

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



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

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

## NOTICE OF PENALTY ASSESSMENT 19-TRAM-080-PEN

August 30, 2018

Nicholas A. Sheffield, Managing Member  
Sheffield Sawmilling LLC  
917 Connecticut  
Manhattan, KS 66502

This is a notice of a penalty assessment against Sheffield Sawmilling LLC (Sheffield Sawmilling) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 10, 2018, by Kansas Corporation Commission Special Investigator Jared Smith. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order attached to this notice.

### IF YOU ACCEPT THE PENALTY:

Sheffield Sawmilling has been assessed a \$1,550 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$1,550 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.

### **SHEFFIELD SAWMILLING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:**

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

- (1) within fifteen (15) days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;
- (2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future;
- (3) within thirty (30) days from the date of this Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and
- (4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$775 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

**IF YOU CONTEST THE PENALTY ORDER:**

**You have the right to request a hearing if you contest the terms of the Penalty Order.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Sheffield Sawmilling LLC 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 Litigation Counsel 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$1,550 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Sheffield Sawmilling submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$775 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



Alsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

# STATE OF KANSAS



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1500 SW ARROWHEAD ROAD  
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GOVERNOR JEFF COLYER, M.D.

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## **REDUCED PENALTY AGREEMENT**

### **19-TRAM-080-PEN**

Sheffield Sawmilling LLC (Sheffield Sawmilling) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 30, 2018. Sheffield Sawmilling has agreed to comply with the following terms and obligations:

1. Sheffield Sawmilling has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Sheffield Sawmilling will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Sheffield Sawmilling will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Sheffield Sawmilling will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Sheffield Sawmilling LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$775, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Sheffield Sawmilling will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Sheffield Sawmilling LLC

\_\_\_\_\_  
Nicholas A. Sheffield  
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

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

Before Commissioners:      Shari Feist Albrecht, Chair  
                                 Jay Scott Emler  
                                 Dwight D. Keen

In the Matter of the Investigation of **Sheffield**      )  
**Sawmilling LLC, of Manhattan, KS,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 19-TRAM-080-PEN  
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.S.A. 2017 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. 2017 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. 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 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. Sheffield Sawmilling LLC (Sheffield Sawmilling) has private operating authority with the Commission and further operates under USDOT number 2827037.

5. Karen Sheffield attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on December 12, 2016, on behalf of Sheffield Sawmilling.

6. Sheffield Sawmilling is a private motor carrier which primarily hauls logs and lumber.

7. Sheffield Sawmilling is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on July 10, 2018, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of Sheffield Sawmilling. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 2, 2018, Sheffield Sawmilling required or permitted its driver, Nick Sheffield, to operate a CDL-required commercial motor vehicle, a 2001 GMC, VIN ending in 527235, GVWR 31,000 lbs., in intrastate commerce in and around the area of Manhattan, Kansas. This trip is

evidenced by Invoice 1336, dated July 2, 2018, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Sheffield Sawmilling did not have implemented an alcohol and controlled substance testing program for its CDL driver. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a., above, Sheffield Sawmilling did not maintain a driver qualification file on its driver. The carrier’s failure to maintain a driver qualification file is a violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.
- c. During the transportation described in paragraph a., above, Sheffield Sawmilling failed to require its driver to make a record of duty status. The carrier’s failure to require its drivers to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R.

395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- d. During the transportation described in paragraph a., above, Sheffield Sawmilling did not have minimum records of inspection and vehicle maintenance on the commercial motor vehicle operated. The carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$350.
- e. During the transportation described in paragraph a., above, Sheffield Sawmilling operated a commercial motor vehicle that was not periodically (annually) inspected. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

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

9. Based upon the available facts, Staff recommends the Commission find Sheffield Sawmilling committed five (5) 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.

10. Staff recommends a civil penalty of \$1,550 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Sheffield Sawmilling LLC is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Sheffield Sawmilling LLC submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Sheffield Sawmilling attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

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

## **V. CONCLUSIONS OF LAW**

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



16. The Commission finds a penalty of \$1,550 should be assessed to Sheffield Sawmilling for committing five (5) 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.

17. The Commission finds Sheffield Sawmilling is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Sheffield Sawmilling LLC, of Manhattan, KS is hereby assessed a penalty of \$1,550 for five (5) 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. Payment of \$1,550 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 owed.

B. A representative from Sheffield Sawmilling is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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).

C. Sheffield Sawmilling must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Sheffield Sawmilling 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Sheffield Sawmilling does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,550 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Sheffield Sawmilling's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. On August 30, 2018, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105741621. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **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, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. 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 Litigation Counsel. A hearing will be scheduled only

upon written request. Failure to timely request a hearing will result in a waiver of Sheffield Sawmilling's right to a hearing.

H. 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.

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

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/30/2018










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Lynn M. Retz  
Secretary to the Commission

AAL

## **ATTACHMENT “A”**

	<b>US DOT #</b> 2827037	<b>Legal:</b> SHEFFIELD SAWMILLING LLC <b>Operating (DBA):</b>											
<b>MC/MX #:</b>		<b>Federal Tax ID:</b>  (EIN)											
<b>Review Type:</b> Non-ratable Review - CSA													
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>									
<b>Operation Types</b> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Interstate</b></td> <td style="width: 30%;"><b>Intrastate</b></td> </tr> <tr> <td>Carrier: N/A</td> <td>HM</td> </tr> <tr> <td>Shipper: N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank: N/A</td> <td></td> </tr> </table>					<b>Interstate</b>	<b>Intrastate</b>	Carrier: N/A	HM	Shipper: N/A	N/A	Cargo Tank: N/A		
<b>Interstate</b>	<b>Intrastate</b>												
Carrier: N/A	HM												
Shipper: N/A	N/A												
Cargo Tank: N/A													
<b>Business:</b> Corporation <b>Gross Revenue:</b>  <b>for year ending:</b> 12/31/2017													
<b>Company Physical Address:</b>  MANHATTAN, KS 66502-1763													
<b>Contact Name:</b> Nick Sheffield <b>Phone numbers: (1)</b>  <b>Fax</b> <b>E-Mail Address:</b> 													
<b>Company Mailing Address:</b>  MANHATTAN, KS 66502-1763													
<b>Carrier Classification</b> Private Property													
<b>Cargo Classification</b> Other logs, lumber													
<b>Hazardous Materials</b> 9 Miscellaneous HM : Carried : Non-Bulk													
<b>Equipment</b> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> <tr> <td>Truck</td> <td>1</td> <td>0</td> <td>0</td> </tr> </table>						Owned	Term Leased	Trip Leased	Truck	1	0	0	
	Owned	Term Leased	Trip Leased										
Truck	1	0	0										
Power units used in the U S. 1 Percentage of time used in the U.S.: 100													
Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A													
<b>Driver Information</b> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <th></th> <th>Inter</th> <th>Intra</th> </tr> <tr> <td>&lt; 100 Miles:</td> <td></td> <td>1</td> </tr> <tr> <td>&gt;= 100 Miles:</td> <td></td> <td></td> </tr> </table>						Inter	Intra	< 100 Miles:		1	>= 100 Miles:		
	Inter	Intra											
< 100 Miles:		1											
>= 100 Miles:													
Average trip leased drivers/month: 0 Total Drivers: 1 CDL Drivers: 1													



	<b>SHEFFIELD SAWMILLING LLC</b> U S DOT #: 2827037	Review Date 07/16/2018
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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:

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

**Person(s) Interviewed**


Name: Nick Sheffield

Title: Owner

Name: *Nicholas A.*

Title:



	<b>SHEFFIELD SAWMILLING LLC</b>	Review Date.
	U.S. DOT # 2827037	07/16/2018

### Part B Violations

1 STATE	Primary 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

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

#### Example

On July 2, 2018 Sheffield Sawmilling LLC had driver Nick Sheffield (KS CDL# [REDACTED]) operate a 2001 GMC (VIN # [REDACTED] 527235). This vehicle has a gross vehicle weight rating of 31,000 lbs. Driver Nick Sheffield operated in commerce on an intrastate trip from Manhattan, KS to Manhattan, KS. This trip is evidence by invoice number 1336. At the time of this trip carrier was found to be in violation of failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

2 STATE	Primary: 391.51(a) CFR Equivalent 391.51(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain driver qualification file on each driver employed.

#### Example

On July 2, 2018 Sheffield Sawmilling LLC had driver Nick Sheffield (KS CDL# [REDACTED]) operate a 2001 GMC (VIN # [REDACTED] 527235). This vehicle has a gross vehicle weight rating of 31,000 lbs. Driver Nick Sheffield operated in commerce on an intrastate trip from Manhattan, KS to Manhattan, KS. This trip is evidence by invoice number 1336. At the time of this trip carrier was found to be in violation of failing to maintain driver qualification file on each driver employed.

3 STATE	Primary 395.8(a) CFR Equivalent 395.8(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to require driver to make a record of duty status.

#### Example

On July 2, 2018 Sheffield Sawmilling LLC had driver Nick Sheffield (KS CDL# [REDACTED]) operate a 2001 GMC (VIN # [REDACTED] 527235). This vehicle has a gross vehicle weight rating of 31,000 lbs. Driver Nick Sheffield operated in commerce on an intrastate trip from Manhattan, KS to Manhattan, KS. This trip is evidence by invoice number 1336. At the time of this trip carrier was found to be in violation of failing to require driver to make a record of duty status.

4 STATE	Primary 396.3(b) CFR Equivalent 396.3(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to keep minimum records of inspection and vehicle maintenance.

#### Example

On July 2, 2018 Sheffield Sawmilling LLC had driver Nick Sheffield (KS CDL# [REDACTED]) operate a 2001 GMC (VIN # [REDACTED] 527235). This vehicle has a gross vehicle weight rating of 31,000 lbs. Driver Nick Sheffield operated in commerce on an intrastate trip from Manhattan, KS to Manhattan, KS. This trip is evidence by invoice number 1336. At the time of this trip carrier was found to be in violation of failing to keep minimum records of inspection and vehicle maintenance.



	<b>SHEFFIELD SAWMILLING LLC</b>	Review Date
	U.S. DOT #. 2827037	07/16/2018

**Part B Violations**

5 STATE	Primary 396 17(a)  CFR Equivalent. 396 17(a)	Discovered  1	Checked  1	Drivers/Vehicles In Violation    Checked 1                      1
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**Description**  
 Using a commercial motor vehicle not periodically inspected.  
 On July 2, 2018 Sheffield Sawmilling LLC had driver Nick Sheffield (KS CDL# [REDACTED]) operate a 2001 GMC (VIN # [REDACTED] 527235). This vehicle has a gross vehicle weight rating of 31,000 lbs. Driver Nick Sheffield operated in commerce on an intrastate trip from Manhattan, KS to Manhattan, KS. This trip is evidence by invoice number 1336. At the time of this trip carrier was found to be in violation of using a commercial motor vehicle not periodically inspected.


<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
Total Miles Operated	5,000	<b>Number of Vehicle Inspected (CR): 0</b>	
Recordable Accidents	0	<b>OOS Vehicle (MCMIS): 0</b>	
		<b>Number of Vehicles Inspected (MCMIS): 0</b>	

Your proposed safety rating is :

**This Review is not Rated.**





	<b>SHEFFIELD SAWMILLING LLC</b> U.S. DOT #. 2827037	Review Date 07/16/2018
<b>Safety Management Process Breakdowns and Remedies</b>		

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.

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



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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

### 3. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN** Sheffield Sawmilling LLC's violations occurred due to a breakdown regarding the policies and procedures elements within this section of the regulations. Carrier failed to have a drug and alcohol-testing program in place at the time of this review.

**BASIC SPECIFIC RECOMMENDED REMEDIES** All drivers must have a negative substance abuse test on file prior to operating a commercial motor vehicle. Utilize the materials provide to you at the time of this review to enroll in a program with a drug and alcohol -testing consortium or formulate your own testing program. Make sure that all drivers receive a copy of your alcohol and substance abuse policy and retain a signed receipt indicating that all drivers received a copy.


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

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

#### Seek Out Resources

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



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#### 4. DRIVER FITNESS BASIC PROCESS BREAKDOWN Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Sheffield Sawmilling LLC's violations occurred due to a breakdown in the policies and procedures elements within this section. Carrier failed to have a driver qualification file. It is the carrier's responsibility to ensure that all drivers have the requisite paperwork in their files. These duties and the documents verifying their compliance require continued monitoring to compliance. Utilize the documents provided to you at the time of this review to start a driver qualification file.

**BASIC SPECIFIC RECOMMENDED REMEDIES** Utilize the forms provided to you during our meeting. These documents need to be completed and placed into checklist provided to you to make sure that all necessary paperwork is in the file. Once the file has been completed, ensure that it is maintained. Additionally you must receive a valid medical card prior to operating your commercial motor vehicle in commerce. Maintain a copy of this medical card in your driver qualification file.

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

**Seek Out Resources:**


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

#### 5. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN** Sheffield Sawmilling LLC's failed to have any means of tracking hours of service. Carrier violations occurred due to a breakdown in the the policies and procedures elements of compliance within this section. It is the carrier's responsibility to make sure that drivers are documenting their hours of service and to verify the accuracy of the documents. Ensure that these steps are being followed daily to ensure compliance with the regulations. Utilize the documents and instruction provided to you during this review assist you in correcting this.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Utilize the time sheet provided during the course of our review. This sheet will prompt you to complete the required sections in order to remain compliant with the regulations. Remember to utilize a log book when operating outside the 100 air mile radius. Remember to review the time



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documents drivers turn in to verify their accuracy. Feel free to contact me with any questions or concerns.

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

**Seek Out Resources.**

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

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


**DESCRIPTION OF PROCESS BREAKDOWN** Sheffield Sawmilling LLC's violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. Carrier neglected to establish the appropriate maintenance file on his commercial motor vehicle. Carrier must create the policies and procedures necessary to effectively maintain his fleet. This includes establishing your maintenance file. All pertinent information must be kept in this file. Follow the directions given to you at the time of our review. All of the required maintenance documents were provided to you from the "Red Book". These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies

**BASIC SPECIFIC RECOMMENDED REMEDIES: REMEDIES:** Create your maintenance file, schedules, and maintain all evidence of repairs in this file. Obtain an annual inspection on your commercial motor vehicle and maintain the original copy in the driver qualification file. Utilize the checklist we provided to you during the review. If you have any questions or needs, please don't hesitate to contact me

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

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and record keeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.



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- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

#### Passenger Carrier Only

- Develop systematic procedures for inspecting maintenance items critical to fire-safety and emergency evacuation - for example, checking wheel-hub lubrication levels according to the manufacturer's recommended inspection intervals, checking wheels for signs of excess heat every time the motorcoach is parked, regularly inspecting wiring and electrical systems for short circuits, and inspecting emergency-exit operation and markings.
- Consider installation of fire-detection-and-suppression systems on current fleets and as purchase options on new coaches

#### Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://a1.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

7. 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 Sheffield Sawmilling LLC's operating authority and/or the impoundment of Sheffield Sawmilling LLC's commercial motor vehicles.

\_\_\_\_\_  
Carrier Representative

\_\_\_\_\_  
Date





**SHEFFIELD SAWMILLING LLC**  
U.S. DOT #: 2827037

Review Date:  
07/10/2018

### **Safety Management Process Breakdowns and Remedies**

**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.

6. 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 Sheffield Sawmilling LLC's operating authority and/or the impoundment of Sheffield Sawmilling LLC's commercial motor vehicles.

  
Carrier Representative

7/10/18  
Date



## **ATTACHMENT “B”**



Sheffield Sawmilling LLC

Manhattan, KS 66502



BILL TO

INVOICE 1336

DATE 07/02/2018 TERMS Net 15

DUE DATE 07/17/2018

ACTIVITY	AMOUNT
<b>Tree Trimming</b> Trim dead out of trees and raise trees in front yard.	200.00
<b>Service</b> Cut back vines on House.	200.00
<b>Tree removal</b> Remove pine tree in backyard	450.00
<b>Tree removal</b> Remove pine tree in backyard	450.00

TOTAL DUE \$1,300.00



**CERTIFICATE OF SERVICE**

19-TRAM-080-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 08/31/2018.

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

NICHOLAS A. SHEFFIELD, MANAGING MEMBER  
SHEFFIELD SAWMILLING LLC  
917 CONNECTICUT  
MANHATTAN, KS 66502-1763  
nasheffield@hotmail.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe