

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

May 25, 2017

17-TRAM-506-PEN

La Raine Ullom, Corporate Secretary  
Flying U Trucking Inc.  
121 S. Pine Street  
Beloit, Kansas 67420

Certified Mail No. 70161970000105740709

This is a notice of a penalty assessment against Flying U Trucking Inc. for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 29, 2017, by Kansas Corporation Commission Special Investigator(s) Gregory Askren. 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:** Flying U Trucking has been assessed a \$2,250 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. Please remit payment of \$2,250, 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.

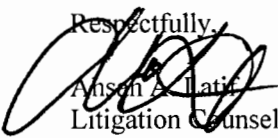
You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.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. Flying U 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 \$2,250 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,

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

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

**PENALTY ORDER**

## I. 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. Flying U Trucking Inc. (Flying U Trucking) operates under USDOT number 2287885.

5. Flying U Trucking operates intrastate and interstate hauling wrecked semi-trucks and trailers for hire.

6. Flying U Trucking is a common motor carrier which primarily hauls general freight, machinery, large objects and livestock.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on March 29, 2017, Commission Staff (Staff) Special Investigator(s) Gregory Askren conducted a compliance review of the operations of Flying U 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. Askren identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 12, 2017, Flying U Trucking required or permitted its driver, Keith Ullom, to operate a CDL-required commercial motor vehicle, a 2001 Freightliner, VIN ending in 24171, GVWR 53,000 lbs., pulling a 1996 WESD trailer, VIN ending in 005407, GVWR 26,000 lbs., in interstate commerce from Hannibal, Missouri to Beloit, Kansas. This trip

is evidenced by Driver's Daily Log, dated January 12, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Flying U Trucking did not have established an alcohol/controlled substance testing program for its CDL drivers. The carrier's failure to establish an alcohol and controlled substances testing 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.

- b. During the transportation described in paragraph a., above, Flying U Trucking 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. The carrier'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 \$100.
- c. During the transportation described in paragraph a., above, Flying U Trucking shows the actual trip taking place on the 13<sup>th</sup> of January, 2017, and the Driver's Daily Log records show the drivers as off duty on the 12<sup>th</sup> of January, 2017. *See*, Driver's Daily Logs, dated January 13, 2017, copies of which are attached hereto as Attachment "C" and are hereby

incorporated by reference. Flying U Trucking's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- d. On January 2, 2017, Flying U Trucking required or permitted its driver, La Raine Ullom, to operate a CDL-required commercial motor vehicle, a 1998 Volvo, VIN ending in 745458, GVWR 53,000 lbs., in intrastate commerce from Beloit, Kansas to Inman, Kansas. This trip is evidenced by Driver's Daily Log, dated January 2, 2017, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Flying U Trucking did not have State operating authority to drive over three (3) miles from its principle place of business in the State of Kansas. It is 86.2 miles from Beloit, Kansas to Inman, Kansas. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

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

8. Based upon the available facts, Staff recommends the Commission finds Flying U Trucking committed four (4) 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 \$2,250 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Flying U 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](http://kcc.ks.gov/trans/safety_meetings.htm).

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

13. The Commission finds Flying U Trucking committed four (4) 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. Flying U Trucking Inc., of Beloit, Kansas is hereby assessed a \$2,250 civil penalty for four (4) 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. Flying U 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. Flying U 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 May 25, 2017, this Penalty Order was mailed to Flying U Trucking via Certified Mail, Return Receipt Requested, No. 70161970000105740709. 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 Flying U Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,250 civil penalty against Flying U Trucking, and ordering Flying U 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 \$2,250 is due in thirty (30) days from the date of service of this Order. Payment of \$2,250, 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.

G. Failure to pay the \$2,250 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Flying U 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.

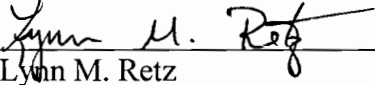


H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 25 2017

  
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Lynn M. Retz  
Secretary to the Commission


AAL

Order Mailed Date

MAY 26 2017

## **ATTACHMENT “A”**

## UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 2287885	Legal: FLYING U TRUCKING INC Operating (DBA):	
MC/MX #: 781413		Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	
Territory: E			
Operation Types		Interstate Intrastate	
Carrier: Non-HM N/A		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: La Raine Ullom			
Phone numbers: (1) [REDACTED]		Fax	
E-Mail Address: [REDACTED]			
Company Mailing Address:			
121 SOUTH PINE BELOIT, KS 67420			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
General Freight		Machinery, Large Objects Livestock	
Equipment			
	Owned	Term Leased	Trip Leased
Truck Tractor	2	0	0
Trailer	1	0	0
Power units used in the U.S.: 2			
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	
< 100 Miles:			Average trip leased drivers/month: 0
>= 100 Miles:	2		Total Drivers: 2
			CDL Drivers: 2





FLYING U TRUCKING INC

U.S. DOT #: 2287885

Review Date:

05/12/2017

**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:** La Raine K Ullom

**Title:** Corp. Sec.

**Name:** Keith Ullom Sr.





FLYING U TRUCKING INC  
U.S. DOT #: 2287885

Review Date:  
03/29/2017

### Part B Violations

1 FEDERAL ACUTE	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. <b>Example</b> Driver Keith Ullom [REDACTED] Trip Date 1/12/2017 Roadside Inspection MO0499000167 Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000 pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000. Origin Hannibal MO - Destination: Beloit, Ks. Flying U Trucking Inc. failed to have a alcohol/controlled substance testing program during this investigation.					
2 FEDERAL	Primary: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. <b>Example</b> Driver Keith Ullom [REDACTED] Trip Date 1/12/2017 Roadside Inspection MO0499000167 Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000 pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000. Origin Hannibal MO - Destination: Beloit, Ks. Flying U Trucking Inc failed to provide an MVR for 3 previous years prior to an MVR obtained on 3/3/2017.					
3 FEDERAL	Primary: 391.51(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to maintain driver's employment application in driver's qualification file. <b>Example</b> Driver Keith Ullom [REDACTED] Trip Date 1/12/2017 Roadside Inspection MO0499000167 Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000 pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000. Origin Hannibal MO - Destination: Beloit, Ks. Flying U Trucking Inc failed to maintain an application of employment on file for each driver in the driver qualification file.					





FLYING U TRUCKING INC

U.S DOT #: 2287885

Review Date:

03/29/2017

## Part B Violations

4 FEDERAL	Primary: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Driver Keith Ullom [REDACTED] Trip Date 1/12/2017 Roadside Inspection MO0499000167 Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000 pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000. Origin Hannibal MO - Destination: Beloit, Ks. Flying U Trucking Inc failed to provide annual review for 3 previous years prior to this investigation.					
5 FEDERAL	Primary: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> Driver Keith Ullom [REDACTED] Trip Date 1/12/2017 Roadside Inspection MO0499000167 Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000 pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000. Origin Hannibal MO - Destination: Beloit, Ks. Flying U Trucking failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances by 391.27.					
6 STATE	Primary: 66-1,111 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> No Common Carrier Authority- Intrastate Point to Point- Certificate of Convenience and Necessity <b>Example</b> Driver Laraine Ullom [REDACTED] Trip Date 1/2/2017 Operating a 1998 Volvo VIN [REDACTED] 745458 KS REG 140936 with a GVWR 53,000 Origin Beloit, ks. - Destination: Inman, Ks. Flying U Trucking Inc had No Common Carrier Authority-Intrastate Point to Point - Certificate of Convenience and Necessity.					
7 FEDERAL	Primary: 395.8(e)	Discovered 2	Checked 56	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> False reports of records of duty status. <b>Example</b> Driver Keith Ullom [REDACTED] Trip Date 1/12/2017 Roadside Inspection MO0499000167 Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000 pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000. Origin Hannibal MO - Destination: Beloit, Ks. Flying U Trucking Inc is showing this trip being on the 13th while showing off duty on the 12th. On the 17th, [REDACTED] [REDACTED] are showing identical logs on a trip from Beloit Ks. to Santa Rose NM with no co-driver.					





FLYING U TRUCKING INC

U.S. DOT #: 2287885

Review Date:

03/29/2017

## Part B Violations

8 STATE	Primary: 395.8(f)  CFR Equivalent: 395.8(f)	Discovered 6	Checked 6	Drivers/Vehicles In Violation	Checked 2
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## Description

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

## Example

Driver Laraine Ullom [REDACTED]

Trip Date 1/2/2017

Operating a 1998 Volvo VIN [REDACTED] 745458 KS REG 140936 with a GVWR 53,000

Origin Beloit, ks. - Destination: Inman, Ks.

Flying U Trucking Inc failed to require driver to prepare record of duty status in form and manner prescribed. In general, the driver must sign the record of duty status immediately after all required entries have been made for the 24-hour period.

However, if the driver is driving at the end of the 24-hour period, he/she must sign during the next stop. A driver may also sign the record of duty status upon going off duty if he/she expects to remain off duty until the end of the 24-hour period. Logs were electronically signed on 3/23/2017 as reflected on the log printouts.

9 FEDERAL	Primary: 395.8(f)	Discovered 56	Checked 56	Drivers/Vehicles In Violation	Checked 2
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## Description

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

## Example

Driver Keith Ullom [REDACTED]

Trip Date 1/12/2017

Roadside Inspection MO0499000167

Operating a 2001 FRHT VIN [REDACTED] 24171 KS REG 142121 with a GVWR 53,000

pulling a 1996 WESD VIN [REDACTED] 005407 with GVWR 26,000.

Origin Hannibal MO - Destination: Beloit, Ks.

Flying U Trucking Inc failed to require driver to prepare record of duty status in form and manner prescribed. In general, the driver must sign the record of duty status immediately after all required entries have been made for the 24-hour period.

However, if the driver is driving at the end of the 24-hour period, he/she must sign during the next stop. A driver may also sign the record of duty status upon going off duty if he/she expects to remain off duty until the end of the 24-hour period. Logs were electronically signed on 3/23/2017 as reflected on the log printouts.

## Safety Fitness Rating Information:

Total Miles Operated 159,503  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.00

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

Your proposed safety rating is :

**SATISFACTORY**

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

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





FLYING U TRUCKING INC  
U.S. DOT #: 2287885

Review Date:  
03/29/2017

### Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
4. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
5. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.

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

##### DESCRIPTION OF PROCESS BREAKDOWN

Flying U Trucking Inc failed to have a Controlled Substances and Alcohol Program in place at the time of this investigation.

##### 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://efl.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.







FLYING U TRUCKING INC  
U.S. DOT #: 2287885

Review Date:  
03/29/2017

## Part B Requirements and/or Recommendations

- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 7. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

#### DESCRIPTION OF PROCESS BREAKDOWN

Flying U Trucking Inc failed to review driver qualification files to ensure all required documentation are in the files

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- 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 Driver Fitness 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.

### 8. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

#### DESCRIPTION OF PROCESS BREAKDOWN


Flying U Trucking Inc. failed to fill out the RODS (log books) in form and manner to sign the signature at the end of the 24 hour period. In general, the driver must sign the record of duty status immediately after all required entries have been made for the 24-hour period. However, if the driver is driving at the end of the 24-hour period, he/she must sign during the next stop. A driver may also sign the record of duty status upon going off duty if he/she expects to remain off duty until the end of the 24-hour period. Log were electronically signed for the month of January on 3/23/2017.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete



	<b>FLYING U TRUCKING INC</b> U.S. DOT #: 2287885	Review Date 03/29/2017
<b>Part B Requirements and/or Recommendations</b>		

the load on time.

- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- 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 Hours-of-Service (HOS) 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.

#### 9. 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.

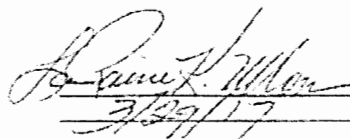
The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor 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.



	<b>FLYING U TRUCKING INC</b> U.S. DOT #: 2287985	Review Date 03/29/2017
<b>Part B Requirements and/or Recommendations</b>		

10. 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.
11. 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.
12. This review will result in a Safety Rating.
13. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
14. Stay in contact with your KCC investigator for any questions or issues with continued safety compliance  
St Gregory Askren  
785.483.0212  
g.askren@kcc.ks.gov
15. 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 Flying U Trucking Inc operating authority and/or the impoundment of Flying U Trucking Inc vehicles.

  
NAME OF CARRIER OFFICIAL, TITLE  
Date



## **ATTACHMENT “B”**

# Drivers Daily Log - KEITH ULLOM (One calendar day - 24 hours)

January 12, 2017 Month Day Year	0 Total Mileage Today	276, Vehicle Numbers
0 Total Miles Driving Today	KEITH ULLOM signed electronically 2017-03-23 10:28:49 Driver signature certifies entries are true and correct.	
FLYING U TRUCKING Name of Carrier or Carriers	LA RAINE ULLOM Name of Co-driver	
101 SOUTH MAIN BELOIT, KS 67420 Main Office Address	101 SOUTH MAIN PINE, BELOIT, KS 67420 Home Terminal Address	

	MON	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	
OFF DUTY																									00:00
SLEEPER																									24:00
DRIVING																									00:00
ON DUTY																									00:00

24:00 BELOIT KS 67420

## R. UlloM Used Truck Parts EMPTY/SALVAGE

From BELOIT, KS To DEERFIELD, KS

TRUCK NO. 276

DATE January 12, 2017 TIME \_\_\_\_\_

AS REQUIRED BY THE D.O.T. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

**DRIVERS VEHICLE INSPECTION REPORT**

**Speedometer Reading**

☐ Air Compressor    ☐ Horn  
☐ Air Lines    ☐ Lights  
☐ Battery    ☐ Head  
☐ Body    ☐ Stop  
☐ Brakes    ☐ Tail  
☐ Brakes    ☐ Dash  
☐ Curb    ☐ Turn Indicators  
☐ Clutch    ☐ Mirrors  
☐ Spare Brakes & Pumps  
☐ Good Beam  
☐ Radiograph

## **ATTACHMENT “C”**

# Drivers Daily Log - LARAIN ULLOM (One calendar day - 24 hours)

January 13, 2017 Month Day Year	197 Total Mileage Today	276, Vehicle Numbers
197 Total Miles Driving Today	LARAIN ULLOM Driver signature certifies entries are true and correct.	signed electronically 2017-03-23 10:41:45
FLYING U TRUCKING Name of Carrier or Carriers	KEITH ULLOM Name of Co-driver	
BELOIT, KS 67420 Main Office Address	BELOIT, KS 67420 Home Terminal Address	

	MIDN	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11		
OFF DUTY																										10:45
SLEEPER																										06:30
DRIVING																										06:15
ON DUTY																										00:30

00:45 BELOIT KS 67420 FUEL  
01:00 BELOIT KS 67420  
04:00 WATHENA KS 66090 GREENE

04:30 WATHENA KS 66090  
07:45 HANNIBAL MO 63401 PPT  
08:00 HANNIBAL MO 63401

13:15 BROOKFIELD MO 64628  
24:00 BROOKFIELD MO 64628

## Robert Ullom's Used Truck Parts EMPTY/SALVAGE

From BELOIT, KS To HANNIBAL, MO

DATE January 13, 2017 TIME

AS REQUIRED BY THE DOT, FEDERAL MOTOR CARRIER SAFETY REGULATIONS

DRIVERS VEHICLE INSPECTION REPORT

TRACTOR NO. 276

Speedometer Reading

<input type="checkbox"/> Air Compressor <input type="checkbox"/> Air Lines <input type="checkbox"/> Battery <input type="checkbox"/> Body <input type="checkbox"/> Brakes <input type="checkbox"/> Brakes Accessories <input type="checkbox"/> Chassis <input type="checkbox"/> Clutch <input type="checkbox"/> Converter <input type="checkbox"/> Drive Shaft <input type="checkbox"/> Fuel System <input type="checkbox"/> Grease Fittings <input type="checkbox"/> Headlight <input type="checkbox"/> Horn <input type="checkbox"/> Ignition <input type="checkbox"/> Lights <input type="checkbox"/> Oil <input type="checkbox"/> Paint <input type="checkbox"/> Shock <input type="checkbox"/> Spring <input type="checkbox"/> Tail <input type="checkbox"/> Tires <input type="checkbox"/> Turn Indicators <input type="checkbox"/> Valves <input type="checkbox"/> Water Pump <input type="checkbox"/> Windshield Wipers	<input type="checkbox"/> Safety Equipment <input type="checkbox"/> Fire Extinguisher <input type="checkbox"/> First Aid Kit <input type="checkbox"/> Flares <input type="checkbox"/> Fuses <input type="checkbox"/> Fuel System <input type="checkbox"/> Grease Fittings <input type="checkbox"/> Headlight <input type="checkbox"/> Horn <input type="checkbox"/> Ignition <input type="checkbox"/> Lights <input type="checkbox"/> Oil <input type="checkbox"/> Paint <input type="checkbox"/> Shock <input type="checkbox"/> Spring <input type="checkbox"/> Tail <input type="checkbox"/> Tires <input type="checkbox"/> Turn Indicators <input type="checkbox"/> Valves <input type="checkbox"/> Water Pump <input type="checkbox"/> Windshield Wipers
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3/23/2017

Drivers Daily Log - KEITH ULLOM  
(One calendar day - 24 hours)

January 13, 2017 Month Day Year	96 Total Mileage Today	276, Vehicle Numbers
96 Total Miles Driving Today	KEITH ULLOM Driver signature certifies entries are true and correct.	signed electronically 2017-03-23 10:40:59
FLYING U TRUCKING Name of Carrier or Carriers	LA RAINE ULLOM Name of Co-driver	
1001 S. COLUMBIA BLVD, BELOIT, KS 67420 Main Office Address	1001 S. COLUMBIA BLVD, BELOIT, KS 67420 Home Terminal Address	

	MIDN	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	
OFF DUTY																									10:45
SLEEPER																									10:30
DRIVING																									01:30
ON DUTY																									01:15

10:30 HANNIBAL MO 63401 1/00X-UP 13:00 BROCKFIELD MO 64828 DOT 24:00 BROCKFIELD MO 64828  
11:30 HANNIBAL MO 63401 13:15 BROCKFIELD MO 64828

R. Ulom Used Truck Parts EMPTY/SALVAGE

From BELOIT, KS To HANNIBAL, MO

DATE January 13, 2017 TIME

TRACTOR NO. 276

AS REQUIRED BY THE D.O.T. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

DRIVERS VEHICLE INSPECTION REPORT

<input type="checkbox"/> Air Compressor	<input type="checkbox"/> Horn	<input type="checkbox"/> Safety Equipment
<input type="checkbox"/> Air Lines	<input type="checkbox"/> Lights	<input type="checkbox"/> Fire Extinguisher
<input type="checkbox"/> Battery	<input type="checkbox"/> Hood	<input type="checkbox"/> Pumps
<input type="checkbox"/> Body	<input type="checkbox"/> Stop	<input type="checkbox"/> Pliers
<input type="checkbox"/> Brakes Accessories	<input type="checkbox"/> Tail	<input type="checkbox"/> Pliers
<input type="checkbox"/> Brakes	<input type="checkbox"/> Dash	<input type="checkbox"/> Spare Bulbs & Fuses
<input type="checkbox"/> Carburetor	<input type="checkbox"/> Turn Indicators	<input type="checkbox"/> Seal Beams
<input type="checkbox"/> Clutch	<input type="checkbox"/> Mirrors	<input type="checkbox"/> Tachograph
<input type="checkbox"/> Deflector	<input type="checkbox"/> Muffler	<input type="checkbox"/> Tires

Speedometer Reading



## **ATTACHMENT “D”**

3/21/2017

**Drivers Daily Log - LARAINÉ ULLOM**  
(One calendar day - 24 hours)

<u>January 02, 2017</u> Month Day Year	<u>220</u> Total Mileage Today	<u>276,</u> Vehicle Numbers
<u>220</u> Total Miles Driving Today	<u>LARAINÉ ULLOM</u> signed electronically 2017-02-01 20:33:56 Driver signature certifies entries are true and correct.	
<u>FLYING U TRUCKING</u> Name of Carrier or Carriers	<u>KEITH ULLOM</u> Name of Co-driver	
<u>BELOIT, KS 67420</u> Main Office Address	<u>BELOIT, KS 67420</u> Home Terminal Address	

	MIDN	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	
OFF DUTY																									00:00
SLEEPER																									19:15
DRIVING																									03:30
ON DUTY																									01:15

07:00 BELOIT KS 67420  
08:45 INMAN KS 67548 5000K/UP

09:30 INMAN KS 67548  
11:15 BELOIT KS 67420 DROPP/PT

11:45 BELOIT KS 67420

**Robert UlloM's Used Truck Parts EMPTY/SALVAGE**

From BELOIT, KS; BELOIT, KS To INMAN, KS;

DATE January 02, 2017 TIME \_\_\_\_\_

AS REQUIRED BY THE D.O.T. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

**DRIVER'S VEHICLE INSPECTION REPORT**

TRACTOR NO. _____ 276 <input type="checkbox"/> Air Compressor <input type="checkbox"/> Horn <input type="checkbox"/> Air Lines <input type="checkbox"/> Lights <input type="checkbox"/> Battery <input type="checkbox"/> Hood <input type="checkbox"/> Body <input type="checkbox"/> Stop <input type="checkbox"/> Brakes <input type="checkbox"/> Tail <input type="checkbox"/> Caboverhead <input type="checkbox"/> Dash <input type="checkbox"/> Crotch <input type="checkbox"/> Turn Indicators <input type="checkbox"/> Deflector <input type="checkbox"/> Mirrors <input type="checkbox"/> Muffler <input type="checkbox"/> Tires	Speedometer Reading _____ <input type="checkbox"/> Safety Equipment <input type="checkbox"/> Fire Extinguisher <input type="checkbox"/> Rings <input type="checkbox"/> Fuses <input type="checkbox"/> Spare Bulbs & Fuses <input type="checkbox"/> Tachograph <input type="checkbox"/> Tires
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**CERTIFICATE OF SERVICE**

17-TRAM-506-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 **MAY 25 2017**.

LA RAINE ULLOM, CORPORATE SECRETARY  
FLYING U TRUCKING INC  
121 S PINE STREET  
BELOIT, KS 67420  
flying-u-trucking@live.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**

**MAY 26 2017**