

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
17-TRAM-454-PEN

April 18, 2017

Rachelle Sloan, Owner
d/b/a R & J Trucking
32579 Osawatomie Rd
Paola, Kansas 66071

Certified Mail No. 70161970000105741027

This is a notice of a penalty assessment against Rachelle Sloan, d/b/a R & J Trucking for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 15, 2017, by Kansas Corporation Commission Special Investigator(s) Michael Heenan. Penalty amounts are assessed in accordance with the FY 2017 Uniform Penalty Assessment Matrix, approved by the Commission on August 18, 2016. For a full description of the penalty(s) and terms and obligations please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY: R & J Trucking has been assessed a \$1,200 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. A check must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

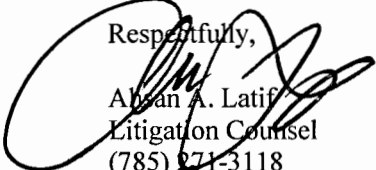
You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within 18 months from the date of the attached Order. Transportation Staff will contact you 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. R & J 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 must 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 (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Penalty Order and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,200 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the attached Penalty Order, or in the alternative, failure to provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the attached Order becoming a Final Order and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


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

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing 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. Rachelle Sloan, d/b/a R & J Trucking (R & J Trucking) operates under USDOT number 2084858.

5. R & J Trucking operates in both interstate and intrastate and requires Kansas Corporation Commission authority. It employs three (3) drivers that required a commercial driver's license (CDL).

6. R & J Trucking is a common motor carrier which primarily hauls gravel, sand, dirt and asphalt materials.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on March 15, 2017, Commission Staff (Staff) Special Investigator(s) Michael Heenan conducted a compliance review of the operations of R & J 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, Mr. Heenan identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 12, 2016, R & J Trucking required or permitted its driver, Joseph W. Fickel, to operate a CDL-required commercial motor vehicle, a 1998 Mack tractor, VIN ending in 088607, GVWR 32,000 lbs., pulling a 2016 end dump trailer, VIN ending in 000296, GVWR 75,000 lbs., in intrastate

commerce from Olathe, Kansas to Springhill, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSPD83960312, dated April 12, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, R & J Trucking had not paid its Uniform Carrier Registration (UCR) fees for 2017 or 2017. The carrier owns three CDL-required commercial motor vehicles. R & J Trucking'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. 2016 Supp. 66-1,139a and K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$300.

- b. On April 8, 2016, R & J Trucking required or permitted its driver, Brent A. Cruzan, to operate a CDL-required commercial motor vehicle, a 1996 Ford, VIN ending in 24625, GVWR 52,000 lbs., pulling a 2006 WESE end dump, VIN ending in 172287, GVWR 90,000 lbs., in intrastate commerce from Olathe, Kansas to Springhill, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP02520476, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, R & J Trucking did not have implemented an alcohol and controlled substance testing program for its CDL drivers. The carrier provided documentation that it had only recently (March 1, 2017) enrolled in a program with Accu

Screen, Inc. of Shawnee, Kansas. R & J Trucking's failure to establish an alcohol and/or controlled substances 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$650.

- c. On June 9, 2016, R & J Trucking required or permitted its driver, Brent A. Cruzan, to operate a CDL-required commercial motor vehicle, a 1996 Ford, VIN ending in 24625, GVWR 52,000 lbs., pulling a 2006 WESE end dump, VIN ending in 172287, GVWR 90,000 lbs., in intrastate commerce from Olathe, Kansas to Overland Park, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP02550623, dated June 9, 2016, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, R & J Trucking had not made an inquiry every 12 months into the annual motor vehicle record (MVR) of its drivers and maintain the response(s) of each state agency in the driver qualification files. R & J Trucking'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. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds R & J Trucking committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,200 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that R & J Trucking be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Transportation Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that R & J 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 R & J Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds R & J Trucking committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Rachelle Sloan, d/b/a R & J Trucking, of Paola, Kansas is hereby assessed a \$1,200 civil penalty for three (3) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. R & J 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 Transportation Staff with written proof of attendance.

C. R & J 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. 2016 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 (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel, within fifteen (15) days from the date of service of this Order. On April 18, 2017, this Penalty Order was mailed to R & J Trucking via Certified Mail, Return Receipt Requested, No. 70161970000105741027. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure

to timely request a hearing will result in a waiver of R & J Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,200 civil penalty against R & J Trucking, and ordering R & J Trucking to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Transportation Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of this Order.

E. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,200 is due in thirty (30) days from the date of service of this Order. A check shall be made payable to the Kansas Corporation Commission and submitted for payment. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payment shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

G. Failure to pay the \$1,200 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 R & J Trucking's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include,

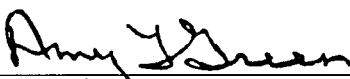
but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 18 2017



Amy L. Green
Secretary to the Commission


AAL

Order Mailed Date

APR 19 2017

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 2084858	Legal: RACHELLE SLOAN Operating (DBA): R & J TRUCKING					
MC/MX #: 727645 State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)		Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: C			
Operation Types Interstate Intrastate		Business: Individual					
Carrier: N/A Non-HM		Gross Revenue: [REDACTED] for year ending: 12/31/2015					
Shipper: N/A N/A							
Cargo Tank: N/A							
Company Physical Address:							
[REDACTED]							
Contact Name: Rachelle M Sloan							
Phone numbers: (1) [REDACTED] Fax							
E-Mail Address: [REDACTED]							
Company Mailing Address:							
32579 OSAWATOMIE RD PAOLA, KS 66071-4877							
Carrier Classification							
Authorized for Hire		Exempt for Hire					
Cargo Classification							
Other: Gravel, sand, dirt							
Equipment							
	Owned Term Leased Trip Leased				Owned Term Leased Trip Leased		
Truck	1	0	0	Truck Tractor	2	0	0
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			Average trip leased drivers/month: 0		
< 100 Miles:		3			Total Drivers: 3		
>= 100 Miles:					CDL Drivers: 3		





R & J TRUCKING (RACHELLE SLOAN dba)
U.S. DOT #: 2054858

State # [REDACTED]

Review Date:
03/15/2017

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
1500 SW Arrowhead Rd
Topeka, Ks 66604-4027 1-785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Rachelle M Sloan

Title: Owner

Name: [REDACTED]





R & J TRUCKING (RACHELLE SLOAN dba)
U.S. DOT # 2084858

State # [REDACTED]

Review Date
03/15/2017

Part B Violations

1 STATE	Primary: 367.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
Description Failure to Pay Unified Carrier Registration Example Driver name: [REDACTED] Trip date: 4/12/16 At the time of this review, the carrier had failed to pay UCR for their USDOT number for 2016 or 2017. Carrier MCS-150 showed that the carrier was listed as an interstate carrier during these years. Carrier was researched and their UCR was not paid for these years.					
2 STATE	Primary: 382.301(a) CFR Equivalent: 382.301(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked 3
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result Example Driver name: [REDACTED] Trip date: 04-08-16 Hire date: 03-07-14 At the time of this of this review, it was found that the carrier had hired the above driver on 03-07-14 and he did not have a test listed as a pre-employment drug test until 03-14-17 with negative results on 03-15-17. This was the day of this review. The carrier was notified of the review on 02-10-17. It should be noted that this driver was originally hired on 6-25-12 he resigned on 09-13-13. He then came back on 03-07-14. The carrier stated that they did not test him when he came back to work. The driver: [REDACTED] who was recently hired was also pre-employment tested on the same date as well as [REDACTED]. These drivers could not be documented as driving at the time of this review.					
3 STATE	Primary: 382.305(a) CFR Equivalent: 382.305(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
Description Failing to implement a random controlled substance and/or an alcohol testing program. Every driver shall submit to random alcohol and controlled substances testing as required by this section Example Driver name: [REDACTED] Trip date: 04-08-16 At the time of this trip, and the time of this review, it was found that the carrier reviewed had no drug and alcohol testing random program as of this trip listed above. At the time of this review, it was found that the carrier had recently become the member of Accu Screen Inc [REDACTED] of Shawnee Kansas 66216. A letter documenting the carrier's new membership was dated on 03-14-17. Accu Screen Inc listed as the date the carrier joined as 03-01-17. The carrier was asked if this was a second consortium or was their original consortium, it was stated that this was their original consortium. Consortium was called and the date of 03-01-17 date was confirmed by [REDACTED].					





R & J TRUCKING (RACHELLE SLOAN dba)
U.S. DOT # 2084858

State # [REDACTED]

Review Date
03/15/2017

Part B Violations

STATE	Primary	CFR Equivalent	Discovered	Checked	Drivers/Vehicles	
					In Violation	Checked
4	382.601(b)	382.601(b)	1	1	0	0
Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11 Driver name: [REDACTED] Trip date: 04-08-16 At the time of this trip, and the time of this review, it was found that the carrier had failed to obtain and provide their current drivers with any drug and alcohol policy. Carrier could not provide any policy for drivers or signed receipt of such policy. Carrier had the drug consortium since 03-01-17 which was 14 days prior to this review and it could be a reasonable belief that the carrier could have implemented the drug policy.						
5	382.603	382.603	1	1	0	0
Description Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances Example Driver name: [REDACTED] Trip date: 04-08-16 At the time of this trip, and the time of this review, it was found that the carrier manager [REDACTED] was in fact the supervisor of 2 other CDL drivers and had in fact had a consortium since 03-01-17 and had no reasonable supervisor training. The carrier was originally notified of the review on 02-10-17 by USPS letter						
6	391.51(b)(2)	391.51(b)(2)	2	3	2	3
Description Driver Investigation History file must contain a copy of the response by each State agency concerning a driver's driving record pursuant to §391.23(a)(1) Example Driver name: [REDACTED] Trip date: 6/9/2016 Origination: Olathe Ks Destination: Overland Park Ks At the time of this trip, and the time of this review, the carrier had not obtained any MVR within 30 days of 2 of their 3 drivers. The other driver [REDACTED] had not been employed for 30 days as of this review.						
7	391.51(b)(4)	391.51(b)(4)	2	3	2	3
Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a) Example Driver name: [REDACTED] Trip date: 6/9/2016 Origination: Olathe Ks Destination: Overland Park Ks At the time of this trip, and the time of this review, the carrier could not provide any MVR on their drivers at least every 12 months. One driver [REDACTED] had not been employed for one year as of the time of this review.						





R & J TRUCKING (RACHELLE SLOAN dba)
 U.S. DOT #: 2084858

State #: [REDACTED]

Review Date:
03/15/2017

Part B Violations

8 STATE	Primary: 391.51(b)(5)	Discovered 2	Checked 3	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(5)			In Violation 2	Checked 3

Description

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

Example

Driver name: [REDACTED]

Trip date: 6/9/2016

Origination :Olathe Ks

Destination: Overland Park Ks

At the time of this trip, and the time of this review, the carrier had no annual certification on any driver. However, Driver [REDACTED] had not been employed for one year.

9 STATE	Primary: 391.51(b)(6)	Discovered 2	Checked 3	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(6)			In Violation 2	Checked 3

Description

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

Example

Driver name: [REDACTED]

Trip date: 6/9/2016

Origination :Olathe Ks

Destination: Overland Park Ks

At the time of this trip, and the time of this review, the carrier had no list of traffic violations for any driver. Driver [REDACTED] had not been employed for 1 year as of the time of this review.

10 STATE	Primary: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles	
	CFR Equivalent: 396.3(b)(1)			In Violation 5	Checked 5

Description

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

Example

Company had 2 tractors, 1 ten wheeler, and 2 end dump trailers that they had maintenance information for, but were all in one file and not divided or identified in any way that identified each truck and trailer.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	25,500	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicle (MCMIS): 1	
		Number of Vehicles Inspected (MCMIS): 4	

Your proposed safety rating is :

This Review is not Rated.





Part B Requirements and/or Recommendations

You will need to enter your US DOT # Personnel Identification Number (PIN) that has been provided to you by FMCSA in the log in form at the bottom of the page. If you have forgotten your PIN you only need to click on a link on the webpage to make a request for your PIN to be forwarded to you by U.S. mail.

Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number, BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource numbers included within the recommendations.

You are encouraged to view all of the SIRs at the following website: http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx

12. Make certain that you have Unified Carrier Registration if the situation exists that your carrier operations are interstate and are required Unified Carrier Registration under federal regulations. www.ucr.in.gov
13. 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.
14. Make certain that all drivers of commercial motor vehicles have a record check of their driving record at least every 12 months and within 30 days of their initial employment.
15. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (CSMS) 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





R & J TRUCKING (RACHELLE SLOAN dba)
U.S DOT # 2084858

State #: [REDACTED]

Review Date:
03/15/2017

Part B Requirements and/or Recommendations

1. Ensure reasonable suspicion training has been completed
2. Make certain that all drivers of commercial motor vehicles have a proper application for employment that is completed, dated, and signed
3. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.
4. Carriers need to be certain they have periodic annual inspections on all trucks, truck tractors, and trailers that are qualified as Commercial Motor Vehicles under 49 C.F.R.
5. Formulate a plan to aid and educate drivers to better perform pre and post trip inspections. Educate drivers on what to look for and how to identify mechanical and inspection items that cause defects that could be instrumental to their safety on the road.

Develop maintenance plans and programs with your company or contracted mechanics to better assist them in the upkeep of company trucks and trailers

Develop an incentive plan for drivers that would encourage them to identify safety issues and violations. Gift cards, cash incentives and bonuses, or dinner cards for a night out can be used. These items can be offered in response to roadside inspections with no safety or OOS violations

6. " 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://kcc.ks.gov/trans/penalty_assessment_table.htm"

Carrier Signature: *Rachelle Sloan*

Investigator Signature: *Mohit Nandan 8213*

7. Carrier should make certain drivers read and sign all USDOT required forms in all driver and maintenance files
8. Make certain that all vehicles that qualify as Commercial Motor Vehicles have a maintenance file that describes the vehicle by the make, model, year, VIN, tire size, unit number, and if the vehicle is leased or owned. Carrier needs to be certain that all repairs and parts are properly entered in the maintenance file as well as the receipts for such parts or repairs.
9. Make certain that all local, state, and federal operating authorities are valid and in place before you making the trip that requires them. Interstate for hire transportation requires an valid MC # and operating authority in addition to the required UCR registration for your interstate USDOT number
10. Make certain that your USDOT number is updated at least every other year as required by the last digit of your USDOT number
11. You are encouraged to review your company's safety record at the following website

<https://ai.fmcsa.dot.gov/login/default.asp>





R & J TRUCKING (RACHELLE SLOAN dba)
 U S DOT #: 2084858

State # [REDACTED]

Review Date
 03/15/2017

Part B Requirements and/or Recommendations

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.

16. Make certain that all CDL holders that operate CDL vehicles are in a random drug and alcohol testing selection pool with only other CDL operators. This gives CDL operators fair and equal chance of selection for drug and alcohol testing.
17. Provide employees and owner operators with a drug and alcohol policy. The policy will provide a signature page to verify the employee or owner operator has been given a copy of the policy to read and does in fact understand its contents.
18. Provide proof that the company supervisor listed below has been trained and certified with training on alcohol and drug abuse and provide this agency a copy of such certification.
19. All carriers who are registered with an interstate USDOT are required Unified Carrier Registration. This registration can be obtained at www.ucr.in.gov.
20. 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 [Rachelle Sloan dba R & J Trucking] operating authority and/or the impoundment of [Rachelle Sloan dba R & J Trucking] vehicles.

Carrier Signature *Rachelle Sloan*

Investigator Signature *Michael Sloan* 8213

21. 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





R & J TRUCKING (RACHELLE SLOAN dba)

U.S. DOT #: 2084858

State #: ████████

Review Date:

03/15/2017

Part B Requirements and/or Recommendations

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



ATTACHMENT "B"

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSPD83960312
Inspection Date: 04/12/2016
Start: 6:54 AM CT End: 07:20 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

R & J TRUCKING

PAOLA, KS 66071-4877
USDOT#: 02084858 Phone#:
MC/MX#: 727645 Fax#:
State#:

Driver: FICKEL, JOSEPH W
License#:
Date of Bi
CoDriver:
License#:
Date of Birth:
State: KS

Location: JOHNSON COUNTY - 091
Highway: OLD 56 HWY / CHURCH ST
County:

MilePost:
Origin: OLATHE,KS
Destination: SPRING HILL,KS

Shipper: SAME AS CARRIER
Bill of Lading: NONE
Cargo: CONCRETE TEAR OUT

VEHICLE IDENTIFICATION

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

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Lists three violations including windshield damage and tire tread issues.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: Traffic Enforcement:

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: Facility: Date:

// DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **//** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By:
J. Livengood

Badge #:
8396

Copy Received By:
JOSEPH FICKEL



X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSPD83960312
Inspection Date: 04/12/2016
Start: 6:54 AM CT End: 07:20 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

R & J TRUCKING

PAOLA, KS 66071-4877
USDOT#: 02084858 Phone#:
MC/MX#: 727645 Fax#:
State#:

Driver: FICKEL, JOSEPH W
License#: State: KS
Date of Bi
CoDriver: State:
License#: State:
Date of Birth:

Inspection Notes

Driver was witnessed pulling out into intersection at what appeared to be against a red light but I could not see it. Driver started in on me by stating "this is bullshit" and would not initially give me his license and medical card until he was told that if he did not he would be arrested. This has been a problem at this intersection with the trucks not stopping for red lights pulling out of construction area. Driver said he had a green NB light but I saw WB old 56 traffic flowing west so that would mean he did not. Driver said he knew tail lights were not working on the tractor and his boss, James Sloan, told him to drive the truck anyway so he did.

Special Studies No Special Study Data Recorded

Report Prepared By:
J. Livengood

Badge #:
8396

Copy Received By:
JOSEPH FICKEL

Page 2 of 2



02084858 KS KSPD83960312

X _____

X _____

ATTACHMENT "C"

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP02520476
Inspection Date: 04/08/2016
Start: 1:45 PM CT **End:** 03:15 PM CT
Inspection Level: 1 - Full
HM Inspection Type: None

R & J TRUCKING

PAOLA, KS 66071-4877
 USDOT#: 02084858
 MC/MX#: 727645
 State#:

Phone#: [REDACTED]
 Fax#: [REDACTED]

Driver: CRUZAN, BRENT A
License#: [REDACTED] **State:** KS
Date of Birth: [REDACTED]
CoDriver:
License#: [REDACTED] **State:**
Date of Birth:

Location: JOHNSON COUNTY - 091
Highway: US-169
County:

MilePost: 146
Origin: OLATHE,KS
Destination: SPRING HILL,KS
Shipper: CARRIER
Bill of Lading: NONE
Cargo: ROAD DEBRIS

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	FORD	1996	KS	[REDACTED]	317	[REDACTED]24625	52,000			141905
2	ST	WESE	2006	KS	[REDACTED]		[REDACTED]72287	90,000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	2	1 3/4	2 1/2	1 1/2	1
Left	2 1/4	1 1/2	2 1/2	1	1
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2-SLLEWA1	392.2-SLLEWA1	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.: 1,100 lbs overweight on axle #4; weighed 21,100 allowed 20,000 lbs
392.2-SLLEWA1	392.2-SLLEWA1	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.: 600 lbs overweight on axle #5; weighed 20,600 allowed 20,000
392.2-SLLEWA3	392.2-SLLEWA3	D	N		N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on an axle/axle groups.: 6,200 lbs overweight on tandem axles #2 & 3; weighed 40,200 allowed 34,000 lbs
392.2-SLLEWG3	392.2-SLLEWG3	D	N	E000540095	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on allowable gross weight.: 7,700 lbs overweight on tandem axles #4 & 5; weighed 41,700 allowed 34,000
393.53B	393.53B	1	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
392.2RG	392.2RG	1	N		N	N	State vehicle registration or License Plate violation: 12,600 lbs overweight on registered weight; weighed 92,600, registered for 80,000 lbs; REF KSA 8-142
393.47E	393.47E	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle #3 left-See chart
396.3A1BOS	396.3A1BOS	1	Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the

Report Prepared By:
 J.L. Mills

Badge #:
 0252

Copy Received By:
 BRENT CRUZAN

Page 1 of 3



02084858 KS KSHP02520476

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DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO2520476
Inspection Date: 04/08/2016
Start: 1:45 PM CT End: 03:15 PM CT
Inspection Level: I - Full
HM Inspection Type: None

R & J TRUCKING

PAOLA, KS 66071-4877
 USDOT#: 02084858
 MC/MX#: 727645
 State#:

Phone#: [REDACTED]
 Fax#: [REDACTED]

Driver: CRUZAN, BRENT A
License#: [REDACTED] **State: KS**
Date of Birth: [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:

<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u> vehicle or combination
393.55D3	393.55D3	2	N		N	N	No or Defective ABS Malfunction Indicator for towed vehicles on vehicles manufactured after February 2001: ABS lamp on trailer inop; unplugged at lamp
393.45D	393.45D	2	N		N	N	Brake connections with leaks or constrictions: Air leak at valve in front of axle #4
392.2-SLLEWA1	392.2-SLLEWA1	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.: 500 lbs overweight on axle #3; weighed 20,500 allowed 20,000 lbs
393.11	393.11	1	N		N	N	No or defective lighting devices or reflective material as required: No reverse lamp on tractor
393.9	393.9	1	N		N	N	Inoperable Required Lamp: Right brake lamp on tractor inop
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: Right rear turn signal on tractor inop
393.19	393.19	1	N		N	N	Inoperative/Defective Hazard Warning Lamp: Right rear on tractor
393.11TL	393.11TL	1	N		N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: Right mud flap missing retro tape
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection: Annual inspection on truck expired 3/2016
396.5B	396.5B	1	N		N	N	Oil and/or grease leak: Oil leak dripping from engine compartment during inspection
396.5B	396.5B	1	N		N	N	Oil and/or grease leak: Leak at rear differential at axle #2 dripping onto ground during inspection
393.45D	393.45D	1	N		N	N	Brake connections with leaks or constrictions: Air leak at connection under cab left side behind reservoir
393.47E	393.47E	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle #1 left-See chart
393.47E	393.47E	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle #1 right-See chart
393.47E	393.47E	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle #3 left-See chart

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Report Prepared By:
 J.L. Mills

Badge #:
 0252

Copy Received By:
 BRENT CRUZAN

Page 2 of 3



02084858 KS KSHPO2520476

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DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP02520476
Inspection Date: 04/08/2016
Start: 1:45 PM CT End:03:15 PM CT
Inspection Level: I - Full
HM Inspection Type: None

R & J TRUCKING
PAOLA, KS 66071-4877
USDOT#: 02084858
MC/MX#: 727645
State#:

Phone#:
Fax#:

Driver: CRUZAN, BRENT A
License#
Date of B
CoDriver:
License#:
Date of Birth:
State: KS
State:

Special Checks: Size & Weight;

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 86-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: Facility: Date:

DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By:
J.L. Mills

Badge #:
0252

Copy Received By:
BRENT CRUZAN

Page 3 of 3



02084858 KS KSHP02520476

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ATTACHMENT "D"

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO2550623
Inspection Date: 06/09/2016
Start: 9:30 AM CT End: 09:57 AM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

RACHELLE SLOAN

PAOLA, KS 66071
USDOT#: 02084858
MC/MX#: 727645
State#:

Phone#: [REDACTED]
Fax#: [REDACTED]

Driver: CRUZAN, BRENT A

License#: [REDACTED] State: KS

Date of Birth: [REDACTED]

CoDriver: [REDACTED] State:

License#: [REDACTED]

Date of Birth: [REDACTED]

Location: JOHNSON COUNTY - 091
Highway: 175TH AND LONE ELM
County: JOHNSON, KS

MilePost: [REDACTED] Shipper: HAUPT CONSTRUCTION
Origin: OLATHE, KS Bill of Lading: NO NUMBER
Destination: OVERLAND PARK, KS Cargo: DIRT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	FORD	1996	KS	[REDACTED]	317	[REDACTED]A24625	52,000			
2	ST	WESE	2006	KS	[REDACTED]	317T	[REDACTED]172287	80,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: Size & Weight;

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at

<https://dataqs.fmcsa.dot.gov>

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
J.J. Weber

Badge #:
0255

Copy Received By:
BRENT CRUZAN

Page 1 of 2



02084858 KS KSHPO2550623

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO2550623
Inspection Date: 06/09/2016
Start: 9:30 AM CT End: 09:57 AM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

RACHELLE SLOAN

PAOLA, KS 66071
USDOT#: 02084858
MC/MX#: 727645
State#:

Phone#: [REDACTED]
Fax#: [REDACTED]

Driver: CRUZAN, BRENT A
License#: [REDACTED] State: KS
Date of Bir [REDACTED]
CoDriver:
License#: State:
Date of Birth:

Inspection Notes

Slightly over on 2/3 tandem

Special Studies No Special Study Data Recorded

Report Prepared By:
J.J. Weber

Badge #:
0255

Copy Received By:
BRENT CRUZAN

Page 2 of 2



02084858 KS KSHPO2550623

X _____

X _____

CERTIFICATE OF SERVICE

17-TRAM-454-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 APR 18 2017.

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

RACHELLE SLOAN, OWNER
RACHELLE SLOAN
D/B/A R & J TRUCKING
32579 OSAWATOMIE RD
PAOLA, KS 66071-4877
rachellesloan14@gmail.com

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

APR 19 2017