



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
19-TRAM-347-PEN

March 5, 2019

Jerid Dusek, Managing Member
Renegade Towing & Recovery LLC
2723 O Street
Belleville, KS 66935

This is a notice of a penalty assessment against Renegade Towing & Recovery LLC (Renegade Towing) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 11, 2019, by Kansas Corporation Commission Special Investigator Wade Patterson. 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: Renegade Towing has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, 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 Renegade Towing 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. Renegade Towing must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$500 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

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

In the Matter of the Investigation of **Renegade**)
Towing & Recovery LLC, of Belleville, KS,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-347-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. 2018 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. 2018 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. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

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

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

II. BACKGROUND

4. Renegade Towing & Recovery LLC (Renegade Towing) has private and common operating authority with the Commission and further operates under USDOT number 2845935.

5. Jarid Dusek attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on December 3, 2018, on behalf of Renegade Towing.

6. Renegade Towing is a private and common motor carrier which primarily hauls general freight, motor vehicles and driveaway/towaway.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on February 11, 2019, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Renegade Towing. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 15, 2018, Renegade Towing required or permitted its driver, Rodney Dusek, to operate a CDL-required commercial motor vehicle, a 1996 Peterbilt, VIN ending in 387922, GVWR 85,500 lbs., in

interstate commerce from Belleville, Kansas to Sioux City, Iowa. This trip is evidenced by Driver's Daily Log, dated November 15, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Renegade Towing failed to maintain a copy of the driver's motor vehicle record in his driver qualification file. The special investigator discovered three (3) violations of this type. Renegade Towing's failure to maintain a copy of the motor vehicle record received from each State in the driver qualification file is a violation of 49 C.F.R. 391.51(b)(4), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a, above, Renegade Towing required its driver to driver after more than eight (8) hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. The carrier's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Renegade Towing committed two (2) violation(s) of Kansas law that governs motor carriers,

including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$500 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Renegade Towing be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Renegade Towing 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 Renegade Towing because it is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108.

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

THE COMMISSION THEREFORE ORDERS THAT:

A. Renegade Towing & Recovery LLC, of Belleville, KS is hereby assessed a \$500 civil penalty for two (2) violation(s) of Kansas law governing the regulation of motor carriers,

the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Renegade Towing 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. Renegade Towing 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. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Renegade Towing's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against Renegade Towing, and ordering a representative from Renegade Towing 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 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 \$500 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 Renegade Towing'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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner





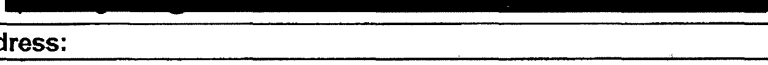
Dated: 03/05/2019


A handwritten signature in cursive script, appearing to read "Lynn M. Retz".

Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 2845935	Legal: RENEGADE TOWING & RECOVERY LLC Operating (DBA):																										
MC/MX #: 18588		Federal Tax ID:  (EIN)																										
Review Type: Non-ratable Review - CSA		Focused Investigation																										
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:																								
Operation Types Interstate Intrastate																												
Carrier: HM N/A Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: \$  for year ending: 12/31/2018																										
Company Physical Address: 2723 O ST BELLEVILLE, KS 66935-2939																												
Contact Name: Jerid Dusek Phone numbers: (1)  E-Mail Address: 																												
Company Mailing Address: 2723 O ST BELLEVILLE, KS 66935-2939																												
Carrier Classification <table style="width: 100%;"> <tr> <td style="width: 33%;">Authorized for Hire</td> <td style="width: 33%;">Private Property</td> <td style="width: 34%;"></td> </tr> </table>					Authorized for Hire	Private Property																						
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Cargo Classification <table style="width: 100%;"> <tr> <td style="width: 33%;">General Freight</td> <td style="width: 33%;">Motor Vehicles</td> <td style="width: 34%;">Driveaway / Towaway</td> </tr> </table>					General Freight	Motor Vehicles	Driveaway / Towaway																					
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Trailer	0	1	0																									
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Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A																												
Driver Information <table style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;">Inter</td> <td style="width: 10%;">Intra</td> <td style="width: 50%;">Average trip leased drivers/month: 0</td> </tr> <tr> <td>< 100 Miles:</td> <td></td> <td></td> <td>Total Drivers: 3</td> </tr> <tr> <td>>= 100 Miles:</td> <td>3</td> <td></td> <td>CDL Drivers: 3</td> </tr> </table>						Inter	Intra	Average trip leased drivers/month: 0	< 100 Miles:			Total Drivers: 3	>= 100 Miles:	3		CDL Drivers: 3												
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>= 100 Miles:	3		CDL Drivers: 3																									

	RENEGADE TOWING & RECOVERY LLC U.S. DOT # 2845935	Review Date 02/11/2019
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Part A

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

This report will be used to assess your safety compliance.

Person(s) Interviewed


Name: Jerid Dusek

Title: Owner

Name:

Title:



	RENEGADE TOWING & RECOVERY LLC	Review Date:
	U.S. DOT #: 2845935	02/11/2019

Part B Violations

1 FEDERAL	Primary: 391.51(b)(2)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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Description

Failing to maintain inquiries into driver's driving record in driver's qualification file

Example

On 11/15/2018, Renegade Towing and Recovery LLC had driver Rodney Dusek (KS CDL # [REDACTED]) operate a commercial motor vehicle (Unit #5 1996 Peterbilt 379 VIN# [REDACTED] 387922) in interstate commerce. This vehicle has a gross weight rating of 85,500 lbs. Driver Rodney Dusek operated this vehicle from the carrier's principal place of business in Belleville Kansas to Sioux City Iowa. This trip is evidenced by a driver hours of service record. At the time of this trip, carrier failed to maintain inquiries into the driver's driving record in driver's qualification file.

2 FEDERAL	Primary: 391.51(b)(5)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Example

On 11/15/2018, Renegade Towing and Recovery LLC had driver Rodney Dusek (KS CDL # [REDACTED]) operate a commercial motor vehicle (Unit #5 1996 Peterbilt 379 VIN# [REDACTED] 387922) in interstate commerce. This vehicle has a gross weight rating of 85,500 lbs. Driver Rodney Dusek operated this vehicle from the carrier's principal place of business in Belleville Kansas to Sioux City Iowa. This trip is evidenced by a driver hours of service record. At the time of this trip, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

3 FEDERAL	Primary: 391.51(b)(6)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

On 11/15/2018, Renegade Towing and Recovery LLC had driver Rodney Dusek (KS CDL # [REDACTED]) operate a commercial motor vehicle (Unit #5 1996 Peterbilt 379 VIN# [REDACTED] 387922) in interstate commerce. This vehicle has a gross weight rating of 85,500 lbs. Driver Rodney Dusek operated this vehicle from the carrier's principal place of business in Belleville Kansas to Sioux City Iowa. This trip is evidenced by a driver hours of service record. At the time of this trip, carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

4 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.

Example

On 11/15/2018, Renegade Towing and Recovery LLC had driver Rodney Dusek (KS CDL # [REDACTED]) operate a commercial motor vehicle (Unit #5 1996 Peterbilt 379 VIN# [REDACTED] 387922) in interstate commerce. This vehicle has a gross weight rating of 85,500 lbs. Driver Rodney Dusek operated this vehicle from the carrier's principal place of business in Belleville Kansas to Sioux City Iowa. This trip is evidenced by a driver hours of service record. At the time of this trip, carrier required or permitted a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.



	RENEGADE TOWING & RECOVERY LLC U.S. DOT #. 2845935	Review Date: 02/11/2019
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Part B Violations

Safety Fitness Rating Information:	OOS Vehicle (CR): 0
Total Miles Operated 35,000	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.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.



Safety Management Process Breakdowns and Remedies

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>

For all Investigations that could result in a Notice of Claim.

- PLEASE NOTE. The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

For all Investigations that did not result in a Cooperative Safety Plan

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example. vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:



RENEGADE TOWING & RECOVERY LLC
U.S. DOT # 2845935

Review Date:
02/11/2019

Safety Management Process Breakdowns and Remedies

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

2. 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.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN. Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN.


Renegade Towing & Recovery LLC's violations occurred due to a breakdown in the monitoring and tracking elements of compliance regarding hours of service. Carrier failed to ensure that drivers are taking the mandatory 30 minute break within the first eight hours of operating a commercial motor vehicle. Ensure that driver supervisors are examining all driver hours of service records to ensure compliance with the regulations. Compare logs to supporting documents to ensure accuracy of the time records. If you have questions or needs, please do not hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://a.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring



	RENEGADE TOWING & RECOVERY LLC U.S. DOT # 2845935	Review Date 02/11/2019
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Safety Management Process Breakdowns and Remedies

drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.

- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

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

4. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Renegade Towing & Recovery LLC's violations occurred due a breakdown in the roles and responsibilities elements of compliance within this section of the regulations. Carrier failed to ensure that the annual requirements of the driver qualification files were executed for each commercial motor vehicle operator. Carrier failed to maintain annual copies of driver MVRs (motor vehicle records), driver listing of violations, and carrier certification of driver violations. If you have difficulties regarding compliance within this section of the regulations, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices. The following are recommended practices related to Roles and Responsibilities.

- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
- Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

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.



ATTACHMENT “B”

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John D. Jones

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WILLIAM
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[illegible]

Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair and views the target through a video camera. The target is a small object (e.g., a ball) that is suspended in the air. The subject's hand is positioned near the target. The distance between the hand and the target is the reach distance. The subject is instructed to move the hand towards the target and catch it. The video camera records the hand's position and the target's position. The data is then used to calculate the reach distance and the time to catch the target.

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CERTIFICATE OF SERVICE

19-TRAM-347-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 03/06/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe