of failing to require driver to prepare a record of duty status using the appropriate method. Driver failed to log hours of service on an ELD.

6 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 0	Checked 30	Drivers/Vehicles In Violation	Checked 5
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#### Description

Failing to require driver to prepare record of duty status in form and manner prescribed

#### Example

No violations were discovered in intrastate commerce.

7 FEDERAL	Primary: 395.8(f)	Discovered 10	Checked 120	Drivers/Vehicles In Violation	Checked 5
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#### Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

#### Example

On March 6, 2019 Flint Hills Stone Trucking LLC had driver Wayne Thowe (KS CDL# [REDACTED]) operate a 2007 Freightliner (Unit# 4, VIN# [REDACTED] 43961) in combination with a 2015 Armor Lite (VIN# [REDACTED] 000597.) These vehicles have a gross vehicle weight rating of 54,320 lbs. and 75,000 lbs. respectively. Driver Wayne Thowe operated in commerce on an interstate trip from Alma, Kansas to Buckner, Missouri. This trip is evidenced by a driver's record of duty status and a scale ticket. At the time of this trip carrier was found to be in violation of failing to require driver to prepare record of duty status in form and manner prescribed. Driver failed to write in shipping/commodity information

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
Total Miles Operated	160,333	<b>Number of Vehicle Inspected (CR): 0</b>	
Recordable Accidents	0	<b>OOS Vehicle (MCMIS): 0</b>	
Recordable Accidents/Million Miles	0.00	<b>Number of Vehicles Inspected (MCMIS): 0</b>	


Your proposed safety rating is :

**SATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.



	<b>FLINT HILLS STONE TRUCKING LLC</b> U.S. DOT #. 2123827	Review Date: 04/19/2019
<b>Part B Requirements and/or Recommendations</b>		

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 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.

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:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>







FLINT HILLS STONE TRUCKING LLC  
U.S. DOT #: 2123827

Review Date:  
04/19/2019

## Part B Requirements and/or Recommendations

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.

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. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN.** Flint Hills Stone Trucking LLC's violations occurred due to a breakdown within the monitoring and tracking elements of this section. Carrier had driver operate on paper logs more than 8 times in a 30 day period without having driver use an ELD.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** If a driver operates outside the 100 air-mile radius more than 8 times in a 30 day period carrier must have driver record hours of service on an ELD. Carrier must install a ELD in truck # 4 or monitor to make sure that drivers do not operate outside the 100 air-miles more than 8 times in a 30 day period.

**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.





FLINT HILLS STONE TRUCKING LLC  
U.S. DOT #. 2123827

Review Date  
04/19/2019

### Part B Requirements and/or Recommendations

- 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 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

#### 4. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN:** Flint Hills Stone Trucking LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements within this section. Carrier has established an organized driver qualification file; however, you need to develop a better methodology for ensuring that drivers have all the requisite paperwork in his file. These duties and the documents verifying their completion require continued monitoring and tracking to ensure compliance. Utilize the documents provided to you during this review to assist you in correcting the deficiencies.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** When drivers receive medical cards you are required to log on to the national registry (<https://www.fmcsa.dot.gov/national-registry-certified-medical-examiners-search>) to verify the medical examiner is certified. Additionally make sure to complete the certificate and review of the driving record (page 18 of KCC's redbook). Feel free to contact me at 913-755-1289 with any questions or concerns.

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

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files, applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.





	<b>FLINT HILLS STONE TRUCKING LLC</b> U.S. DOT #. 2123827	Review Date: 04/19/2019
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### Part B Requirements and/or Recommendations

- Regularly evaluate the company's driver fitness-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. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it 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. 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 Flint Hills Stone Trucking LLC operating authority and/or the impoundment of Flint Hills Stone Trucking LLC's commercial motor vehicles.

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

Date \_\_\_\_\_





**FLINT HILLS STONE TRUCKING LLC**  
U.S. DOT #: 2123827

Review Date:  
04/10/2019

**Part B Requirements and/or Recommendations**

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 Flint Hills Stone Trucking LLC operating authority and/or the impoundment of Flint Hills Stone Trucking LLC's commercial motor vehicles.

Alex Graft  
Carrier Representative

4-10-19  
Date



## **ATTACHMENT “B”**

One calendar day - 24 hours

3 6 19 402  
(Month) (Day) (Year) (Total miles driving today)

4 E.D.  
Vehicle numbers - (Show each unit)

I certify these entries are true and correct:

Wayne A. Howe  
(Driver's signature in full)

Flin & Hills Stone  
(Name of Carrier or Carriers)

(Name of co-driver)

Flora, La.  
(Main Office Address)

	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																									13
2: SLEEPER BERTH																									
3: DRIVING																									8
4: ON DUTY (Not Driving)																									3
REMARKS	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	24

Pro or Shipping No.

Flora, La.

Stop Check Times

Backdoor Mo.

Wayne A. Howe

Flora, La.

Kelly, La.

Flora, La.

**CERTIFICATE OF SERVICE**

19-TRAM-435-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail/hand delivered on 05/03/2019.

ALEX GNADT, MANAGER  
FLINT HILLS STONE TRUCKING, LLC  
24176 PRAIRIE VIEW RD  
ALMA, KS 66401-8743  
flinthillsstone@gmail.com

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

/S/ DeeAnn Shupe  
DeeAnn Shupe