



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
18-TRAM-130-PEN

September 19, 2017

Julie J. Ramage, Office Manager
Freddy Van's Construction, Inc.
2513 E 4th Street
Pittsburg, Kansas 66762

Certified Mail No. 70161970000105737143

This is a notice of a penalty assessment against Freddy Van's Construction, Inc. for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 23, 2017, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order that is attached to this notice.

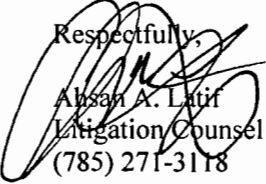
IF YOU ACCEPT THE PENALTY: Freddy Van's Construction has been assessed a \$850 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. Please remit payment of \$850, through your personal account with the Kansas Corporation Commission's KTRAN application 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.

You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide the undersigned Litigation Counsel 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 also 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. Freddy Van's Construction 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 \$850 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,


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

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

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

In the Matter of the Investigation of **Freddy**)
Van's Construction, Inc., of Pittsburg,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 18-TRAM-130-PEN
and the 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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 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.S.A. 2016 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. 2016 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 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. Freddy Van's Construction, Inc. (Freddy Van's Construction) has private operating authority with the Commission and further operates USDOT number 970372.

5. Julie Ramage attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on September 5, 2017, on behalf of Freddy Van's Construction.

6. Freddy Van's Construction is a private motor carrier which primarily hauls motor vehicles, building materials, machinery and large objects.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 23, 2017, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Freddy Van's Construction. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 6, 2017, Freddy Van's Construction required or permitted its driver, Kevin Blessant, to operate a CDL-required commercial motor vehicle, a 1987 International, VIN ending in 000834, GVWR 52,000 lbs.,

pulling a 1991 TRVS trailer, VIN ending in 1000G9, GVWR 68,000 lbs., in interstate commerce from Pittsburg, Kansas to Quapaw, Oklahoma. This trip is evidenced by Kansas Driver/Vehicle Examination Report No. KSHP03511433, dated March 6, 2017, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Freddy Van’s Construction had not provided its CDL drivers with a written drug and alcohol policy and obtained signatures from the drivers indicating receipt of same. The carrier did not provide the policy to its drivers until August 8, 2017, well after the date of this transportation. Freddy Van’s Construction’s failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver’s qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

- b. On May 9, 2017, Freddy Van’s Construction required or permitted its driver, Martin D. “Doug” Moore, to operate a CDL-required commercial motor vehicle, a 1999 Mack truck, VIN ending in 14029, GVWR 26,000 lbs., in interstate commerce from Pittsburg, Kansas to Bronaugh, Missouri. This trip is evidenced by Crash – Detail View Report #MO0000067899, dated May 9, 2017, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this trip, Freddy

Van's Construction did not have designated a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$100.

- c. During the transportation described in paragraph b., above, Freddy Van's Construction failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. From the period of October 16, 2015, to July 27, 2017, the carrier did not have any valid MVRs in its drivers' qualification files. The special investigator identified five (5) violations of this type. Freddy Van's Construction's failure to inquire into its drivers' MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification files 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 Freddy Van's Construction 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 \$850 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Freddy Van's Construction 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 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 Freddy Van's Construction 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 Freddy Van's Construction because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Freddy Van's Construction 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. Freddy Van's Construction, Inc., of Pittsburg, Kansas is hereby assessed a \$850 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. Freddy Van's Construction 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. Freddy Van's Construction 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. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Freddy Van's Construction's right to a hearing, and

this Penalty Order will become a Final Order assessing a \$850 civil penalty against Freddy Van's Construction, and ordering Freddy Van's Construction 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 eighteen (18) months from the date of this Order.

E. On September 19, 2017, this Penalty Order was mailed to Freddy Van's Construction via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105737143. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

F. 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.

G. If you do not request a hearing, the payment of the civil penalty of \$850 is due in thirty (30) days from the date of service of this Order. Payment of \$850 must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

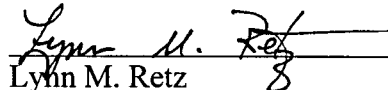
H. Failure to pay the \$850 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Freddy Van's Construction's motor carrier operating authority without further 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.

I. 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: SEP 19 2017


Lynn M. Retz
Secretary to the Commission


AAL

Order Mailed Date

SEP 20 2017

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 970372	Legal: FREDDY VAN INC Operating (DBA):	<i>Freddy Van's Construction, Inc.</i>		
	MC/MX #:	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					
Carrier: HM HM		Business: Corporation			
Shipper: N/A N/A		Gross Revenue: [REDACTED]		for year ending: 12/31/2016	
Cargo Tank: N/A					
Company Physical Address: [REDACTED]					
Contact Name: Julie J Ramage					
Phone numbers: (1) [REDACTED]		Fax			
E-Mail Address: [REDACTED]					
Company Mailing Address:					
2513 E 4TH PITTSBURG, KS 66762					
Carrier Classification					
Private Property					
Cargo Classification					
Motor Vehicles		Building Materials		Machinery, Large Objects	
Hazardous Materials					
9 Miscellaneous HM		Carried		Non-Bulk	
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	8	0	0	Truck Tractor	2 0 0
Trailer	1	0	0		
Power units used in the U.S.: 10					
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:	8		Total Drivers: 8		
>= 100 Miles:			CDL Drivers: 8		





FREDDY VAN INC
U.S. DOT #: 970372

State #: XXXXXXXXXX

Review Date:
08/23/2017

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: Julie J Ramage

Title: Office manager

Name:

Title:





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Violations

1 FEDERAL CRITICAL	Primary: 391.51(b)(2)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description Failing to maintain inquiries into driver's driving record in driver's qualification file. Example Driver name: [REDACTED] Trip date: 05-09-17 At the time of this recordable accident and the time of this review, the carrier driver, listed above was hired on 6/20/14 and his first documented MVR was dated 10-16-14 which was well past the 30 day limit to obtain the MVR. Driver [REDACTED] had started employment on 8/26/15 and had no MVR in file until 7/27/17					
2 FEDERAL	Primary: 382.601(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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. Example [REDACTED] 03-08-17 At the time of this trip, and the time of this review, the carrier provided a receipt page signed by each driver verifying their receipt of the drug policy. However, the receipt page was dated 8/8/17. The carrier stated that they had revised their policy to reflect when a normal non cdl employee would be required drug testing and that is the reason for the recent date that was signed. The carrier could not locate the older drug test receipts. The carrier did in fact have the policy, but the drivers signatures were dated long after the above trip.					
3 FEDERAL	Primary: 382.603	Discovered 3	Checked 3	Drivers/Vehicles In Violation 0	Checked 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: 05-09-17 At the time of this recordable accident and the time of this review, the carrier could not document that they or any supervisor had reasonable suspicion training. [REDACTED] are the supervisors who could not document any training.					





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Violations

4 FEDERAL	Primary: 391.51(b)(4)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a). Driver name: [REDACTED] Trip date: 05-09-17 At the time of this recordable accident and the time of this review the carrier had all MVRs on drivers dated as follows: 10/16/14 valid to 10/16/15 7/27/17 valid to 7/27/18 From 10/16/15 to 7/27/17 the carrier had no valid MVRs in their driver files the accident above was on 05/09/17.					
5 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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: 05-09-17 At the time of this recordable accident and the time of this review, the above driver had been employed on 6/20/14 and had no annual review of drivers record in his file at the time of this review. The other four drivers had the updated document in their file.					
6 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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: 05-09-17 At the time of this recordable accident and the time of this review, the above driver had been employed since 6/20/14 and had no certificate of violations in his driver file. The other 4 drivers had the updated document.					
7 FEDERAL	Primary: 391.53(b)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them. Example Driver name: [REDACTED] Trip date: 05-09-17 At the time of this recordable accident and the time of this review, the carrier had no copies of the responses from this driver or their other drivers in the driver files. The carrier had no proof of documentation of good faith in trying to contact them. Origination: Bronaugh Mo Destination: Pittsburg Ks					





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Violations

8 FEDERAL	Primary: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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Description

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

Example

Company had 8 trucks, 2 tractors, and 1 trailer with a total of 5 being examined for this review. The carrier had maintenance information easily located, but was not divided into files that identified the trucks and trailers as required by this part.

Safety Fitness Rating Information:

Total Miles Operated 33,000
Recordable Accidents 1
Recordable Accidents/Million Miles 30.30

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 2

Your proposed safety rating is :

SATISFACTORY

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

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





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Requirements and/or Recommendations

1. Ensure reasonable suspicion training has been completed
2. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.
3. For all Investigations:
 - Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
 - Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
 - NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
 - NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.
The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>
 - All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>
FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.
For all Investigations that could result in a Notice of Claim:
 - PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Requirements and/or Recommendations

calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record.

Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Requirements and/or Recommendations

Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

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

4. 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

5. "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

Julie J. Ramage

Investigator Signature

Malik Khan 8213

6. 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





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Requirements and/or Recommendations

or repairs.

7. Make certain that your USDOT number is updated at least every other year as required by the last digit of your USDOT number.
8. 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.
9. 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 carrier's 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.
10. 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.
11. 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.
12. 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 [Freddy Van Inc.] operating authority and/or the impoundment of [Freddy Van Inc.] vehicles.
Carrier Signature *Julie Ramagge*
Investigator Signature *Michelle Neenan*
13. Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.





FREDDY VAN INC
U.S. DOT #: 970372

State #: [REDACTED]

Review Date:
08/23/2017

Part B Requirements and/or Recommendations

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

14. Do not allow a driver who has engaged in conduct prohibited by 49 CFR Part 382 to perform safety-sensitive functions until he/she has met with a SAP, been evaluated by a SAP, has completed the training/treatment recommended by the SAP AND has been subject to a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a return to duty controlled substances test with a negative result.

A driver that returns to duty after completing the return to duty process must have a follow up testing plan indicating a minimum of SIX unannounced follow up tests within the first twelve months.

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: KSHPO3511433
Inspection Date: 03/06/2017
Start: 12.35 PMCT End: 01:30 PM CT
Inspection Level: 1 - Full
HM Inspection Type: None

FREDDY VAN INC

PITTSBURG, KS 66762

USDOT#: 00970372

MC/MX#:

State#:

Phone#:

Fax#:

Driver: BLESSANT KEVIN M

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Location: CHEROKEE COUNTY - 021

Highway: U-69A

County:

MilePost: 7

Origin: PITTSBURG,KS

Destination: QUAPAW,OK

Shipper:

Bill of Lading:

Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	INTL	1987	KS		14	000834	52,000			
2	ST	TRVS	1991	KS		911	000G97	68,000			

BRAKE ADJUSTMENTS: No Brake Measurements Recorded.

VIOLATIONS

HazMat: No HM Transported

Placard: No

Cargo Tank:

Special Checks: Traffic Enforcement;

Report Prepared By:
J E Irwin

Badge #
0351

Copy Received By
KEVIN BLESSANT

Page 1 of 1



00970372 KS KSHPO3511433

X _____

X _____

ATTACHMENT "C"

Crash - Detail View Report #: MO0000067899

No DataQs account found access to dispute has been disabled

[View Full Report](#)

Print

Carrier Information

Legal Name:	FREDDY VAN INC	Business Address:	[REDACTED] PITTSBURG, KS 66762	State
USDOT #:	970372	Business Phone:	[REDACTED]	Census #:
MC/MX#:		Business Fax:	[REDACTED]	
Entity Type:	CARRIER	Contact Mobile Phone:	[REDACTED]	

Crash Information

Number of Fatalities:	0	Injuries:	1
Tow Away:	Y	Vehicles in Crash:	1

Crash Environment

Traffic Level:	TWO-WAY TRAFFICWAY, NOT DIVIDED	Weather:	NO ADVERSE CONDITIONS
Access Control:		Light Level:	DAYLIGHT
Surface Condition:	DRY		

Crash Location

Date & Time:	05/09/2017 09 45	City & State:	NON-CITY OR UNINCORPORATE, MISSOURI	Name:	MARTIN D MOORE	Citation Issued:	UNKNOWN
Location:	MO 126	County:	BARTON	DOB:	[REDACTED]	License #:	[REDACTED]
				Age:	[REDACTED]	License State:	KS

Driver Information

Reporting Information

Reporting State:	MISSOURI	Reporting Sequence #	1
Reporting Agency:	MOMHPDD00	State Recordable:	Y
Officer Badge #:	664	Federally Recordable:	Y
Report #:	MO0000067899		

Vehicle Information

VIN:	[REDACTED]	HM Placards:	N
Plate #:	[REDACTED]	Release of Cargo:	NOT APPLICABLE/NO CARGO BODY
License State:	KS	Body Type:	NOT APPLICABLE/NO CARGO BODY
Configuration:	NOT APPLICABLE/NO GVW CARGO BODY	GVW Range:	MORE THAN 26,000 POUNDS

CERTIFICATE OF SERVICE

18-TRAM-130-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 SEP 19 2017.

JULIE J. RAMAGE, OFFICE MANAGER
FREDDY VAN'S CONSTRUCTION, INC.
2513 E 4TH STREET
PITTSBURG, KS 66762
freddyvansinc@yahoo.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

SEP 20 2017