



20170725154129
Kansas Corporation Commission

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
18-TRAM-015-PEN

July 25, 2017

August Windholz, Jr., President
L & A Trucking, Inc.
506 Vine Street
Hays, Kansas 67601

Certified Mail No. 70161970000105740303

This is a notice of a penalty assessment against L & A Trucking, Inc. for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 12, 2017, by Kansas Corporation Commission Special Investigator(s) Penny Fryback. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order that is attached to this notice.

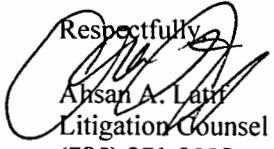
IF YOU ACCEPT THE PENALTY: L & A Trucking has been assessed a \$100 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. Please remit payment of \$100, through your personal account with the Kansas Corporation Commission's KTRAN application located 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.

You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. You also must submit to one follow-up safety compliance review within 18 months from the date of the attached Order. Transportation Staff will contact you 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. L & A 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 must 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 (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Penalty Order and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$100 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the attached Penalty Order, or in the alternative, failure to provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the attached Order becoming a Final Order and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


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

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

In the Matter of the Investigation of **L & A**)
Trucking, Inc., of Hays, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 18-TRAM-015-PEN
Authority to Impose Penalties, Sanctions and/or)
the Revocation of Motor Carrier Authority.)
)

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 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.S.A. 2016 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

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

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

4. L & A Trucking, Inc. (L & A Trucking) has common operating authority from the Commission and further operates USDOT number 583070.

5. August Windholtz attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on September 22, 2014, on behalf of L & A Trucking.

6. L & A Trucking is a common motor carrier which primarily hauls general freight, motor vehicles, building materials, oil field equipment, commodities dry bulk, and farm supplies.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 12, 2017, Commission Staff (Staff) Special Investigator(s) Penny Fryback conducted a compliance review of the operations of L & A 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, Ms. identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 25, 2017, L & A Trucking required or permitted its driver, Keith Junior Gilman to operate a CDL-required commercial motor vehicle, a 2004 Kenworth truck tractor, VIN ending in 052785, GVWR over 33,000 lbs., pulling a 2013 Eager Beaver semitrailer, VIN ending in 078095, in

interstate commerce from Rexford, Kansas to Cheyenne, Wyoming. This trip is evidenced by Driver's Daily Log, dated May 25, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, L & A Trucking did not have a person designated to go for 60 minutes of training for alcohol use and 60 minutes of training for controlled substance use to assist in determining that drivers undergo reasonable suspicion testing. 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. 2016 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 L & A Trucking 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 \$100 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that L & A 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 the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that L & A 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 L & A Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds L & A Trucking 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. L & A Trucking, Inc., of Hays, Kansas is hereby assessed a \$100 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. L & A 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. L & A 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. 2016 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 (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel, within fifteen (15) days from the date of service of this Order. On July 25, 2017, this Penalty Order was mailed to L & A Trucking via Certified Mail, Return Receipt Requested, No. 70161970000105740303. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of L & A Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against L & A Trucking, and ordering L & A 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 eighteen (18) months from the date of this Order.

E. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$100 is due in thirty (30) days from the date of service of this Order. Payment of \$100, must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

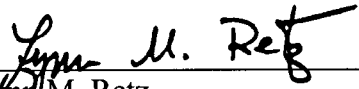
G. Failure to pay the \$100 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of L & A Trucking's motor carrier operating authority without further notice. Additionally, 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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JUL 25 2017




Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

JUL 26 2017

ATTACHMENT "A"

	US DOT # 583070	Legal: L & A TRUCKING INC Operating (DEA):																		
MC/MX #: 283072		State #: <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div>	Federal Tax ID: <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> (EIN)																	
Review Type: Compliance Review (CR)																				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:																
Operation Types Interstate Intrastate																				
Carrier: Non-HM Non-HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> for year ending: 12/31/2016																		
Company Physical Address: <div style="background-color: black; width: 150px; height: 30px; margin-top: 5px;"></div>																				
Contact Name: Phone numbers: (1) <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> (2) <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> Fax <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> E-Mail Address:																				
Company Mailing Address: 506 VINE STREET HAYS, KS 67601-3902																				
Carrier Classification Authorized for Hire																				
Cargo Classification <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">General Freight</td> <td style="width: 33%;">Motor Vehicles</td> <td style="width: 33%;">Building Materials</td> </tr> <tr> <td>Oil Field Equipment</td> <td>Commodities Dry Bulk</td> <td>Farm Supply</td> </tr> </table>					General Freight	Motor Vehicles	Building Materials	Oil Field Equipment	Commodities Dry Bulk	Farm Supply										
General Freight	Motor Vehicles	Building Materials																		
Oil Field Equipment	Commodities Dry Bulk	Farm Supply																		
Equipment <table style="width: 100%; border: none;"> <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 style="text-align: center;">2</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td>Trailer</td> <td style="text-align: center;">2</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck Tractor	2	0	0	Trailer	2	0	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck Tractor	2	0	0	Trailer	2	0	0													
Power units used in the U.S.: 2 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 style="width: 100%; border: none;"> <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 style="text-align: center;">2</td> <td></td> <td>Total Drivers: 2</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CDL Drivers: 2</td> </tr> </table>						Inter	Intra		< 100 Miles:			Average trip leased drivers/month: 0	>= 100 Miles:	2		Total Drivers: 2				CDL Drivers: 2
	Inter	Intra																		
< 100 Miles:			Average trip leased drivers/month: 0																	
>= 100 Miles:	2		Total Drivers: 2																	
			CDL Drivers: 2																	



L & A TRUCKING INC
U.S. DOT #: 583070

State #: [REDACTED]

Review Date:
07/12/2017

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: [REDACTED]

Name: August Windholz Jr

Title: President





L & A TRUCKING INC
U.S. DOT #: 583070

State #: [REDACTED]

Review Date:
07/12/2017

Part B Violations

1 FEDERAL	Primary: 382.601(b)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description 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. Example Driver [REDACTED] Trip Date: 6/23/2017 The carriers policy does not designate an employee representative (DER) or anything that states what constitutes a refusal to test					
2 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description 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. Example Driver [REDACTED] Trip Date: 5/24/2017 Supervisor August (Auge) Windholz Company had no record that anyone had completed the reasonable suspicion training.					
3 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s). Example Driver [REDACTED] Trip Date: 6/23/2017 Carrier had no documents showing they had insured that [REDACTED] was on the National Registry of Medical examiners.					
4 STATE	Primary: 391.51(d) CFR Equivalent: 391.51(d)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to keep required records in driver's qualification file for 3 years after date of execution. Example Driver [REDACTED] Trip Date: 5/24/2017 Carrier had not retained the previous MVR's, or certificate of violations and annual review for either driver. Carrier also failed to retain the previous medical examiners certificate for Driver [REDACTED]					





L & A TRUCKING INC
U.S. DOT #: 583070

State #: [REDACTED]

Review Date:
07/12/2017

Part B Violations

5 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 5	Checked 60	Drivers/Vehicles In Violation	Checked 2
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

Driver [REDACTED]

Trip Date: 6/23/2017

Driver failed to enter shipper and commodity information or a bill of lading number.

6 FEDERAL	Primary: 396.3(b)(1)	Discovered 4	Checked 4	Drivers/Vehicles In Violation	Checked 4
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Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, unit number and tire size.

Example

Unit 511

The maintenance record does not identify the vehicle by the make, year, VIN number, tire size but does show the Unit #.

Safety Fitness Rating Information:

Total Miles Operated 93,126
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

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 :

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.





L & A TRUCKING INC
U.S. DOT #: 583070

State #: [REDACTED]

Review Date:
07/12/2017

Part B Requirements and/or Recommendations

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

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

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

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

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety





L & A TRUCKING INC
U.S. DOT #: 583070

State #: [REDACTED]

Review Date:
07/12/2017

Part B Requirements and/or Recommendations

Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review.

For all investigations resulting in serious violations:

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

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

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. The carriers written drug and alcohol testing policy must identify of the person designated by the employer to answer driver questions about the materials, the categories of drivers who are subject to the provisions of this part, sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part, specific information concerning driver conduct that is prohibited by this part, the circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under §382.303(d), and the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions.
Code of Federal Regulations 484
(7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;
Code of Federal Regulations 484
(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
Code of Federal Regulations 484
3. Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307.
4. For Drivers required to have a CDL the carrier is required to have a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m)(2).





L & A TRUCKING INC
U.S. DOT #: 583070

State #: [REDACTED]

Review Date:
07/12/2017

Part B Requirements and/or Recommendations

5. The following must be retained in the driver qualification file for three years from the date of execution: the state agency response to the annual driving record, drivers physical qualifications, certificate relation to motor vehicle law violations and the annual review of driver driving record.
6. The following information must be included on the form in addition to the grid:
(1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.); (7) Main office address; (8) Remarks; (9) Name of co driver; (10) Total hours (far right edge of grid); change of duty status locations, and (11) Shipping document number(s), or name of shipper and commodity.
7. 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. Maintenance files must identify the vehicle by make, serial number, year, unit number and tire size.,
8. This review will result in a Safety Rating.
9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
10. I, Aminda Windholz 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 L & A Trucking Inc. operating authority and/or the impoundment of L & A Trucking Inc. vehicles.



ATTACHMENT "B"



DRIVER'S DAILY LOG

(24 HOURS)

5, 25, 17
(Month) (Day) (Year)

Driver's License No. 67601
Date of Birth 05/25/17

677 265084
Total Mileage Today Total Mileage Today

L & A Trucking

Name of Carrier or Owners

506 Vine

Main Office Address

Hays, KS 67601

Home Terminal Address

540/50

Tractor and Trailer Numbers and correct

Tractor and Trailer Numbers or License Plate(s) (show each unit)

Driver's Full Signature

Co-Driver's Name

1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 TOTAL HOURS

1. OFF DUTY

2. SLEEPER BERTH

3. DRIVING

4. ON DUTY (NOT DRIVING)

MID-NIGHT

REMARKS

SHIPPING DOCUMENTS

1555

B/L or Manifest No.

or 1555

Shipper & Commodity

From:

Rexford, KS

To:

Cheyenne, WY

USE TIME STANDARD AT HOME TERMINAL

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8550



DRIVER'S VEHICLE INSPECTION REPORT

CARRIER'S NAME:

L & A Trucking

CARRIER'S ADDRESS:

506 Vine Hays, KS 67601

TRACTOR/TRUCK NO.:

540

TRAILER(S) NO.(S):

50

TRACTOR/TRUCK	TRACTOR/TRUCK	TRACTOR/TRUCK	TRAILER(S)
Brake Lights	Frame & Axles	Engine	Brakes
Electrical System	Head Lights	Exhaust	Brake Connections
Drive Shaft	Turn Signals	Oil Pressure	Clutch & Discs
Cooling System	Day & Night Lights	Oil Level	Load Capacity
Tire Wear & Tread	Turn & Brake Lights	Oil Change	Oil
Suspension System	Refueling	Oil Filter	Oil Pan
Body	Air Pressure Warning Device	Oil Pan	Oil Seal
Chassis	Oil Pressure	Oil Pan	Oil Seal
Exhaust	Anti-Lock	Oil Pan	Oil Seal
Engine	Water Pump	Oil Pan	Oil Seal
Load	Water Pump	Oil Pan	Oil Seal
Exhaust	Water Pump	Oil Pan	Oil Seal

DATE 5/25/17
CITY OF HAYES, KS
COMMERCIAL START OF DAY 265084
TOTAL MILES DRIVEN TODAY 677
NEXT INSPECTION AT 264407
DRIVER'S SIGNATURE
MECHANIC'S SIGNATURE
DATE 5/25/17
CITY OF HAYES, KS
COMMERCIAL START OF DAY 265084
TOTAL MILES DRIVEN TODAY 677
NEXT INSPECTION AT 264407
DRIVER'S SIGNATURE
MECHANIC'S SIGNATURE

CERTIFICATE OF SERVICE

18-TRAM-015-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 JUL 25 2017.

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

AUGUST WINDHOLZ, JR., PRESIDENT
L & A TRUCKING, INC.
506 VINE STREET
HAYS, KS 67601-3902
Fax: 785-628-1050

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date
JUL 26 2017