

STATE OF KANSAS



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

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

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

NOTICE OF PENALTY ASSESSMENT
19-TRAM-146-PEN

October 23, 2018

David Goodell, Owner
840 K Road
Olpe, KS 66865

This is a notice of a penalty assessment against David Goodell (David Goodell) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 5, 2018, 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: David Goodell has been assessed a \$2,300 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,300, 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 David Goodell 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. David Goodell must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$2,300 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

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. David Goodell (David Goodell) is a private motor carrier that was found to be operating without a USDOT number.

5. David Goodell primarily hauls rock and gravel.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on September 5, 2018, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of David Goodell. 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 five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 23, 2018, David Goodell operated a CDL-required commercial motor vehicle, a 1999 International, VIN ending in 617655, GVWR 54,000 lbs., in intrastate commerce from Hartford, Kansas to Olpe, Kansas. This trip is evidenced by Invoice Number 035320, dated May 23, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, David

Goodell failed to have implemented an alcohol and controlled substance testing program. 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, David Goodell did not have a driver qualification file on himself while operating a commercial motor vehicle. 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, David Goodell operated a CDL-required commercial motor vehicle without having the required operating authority. He was operating without a USDOT number. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2017 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.
- d. During the transportation described in paragraph a., above, David Goodell failed to make a record of duty status. The special investigator discovered

30 violations of this type. 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 \$750.

- e. During the transportation described in paragraph a., above, David Goodell had not kept 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.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds David Goodell 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.

8. Additionally, Staff recommends a civil penalty of \$2,300 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from David Goodell 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.

10. Finally, Staff recommends that David Goodell 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

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

12. The Commission finds David Goodell 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.

THE COMMISSION THEREFORE ORDERS THAT:

A. David Goodell, of Olpe, KS is hereby assessed a \$2,300 civil penalty 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.

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

D. Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of David Goodell's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,300 civil penalty against David Goodell, and ordering a representative from David Goodell to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil

penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$2,300 is due in thirty (30) days from the date of service of this Order. Payment of \$2,300 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$2,300 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 David Goodell's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner







Dated: 10/23/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT "A"

	US DOT # 0000	Legal: DAVID GOODELL Operating (DBA):
MC/MX #:		Federal Tax ID:  (SSN)
Review Type: Non-ratable Review - CSA		
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.	
Territory:		
Operation Types Interstate Intrastate		
Carrier: N/A	Non-HM	Business: Individual
Shipper: N/A	N/A	Gross Revenue:  for year ending: 9/5/2018
Cargo Tank: N/A		
Company Physical Address:		
 Olpe, KS 66865		
Contact Name:	david goodell	
Phone numbers: (1) 	(2)	Fax
E-Mail Address:		
Company Mailing Address:		
 Olpe, KS 66865		
Carrier Classification		
Private Property		
Cargo Classification		
Other: rock, gravel		
Equipment		
	Owned	Term Leased Trip Leased
Truck	1	0 0
Owned Term Leased Trip Leased		
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		
Driver Information		
	Inter	Intra
< 100 Miles:		1
>= 100 Miles:		
Average trip leased drivers/month: 0		
Total Drivers: 1		
CDL Drivers: 1		





DAVID GOODELL
U.S. DOT # 0000

Review Date:
09/11/2018

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: David Goodell

Title: Owner

Name:

Title:



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Part B Violations

1 STATE	Primary. 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	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 May 23, 2018 David Goodell (KS CDL # [REDACTED]) operated a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver David Goodell operated in commerce on an intrastate trip from Hartford, Kansas to Olpe, Kansas. This trip is evidenced by invoice # 035320. At the time of this trip and time of this review carrier was found to 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)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to maintain driver qualification file on each driver employed.

Example

On May 23, 2018 David Goodell (KS CDL # [REDACTED]) operated a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver David Goodell operated in commerce on an intrastate trip from Hartford, Kansas to Olpe, Kansas. This trip is evidenced by invoice # 035320. At the time of this trip and time of this review carrier was found to in violation of failing to maintain driver qualification file on each driver employed.

3 STATE	Primary 392.9a(a)(1) CFR Equivalent. 392.9a(a)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

Operating without the required operating authority.

Example

On May 23, 2018 David Goodell (KS CDL # [REDACTED]) operated a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver David Goodell operated in commerce on an intrastate trip from Hartford, Kansas to Olpe, Kansas. This trip is evidenced by invoice # 035320. At the time of this trip and time of this review carrier was found to in violation of operating without the required operating authority.

4 STATE	Primary. 395.8(a)	Discovered 30	Checked 30	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to require driver to make a record of duty status

Example

On May 23, 2018 David Goodell (KS CDL # [REDACTED]) operated a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver David Goodell operated in commerce on an intrastate trip from Hartford, Kansas to Olpe, Kansas. This trip is evidenced by invoice # 035320. At the time of this trip and time of this review carrier was found to in violation of failing to require driver to make a record of duty status



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Part B Violations

5 STATE	Primary 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.
 On May 23, 2018 David Goodell (KS CDL # [REDACTED]) operated a 1999 International (VIN # [REDACTED] 517655.) This vehicle has a gross vehicle weight rating of 54,000 lbs Driver David Goodell operated in commerce on an intrastate trip from Hartford, Kansas to Olpe, Kansas. This trip is evidenced by invoice # 035320. At the time of this trip and time of this review carrier was found to in violation of failing to keep minimum records of inspection and vehicle maintenance

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

Your proposed safety rating is :

This Review is not Rated.

DAVID GOODELL
U.S. DOT #. 0000

Review Date:
09/11/2018

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](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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Safety Management Process Breakdowns and Remedies

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. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN David Goodell failed to have any means of tracking hours of service. Carrier violations occurred due to a breakdown regarding 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 to 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 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 Qualification and Hiring.

- Ensure that prospective drivers have a history of driving within Hours-of-Service (HOS) regulations by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding HOS Violations going back three years. Create a detailed written record of each inquiry.
- Ensure that whoever is responsible for monitoring and tracking Hours of Service (HOS) knows the relevant regulations, how the carrier/dispatcher operates, the company's disciplinary policy and procedures, and how to use supporting documents such as toll and fuel receipts to see if data are accurate
- Ensure that dispatchers have good planning, communication, and simple mathematical skills.
- Ensure that drivers have sufficient planning skills to know when they should be driving and stopping, basic mathematical skills to calculate their hours and miles, and good organizational skills to keep each Record of Duty Status (RODS) up to date continuously by adding information at every stop.
- Ensure that there are enough people to review Hours-of-Service (HOS) data for all drivers, or invest in Electronic On-board Recording (EOBR) for continuous real-time review
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, driver, and dispatcher, using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.


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. DRIVER FITNESS BASIC PROCESS BREAKDOWN Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN David Goodell's violations occurred due to a breakdown in the policies and procedures elements of compliance 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



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Safety Management Process Breakdowns and Remedies

the documents verifying their compliance require continued monitoring to ensure 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 the driver qualification file. Use the 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. If you have any questions or concerns feel free to contact me at 913-755-1289

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. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN. Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN David Goodell 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



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Safety Management Process Breakdowns and Remedies

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.

6. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN. Monitoring and Tracking

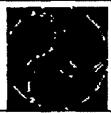
DESCRIPTION OF PROCESS BREAKDOWN. David Goodell's violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier neglected to establish the appropriate maintenance file on his commercial motor vehicle. Carrier must create the policies 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 Create your maintenance file, schedules, and maintain all evidence of repairs in this 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 Monitoring and Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.





DAVID GOODELL
U.S DOT # 0000

Review Date
09/11/2018

Safety Management Process Breakdowns and Remedies

- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRS), roadside inspections, and other data, applying performance standards fairly, consistently, and equitably, and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue 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](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.

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 David Goodell's operating authority and/or the impoundment of David Goodell's commercial motor vehicles.

Carrier Representative

Date





GOODSELL GRAVEL (DAVID GOODSELL dba)
U.S. DOT # 0000

Safety Management Process Breakdowns and Remedies

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David Goodsell
Carrier Representative

6/21/18
Date

ATTACHMENT "B"

277250

035320

DATE 5-23-18

CUSTOMER'S ORDER NO.

DEPARTMENT

NAME

Ag Choice

ADDRESS

CITY, STATE, ZIP

Opoe, KS

SOLD BY

CASH

C.O.D.

CHARGE

ON. ACCT.

MOSE. RETD.

PAID OUT

QUANTITY

DESCRIPTION

PRICE

AMOUNT

1			
2	50.05		
3	141.59		
4	191.54		
5	7.50		
6	1436.55	63715	1436.55
7			
8	1770.77		1770.77
9			
10	705.94		705.94
11			
12			
13	12 loads gravel		3913.26
14			
15			
16			
17			
18			

[Handwritten signature]

RECEIVED BY

CERTIFICATE OF SERVICE

19-TRAM-146-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 10/24/2018.

DAVID GOODELL
830 ROAD K
OLPE, KS 66865

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KANSAS CORPORATION COMMISSION
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TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe