

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**

October 18, 2018

19-TRAM-139-PEN

Robert W. Spilman, Managing Member  
RWS Trucking LLC  
PO Box 51  
Erie, KS 66733

This is a notice of a penalty assessment against RWS Trucking LLC (RWS Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 29, 2018, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. 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:** RWS Trucking has been assessed a \$350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$350, 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 RWS Trucking 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. RWS 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 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 \$350 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,

A handwritten signature in blue ink, appearing to read "Ahsan A. Latif".

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

2. Pursuant to K.S.A. 2017 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 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. RWS Trucking LLC (RWS Trucking) has private and common operating authority with the Commission and further operates USDOT number 2274835.

5. Roberta Sellers attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on May 27, 2016, on behalf of RWS Trucking.

6. RWS Trucking is a private and common motor carrier which primarily hauls general freight, livestock, grain, feed, hay and farm supplies.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on August 29, 2018, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of RWS Trucking. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 6, 2017, RWS Trucking required or permitted its driver, Levi T. Spilman, to operate a CDL-required commercial motor vehicle, a 2002 International, VIN ending in 033657, GVWR 52,000 lbs., pulling a

1995 Merritt cattle trailer, VIN ending in 010186, GVWR 64,000 lbs., in intrastate commerce from Chanute, Kansas to Pratt, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP92601481, dated December 6, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, RWS Trucking failed to provide educational materials to its driver explaining the requirements for a controlled substance and alcohol testing program pursuant to the motor carrier regulations. The carrier's failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver's qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On August 24, 2018, RWS Trucking required or permitted its driver, Robert W. Spilman, to operate a CDL-required commercial motor vehicle, a 2008 Kenworth, VIN ending in 217210, GVWR 50,350 lbs., pulling a 2004 Chaparral cattle trailer, VIN ending in 277556, GVWR 80,000 lbs., in intrastate commerce from Sublette, Kansas to Pratt, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP03930472, dated August 24, 2018, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the

time of this transportation, RWS Trucking failed to first designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$100.

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

8. Based upon the available facts, Staff recommends the Commission finds RWS Trucking committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$350 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

## **V. CONCLUSIONS OF LAW**

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

13. The Commission finds RWS Trucking committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

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

A. RWS Trucking LLC, of Erie, KS is hereby assessed a \$350 civil penalty for two (2) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. RWS Trucking is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. RWS Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 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 RWS Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$350 civil penalty against RWS Trucking, and ordering a representative from RWS Trucking 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.

E. 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.

F. If you do not request a hearing, the payment of the civil penalty of \$350 is due in thirty (30) days from the date of service of this Order. Payment of \$350 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.

G. Failure to pay the \$350 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 RWS Trucking's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/18/2018



\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

AAL

## **ATTACHMENT “A”**



US DOT #  
2274835

Legal: RWS TRUCKING LLC  
Operating (DBA):

MC/MX #: 777025 State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: C

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM  
Shipper: N/A N/A  
Cargo Tank: N/A

Business: Corporation

Gross Revenue: [REDACTED] for year ending: 12/31/2017

Company Physical Address:

[REDACTED]  
ERIE, KS 66733-1231

Contact Name: Leigh Ann Spilman

Phone numbers: (1) [REDACTED] Fax

E-Mail Address: [REDACTED]

Company Mailing Address:

[REDACTED]  
ERIE, KS 66733

Carrier Classification

Authorized for Hire

Exempt for Hire

Cargo Classification

General Freight  
Farm Supply

Livestock

Grain, Feed, Hay

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	2	1	0	Trailer	5	0	0

Power units used in the U.S.: 3

Percentage of time used in the U.S.: 100

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:	3	
>= 100 Miles:		

Average trip leased drivers/month: 0

Total Drivers: 3

CDL Drivers: 3





**RWS TRUCKING LLC**  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

**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:

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Ks 66604-4027 785-271-3145

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

**Person(s) Interviewed**

**Name:** Leigh Ann Spilman

**Title:** Vice President/Office Manager

**Name:** Robert W Spilman

**Title:** President





RWS TRUCKING LLC  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

### Part B Violations

1 STATE	Primary: 382.601(b)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2 Checked 3
<b>Description</b> Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. <b>Example</b> Driver name: Levi T Spilman Trip date: 12-06-17 RSI The carrier had been in a management affiliation with S Noble Trucking and the main owner and driver Robert W Spilman had a signed drug and alcohol policy that was valid and in effect. The carriers sons, Dusty S and Levi T have recently joined the carrier recently and did not have any signed copy of the drug policy that could be documented. The carrier consortium, Via Christi Occupational Health provided a random selection list that contained all 3 of the carrier drivers, Levi, Dusty, and Robert Spilman				
2 STATE	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0 Checked 0
<b>Description</b> Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. <b>Example</b> Driver name: Robert W Spilman Trip date: 8/24/18 Sublette, Ks to Pratt, Ks to Erie Ks. Supervisor not trained: Robert W Spilman At the time of this trip, and the time of this review, the carrier had been in a management affiliation with S Noble Trucking. Steve Noble had the trained supervisor at the time of review, 4-27-16. The carrier eliminated his affiliation with Noble trucking on 4-1-17 and was by himself driving but in mid to late 2017 and early 2018 his sons Dusty and Levi joined in with him and the Robert W Spilman had no documented proof of reasonable suspicions training.				
3 STATE	Primary: 391.51(b)(5)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3 Checked 3
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Driver name: Levi T Spilman Trip date: 12-6-17 At the time of this trip, and the time of this review, the carrier had few selected annual reviews. All were expired or missing.				
4 STATE	Primary: 391.51(b)(6)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3 Checked 3
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> Driver name: Levi T Spilman Trip date: 12-6-17 At the time of this trip, and the time of this review, the carrier had few selected certification of violations. All were expired or missing.				





RWS TRUCKING LLC  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

### Part B Violations

#### Safety Fitness Rating Information:

Total Miles Operated 98,576  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 0

OOS Vehicle (MCMIS): 1

Number of Vehicles Inspected (MCMIS): 9

Your proposed safety rating is :

**SATISFACTORY**

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

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





RWS TRUCKING LLC  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

### Part B Requirements and/or Recommendations

1. Ensure reasonable suspicion training has been completed
  2. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.
  3. 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





**RWS TRUCKING LLC**  
U.S. DOT #: 2274835

State #: XXXXXXXXXX

Review Date:  
08/29/2018

### Part B Requirements and/or Recommendations

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. 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





RWS TRUCKING LLC  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

### Part B Requirements and/or Recommendations

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:

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

4. 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

5. "I understand that monetary penalties will be assessed as a result of violations found in this compliance review.

The penalty schedule can be found at this website:  
[http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)"

Carrier Signature

Investigator Signature





**RWS TRUCKING LLC**  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

### Part B Requirements and/or Recommendations

6. You are encouraged to review your company's safety record at the following website:

<https://ai.fmcsa.dot.gov/login/default.asp>

You will need to enter your US DOT # Personnel Identification Number (PIN) that has been provided to you by FMCSA in the log in form at the bottom of the page. If you have forgotten your PIN you only need to click on a link on the webpage to make a request for your PIN to be forwarded to you by U.S. mail.

Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number, BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource numbers included within the recommendations.

You are encouraged to view all of the SIRs at the following website:  
[http://ai.fmcsa.dot.gov/sms/Data/carrier\\_sir.aspx](http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx)

7. 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.

8. Provide employees and owner operators with a drug and alcohol policy. The policy will provide a signature page to verify the employee or owner operator has been given a copy of the policy to read and does in fact understand its contents.
9. Provide proof that the company supervisor listed below has been trained and certified with training on alcohol and drug abuse and provide this agency a copy of such certification.
10. 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 [RWS Trucking LLC] operating authority and/or the impoundment of (RWS Trucking LLC) vehicles.

Carrier Signature





RWS TRUCKING LLC  
U.S. DOT #: 2274835

State #: [REDACTED]

Review Date:  
08/29/2018

Part B Requirements and/or Recommendations

Investigator Signature M.W. Nason 8213

11. 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 ~~Acc Transports LLC~~ operating authority and/or the impoundment of ~~(Acc Transports LLC)~~ vehicles. RWS

Carrier Signature Leighann Spelman

Investigator Signature M.W. Nason 8213



## **ATTACHMENT “B”**

# **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:** KSHP92601481  
**Inspection Date:** 12/06/2017  
**Start:** 1:30 PM CT **End:** 1:58 PM CT  
**Inspection Level:** II - Walk-Around  
**HM Inspection Type:** None

**RWS TRUCKING LLC**

ERIE, KS, 66733

USDOT: 2274835

MC/MX#:

State#: KS

Location: PRATT

Highway: U54

County:

Phone#:

Fax#:

**Driver:** SPILMAN, LEVI T

**License#:**

**Date of Birth:**

**CoDriver:**

**License#:**

**Date of Birth:**

**State:** KS

**State:**

**Milepost:** 145 **Shipper:** RWS

**Origin:** CHANUTE, KS

**Destination:** PRATT, KS

**Bill of Lading:** N/AS

**Cargo:** COWS

## **VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	INTL	2002	KS		44	033657	52000			
2	ST	MERM	1995	KS		16	010186	64000			

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

## **VIOLATIONS**

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
396 17C	F	1	N		N N	Operating a CMV without proof of a periodic inspection
396 17C	F	2	N		N N	Operating a CMV without proof of a periodic inspection
393.95A	F	1	N		N N	No/discharged/unsecured fire extinguisher
393.25B	F	2	N		N N	Lamps are not visible as required
393.75C	F	2	N		N N	Tire-other tread depth less than 2/32 of inch

**HazMat:** No HM transported

**Placard:**

**Cargo Tank:**

**Special Checks:** No data for special checks

\* 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:** S. Little  
**Badge #:** 9260

**Copy Received By:** LEVI SPILMAN

X

X



## **ATTACHMENT “C”**

# **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:** KSHP03930472  
**Inspection Date:** 08/24/2018  
**Start:** 8:05 AM CT **End:** 8:30 AM CT  
**Inspection Level:** II - Walk-Around  
**HM Inspection Type:** None

**RWS TRUCKING LLC**

**Driver:** SPILMAN, ROBERT W

**ERIE, KS, 66733-1231**

**License#:** [REDACTED]

**State:** KS

**USDOT:** 2274835

**Phone#:**

**Date of B:** [REDACTED]

**CoDriver:**

**MC/MX#:** 777025

**Fax#:**

**License#:**

**State:**

**State#:**

**Date of Birth:**

**Location:** KIOWA COUNTY - 097

**Milepost:** 104 **Shipper:** N/A

**Highway:** U54

**Origin:** SUBLETTE,KS

**Bill of Lading:** N/A

**County:**

**Destination:** PRATT,KS

**Cargo:** EMPTY

## **VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2008	KS	[REDACTED]	210	[REDACTED] 217210	50350			
2	ST	ACTD	2004	KS	[REDACTED]	RW1	[REDACTED] 277556	80000			

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

## **VIOLATIONS**

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.78	F	1	N		N	N	Windshield wipers inoperative/defective
396.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection

**HazMat:** No HM transported

**Placard:**

**Cargo Tank:**

**Special Checks:** No data for special checks

\* 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. Lothman  
**Badge #:** 0393

**Copy Received By:** ROBERT SPILMAN

X

X



**CERTIFICATE OF SERVICE**

19-TRAM-139-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 10/19/2018.

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

ROBERT W. SPILMAN, MEMBER  
RWS TRUCKING LLC  
PO BOX 51  
ERIE, KS 66733  
rws.truckingllc@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe