

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **Miguel Rayas, d/b/a Tres**)
Hermanos of Liberal, Kansas, for Failure to) Docket No. 16-TRAM-213-OOS
Comply with New Entrant Safety Requirements as)
Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 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. 2015 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Miguel Rayas, d/b/a Tres Hermanos is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Miguel Rayas, d/b/a Tres Hermanos is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2478092.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Miguel Rayas, d/b/a Tres Hermanos's New Entrant Registration had been revoked effective October 26, 2015 for failure to comply with safety requirements.

7. Pursuant to the above authority, on November 17, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Miguel Rayas, d/b/a Tres Hermanos in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On , the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor

Carrier Safety Administration, that Miguel Rayas, d/b/a Tres Hermanos has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2478092 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Miguel Rayas, d/b/a Tres Hermanos's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Miguel Rayas, d/b/a Tres Hermanos because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Miguel Rayas, d/b/a Tres Hermanos's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Miguel Rayas, d/b/a Tres Hermanos's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

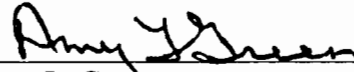
(B) Miguel Rayas, d/b/a Tres Hermanos remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on November 17, 2015.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 01 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

NOV 02 2016



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590
October 20, 2016

MIGUEL A RAYAS
OWNER
MIGUEL RAYAS
TRES HERMANOS
1315 STEVENS
LIBERAL, KS 67901

In reply refer to:
USDOT Number: 2478092

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since MIGUEL RAYAS's USDOT New Entrant registration was revoked on October 26, 2015, and that MIGUEL RAYAS has reapplied in accordance with 49 CFR 385.329. This is to inform MIGUEL RAYAS that MIGUEL RAYAS's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; MIGUEL RAYAS should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of MIGUEL RAYAS's USDOT New Entrant registration and MIGUEL RAYAS's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

MIGUEL RAYAS's 18-month new entrant safety monitoring period restarts as of October 20, 2016. FMCSA will continue to monitor and evaluate MIGUEL RAYAS's safety management practices and on-road performance to ensure MIGUEL RAYAS has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of MIGUEL RAYAS's USDOT New Entrant or permanent registration.

MIGUEL RAYAS's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by MIGUEL RAYAS as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

CERTIFICATE OF SERVICE

16-TRAM-213-OOS

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 NOV 01 2016.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

MIGUEL A. RAYAS, OWNER
MIGUEL A RAYAS
D/B/A TRES HERMANOS
1315 STEVENS
LIBERAL, KS 67901

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

NOV 02 2016