

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

July 16, 2019

20-TRAM-010-PEN

Blake Beal, Manager
Muddy Water Farms Transport, LLC
1320 265th Street
Fort Scott, KS 66701

This is a notice of a penalty assessment against Muddy Water Farms Transport, LLC (Muddy Water Farms) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 26, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. 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: Muddy Water Farms has been assessed a \$250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$250, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Muddy Water Farms 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. 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. Muddy Water Farms 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. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$250 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,

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

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of **Muddy**)
Water Farms Transport, LLC, of Fort Scott,)
KS, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 20-TRAM-010-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.A.R. 82-4-1b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-1, 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. 2018 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. Muddy Water Farms Transport, LLC (Muddy Water Farms) operates under USDOT number 2320691.

5. Blake Beal attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on June 12, 2018, on behalf of Muddy Water Farms.

6. Muddy Water Farms is a private and common motor carrier which primarily hauls general freight, livestock, grain, feed, hay and farm supply.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on June 26, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of Muddy Water Farms. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 4, 2019, Muddy Water Farms required or permitted its driver, Ross Young, to operate a CDL-required commercial motor vehicle, a 1995 Kenworth, VIN ending in 672380, GVWR 52,000 lbs., pulling a 2008

Wabash trailer, VIN ending in 093297, GVWR 68,000 lbs., in interstate commerce from Memphis, Tennessee to Fort Scott, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number AR518E005504, dated May 4, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Muddy Water Farms failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment. The special investigator discovered two (2) violations of this type. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Muddy Water Farms committed one (1) 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 \$250 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Muddy Water Farms 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.

11. Finally, Staff recommends that Muddy Water Farms 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 Muddy Water Farms because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Muddy Water Farms committed one (1) 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. Muddy Water Farms Transport, LLC, of Fort Scott, KS is hereby assessed a \$250 civil penalty for one (1) 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. Muddy Water Farms is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

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

E. Pursuant to K.S.A. 2018 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 Muddy Water Farms's right to a hearing, and this Penalty Order will become a Final Order assessing a \$250 civil penalty against Muddy Water Farms, and ordering a representative from Muddy Water Farms 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$250 is due in thirty (30) days from the date of service of this Order. Payment of \$250 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 \$250 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 Muddy Water Farms'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.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner


Dated: 07/16/2019



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

	US DOT # 2320691	Legal: MUDDY WATER FARMS TRANSPORT LLC Operating (DBA):																		
MC/MX #: 982005		Federal Tax ID: XXXXXXXXXX (EIN)																		
Review Type: Non-ratable Review - CSA																				
Scope: Principal Office		Location of Review/Audit: CSA Off-site		Territory:																
Operation Types <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Interstate</td> <td style="width: 30%;">Intrastate</td> <td style="width: 40%;"></td> </tr> <tr> <td>Carrier: Non-HM</td> <td>N/A</td> <td rowspan="3"> Business: Corporation Gross Revenue: XXXXXXXXXX for year ending: 12/31/2018 </td> </tr> <tr> <td>Shipper: N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank: N/A</td> <td></td> </tr> </table>					Interstate	Intrastate		Carrier: Non-HM	N/A	Business: Corporation Gross Revenue: XXXXXXXXXX for year ending: 12/31/2018	Shipper: N/A	N/A	Cargo Tank: N/A							
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Carrier: Non-HM	N/A	Business: Corporation Gross Revenue: XXXXXXXXXX for year ending: 12/31/2018																		
Shipper: N/A	N/A																			
Cargo Tank: N/A																				
Company Physical Address: 1320 265TH STREET FORT SCOTT, KS 66701																				
Contact Name: Blake Beal Phone numbers: (1) XXXXXXXXXX Fax E-Mail Address: XXXXXXXXXX																				
Company Mailing Address: 1320 265TH STREET FORT SCOTT, KS 66701																				
Carrier Classification <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Authorized for Hire</td> <td style="width: 33%;">Exempt for Hire</td> <td style="width: 34%;">Private Property</td> </tr> </table>					Authorized for Hire	Exempt for Hire	Private Property													
Authorized for Hire	Exempt for Hire	Private Property																		
Cargo Classification <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">General Freight</td> <td style="width: 33%;">Livestock</td> <td style="width: 34%;">Grain, Feed, Hay</td> </tr> <tr> <td>Farm Supply</td> <td></td> <td></td> </tr> </table>					General Freight	Livestock	Grain, Feed, Hay	Farm Supply												
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Farm Supply																				
Equipment <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> <tr> <td>Truck Tractor</td> <td>5</td> <td>3</td> <td>0</td> <td>Trailer</td> <td>8</td> <td>0</td> <td>0</td> </tr> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck Tractor	5	3	0	Trailer	8	0	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck Tractor	5	3	0	Trailer	8	0	0													
Power units used in the U.S.: 8 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 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>Inter</th> <th>Intra</th> <th></th> </tr> <tr> <td>< 100 Miles:</td> <td></td> <td></td> <td>Average trip leased drivers/month: 0</td> </tr> <tr> <td>>= 100 Miles:</td> <td>8</td> <td></td> <td>Total Drivers: 8</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CDL Drivers: 8</td> </tr> </table>						Inter	Intra		< 100 Miles:			Average trip leased drivers/month: 0	>= 100 Miles:	8		Total Drivers: 8				CDL Drivers: 8
	Inter	Intra																		
< 100 Miles:			Average trip leased drivers/month: 0																	
>= 100 Miles:	8		Total Drivers: 8																	
			CDL Drivers: 8																	



	MUDDY WATER FARMS TRANSPORT LLC U.S. DOT # 2320691	Review Date: 06/25/2019
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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
 Topeka, KS 66604

This report will be used to assess your safety compliance.

<u>Person(s) Interviewed</u>	
Name: Blake Beal Name:	Title: Manager Title:



	MUDDY WATER FARMS TRANSPORT LLC	Review Date
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Part B Violations

1 FEDERAL	Primary: 391.23(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to investigate driver's background.

Example

On May 4, 2019 Muddy Water Farms Transport LLC had driver Ross Young (MO CDL# [REDACTED]) operate a 1995 Kenworth (Unit # 9, VIN# [REDACTED] 672380) in combination with a 2008 Wabash (Unit # 538100, VIN# [REDACTED] 093297.) These vehicles have a gross vehicle weight rating of 52,000 lbs. and 68,000 lbs. Driver Ross Young operated in commerce on an interstate trip from Memphis, Tennessee to Fort Scott, Kansas. This trip is evidenced by a Level 1 roadside inspection performed by Trooper M. Brown (AR518) with the Arkansas Highway Patrol. At the time of this trip carrier was found to be in violation of failing to investigate driver's background. Carrier failed to have MVR on file within 30 days of hire. MVR dated May 14, 2019 date of hire March 25, 2019.

Safety Fitness Rating Information:

Total Miles Operated 435,902
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.





MUDDY WATER FARMS TRANSPORT LLC
U.S. DOT # 2320691

Review Date:
06/25/2019

Safety Management Process Breakdowns and Remedies

1. 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.

2. 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:





MUDDY WATER FARMS TRANSPORT LLC
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Safety Management Process Breakdowns and Remedies

<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 did not result in a Cooperative Safety Plan

The KCC requires that you prepare a corrective action plan, 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. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov
Fax: 785.271.3124

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

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN. Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN Muddy Waters LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements within this section. It is the carrier's responsibility to investigate the driving record of newly hired drivers.

BASIC SPECIFIC RECOMMENDED REMEDIES It is the carrier's responsibility to run a motor vehicles report within 30 days of hiring a new driver. Make sure that all the MVR's are run annually, make sure that you track when they MVR's expire and make sure to obtain a new MVR prior to the old MVR expiring.

Implement Safety Improvement Practices The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to





MUDDY WATER FARMS TRANSPORT LLC
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Safety Management Process Breakdowns and Remedies

annual checks are also effective. File the MVR in each driver's driver qualification file after review.

- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files, applying the performance standards fairly, consistently, and equitably, and documenting the evaluations
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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

4. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. 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 Muddy Water Farms Transport LLC's operating authority and/or the impoundment of Muddy Water Farms Transport LLC's commercial motor vehicle.

Carrier Representative

Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Arkansas Highway Police
P.O. Box 2779
10324 Interstate 30 72209
Little Rock, AR 72203
Phone: (501)569-2421 Fax: (501)569-4999

Report Number: AR518E005504
Inspection Date: 05/04/2019
Start: 2 45 AM CT End: 3:55 AM CT
Inspection Level: I - Full
HM Inspection Type: None

MUDDY WATER FARMS TRANSPORT LLC
1320 265TH STREET
FORT SCOTT, KS, 66701
USDOT: 2320691
MC/MX#: 982005
State#:

Phone#:
Fax#:

Driver: YOUNG, ROSS A
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:

State: MO

State:

Location: CRITTENDEN CO (BRIDGEPORT STN)
Highway: I-55 NB
County: CRITTENDEN

Milepost: 1MM Shipper: VALU MERCHANDISERS COMPANY
Origin: MEMPHIS, TN
Destination: FORT SCOTT, KS

Bill of Lading: 06262309
Cargo: DRY GROCERY GOODS

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	1995	KS	185902	108	672380	52000			
2	ST	WANC	2008	OK	6466KQ	538100	093297	68000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1	2 1/4	1 1/8	1 3/4	1 3/4
Left	1	3	1 1/4	1 1/4	1 5/8
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.9H	F	1	N		N	N	Inoperable head lamps
393.81	F	1	N		N	N	Horn inoperative
393.78	F	1	N		N	N	Windshield wipers inoperative/defective
393.25F	F	1	N		N	N	Stop lamp violations
390.21B	F	1	N	W000066	N	N	Carrier name and/or USDOT Number not displayed as required
393.207F	F	1	N		N	N	Air suspension pressure loss
393.47A	F	1	Y	5007672132	U	N	Inadequate brakes for safe stopping
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.53B	F	1	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
396.3A1BOS	F	1	Y		U	N	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
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

Alcohol/Controlled Substance Check	X	Traffic Enforcement
Conducted by Local Jurisdiction		PASA Conducted Inspection
Size and Weight Enforcement		Drug Interdiction Search
eScreen Inspection		

Post Crash Inspection
PBPT Inspection

Pursuant to authority contained in Act #397 of 1955 and Act #421 of 1977, I hereby declare vehicles with defects followed by a "Y" in the Out of Service column of this report Out of Service. No person shall remove the Out of Service decal applied to these vehicles, or operate such vehicles, until the Out of Service defects have been repaired and the vehicles have been restored to safe operating condition.

I hereby certify that the violations cited on this inspection form have been repaired. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000

Signature Of Repairer X _____ Facility _____ Date _____



DRIVER/VEHICLE EXAMINATION REPORT

Arkansas Highway Police
P.O. Box 2779
10324 Interstate 30 72209
Little Rock, AR 72203
Phone: (501)569-2421 Fax: (501)569-4999

Report Number: AR518E005504
Inspection Date: 05/04/2019
Start: 2 45 AM CT End: 3:55 AM CT
Inspection Level: I - Full
HM Inspection Type: None

NOTE TO MOTOR CARRIER Please sign the below certification and return to the ARKANSAS HIGHWAY POLICE within fifteen (15) days The undersigned certifies that all violations noted on this report have been corrected and action has been taken to assure compliance insofar as they are applicable to motor carriers and drivers
Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By. Badge #
M BROWN 518

Copy Received By.
ROSS YOUNG

X

X



CERTIFICATE OF SERVICE

20-TRAM-010-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 07/17/2019.

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

BLAKE A. BEAL, MANAGER
MUDDY WATER FARMS TRANSPORT, LLC
1320 265TH STREET
FORT SCOTT, KS 66701
blakemwf@outlook.com

/S/ DeeAnn Shupe

DeeAnn Shupe