

STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.  
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

**NOTICE OF PENALTY ASSESSMENT**  
19-TRAM-051-PEN

August 9, 2018

Matthias W. Schroeder, Owner  
PO Box 1  
Hunter, KS 67452

**Certified Mail No. 70161970000105745636**

This is a notice of a penalty assessment against Matthias W. Schroeder (Matthias W. Schroeder) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 21, 2018, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Matthias W. Schroeder has been assessed a \$4,100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$4,100, 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.

The attached Order requires a representative of Matthias W. Schroeder 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). The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Matthias W. Schroeder 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$4,100 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,

  
Ansan A. Lathi  
Litigation Counsel  
(785) 271-3118



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. Matthias W. Schroeder (Matthias W. Schroeder) operates USDOT number 2508525.

5. Matthias W. Schroeder operates a silage and manure hauling business, operating within 150 mile radius of his principle place of business. He does have some interstate trips documented. He employs five drivers, two of which are CDL drivers.

6. Matthias W. Schroeder is a private motor carrier which primarily hauls grain, feed, hay, and animal waste/manure.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on June 21, 2018, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of Matthias W. Schroeder. 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 seven (7) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 17, 2018, Matthias W. Schroeder required or permitted his driver, Dustin D. Doering, to operate a CDL-required commercial motor

vehicle, a 1979 Ford, VIN ending in 0750, GVWR 50,000 lbs., pulling a 2010 RVKO trailer, VIN ending in 302291, GVWR 22,500 lbs., in intrastate commerce in an around the area of Cimarron, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP03792582, dated March 17, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Matthias W. Schroeder did not have implemented an alcohol and controlled substance testing program for its CDL drivers. The carrier's failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. On October 23, 2017, Matthias W. Schroeder required or permitted its driver, Trevor L. Dennis, to operate a CDL-required commercial motor vehicle, a 1974 International, VIN ending in 18084, GVWR 44,860 lbs., in intrastate commerce from Ingalls, Kansas to Cimarron, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP92450712, dated October 23, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, driver Trevor L. Dennis operated the commercial motor vehicle without a valid commercial driver's license (CDL). The special investigator discovered two (2) violations of this type.

Matthias W. Schroeder's failure to require its driver to operate a commercial motor vehicle without the driver taking and passing the written and driving tests for a CDL and obtaining a CDL license is a violation of 49 C.F.R. 383.23(a)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

- c. During the transportation described in paragraph a., above, Matthias W. Schroeder did not have any driver qualification files on any of its five (5) drivers. The carrier's failure to maintain a driver qualification files on all of its drivers is a violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.
- d. During the transportation described in paragraph a., above, Matthias W. Schroeder did not maintain minimum records of inspections and vehicle maintenance on his commercial motor vehicles. The special investigator discovered five (5) violations of this type. 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 in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.
- e. During the transportation described in paragraph a., above, Matthias W. Schroeder failed to provide records and documentations, including vehicle registration information. The carrier's failure to retain documentation and

records of its commercial motor vehicle operations is a violation of 49 C.F.R. 390.31, adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a violation of \$200.

f. During the transportation described in paragraph a., above, Matthias W. Schroeder was operating in a commercial business operation without having apportioned registration on his commercial motor vehicle. The carrier's failure to have proper registration on its commercial motor vehicle is a violation of 49 C.F.R. 392.2 and K.S.A. 8-142(1), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2017 Supp. 66,-1,129. Staff recommends a fine of \$500.

g. During the transportation described in paragraph a., above, Matthias W. Schroeder permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. 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. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.

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

8. Based upon the available facts, Staff recommends the Commission finds Matthias W. Schroeder committed seven (7) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as

adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$4,100 for seven (7) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Matthias W. Schroeder 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).

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

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Matthias W. Schroeder because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Matthias W. Schroeder committed seven (7) 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. Matthias W. Schroeder, of Hunter, KS is hereby assessed a \$4,100 civil penalty for seven (7) 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. Matthias W. Schroeder 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. Matthias W. Schroeder is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. On August 9, 2018, this Penalty Order was mailed to Matthias W. Schroeder via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745636. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, 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 Matthias W. Schroeder's right to a hearing, and this Penalty Order will become a Final Order assessing a \$4,100 civil penalty against Matthias W. Schroeder, and ordering a representative from Matthias W. Schroeder to attend a Commission-sponsored safety seminar within ninety (90) days from the



date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this 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. 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$4,100 is due in thirty (30) days from the date of service of this Order. Payment of \$4,100 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$4,100 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Matthias W. Schroeder's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/09/2018










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Lynn M. Retz  
Secretary to the Commission

AAL

**ATTACHMENT "A"**

	US DOT # 2508525	Legal: MATTHIAS W SCHROEDER Operating (DBA):					
MC/MX #:	Federal Tax ID:  (EIN)						
Review Type: Compliance Review (CR)							
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.	Territory: E					
<b>Operation Types</b> Interstate Intrastate							
Carrier: N/A	Non-HM	Business: Individual					
Shipper: N/A	N/A	Gross Revenue:  for year ending: 12/19/2017					
Cargo Tank: N/A							
<b>Company Physical Address:</b>							
 HUNTER, KS 67452							
Contact Name:	Matthias W Schroeder						
Phone numbers: (1)							
E-Mail Address:							
<b>Company Mailing Address:</b>							
 HUNTER, KS 67452							
<b>Carrier Classification</b>							
Exempt for Hire	Private Property						
<b>Cargo Classification</b>							
Grain, Feed, Hay	Other: Animal waste/manure						
<b>Equipment</b>							
	Owned	Term Leased Trip Leased	Owned	Term Leased Trip Leased			
Truck Tractor	4	0	0	Trailer	1	1	0
Power units used in the U.S.: 4							
Percentage of time used in the U.S.: 100							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
<b>Driver Information</b>							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:			Total Drivers: 5				
>= 100 Miles:		5	CDL Drivers: 2				





**MATTHIAS W SCHROEDER**  
U.S. DOT #: 2508525

Review Date:  
06/26/2018

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at.

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


**Person(s) Interviewed**

**Name:** Matthias Schroeder Jr.

**Title:** Owner

**Name:** [REDACTED]



	<b>MATTHIAS W SCHROEDER</b>	Review Date:
	U.S. DOT #: 2508525	06/26/2018

**Part B Violations**

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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**Description**  
Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

**Example**  
Driver Dustin D Doering  
DOB: [REDACTED]  
Ks. O [REDACTED]  
On an intrastate trip from Cimarron, ks, to Cimarron, Ks. driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs. pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
As verified by roadside/post accident inspection #KSHP03792582.

Schroeder failed to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

2 STATE	Primary: 392.2 Secondary: 8-2,125 CFR Equivalent: 383.23(a)	Discovered 2	Checked 4	Drivers/Vehicles In Violation 2	Checked 4
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**Description**  
Operating a commercial motor vehicle without a valid commercial driver's license.

**Example**  
Driver - Trevor L. Dennis  
DOB: [REDACTED]  
Ks. O [REDACTED]  
On an intrastate trip from Ingalls, Ks. to Cimarron, Ks. driving a 1974 International, Vin # [REDACTED] 18084, Ks. Reg. 159981 GVWR 44860 lbs. Operating a commercial motor vehicle without having a valid commercial drivers license  
As verified by roadside inspection #KSHP92450712.

Schroeder had 2 of the 4 drivers operating a CMV with a regular class C drivers license.


3 STATE	Primary: 390.31	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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**Description**  
Copies of records or documents.

**Example**  
Driver Dustin D Doering  
DOB: [REDACTED]  
Ks. O [REDACTED]  
Trip Date: 3/17/2018  
On an intrastate trip from Cimarron, ks, to Cimarron, Ks. driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs. pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
As verified by roadside/post accident inspection #KSHP03792582.

Failed to provide documents as requested including MCS-90 and vehicle registration information.



	<b>MATTHIAS W SCHROEDER</b>	Review Date:
	U.S. DOT #: 2508525	06/26/2018

**Part B Violations**

4 STATE	Primary: 391.51(a) CFR Equivalent: 391.51(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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**Description**  
Failing to maintain driver qualification file on each driver employed.

**Example**  
Driver Dustin D Doering  
DOB: [REDACTED]  
Ks. O [REDACTED]  
Trip Date: 3/17/2018  
On an intrastate trip from Cimarron, ks. to Cimarron, Ks. driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs. pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
As verified by roadside/post accident inspection #KSHP03792582.

Failed to maintain a driver qualification file on each driver employed.

5 STATE	Primary: 392.2 Secondary: 82-4-35(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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**Description**  
The following documents shall be made available upon request for inspection by any duly authorized representative of the commission, the state highway patrol, or other law enforcement officers:

- (a) Registration receipts;
- (b) authority cards;
- (c) driver logs;
- (d) bills of lading or shipping receipts;
- (e) waybills;
- (f) freight bills;
- (g) run tickets, or equivalent documents, and orders;
- (h) cab cards;
- (i) fuel receipts;
- (j) toll road receipts; and
- (k) any other documents that would indicate compliance with hours of service requirements.

**Example**  
Driver Dustin D Doering  
DOB: [REDACTED]  
Ks. O [REDACTED]  
Trip Date: 3/17/2018  
On an intrastate trip from Cimarron, Ks. to Cimarron, Ks. driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs. pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
As verified by roadside/post accident inspection #KSHP03792582. documents shall be made available upon request for inspection by any duly authorized representative of the commission, the state highway patrol, or other law enforcement officers:

Matthias Schroeder failed to provide documents as requested. He stated he had no trip permits, bill of lading or other documents to show operation. And he did not provide vehicle registration receipts.



	<b>MATTHIAS W SCHROEDER</b>	Review Date:
	U.S. DOT #: 2508525	06/26/2018

**Part B Violations**

6 STATE	Primary: 392.2 Secondary: 8-142(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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**Description**  
 Operating without proper registration.  
 Driver Dustin D Doering  
 DOB: [REDACTED]  
 Ks. O [REDACTED]  
 Trip Date: 3/17/2018  
 On an intrastate trip from Cimarron, ks, to Cimarron, Ks, driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs, pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
 As verified by roadside/post accident inspection #KSHP03792582.

Schroeder was operating in a commercial business operation without having the correct registration. No apportioned registration. He has 3 of the units with roadside inspections within the last 12 months.

7 STATE	Primary: 396.3(b) CFR Equivalent: 396.3(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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**Description**  
 Failing to keep minimum records of inspection and vehicle maintenance.  
**Example**  
 Driver Dustin D Doering  
 DOB: [REDACTED]  
 Ks. O [REDACTED]  
 Trip Date: 3/17/2018  
 On an intrastate trip from Cimarron, ks, to Cimarron, Ks, driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs, pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
 As verified by roadside/post accident inspection #KSHP03792582.

Matthias Schroeder failed to keep the minimum records of inspection and vehicle Maintenance. He had no files of any kind on his equipment.

8 STATE	Primary: 396.17(c) CFR Equivalent: 396.17(c)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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**Description**  
 Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.  
**Example**  
 Driver Dustin D Doering  
 DOB: [REDACTED]  
 Ks. O [REDACTED]  
 Trip Date: 3/17/2018  
 On an intrastate trip from Cimarron, Ks, to Cimarron, Ks, driving a 1979 Ford, Vin # [REDACTED] 0750, Ks. Reg. 335HNK GVWR 50000 lbs, pulling a 2010 RVKO, Vin # [REDACTED] 302291, Ks. Reg. 607647 GVWR 22500.  
 As verified by roadside/post accident inspection #KSHP03792582.

Schroeder failed to have periodic inspections on each commercial vehicle being operated in accordance with minimum standards.







**MATTHIAS W SCHROEDER**  
U.S. DOT #: 2508525

Review Date:  
06/26/2018

**Part B Violations**

**Safety Fitness Rating Information:**

Total Miles Operated            10,000  
Recordable Accidents            0

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

Your proposed safety rating is :

**This Review is not Rated.**



**MATTHIAS W SCHROEDER**  
U.S. DOT #: 2508525

Review Date:  
06/26/2018

### 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 carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

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

For all Investigations resulting in serious violations.

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



**MATTHIAS W SCHROEDER**  
U.S. DOT #: 2508525

Review Date:  
06/26/2018

**Part B Requirements and/or Recommendations**

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

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

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

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

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

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

For all Investigations resulting in a proposed conditional or unsatisfactory rating:  
385.15

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

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

385.17

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

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

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

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





**MATTHIAS W SCHROEDER**  
 U.S. DOT #: 2508525

Review Date:  
 06/26/2018

**Part B Requirements and/or Recommendations**

This letter should be submitted as soon as possible.

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

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

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

2. 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)
3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
6. Obtain a copy of each driver's driving record and review it annually.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. Ensure that drivers provide a 10-year employment history on their employment application.
8. Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
9. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
10. 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.
11. 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.
12. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
13. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: Ensure that employess are vetted for the proper drivers license and driving record is reviewed.



**Part B Requirements and/or Recommendations**

**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for unsafe-driving violations of all prospective drivers for the last three years.
- Ensure that prospective drivers will drive safely by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding drivers' safety performance going back three years. Create a detailed written record of each inquiry.
- Ensure that enough drivers are hired so that the carrier can meet deadlines within Hours-of-Service (HOS) restrictions without speeding.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as that pertaining to moving violations, prior convictions, and denied employment based on unsafe driving.
- Enhance the recruitment process to identify and attract qualified applicants for the position of safety director and driver, using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Seek Out Resources:

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

**14. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Policies and Procedures**

DESCRIPTION OF PROCESS BREAKDOWN: Develop policy and review with the employees to ensure FMCSA rules are followed.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

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

- Develop a policy stating that drivers are responsible for adhering to all safe-driving-related Federal, State, and local laws and ordinances, including the prohibition against using radar detectors and the wearing of seatbelts.
- Develop a policy requiring drivers to submit copies of all roadside inspections and citations for moving violations to carrier management within 24 hours.
- Develop a policy penalizing drivers for speeding even if a Federal or State citation is not issued on the road.
- Establish a policy that prohibits dispatchers from assigning drivers a load that cannot be completed without speeding.
- Develop a policy that prohibits passengers from being on board non-passenger vehicles without management approval.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows unsafe-driving violations.

Seek Out Resources:

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

**15. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Roles and Responsibilities**



**MATTHIAS W SCHROEDER**  
U.S. DOT #: 2508525

Review Date:  
06/26/2018

### Part B Requirements and/or Recommendations

**DESCRIPTION OF PROCESS BREAKDOWN:** Have a clear and defined policy to outline who is responsible for reviewing and enforcing company policy.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Roles and Responsibilities.

- Managers are responsible for making certain that employees receive safe-driving training in accordance with State or Federal regulations and company policy, including safe-driving procedures while carrying HAZMAT (if applicable) - for example, counteracting sloshing in cargo tanks and no smoking.
- Define and document roles and responsibilities of managers and supervisors for implementing safe-driving policies and monitoring compliance with them.
- Ensure that dispatchers and operation managers are responsible for analyzing trips to ascertain that drivers can complete them without speeding.
- Define and document driver roles and responsibilities associated with compliance with Federal, State, and local laws and ordinances related to unsafe driving.

**Seek Out Resources:**

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

#### 16. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN. Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Company needs to develop policy to ensure maintenance schedules are followed .

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

**Seek Out Resources:**

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



**Part B Requirements and/or Recommendations**

**17. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities**

**DESCRIPTION OF PROCESS BREAKDOWN:** Develop policy to identify who is responsible for seeing the maintenance schedules are adhered to.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

**Implement Safety Improvement Practices:** The following are recommended practices related to Roles and Responsibilities.

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS).
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders.

**Seek Out Resources:**

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

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

**DESCRIPTION OF PROCESS BREAKDOWN:** Develop policy to ensure a drug and alcohol program is implemented.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

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

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled



**Part B Requirements and/or Recommendations**

substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

**Seek Out Resources:**

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

**19. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities**

**DESCRIPTION OF PROCESS BREAKDOWN:** Develop policy to define who is responsible for enforcing the drug and alcohol substance abuse program is enforced and a person is trained in 120 minutes of recognition training.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

**Implement Safety Improvement Practices:** The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

**Seek Out Resources:**

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

**20. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures**

**DESCRIPTION OF PROCESS BREAKDOWN:** Develop policy and procedures to ensure that each driver is vetted.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.







**MATTHIAS W SCHROEDER**  
 U.S. DOT #: 2508525

Review Date:  
 06/26/2018

**Part B Requirements and/or Recommendations**

- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
  - Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
  - Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
  - Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.
- Seek Out Resources:
- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
  - Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

**21. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities**

DESCRIPTION OF PROCESS BREAKDOWN: Develop policy defining who is responsible for maintaining DQ files and annual reviews for driving records.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
  - Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
  - Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
  - Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
  - Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.
- Seek Out Resources:
- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
  - Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

**22. Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.**

**23. Ensure that your drug and alcohol testing program conforms with all applicable parts of Part 40.**

**24. Ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.**





**MATTHIAS W SCHROEDER**  
U.S. DOT #: 2508525

Review Date:  
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**Part B Requirements and/or Recommendations**

- 25. After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
- 26. Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion", the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.
- 27. Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

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

- 28. "Is Your Registration Information Current?  
FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.  
[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option)
- 29. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Greg Askren at 785-483-0212 or email at [g.askren@kcc.ks.gov](mailto:g.askren@kcc.ks.gov)
- 30. 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 Matthias W. Schroeder operating authority and/or the impoundment of Matthias W. Schroeder vehicles.

Signed \_\_\_\_\_

Date \_\_\_\_\_



**ATTACHMENT "B"**

ACCIDENT

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
 MOTOR CARRIER SAFETY ASSISTANCE  
 700 SW Jackson, Ste 704  
 Topeka, KS 66603  
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO3792582  
 Inspection Date: 03/17/2018  
 Start: 10:10 AM CT End: 10:53 AM CT  
 Inspection Level: I - Full  
 HM Inspection Type: None

MATTHIAS W SCHROEDER

Driver: DOERING, DUSTIN D

HUNTER, KS, 67452

License#:

State: KS

USDOT: 2508525

Phone:

Date of Birth:

MC/MX#:

Fax#:

CoDriver:

License#:

State:

State#:

Date of Birth:

Location: GRAY COUNTY - 069

Milepost:

Shipper: SPANDET DAIRY

Highway: K23/U50 JCT

Origin: CIMARRON,KS

Bill of Lading: NONE

County:

Destination: CIMARRON,KS

Cargo: MANURE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	EquipmentID	VIN	GWR	CVSA #	Issued #	QOS Sticker
4	TT	FORD	1979	KS	335HNK		0750	50000			
2	ST	RYKO	2010	KS	607647		302291	22500			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	INOP	2 1/2	3	INOP	INOP
Left	INOP	3	3	INOP	INOP
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	QOS	Citation #	VerifyCrash	Violations Discovered
392.2IRP	F	1	N	12326	N	IRP Apportioned Tag or Registration Violation
396.17C	F	1	N		N	Operating a CMV without proof of a periodic inspection
393.48A	F	1	N		N	Inoperative/defective brakes
393.48A	F	1	N		N	Inoperative/defective brakes
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
396.3A1BOS	F	1	Y		U	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
393.51	F	1	Y		U	No or defective brake warning device
393.9H	F	1	N		N	Inoperable head lamps
393.9	F	1	N		N	Inoperable Required Lamp
393.9TS	F	1	N		N	Inoperative turn signal
393.25F	F	1	N		N	Stop lamp violations
393.9T	F	1	N		N	Inoperable tail lamp
396.17C	F	2	N		N	Operating a CMV without proof of a periodic inspection
393.48A	F	2	N		N	Inoperative/defective brakes
393.48A	F	2	N		N	Inoperative/defective brakes
393.48A	F	2	N		N	Inoperative/defective brakes
393.48A	F	2	N		N	Inoperative/defective brakes
393.9TS	F	2	Y		U	Inoperative turn signal
393.9TS	F	2	Y		U	Inoperative turn signal
393.25F	F	2	N		N	Stop lamp violations
393.23A2	F	D	Y	12326	N	Operating a CMV without a CDL
392.2C	F	D	N	12326	N	Failure to obey traffic control device

HazMat: No HM transported

Placard:

Cargo Tank:



ACCIDENT

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03792582  
Inspection Date: 03/17/2018  
Start: 10:10 AM CT End: 10:53 AM CT  
Inspection Level: I - Full  
HM Inspection Type: None

Special Checks:	Alcohol/Controlled Substance Check	X	Traffic Enforcement	X	Post Crash Inspection
	Conducted by Local Jurisdiction		PASA Conducted Inspection		PBBT Inspection
	Size and Weight Enforcement		Drug Interdiction Search		
	eScreen Inspection				

Notes: Gray County Sheriffs Office is working the accident. It is a non injury. Truck was not able to stop going through a red light and t-bone a passenger car. This carrier is for hire operating on a Farm tag. Gray County issued the citations for this accident/inspection. All other violations were civil assessed.

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129, K.C.C. Reg. 82-4-3, I hereby declare DUSTIN DOERING "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: has a valid class A cdl. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.  
Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*/\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*/\* \*CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.  
Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By: Badge #:  
H. Bradley 0379

Copy Received By:  
DUSTIN DOERING

X

X





**ATTACHMENT "C"**

SAW

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP92450712
Inspection Date: 10/23/2017
Start: 1:02 PM CT End: 1:41 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

MATTHIAS W SCHROEDER
HUNTER, KS, 67452
USDOT: 2508525
MC/MX#:
State#:
Location: GRAY COUNTY - 069

Phone:
Fax#:

Driver: DENNIS, TREVOR
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: KS
State:

Milepost: E Shipper: N/A
ROAD
Origin: INGALLS,KS
Destination: CIMARRON,KS

Highway: CR 13
County:

Bill of Lading: N/A
Cargo: NONE

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Row 1: 1, TR, INTL, 1974, KS, 159981, 8084, 44860

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

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, Verify Crash, Violations Discovered. Rows include 383.23A2, 385.301A, 396.17C, 390.21B, 392.9AA1.

HazMat: No HM transported

Placard:

Cargo Tank:

Table with columns: Special Checks, Alcohol/Controlled Substance Check, Traffic Enforcement, Post Crash Inspection. Includes sub-rows for Conduction by Local Jurisdiction, PASA Conducted Inspection, Size and Weight Enforcement, Drug Interdiction Search, eScreen Inspection, PBBT Inspection.

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare TREVOR DENNIS "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until gets a cdl. and company gets authority. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature. Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*/\*\* \*CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form. Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By: R. Jantz
Badge #: 9245

Copy Received By: TREVOR DENNIS

X

X



**CERTIFICATE OF SERVICE**

19-TRAM-051-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
first class mail/hand delivered on 08/10/2018.

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

MATTHIAS W. SCHROEDER, OWNER  
MATTHIAS W. SCHROEDER  
PO BOX 1  
HUNTER, KS 67452  
schroeder74j@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe