

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

April 4, 2017

17-TRAM-421-PEN

David Roach, Owner  
David Roach, d/b/a WGC Trucking  
1953 Jackson Street  
Lewis, Kansas 67552

**Certified Mail Receipt No. 7016 1970 0001 0574 1201**

This is a notice of a penalty assessment against David Roach, d/b/a WGC Trucking for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 2, 2017, by Kansas Corporation Commission Special Investigator(s) Gregory Askren. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

WGC Trucking has been assessed a \$950 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. A check must be made payable to the Kansas Corporation Commission and 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>.

### WGC TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the Transportation Division shortly thereafter.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended Penalty Order assessing the reduced penalty and setting out the terms and conditions as stated above, will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$475, will be due within thirty (30) days from the date of service of the Amended Penalty Order.

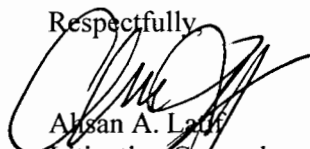
**IF YOU CONTEST THE PENALTY ORDER:**

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. David Roach, d/b/a WGC 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 by mailing a copy of the request for hearing to Litigation Counsel 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 of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$950 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If WGC Trucking submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order will be issued assessing the reduced penalty of \$475 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



Ahsan A. Laif  
Litigation Counsel  
(785) 271-1118

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

### **REDUCED PENALTY AGREEMENT**

David Roach, d/b/a WGC Trucking hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. WGC Trucking has agreed to comply with the following terms and obligations:

1. WGC Trucking has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. WGC Trucking will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. WGC Trucking will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

David Roach, d/b/a WGC Trucking understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess WGC Trucking a fifty-percent (50%) reduced penalty of \$475, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, WGC Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

David Roach, d/b/a WGC Trucking

\_\_\_\_\_  
David Roach  
Owner

**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 **David**      )  
**Roach, d/b/a WGC Trucking, of Lewis,**      )  
**Kansas,** Regarding the Violation of the Motor      )  
Carrier Safety Statutes, Rules and Regulations      ) Docket No. 17-TRAM-421-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. David Roach, d/b/a WGC Trucking (WGC Trucking) obtained common operating authority from the Commission on December 7, 2015, and operates under KSMCID number 171148 and USDOT number 948070.

5. WGC Trucking is a common motor carrier which primarily hauls general freight, livestock, grain, feed, hay, commodities dry bulk and farm supplies.

6. WGC Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the original penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on March 2, 2017, Commission Staff (Staff) Special Investigator(s) Gregory Askren conducted a compliance review of the operations of WGC Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Askren identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 26, 2016, WGC Trucking required or permitted its driver, Kenneth Roach, to operate a CDL-required commercial motor vehicle, a 1995 Peterbilt, VIN ending in 177275, GVWR 50,000 lbs., in intrastate commerce from Hanston, Kansas to Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination

Report No. KSHP92121215, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, WGC Trucking failed to require its driver to complete a Daily Vehicle Inspection Report (DVIR) on the commercial motor vehicle operated. The special investigator found two (2) violations of this type. WGC Trucking’s failure to require its driver to prepare a DVIR in writing, at the completion of each day’s work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$300.

- b. During the transportation described in paragraph a., above, WGC Trucking did not have a random alcohol and/or controlled substance testing program implemented for its CDL drivers. WGC 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.

### **III. STAFF’S RECOMMENDATIONS**

- 8. Based upon the available facts, Staff recommends the Commission find WGC Trucking committed two (2) 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. Staff recommends a civil penalty of \$950 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that David Roach, d/b/a WGC Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement which is attached to the Notice of Penalty Assessment and it is approved.

11. Staff recommends David Roach, d/b/a WGC Trucking submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

12. Staff further recommends that WGC Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Transportation Division.

13. Finally, Staff recommends that WGC Trucking submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

14. The Commission finds it has jurisdiction over WGC Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

15. The Commission finds WGC Trucking committed two (2) 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.

16. The Commission finds WGC Trucking is a New Entrant motor carrier and is eligible for an a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel the Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein. If WGC Trucking does not submit the Agreement within fifteen (15) days from the date of this Penalty Order, it no longer is eligible for the reduced penalty option and must comply with the terms and conditions of this Order, including payment of the full penalty of \$950 within thirty (30) days from the date of service of this Penalty Order.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. David Roach, d/b/a WGC Trucking, of Lewis, Kansas is hereby assessed penalty of \$950 for two (2) 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. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments 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 (17-TRAM-421-PEN).*



B. WGC Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Transportation Staff. 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

C. WGC Trucking must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. WGC 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 motor carrier at a later date to determine an appropriate time for this review.

E. If WGC Trucking does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$950 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of WGC Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **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, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the**

Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. On April 4, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 7016 1970 0001 0574 1201. Service of this Order is deemed 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 WGC Trucking's right to a hearing.

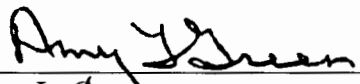
G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination 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.

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 04 2017

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission


AAL

**Order Mailed Date**

**APR 04 2017**

## **ATTACHMENT “A”**

**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 948070	<b>Legal:</b> DAVID A ROACH			
	<b>Operating (DBA):</b> WGC TRUCKING				
<b>MC/MX #:</b> 406453		<b>State #:</b> [REDACTED]	<b>Federal Tax ID</b> [REDACTED] (EIN)		
<b>Review Type:</b> Compliance Review (CR)					
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.			<b>Territory:</b> E
<b>Operation Types</b>		<b>Interstate</b>	<b>Intrastate</b>		
<b>Carrier:</b> Non-HM		N/A			
<b>Shipper:</b> N/A		N/A			
<b>Cargo Tank:</b> N/A		N/A			
		<b>Business:</b> Corporation			
		<b>Gross Revenue:</b> [REDACTED]		for year ending: 12/31/2016	
<b>Company Physical Address:</b> [REDACTED]					
<b>Contact Name:</b> [REDACTED]					
<b>Phone numbers: (1)</b> [REDACTED]					
<b>E-Mail Address:</b> [REDACTED]					
<b>Company Mailing Address:</b> 1953 JACKSON ST LEWIS, KS 67552-5220					
<b>Carrier Classification</b> Authorized for Hire					
<b>Cargo Classification</b>					
General Freight		Livestock		Grain, Feed, Hay	
Commodities Dry Bulk		Farm Supply			
<b>Equipment</b>					
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Owned</b>	<b>Term Leased Trip Leased</b>
Truck Tractor	2	0	0	Trailer	3 0 0
Power units used in the U.S.: 2					
Percentage of time used in the U.S.: 100					
<b>Does carrier transport placardable quantities of HM?</b> No					
<b>Is an HM Permit required?</b> N/A					
<b>Driver Information</b>					
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0		
<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 2		
<b>&gt;= 100 Miles:</b>	2		<b>CDL Drivers:</b> 2		



**WGC TRUCKING (DAVID A ROACH dba)**  
U.S. DOT #: 948070

State #: [REDACTED]

Review Date:  
03/02/2017

**Part A**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

Address not available

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

**Person(s) Interviewed**

Name: David Roach

Title: Owner

Name: [REDACTED]



	<b>WGC TRUCKING (DAVID A ROACH dba)</b>	<b>Review Date:</b>
	U.S. DOT #: 948070	02/02/2017

### Part B Violations

<b>1</b>	Primary: 382.305	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>	<b>Checked</b>
<b>FEDERAL</b>		1	1	In Violation	0
<b>ACUTE</b>					0

#### Description

Failing to implement a random controlled substance and/or an alcohol testing program.

#### Example

Driver [REDACTED] Ks. OLN [REDACTED]

Trip Date - 9/26/17

Hanston Ks. to Wichita, Ks.

Carrier operated a 1985 PTRB Vin # [REDACTED] 177275 GVWR 50000 Ks. Reg. [REDACTED]

Pulling a 1983 Guth. VIN # [REDACTED] 007107 GVWR 68000 Ks. Reg. [REDACTED]

Roadside inspection KSHP92121215

Carrier failed to have a random drug/alcohol program in affect at the time of the investigation.

<b>2</b>	Primary: 396.11(a)	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>	<b>Checked</b>
<b>FEDERAL</b>		2	2	In Violation	2
<b>CRITICAL</b>					2

#### Description

Failing to require driver to prepare driver vehicle inspection report.

#### Example

Driver [REDACTED] Ks. OLN [REDACTED]

Trip Date - 9/26/17

Hanston Ks. to Wichita, Ks.

Carrier operated a 1985 PTRB Vin # [REDACTED] 177275 GVWR 50000 Ks. Reg. [REDACTED]

Pulling a 1983 Guth. VIN # [REDACTED] 007107 GVWR 68000 Ks. Reg. [REDACTED]

Roadside inspection KSHP92121215

Carrier failed to require driver to prepare a driver vehicle inspection report.

<b>Safety Fitness Rating Information:</b>	<b>OOS Vehicle (CR): 0</b>
<b>Total Miles Operated</b> 142,078	<b>Number of Vehicle Inspected (CR): 0</b>
<b>Recordable Accidents</b> 0	<b>OOS Vehicle (MCMIS): 0</b>
<b>Recordable Accidents/Million Miles</b> 0.00	<b>Number of Vehicles Inspected (MCMIS): 0</b>

<b>Your proposed safety rating is :</b>	<b>Rating Factors</b>	<b>Acute</b>	<b>Critical</b>
	Factor 1: S	0	0
	Factor 2: C	1	0
	Factor 3: S	0	0
	Factor 4: C	0	1
	Factor 5: N	0	0
	Factor 6: S	-	-

**SATISFACTORY**

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



**WGC TRUCKING (DAVID A ROACH dba)**  
U.S. DOT #: 948070

State #: [REDACTED]

Review Date:  
03/02/2017

## Part B Requirements and/or Recommendations

### 1. For all Investigations:

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

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

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

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

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

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

### 2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

### 3. 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.

### 4. This report contains citations of regulations that are deemed serious in nature and could result in penalties against







**WGC TRUCKING (DAVID A ROACH dba)**  
U.S. DOT #: 948070

State #: [REDACTED]

Review Date:  
03/02/2017

### Part B Requirements and/or Recommendations

your company and/or your drivers.

5. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.

6. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Carrier was not enrolled in a random controlled substance/alcohol testing program at the time of this investigation. The carrier had enrolled but because of miscommunication between the carrier and the consultant, the membership fees were never paid, so the carrier was dropped from the program.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

**Implement Safety Improvement Practices:** The following are recommended practices related to Policies and Procedures.


- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

**Seek Out Resources:**

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

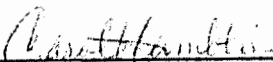
7. This review will result in a Safety Rating.
8. Ensure that all drivers are fully and properly qualified before operating in Inter/Intra state commerce. Maintain a complete file as required for each driver, documenting the qualification process.
9. Stay in contact with your KCC investigator for any questions or issues with continued safety compliance.  
SI Gregory Askren



	<b>WGC TRUCKING (DAVID A ROACH dba)</b> U.S. DOT #: 948070	Review Date: 02/02/2017
<b>Part B Requirements and/or Recommendations</b>		

St Gregory Askren  
785.483.0212  
g.askren@kcc.ks.gov

10. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of David Roach DBA WGC Trucking operating authority and/or the impoundment of David Roach DBA WGC Trucking vehicles.

  
3-2-17

Carol Hamblin, Office Manager  
Date



## **ATTACHMENT “B”**

## DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP92121215  
 Inspection Date: 09/26/2016  
 Start: 11:47 AM CT End: 12:11 PM CT  
 Inspection Level: II - Walk-Around  
 HM Inspection Type: None

## WGC TRUCKING

GREAT BEND, KS, 67530-9317

USDOT: 948070

Phone#:

MC/MX#: 406453

Fax#:

State#:

Location: WICHITA

Highway: K-96

County:

Driver: ROACH, KENNETH O

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Milepost: 276.4 Shipper: SCOLAR CO.

Origin: HANSTON, KS

Bill of Lading: 493412

Destination: WICHITA, KS

Cargo: GRAIN, FEED, HAY

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	QOS Sticker
1	TT	PTRB	1985	KS			177275	50000			
2	ST	GUTH	1983	KS			007107	68000			

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

## VIOLATIONS

Section	Type	Unit	QOS	Citation #	Verify Crash	Violations Discovered
392.2-SLLEWA2	F	D	N		N	State/Local Laws - Excessive weight - 2501-5000 lbs over on an axle/axle groups.
393.75H	F	1	N		N	Under inflated tire
392.2-SLLEWA3	F	D	N	E001246501	N	State/Local Laws - Excessive weight - More than 5000 lbs over on an axle/axle groups.

HazMat: No HM transported

Placard:

Cargo Tank:

## Special Checks:

Alcohol/Controlled Substance Check  
 Conducted by Local Jurisdiction  
 X Size and Weight Enforcement  
 eScreen Inspection

Traffic Enforcement  
 PASA Conducted Inspection  
 Drug Interdiction Search

Post Crash Inspection  
 PBBS Inspection

\* 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:

A. Boyle

Badge #:

9212

Copy Received By:

KENNETH ROACH

X \_\_\_\_\_ X \_\_\_\_\_



**CERTIFICATE OF SERVICE**

17-TRAM-421-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 04 2017.

DAVID ROACH, OWNER  
DAVID ROACH  
D/B/A WGC TRUCKING  
1953 JACKSON ST  
LEWIS, KS 67552-5220  
hamblin@gbta.net

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  
APR 04 2017