

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **Over The Road**)
Transport, LLC of Wichita, Kansas, for Failure) Docket No. 17-TRAM-012-OOS
to Comply with New Entrant Safety Requirements)
as Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

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

I. JURISDICTION

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 2015 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any

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

3. Pursuant to K.S.A. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Over The Road Transport, LLC is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Over The Road Transport, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2780625.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Over The Road Transport, LLC's New Entrant Registration had been revoked effective July 11, 2016 for failure to comply with safety requirements.

7. Pursuant to the above authority, on July 19, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on Over The Road Transport, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On August 12, 2016, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Over The Road Transport, LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2780625 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

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

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Over The Road Transport, LLC because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

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

THE COMMISSION THEREFORE ORDERS THAT:

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

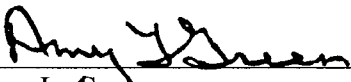
(B) Over The Road Transport, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on July 19, 2016.

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

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 30 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

AUG 31 2016



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

ALVARO ACOSTA
OWNER
OVER THE ROAD TRANSPORT LLC
13926 E AYESBURY ST
WICHITA, KS 67228

1200 New Jersey Ave., S.E.
Washington, DC 20590
August 12, 2016

In reply refer to:
USDOT Number: 2780625
MC Number: MC925847

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since OVER THE ROAD TRANSPORT LLC's USDOT New Entrant registration was revoked on July 11, 2016, and that OVER THE ROAD TRANSPORT LLC has reapplied in accordance with 49 CFR 385.329. This is to inform OVER THE ROAD TRANSPORT LLC that OVER THE ROAD TRANSPORT LLC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; OVER THE ROAD TRANSPORT LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of OVER THE ROAD TRANSPORT LLC's USDOT New Entrant registration and OVER THE ROAD TRANSPORT LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

OVER THE ROAD TRANSPORT LLC's 18-month new entrant safety monitoring period restarts as of August 12, 2016. FMCSA will continue to monitor and evaluate OVER THE ROAD TRANSPORT LLC's safety management practices and on-road performance to ensure OVER THE ROAD TRANSPORT LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of OVER THE ROAD TRANSPORT LLC's USDOT New Entrant or permanent registration.

OVER THE ROAD TRANSPORT LLC's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by OVER THE ROAD TRANSPORT LLC as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

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

CERTIFICATE OF SERVICE

17-TRAM-012-OOS

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 AUG 30 2016.

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ALVARO ACOSTA, MANAGING MEMBER
OVER THE ROAD TRANSPORT, LLC
13926 E AYESBURT ST
WICHITA, KS 67228

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date
AUG 31 2016