20171212160427 Kansas Corporation Commission

Corporation Commission

Phone: 785-271-3100 Fax: 785-271-3354 http://kcc.ks.gov/

Sam Brownback, Governor

1500 SW Arrowhead Road Topeka, KS 66604-4027

Pat Apple, Chairman Shari Feist Albrecht, Commissioner Jay Scott Emler, Commissioner

December 12, 2017

NOTICE OF PENALTY ASSESSMENT 18-TRAM-235-PEN

Hector D. Urteaga, Owner d/b/a Papa Trucking 106 N 9th St Garden City, Kansas 67846

This is a notice of a penalty assessment against Hector D. Urteaga, d/b/a Papa Trucking (Papa Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 15, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Papa 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, unless you choose the reduced penalty option explained below. Please remit payment of \$2,250 through your personal account with the Kansas Corporation Commission's 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.

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

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

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

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

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

(4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.



If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$1,125 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Hector D. Urteaga, d/b/a Papa 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 mail a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$2,250 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Papa Trucking submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$1,125 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully Ahsan A/Latif

Litigation Counsel (785) 271-3118 a.latif@kcc.ks.gov

1500 SW Arrowhead Road Topeka, KS 66604-4027

Pat Apple, Chairman Shari Feist Albrecht, Commissioner Jay Scott Emler, Commissioner



Phone: 785-271-3100 Fax: 785-271-3354 http://kcc.ks.gov/

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-235-PEN

Hector D. Urteaga, d/b/a Papa Trucking (Papa Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated December 12, 2017. Papa Trucking has agreed to comply with the following terms and obligations:

1. Papa Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Papa Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.

3. Papa Trucking will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. Papa Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Hector D. Urteaga, d/b/a Papa Trucking understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$1,125, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Papa Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this _____ day of _____, 2017.

Hector D. Urteaga, d/b/a Papa Trucking

Hector D. Urteaga Owner

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to <u>v.jacobsen@kcc.ks.gov</u> and <u>alatif@kcc.ks.gov</u>.)

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Pat Apple, Chairman Shari Feist Albrecht Jay Scott Emler
In the Matter of the Inve	stigation of Hector D.)

Urteaga, d/b/a Papa Trucking, of Garden City,) Kansas, Regarding the Violation of the Motor) Carrier Safety Statutes, Rules and Regulations) Docket No. 18-TRAM-235-PEN and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of) Motor Carrier Authority.

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b 1. and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2016 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Hector D. Urteaga, d/b/a Papa Trucking (Papa Trucking) operates under USDOT number 2578569.

Papa Trucking operates in interstate and intrastate commerce and employs two (2)
 CDL drivers.

6. Papa Trucking is a common motor carrier which primarily hauls general freight, grain, feed, hay, and commodities dry bulk.

Papa Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent
 (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on November 15, 2017, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Papa Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

a. On October 4, 2017, Papa Trucking required or permitted its driver, Danny Oscar Beltran, to operate a CDL-required commercial motor vehicle, a 2002 Peterbilt, VIN ending in 581964, GVWR 52,000 lbs., pulling a 2015 Tempte semi-trailer, VIN ending in 146996, GVWR 65,000 lbs., in interstate commerce from Denver, Colorado to Garden City, Kansas. This trip is

evidenced by Driver/Vehicle Examination Report Number CO7250002097, dated October 4, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Papa Trucking failed to maintain the record of duty status for driver Danny Oscar Beltran for the previous six (6) months. The special investigator found thirty (30) violations of this type. Papa Trucking's failure to retain driver supporting documents and the record of duty status for a period of six (6) months is a violation of 49 C.F.R. Part 395.8(k)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.

b. On October 6, 2017, Papa Trucking required or permitted its driver, Hector D. Urteaga, to operate a CDL-required commercial motor vehicle, a 2003 Peterbilt, VIN ending in 596097, GVWR 50,000 lbs., pulling a 2011 Wilson semi-trailer, VIN ending in 256119, in interstate commerce from Garden City, Kansas to Catoosa, Oklahoma and back to Garden City, Kansas. This trip is evidenced by Driver's Daily Log, dated October 6, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Papa Trucking required driver Hector D. Urteaga to drive eleven (11) hours after the fourteenth (14th) hour after coming on duty following the driver's last ten (10) hour off duty period. The carrier's failure to require its driver to cease driving at the 14th hour after coming on duty following ten (10) consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and

authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. On October 17, 2017, Papa Trucking required or permitted its driver, Hector D. Urteaga, to operate a CDL-required commercial motor vehicle, a 2003 Peterbilt, VIN ending in 596097, GVWR 50,000 lbs., pulling a 2011 Wilson semi-trailer, VIN ending in 256119, in interstate commerce from Woodward, Oklahoma to Catoosa, Oklahoma and back to Garden City, Kansas. This trip is evidenced by Driver's Daily Log, dated October 16, 2017, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, driver Hector D. Urteaga's supporting documentation does not correlate with his record of duty status as to dates and times of loading and unloading and coming off duty, thereby driver Urteaga provided a false record of duty status. See, Gavilon Straight Bill of Lading # 377518, dated October 17, 2017, and Hi Plains Feed LLC Weigh Receipt IB 55438, dated October 17, 2017, copies of which are attached hereto as Attachment "E" and are hereby incorporated by reference. The special investigator found five (5) violations of this type. Papa 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. During the transportation described in paragraph c., above, Papa Trucking failed to maintain evidence of the inspector's qualification for Inspector John Divine, who had completed the annual inspection on the 2011 Wilson

semi-trailer used in this transportation. *See*, Annual Vehicle Inspection Report, dated September 8, 2017, a copy of which is attached hereto as Attachment "F" and is hereby incorporated by reference. Papa Trucking's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicles is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Papa 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.

Staff recommends a civil penalty of \$2,250 for four (4) violation(s) of the Motor
 Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Hector D. Urteaga, d/b/a Papa Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Hector D. Urteaga, d/b/a Papa Trucking submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this Penalty Order, including specific and detailed

information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Papa Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

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

V. CONCLUSIONS OF LAW

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

16. The Commission finds a penalty of \$2,250 should be assessed to Papa Trucking for committing 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.

17. The Commission finds Papa Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Hector D. Urteaga, d/b/a Papa Trucking, of Garden City, Kansas is hereby assessed a penalty of \$2,250 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. Payment of \$2,250 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <u>https://puc.kcc.ks.gov/ktran/</u>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Papa Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for safety seminars can be found at the Commission's website <u>http://www.kcc.state.ks.us/trans/safety_meetings.htm</u>.

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

D. Papa Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Papa Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$2,250 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Papa Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. On December 12, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742635. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. <u>Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may</u> request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at https://puc.kcc.ks.gov/e-filing/e-express/, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Papa Trucking's right to a hearing.

H. 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. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: _____ DEC 1 2 2017

M. U. Lynn M. Retz

Secretary to the Commission

AAL

Order Mailed Date DEC 13 2017

ATTACHMENT "A"

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Percentage of time used in the U.S.: 100 Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A Driver Information Inter Intra Average trip leased drivers/month: 0 <100 Miles: Total Drivers: 2		1 O Trailer	3 1 0
Does carrier transport placardable quantities of HM? No No Is an HM Permit required? N/A Driver information N/A inter Intra Average trip leased drivers/month: 0 < 100 Miles:			
Is an HM Permit required? N/A Driver Information Inter Intra <100 Miles: Average trip leased drivers/month: 0 Total Drivers: 2	1 · ·		
Driver Information Inter Intra Average trip leased drivers/month: 0 < 100 Miles:		-	
inter Intra Average trip leased drivers/month: 0 <100 Miles: Total Drivers: 2		N/A	
< 100 Miles: Total Drivers: 2	Driver information	······	
	inter Intra	Average trip leased drivers/mont	h: 0
>= 100 Miles: 2 CDL Drivers: 2	< 100 Miles:	Total Driver	s: 2
	>= 100 Miles: 2	CDL Driver	s: 2

Review Dat 11/15/2017	State #	PAPA TRUCKING (HECTOR D URTEAGA dba) U.S. DOT #: 2578589	D
L		Pa	
	• •		
•	r Safety or Motor Carriers at:	ESTIONS regarding this report or the Federal Motor (zardous Materials rules may be addressed to the Offic	QUE Hazi
, : 11., .		· · · · · · ·	
· . · · · · · · · ·	s your safety compliance.	. This report will be used to a	
· .	Title: Owner	Interviewed lector D. Urteaga	
• •			ume:
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	PAPA TRUCKING (HECTOR D URTEAGA dba)				Review Date:		
	U.S. DOT #: 2578569	State #: 11/1					
	Part B Violation	5		_			
1 FEDERAL CRITICAL		Discovered 5	Checked 30		Vehicles Checked 1		
Description False reports of records of duty status.							
	tor Urtesga 10/17/2017						
then a bill Kansas an Driver Urb the was dr	or 17, 2017 Driver Urteaga had a delivery receipt that showed of lading from Gavilon in Catoosa, Oklahoma showing he load d a the delivery receipt showed that that load was delivered in raga's record of duty status showed that he unloaded in Catoo iving to Enid Oklahoma where he went off duty from 01:30 p.m. d arriving at 06:00 p.m. until 06:30 p.m. and going off duty at 0	led fertilizer at 0 Garden City, Ki sa, Oklahoma f n. until 01:30 p.r	1:41 p.m. goin ansas from 08 rom 09:00 a.m n. and then dri	ig to Garden (;40 p.m. until n. until 11:00 s	City, 09:22 p.m. a.m. and		
2 FEDERAL CRITICAL		Discovered 30	Checked 60		Vehicles Checked 2		
Descriptio				I			
Example Driver E Trip Date:	10/4/2017						
Carrier wa	s unable to produce any records of duty status for Driver						
3 FEDERAL	Primary: 395.3(a)(2)	Discovered 1	Checked 60		Vehicles Checked 2		
on duty. Example	or permitting a property-carrying commercial motor vehicle dri	ver to drive afte	r th e end of th	e 14th hour a	fter coming		
went off du	017 Driver Urteaga came on duty at 07:00 a.m. and was on du ity from 08:00 p.m. until 05:00 a.m. Driver Urteaga was drove from 05:30 a.m. until 11:00 a.m. and from 01:00 p.m. until 06	10 1/2 hours pa					
4 FEDERAL	Primary: 395.3(a)(3)(i)	Discovered 1	Checked 60		Vehicies Checked 2		
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours. Example Driver Hector Urteaga Trip Date: 10/8/2017							
-	017 Driver Urteaga drove 10 hours and then was off duty for 9	hours and then	drove 11 hour	rs on 10/6/201	17		

OZFOYRKS85TAA

9	PAPA TRUCKING (HECTOR D URTEAGA U.S. DOT #: 2578569	db a)	a) Review Data State #: 11/15/2017				
Part B Violations							
5 FEDERA	Primary: 395.8(f) L		Discovered Checked In Violation Checked 9 60 1 2				
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Driver Hector Urteaga Trip Date: 10/8/2017 Driver Urteaga failed to enter a bill of lading number or the name of the shipper and the commodity							
6 FEDERA	Primary: 398.19(b) L		Discovered Checked In Violation Checked				
Example Inspector Inspectio Unit # T1	maintain evidence of inspector's qualifications	i.					
Safety Fitr Tota Rec	ness Rating Information: al Miles Operated 119,763 ordable Accidents 0 ordable Accidents/Million Miles 0.00	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 3					
Your prop	osed safety rating is :	Rating F		s A	Acute Critic	2 8]	
		Fact	r 2:	S	0	0	
	CONDITIONAL	Fact	_	U S	0 0	4 0	
		Fact	r 5:	N	0	0	
		Fact	or 6:	S	-	•	

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than

Page 2 of 3



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PAPA TRUCKING (HECTOR D URTEAGA dba) U.S. DOT #: 2578569

State #:

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Part B Violations

SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





PAPA TRUCKING (HECTOR D URTEAGA dba) U.S. DOT #: 2578589

State #:

11/15/2017

Part B Requirements and/or Recommendations

1. For all Investigations:

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

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

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

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

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

• All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information: http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at http://csa.fmcsa.dot.gov/. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a 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





State #:

Part B Requirements and/or Recommendations

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.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

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

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

385.15

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

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

385.17

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

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

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

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

This letter should be submitted as soon as possible.

For all investigations that did not result in a Cooperative Safety Plan:





PAPA TRUCKING (HECTOR D URTEAGA dba) U.S. DOT #. 2578569

State #:

11/15/2017

Part B Requirements and/or Recommendations

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission Attn: Gary Davenport 1500 SW Arrowhead Rd Topeka, KS 66604-4027

- 2. 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.
- 3. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as involces, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
- 4. Establish a system to control property -carrying drivers' hours of service. Do not dispatch drivers who lack adequate hours to complete assigned trips legally. Do not allow drivers to exceed the 11, 14, 60/70-hour limits.
- 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.
- 6. On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include: All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier and all time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 7. The following information must be included on the form in addition to the grid: (1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.); (7) Main office address; (8) Remarks; (9) Name of co driver; (10) Total hours (far right edge of grid); change of duty status locations, and (11) Shipping document number(s), or name of shipper and commodity.
- Evidence of the individual's qualifications to perform annual inspections shall be retained by the motor carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter.
- 9. This review will result in a Safety Rating.
- 10. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

11. 1,



ATTACHMENT "B"

DRIVER/VEHICLE EXAMINATION REPORT

Colorado State Patrol Motor Carrier Safety 15075 South Golden Road Golden, CO 80401 Phone: (303)273-1875 Fax: (303)273-1939	in: St In:	eport Number: CO7250002097 spection Date: 10/04/2017 tart: 1:46 PM MT End: 1:55 PM MT spection Level: III - Driver/Credential M Inspection Type: None
HECTOR D URTEAGA GARDEN CITY, KS, 67846-8353 USDOT: 2578569 Phone#:	Driver: BELTRAN, DANN License#: Date of Bi CoDriver:	Y O State: KS
MC/MX#: 903616 Fax#: State#: Location: 170MP360 Highway: 70	License#: Date of Birth: Milepost: 360 Shipper: N/A Origin: DENVER, CO	State: Bill of Lading: N/A
County: LINCOLN VEHICLE IDENTIFICATION Unit Type Make Year State Plate Equipme 1 TT PTRB 2002 KS 503 2 ST TEPE 2015 KS T42	VIN GVWR 581964 52000 146996 65000	Cargo: EMPTY
BRAKE ADJUSTMENTS:No brake measurer	ents required for level II or level III	
"OLATIONS: No violations were discovered		
mazMat: No HM transported	Placard:	Cargo Tank:
Special Checks: No data for special checks		

Report Prepared By: D. RABE

<u>X</u>

<u>Badge #:</u> 7250 Copy Received By: DANNY BELTRAN

Page 1 of 1



02578569 CO CO7250002097

ATTACHMENT "C"

		DRIVER'S DAIL	Y LOG	ORIGINAL - File each day at home terminal DUPLICATE - Driver rotains in his possession for eight days
10/6/17	7154	ONE CALENDAR DAY - 2		T TRAILER T
(MONTH) (DAY) (YEAR)	(TOTAL MILEAGE T	NO.		THERE ENTRIES ARE TRUE AND CORRECT
				(DRIVER'S SIGNATURE IN FULL)
PAPA TRUCK				(NAME OF CO-DRIVER)
•	City, KS 6784	6		
(MAIN OFFICE ADDRE	S5)		4 0 0	(HOME TERMINAL ADDRESS) 4 5 6 7 8 9 10 11 HOURS
NIGHT 1 2 3 4 5	6 7 8 9	9 10 11 _{NOOI}	N 1 23	
1: OFF DUTY			┫┲┥┰┰╷╎┰╷┎	
2: SLEEPER BERTH				
3: DRIVING	┝┛┵┾┶┽┵┿┵┿	╻┙╻ ┥┥┥		
4: ON DUTY (IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	<u>} </u>			<u> </u>
MID- NIGHT 1 2 3 4 5	6 7 8 9	9 10 11 _{NOO}	N123	4 5 6 7 8 9 10 11
				$\frac{29}{29}$
TRIP #		X		J.C.
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SHIPPER	CN	/	۰ <i>۱</i>	
COMMODITY	\bigcirc		S S	Ž Ki
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STATES USED KS NE	CO	ок тх		
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HIGHWAYS USED 50,283, 4	12,169	rlef		
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AS REQUIRED BY THE D.O.T. FEDERAL		ER'S VEHICLE		
1 - 1 - 1 - 7		1	·	,
	RACTOR NO			TRAILER NO.:
		ficiency in this m on or result in its		e as would be likely to affect al breakdown.
APPROPRIATE				motor vehicle that would be
Likely to a	iffect the safety	of its operation	or result in	its mechanical breakdown:
Indicate whether defects are on TRA	CTOR or TRAI	LER - Use suffic	cient detail	to locate for mechanic:
•				11
•	Al-Aunalitethere en	<u></u>		
Above defects corrected Abov	n defects need no	DRI t be corrected for sa	VER'S SIG	
MECHANIC'S SIGNATURE	ia adicata nega fio	Concleand for St	DRIVER'S SIGNATUR	
			QIGHAI DA	·

ATTACHMENT "D"

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	DRIVER'S	DAILY LOG	ORIGINAL - File each day at home terminal DUPLICATE - Driver relains in his possession for eight days
1011717		R DAY - 24 HOURS) TRACTOR	T TRAILER Z
(MONTH) (DAY) (YEAR)	(TOTAL MILEAGE TODAY)	NOICERTIF	Y THESE ENTRIES ARE TRUE AND CORRECT
PAPA TRUCK			OF CONTRECT
(NAME OF CARIER OR CAR	RIERS)	·····	(NAME OF CO-DRIVER)
(MAIN OFFICE ADDRES	City, KS 67846		(HOME TERMINAL ADDRESS)
MID- NIGHT 1 2 3 4 5	6 7 8 9 10 11	NOON 1 2	3 4 5 6 7 8 9 10 11 HOURS
1: OFF DUTY			
2: SLEEPER BERTH			
3: DRIVING	╹┣┵╃┶╋┿┽┿╅┪╹╽╹║╹╄┙	└┼┼┼┼┼╹┣┶┼┼	444+144+1919+1919+1919+1919+1919+1919+1
4: ON DUTY (NOT DRIVING)			
44175	6 7 8 9 10 11	NOON 1 2	3 4 5 6 7 8 9 10 11
REMARKS			
TRIP#		<u> </u>	.5
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, we			10 Joint
SHIPPER	\$ X h	Ý	A.
	\checkmark		
COMMODITY			
STATES USED KS NE	со ок 44д	TX	
HIGHWAYS USED 412, 169,2	64,283,50		
	DAILY DRIVER'S VEHI		
AS REQUIRED BY THE D.O.T. FEDERAL I	NOTOR CARRIER SAFETY	REGULATIONS,	I SUBMIT THE FOLLOWING:
	RACTOR NO.:	<u>,</u>	TRAILER NO.:
CHECK Sthe safety	o delect or deficiency in t of its operation or result		cle as would be likely to affect cal breakdown.
APPROPRIATE	•		s motor vehicle that would be
L likely to at	ffect the safety of its oper	ration or result i	in its mechanical breakdown:
Indicate whether defects are on TRAC	JION OF TRAILER - USO	sumplent detai	i to tocate for mechanic:
			1
		DRIVER'S SI	SNATURE A
Above defects corrected Above MECHANIC'S	e defects need not be corrected	d for safe operation	of vehicle
SIGNATURE		SIGNATU	

ATTACHMENT "E"



55438 WEIGH RECEIPT, IB Sellet (. 12 Product Trucking Co Truck No. Purchase Order # 72407 Weighest By Driver ON [] OFF XI Remarks 1180 0000 m 101701 0122 m 100701 97200 GROSS 20020 TEARE 58380 NET 608 Gastlen City, KS 6784

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ATTACHMENT "F"

ANNUAL VERICLE INSPECTION REPORT

			VEHICLE HISTORY RECORD				ISTORY RECORD
				PI	POAT		FLEET UNIT NUMBER
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				21	<u>/ Y</u>	10	
			DATE	Ĵ	- 8.	17	
						,	
MOTOR CARRIER OPERATOR			INSPECTOR'S NAME (PRINT OR				•
MAPA TRUCKING			Jun Dit	iNO	J		
ADDRESS			THIS INSPECTOR MEETS THE C	UALI	ICATION	REQUIRE	MENTS IN SECTION 396.19.
			₽ÝES				1
CITY, STATE, ZIP CODE			VEHICLE IDENTIFICATION (~ A	ND CC	MPLETE		. PLATE NO. VIN OTHER
GARDEN CITY KS	6780	110	151.119				• •
VEHICLE TYPE DTRACTOR ETTRAILER DTRUCK	DBUS		INSPECTION AGENCY/LOCATIO	N (OP	TIONAL)	· 1,8.	
(OTHER)					ż		
		CLE(CO)MP(C	NENTSINSPECTED		和意义	Red	
OK MEAN CATE ITEM	OK HERA	DATE	ITEM	ОК	ALCS REF	12	ITEM
I. BRAKE SYSTEM		G. SAF	ELOADING		2.21	- ili	TIRES
a. Service Brakes	TT	a. P	art(s) of vehicle or				a. Tires on any steering axle
b. Parking Brake System			ondition of loading such		_ [of a power unit.
C. Brake Drums or Rotors		1	at the spare tire or any	$\overline{\nu}$			b. All other tires.
d. Brake Hose	V	1	art of the load or dunnage	20	0.262	S SS	WHEELS AND RIMS
e. Brake Tubing			an fall onto the roadway.	196-736	A CONTRACTOR	HEAL PROPERTY AND	a. Lock or Side Ring
	┠──┤──┤			7		{	b. Wheels and Rims
f. Low Pressure Warning		1	rotection against shifting	K	<u> </u>		c. Fasteners
Device			argo.	Ľ	<u>- -</u>		
g. Tractor Protection Valve			ontainer securement	$ \nu $		27 1452 2-4 45	d. Welds
h. Air Compressor		de	evices on intermodal	漫物	LANE -	言語と	WINDSHIELD GLAZING
i. Electric Brakes			quipment.				Requirements and exceptions
J. Hydraulic Brakes		77. STE	ERING MECHANISM				as stated pertaining to any
k. Vacuum Systems		a. S	teering Wheel Free Play	1			crack, discoloration or vision
2. COUPLING DEVICES			teering Column			•	reducing matter (reference
a. Fifth Wheels			ront Axle Beam and All				393.60 for exceptions).
b. Pintle Hooks		1	teering Components	冷漠	No. Sta	CAR)	WINDSHIELD WIPERS
c. Drawbar/Towbar Eye			ther Than Steering		T		Any power unit that has an
d. Drawbar/Towbar Tongue			olumn				inoperative wiper, or missing
	<mark> </mark>						or damaged parts that render
e. Safety Devices	┠╼╍┼╧┥┨		teering Gear Box				it ineffective.
I. Saddle-Mounts			itman Arm	203	7380152	Calera Province	
31 IEXHAUST SYSTEM	 		ower Steering	四日		A-2112	
a. Exhaust system leaking			all and Socket Joints				List any other condition(s)
forward of or directly below			e Rods and Drag Links				which may prevent safe
the driver/sleeper			uts				operation of this vehicle.
compartment.			teering System				
b. Bus exhaust system	ALC: S	and an energy	PENSION				
leaking or discharging in		a. A	ny U-boll(s), spring				
violation of standard.		1	anger(s), or other axle				
c. Exhaust system likely to	v		ositioning part(s) cracked,			-	
burn, char, or damage the	'		roken, loose or missing				
electrical wing, fuel supply		1	sulling in shifting of an				
or any combustible part of			de from its normal position.				
the motor vehicle.	V		pring Assembly				
4. (FUELDSYSTEM)	11		orque, Radius or Tracking				
a. Visible leak.	-		omponents				
b. Fuel tank filler cap missing.	Concerning the second	the state of the second st	MÊ				
c. Fuel tank securely attached			rame Members	1			
5. LIGHTING DEVICES	1	b. T	ire and Wheel Clearance				
All lighting devices and		C, A	djustable Axle		****		
reflectors required by Part 393			ssemblies (Sliding				
shall be operable.		1	ubframes)				
INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY	INSPECT		X NEEDS REPAIR. N	A. II	ITEMS	DO NOT	APPLY REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

CERTIFICATE OF SERVICE

18-TRAM-235-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of DEC 1 2 2017

first class mail/hand delivered on ____

HECTOR D. URTEAGA, OWNER HECTOR D. URTEAGA D/B/A PAPA TRUCKING 106 N 9TH ST GARDEN CITY, KS 67846-8353

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** DEC 13 2017