

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Dwight D. Keen, Chair  
Susan K. Duffy, Commissioner  
Andrew J. French, Commissioner



20220901110657  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Laura Kelly, Governor

## NOTICE OF PENALTY ASSESSMENT

September 1, 2022

23-TRAM-262-PEN

Andres Joan Castaneda, Owner  
Andres Joan Castaneda d/b/a AJC Transport  
127 W Hazel St.  
Garden City, KS 67846

This is a notice of a penalty assessment against Andres Joan Castaneda d/b/a AJC Transport (AJC Transport) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 23, 2022, by Kansas Corporation Commission Special Investigator Erica Pargas & Penny Fryback. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** AJC Transport has been assessed a \$1,100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,100, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system 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.

The attached Order requires a representative of AJC Transport to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars 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).

**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. AJC Transport 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 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 copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,100 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,  
*/s/ Ahsan A. Latif*  
Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners:                      Dwight D. Keen, Chair  
   Susan K. Duffy  
   Andrew J. French

In the Matter of the Investigation of **Andres**                      )  
**Joan Castaneda d/b/a AJC Transport, of**                      )  
**Garden City, KS**, Regarding the Violation(s) of                      )  
the Motor Carrier Safety Statutes, Rules and                      ) Docket No. 23-TRAM-262-PEN  
Regulations 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). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I.        JURISDICTION**

1.       Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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 issue an order 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. Andres Joan Castaneda d/b/a AJC Transport (AJC Transport or Carrier) has common operating authority with the Commission and further operates under USDOT number 3327154.

5. Luis M. Castaneda attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on December 16, 2019, on behalf of AJC Transport.

6. AJC Transport is a common motor carrier which primarily hauls building materials, construction, grain, feed, hay and livestock.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on August 23, 2022, Commission Staff (Staff) Special Investigator Erica Pargas & Penny Fryback conducted a safety compliance review of the operations of AJC Transport. 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 two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 15, 2021, AJC Transport required or permitted its driver, Andres J. Castaneda, to operate a CDL-required commercial motor vehicle, a 2012 Peterbilt truck tractor, VIN ending in 135548, GVWR

53,200 lbs., pulling a Wilson semi-trailer, VIN ending in 58049, GVWR of 75,000 lbs., in intrastate commerce from Hoxie, Kansas to Dodge City, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report No. KSHP04500709, dated November 15, 2021, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, AJC Transport failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The Special Investigators found two (2) instances of this type of violation. The Carrier’s failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends an enhanced fine of \$750.

- b. During the transportation described in paragraph a., above, AJC Transport failed to maintain minimum records of inspection and maintenance on the commercial motor vehicle operated. The Carrier’s failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is a violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$350.

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

8. Staff submitted a Report and Recommendation (R&R), dated August 25, 2022, attached hereto as Attachment "C" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds AJC Transport 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.

10. Additionally, Staff recommends a civil penalty of \$1,100 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from AJC Transport 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 safety seminars 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).

12. Staff further recommends AJC Transport submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

13. Finally, Staff recommends that AJC Transport 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**

14. The Commission finds it has jurisdiction over AJC Transport because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds AJC Transport 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.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Andres Joan Castaneda d/b/a AJC Transport, of Garden City, KS is hereby assessed a \$1,100 civil penalty 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.

B. AJC Transport 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. AJC Transport 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.

E. Pursuant to K.S.A. 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 copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of AJC Transport's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, 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.<sup>2</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$1,100 is due in thirty (30) days from the date of service of this Order. Payment of \$1,100 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

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<sup>2</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

H. Failure to pay the \$1,100 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of AJC Transport's motor carrier operating authority without further notice.<sup>3</sup> 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.

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

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 09/01/2022



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Lynn M. Retz  
Executive Director

AAL


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<sup>3</sup> K.S.A. 66-1,105.



## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION

		<b>U.S. DOT#:</b> 3327154 <b>MC/MX#:</b> 1059667		<b>Legal:</b> ANDRES JOAN CASTANEDA <b>Operating (DBA):</b> AJC TRANSPORT		<b>Investigation Date:</b> 08/23/2022	
<b>Investigation Type:</b> Onsite Comprehensive Investigation				<b>Location of Investigation:</b> Company principal place of business (PPOB) <b>Extent of Operations:</b> Entire Operation			
<b>Physical Address</b> 127 W HAZEL ST GARDEN CITY, KS 67846 United States				<b>Mailing Address</b> 127 W HAZEL ST GARDEN CITY, KS 67846 United States			
<b>Contact Information</b> <b>Contact Name:</b> ANDRES JOAN CASTANEDA <b>Email:</b> CAMELLORACING69@GMAIL.COM <b>Phone:</b> (620)805-1969 <b>Cell:</b> ( )- <b>Fax:</b> ( )-							
<b>Business and Financial</b> <b>Business Type:</b> Sole Proprietorship <b>Name of Gross Revenue Provider:</b> ANDRES JOAN CASTANEDA <b>Title of Gross Revenue Provider:</b> OWNER <b>Gross Revenue:</b> [REDACTED] <b>For Year Ending:</b> 12/31/2020 <b>Federal Tax ID:</b> [REDACTED] (EIN)							
<b>Operation Classification and Type</b> <b>Type of Operation:</b> Non-HM Interstate Carrier, Non-HM Intrastate Carrier <b>Operation Classification</b> For-Hire Motor Carrier Property Other Non-Hazardous Freight				<b>Cargo</b> Grain, Feed, Hay, Livestock			
<b>Equipment</b>				<b>Driver Information</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Drivers</b>			
Truck Tractors	1	1			<b>Intrastate</b>	<b>Interstate</b>	
Trailers	1	1		<b>&lt; 100 Miles</b>		1	
				<b>&gt; = 100 Miles</b>		1	
<b>Power units used in the U.S.:</b> 2 <b>Percentage of time used in the U.S.:</b> 100%				<b>Average trip leased driver/month:</b> 0 <b>Drivers with CDL:</b> 2 <b>Total Drivers:</b> 2			
<b>Person(s) Interviewed</b>							
<b>Name:</b> ANDRES JOAN CASTANEDA				<b>Title:</b> OWNER			

## Questions

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:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378
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**This report will be used to assess your safety compliance.**

# Violations

<b>1. Primary: 396.17(a)</b> Using a commercial motor vehicle not periodically inspected. <div><div>C</div><div><b>Critical</b> At least 10% of the number checked had violations</div></div>		<b>Violations Discovered</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table> <b>Checked</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>4</td><td></td><td>4</td></tr></table>		Fed	State	Total	2		2	Fed	State	Total	4		4	<b>BASIC Impacted</b> Vehicle Maintenance	<b>Rating Factor 4:</b> <b>Vehicle</b> = Part 396
Fed	State	Total															
2		2															
Fed	State	Total															
4		4															
<b>Example/Notes:</b>  Vehicle: Unit #187 2012 Peterbuilt Date of trip: 11/15/2021  On 11/15/2021, Andres Joan Castaneda d/b/a AJC Transport operated Unit #187 and Unit #220 from Hoxie, KS to Dodge City, KS. At the time of operation, Andres Joan Castaneda d/b/a AJC Transport operated Unit #187 and Unit #220 without a current annual inspection.			<b>Drivers/Vehicles in Violation</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table> <b>Checked</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>4</td><td></td><td>4</td></tr></table>			Fed	State	Total	2		2	Fed	State	Total	4		4
Fed	State	Total															
2		2															
Fed	State	Total															
4		4															
<b>2. Primary: 395.8(f)</b> Failing to require driver to prepare record of duty status in form and manner prescribed.			<b>Violations Discovered</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>17</td><td></td><td>17</td></tr></table> <b>Checked</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>60</td><td></td><td>60</td></tr></table>			Fed	State	Total	17		17	Fed	State	Total	60		60
Fed	State	Total															
17		17															
Fed	State	Total															
60		60															
<b>Example/Notes:</b>  Driver name(s): Luis Castaneda Trip date: 6/7/2022  On 6/7/2022, Andres Joan Castaneda d/b/a AJC Transport's driver, Luis M Castaneda hauled a load of corn from Wallace, NE to Garden City and failed to note the shipper information and commodity on the drivers log as required.			<b>Drivers/Vehicles in Violation</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <b>Checked</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table>			Fed	State	Total	1		1	Fed	State	Total	2		2
Fed	State	Total															
1		1															
Fed	State	Total															
2		2															
<b>3. Primary: 396.3(b)</b> Failing to keep minimum records of inspection and vehicle maintenance.			<b>Violations Discovered</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <b>Checked</b> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>4</td><td></td><td>4</td></tr></table>			Fed	State	Total	1		1	Fed	State	Total	4		4
Fed	State	Total															
1		1															
Fed	State	Total															
4		4															
<b>Example/Notes:</b>			<b>Drivers/Vehicles in Violation</b>														

Unit #220 2020 Wilson VIN [REDACTED] 558049

Trip date: 11/15/2021

Andres Joan Castaneda d/b/a AJC Transport failed to provide a maintenance file for Unit #220.

Fed	State	Total
1		1
Checked		
Fed	State	Total
4		4

## Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): Number of Vehicles Inspected (CR): OOS Vehicles (MCMIS): Number of Vehicles Inspected (MCMIS): OOS Rate: NaN	Conditional		1
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 185,484 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

## Process Breakdown and Remedies

### BASIC: Vehicle Maintenance

#### Process Breakdown: Monitoring and Tracking

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Andres Joan Castaneda d/b/a AJC Transport will ensure that all vehicles being operated have a current maintenance record and have current annual inspections as required.

#### Specific Recommended Remedies

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. Maintain roadside inspection reports, observational reports, Driver Vehicle Inspection Reports (DVIRs) and customer complaints on condition of cargo to help evaluate the performance of all staff (drivers, dispatchers, managers, mechanics, technicians, and purchasing/parts inventory agents) involved in cargo handling, loading, and securement and the effectiveness of compliance with associated policies, procedures, and regulations.
2. Review maintenance files periodically to ensure all vehicles have a current annual inspection prior to being operated.
3. Ensure to maintain a maintenance record for each vehicle being operated.

# Recommendations

## 1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

## 2. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

## 3. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:

<http://www.fmcsa.dot.gov/forms/print/accident.htm>

## 4. **Obtain copies of the regulations, forms, interpretations, manuals.**

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)

## 5. **A copy of your profile can be obtained by accessing the Portal.**

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

## 6. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

## 7. **Require drivers to prepare complete and accurate records.**

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.

## 8. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

## 9. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

## 10. **Review maintenance and inspection records for all lease vehicles.**

Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.

## 11. **Violations Signature Page**

Required recommendation

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.

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. 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 Penalty Order.

Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

CAP Requirements:

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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.

Submit the letter along with copies of your supporting evidence to:

e-mail: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

CAP Penalty:

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective

action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

Acknowledgement Statement:

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 Andres Joan Castaneda d/b/a AJC Transport's operating authority and/or the impoundment of Andres Joan Castaneda d/b/a AJC Transport's Company vehicles.

X \_\_\_\_\_

Signature

X \_\_\_\_\_

Date

Monetary Penalties:

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 web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

Acknowledgement Statement:

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 Andres Joan Castaneda d/b/a AJC Transport's operating authority and/or the impoundment of Andres Joan Castaneda d/b/a AJC Transport's Company vehicles.

X Andres Castaneda

Signature

X 8-23-2022

Date

Monetary Penalties:

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 web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

## **ATTACHMENT “B”**

# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

**Kansas Highway Patrol**  
**Email: Khp.TruckInspection@KS.GOV**  
**700 SW Jackson, Ste 704**  
**Topeka, KS 66603**  
**Phone: (785)296-7189 Fax: (785)296-2858**

**Report Number: KSHPO4500709**  
**Inspection Date: 11/15/2021**  
**Start: 12:54 PM CT End: 01:30 PM CT**  
**Inspection Level: II - Walk-Around**  
**HM Inspection Type: None**

**ANDRES JOAN CASTANEDA**  
**127 W HAZEL ST**  
**GARDEN CITY, KS 67846**  
**USDOT#: 03327154 Phone#: (620)805-1969**  
**MC/MX#: 00000000 Fax#:**  
**State#:**

**Driver: CASTANEDA, ANDRES J**  
**License#: [REDACTED] State: KS**  
**Date of Birth: [REDACTED]**  
**CoDriver:**  
**License#: State:**  
**Date of Birth:**

**Location: HODGEMAN COUNTY - 083**  
**Highway: U283**  
**County:**

**MilePost: 76**  
**Origin: HOXIE,KS**  
**Destination: DODGE CITY,KS**

**Shipper:**  
**Bill of Lading:**  
**Cargo: 43 HEAD FAT CATTLE**

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	PTRB	2012	KS	213979	187	[REDACTED]135548	53,200			
2	ST	WILX	2020	KS	670259	220	[REDACTED]58049	75,000			

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2-SLLS2	392.2-SLLS2	D	N	E001202837	N	N	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.: 73 MPH IN A 65 MPH ZONE
392.16	392.16	D	N	E001202836	N	N	Failing to use seat belt while operating a CMV
392.7A	392.7A	D	N		N	N	Driver failing to conduct pre-trip inspection: PRE TRIP CAN NOT BE SATISFIED WITH NONE WORKING EMERGENCY EQUIPMENT
393.95A	393.95A	1	N		N	N	No/discharged/unsecured fire extinguisher: FIRE EXT UNDER DRIVER SIDE BUNK IS EMPTY
393.11TU	393.11TU	1	N		N	N	Truck-Tractor upper body corner requirements for retroreflective sheeting or reflex reflective material for vehicles manufactured after July 1997: NO VERTICAL SHEETING - JUST GLUE RESIDUE
393.11TL	393.11TL	1	N		N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: NONE ON EITHER SIDE
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection: NONE ON UNIT 1 - DRIVER ADVISED HE HAS NOT DONE ONE
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: DRIVER AND PASSENGER SIDE INOP ON REAR OF UNIT 1
393.9BRKLAMP	393.9BRKLAMP	1	N		N	N	Inoperative Brake Lamps: NONE ON DRIVER OR PASSENGER SIDE OF UNIT 1
393.11	393.11	1	N		N	N	No or defective lighting devices or reflective material as required: NO REV LAMP PRESENT
396.17C	396.17C	2	N		N	N	Operating a CMV without proof of a periodic inspection: LAST PROOF OF INSPECTION WAS DRIVER SIDE FRONT NOSE IN TUBE OF

**Report Prepared By:**  
**A.S. Wagner**

**Badge #:**  
**0450**

**Copy Received By:**  
**ANDRES CASTANEDA**

Page 1 of 3



03327154 KS KSHPO4500709

X \_\_\_\_\_

X \_\_\_\_\_

# DRIVER/VEHICLE EXAMINATION REPORT

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**HM Inspection Type:** None

**ANDRES JOAN CASTANEDA**  
**127 W HAZEL ST**  
**GARDEN CITY, KS 67846**  
**USDOT#:** 03327154 **Phone#:** (620)805-1969  
**MC/MX#:** 00000000 **Fax#:**  
**State#:**

**Driver:** CASTANEDA, ANDRES J  
**License#:** XXXXXXXXXX **State:** KS  
**Date of Birth:** XXXXXXXXXX  
**CoDriver:**  
**License#:** XXXXXXXXXX **State:**  
**Date of Birth:**

<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u>
							TRAILER AT 6-4-2019

**HazMat:** No HM Transported.

**Placard:** No

**Cargo Tank:**

**Special Checks:** Traffic Enforcement;

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

Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*\*  
 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.

\*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.S. Wagner

**Badge #:**  
 0450

**Copy Received By:**  
 ANDRES CASTANEDA

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03327154 KS KSHPO4500709

X \_\_\_\_\_

X \_\_\_\_\_

# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol  
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700 SW Jackson, Ste 704  
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Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO4500709  
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Start: 12:54 PM CT End: 01:30 PM CT  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

ANDRES JOAN CASTANEDA

127 W HAZEL ST

GARDEN CITY, KS 67846

USDOT#: 03327154

MC/MX#: 00000000

State#:

Phone#: (620)805-1969

Fax#:

Driver: CASTANEDA, ANDRES J

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

## Inspection Notes

PREVIOUS INSPECTION OUT OF OKLAHOMA : OKM407151896 SHOWS A PREVIOUS CITATION FOR NO SEATBELT WHILE IN A CMV  
ON 1-28-2019PHOTOS TAKEN

**Special Studies** No Special Study Data Recorded

Report Prepared By:  
A.S. Wagner

Badge #:  
0450

Copy Received By:  
ANDRES CASTANEDA

Page 3 of 3



03327154 KS KSHPO4500709

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## **ATTACHMENT “C”**



## **REPORT AND RECOMMENDATION TRANSPORTATION DIVISION**

**TO:** Dwight D. Keen, Chair  
Susan K. Duffy, Commissioner  
Andrew J. French, Commissioner

**FROM:** Mike Hoeme, Director of Transportation  
Gary Davenport, Deputy Director of Transportation

**DATE:** August 25, 2022

**SUBJECT: Docket No. 23-TRAM-262-PEN**  
In the Matter of the Investigation of Andres Joan Castaneda d/b/a AJC Transport of Garden City, Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

### **EXECUTIVE SUMMARY:**

Andres Joan Castaneda d/b/a AJC Transport (AJC Transport or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling building materials, construction, grain, feed, hay and livestock. AJC Transport operates under USDOT 3327154. On August 23, 2022, Commission Staff Special Investigator Erica Pargas & Penny Fryback conducted a safety compliance review of the operations of AJC Transport. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$1,100.

### **DISCUSSION AND ANALYSIS:**

On August 23, 2022, Commission Staff Special Investigator Erica Pargas & Penny Fryback conducted a safety compliance review of the operations of AJC Transport. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

#### **Violation One (1 of 2)**

On November 15, 2021, AJC Transport required or permitted its driver, Andres J. Castaneda, to operate a CDL-required commercial motor vehicle, a 2012 Peterbilt truck tractor, VIN ending in 135548, GVWR 53,200 lbs., pulling a Wilson semi-trailer, VIN ending in 58049, GVWR of 75,000 lbs., in intrastate commerce from Hoxie, Kansas to Dodge City, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report No. KSHP04500709, dated November

15, 2021. At the time of this transportation, AJC Transport failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The Special Investigators found two (2) instances of this type of violation. The Carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends an enhanced fine of \$750.

#### Violation Two (2 of 2)

During the transportation described in Violation One, above, AJC Transport failed to maintain minimum records of inspection and maintenance on the commercial motor vehicle operated. The Carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is a violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$350.

#### **RECOMMENDATION:**

Transportation Staff recommends the Commission find AJC Transport 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.

Additionally, Staff recommends a civil penalty of \$1,100 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from AJC Transport be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars 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).

Staff further recommends AJC Transport submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the 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.

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

## **CERTIFICATE OF SERVICE**

23-TRAM-262-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail and electronic service on 09/01/2022.

ANDRES JOAN CASTANEDA, OWNER  
ANDRES JOAN CASTANEDA  
D/B/A AJC TRANSPORT  
127 W HAZEL ST  
GARDEN CITY, KS 67846  
camelloracing69@gmail.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
a.latif@kcc.ks.gov

/S/ KCC Docket Room  
KCC Docket Room