

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

November 1, 2018

19-TRAM-164-PEN

Stacey Masters, General Manager
Twenty-First Century Bean Processing LLC
PO Box 68
Sharon Springs, KS 67758

This is a notice of a penalty assessment against Twenty-First Century Bean Processing LLC (21st Century Bean) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 4, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. 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: 21st Century Bean 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 21st Century Bean 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. 21st Century Bean 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 \$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,

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

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

**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 **Twenty-**)
First Century Bean Processing LLC, of)
Sharon Springs, KS, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-164-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.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 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. Twenty-First Century Bean Processing LLC (21st Century Bean) operates under USDOT number 1718085.

5. 21st Century Bean transports packaged beans between two processing plants And warehouses. It is also a brokerage who will broker loads to other carriers for transport across 48 continuous United States.

6. 21st Century Bean is a private and common motor carrier which primarily hauls commodities dry bulk and dry beans.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on October 4, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of 21st Century Bean. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 18, 2018, 21st Century Bean required or permitted its driver, Juan Luis Farlas, to operate a CDL-required commercial motor

vehicle, a 2000 International, VIN ending in 071156, GVWR over 33,000 lbs., in intrastate commerce from Ruleton, Kansas to Sharon Springs, Kansas. This trip is evidenced by Weight Ticket 9158, dated September 18, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, 21st Century Bean did not have private authority with the Kansas Corporation Commission to operate point-to-point in the State of Kansas. 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.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds 21st Century Bean committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from 21st Century Bean 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 21st Century Bean 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 21st Century Bean because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds 21st Century Bean committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Twenty-First Century Bean Processing LLC, of Sharon Springs, KS is hereby assessed a \$500 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. 21st Century Bean 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. 21st Century Bean 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 21st Century Bean's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against 21st Century Bean, and ordering a representative from 21st Century Bean 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 \$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 21st Century Bean'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





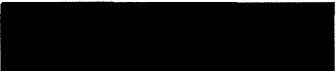
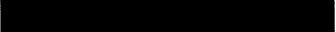
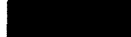
Dated: 11/01/2018




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 1718085	Legal: 21ST CENTURY BEAN PROCESSING LLC Operating (DBA):			
MC/MX #: 828229		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	Business: Corporation	
Carrier: Non-HM		Non-HM		Gross Revenue:  for year ending: 12/31/2017	
Shipper: N/A		N/A			
Cargo Tank: N/A					
Company Physical Address:					
 SHARON SPRINGS, KS 67758					
Contact Name: Stacey Masters					
Phone numbers: (1) 		Fax			
E-Mail Address: 					
Company Mailing Address:					
 SHARON SPRINGS, KS 67758-0006					
Carrier Classification					
Authorized for Hire		Private Property			
Cargo Classification					
Commodities Dry Bulk		Other: Dry Beans			
Equipment					
	Owned	Term Leased	Trip Leased		Owned
Truck Tractor	4	0	0	Trailer	4
					0
					0
Power units used in the U.S.: 4					
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	Average trip leased drivers/month: 0		
< 100 Miles:	3		Total Drivers: 4		
>= 100 Miles:	1		CDL Drivers: 4		



	21ST CENTURY BEAN PROCESSING LLC U.S. DOT #: 1718085	Review Date: 10/04/2018
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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:

1303 S.W. American Place, Suite 200
Topeka, KS. 66604
Phone: (785) 271-1260 Fax: (785) 267-7290

This report will be used to assess your safety compliance.

Person(s) Interviewed


Name: Stacey Masters

Title: General Manager

Name: 

Title: Office Manager



	21ST CENTURY BEAN PROCESSING LLC	Review Date:
	U.S. DOT #: 1718085	10/04/2018

Part B Violations

1 FEDERAL	Primary: 382.105 Secondary: 40.25(b)	Discovered 4	Checked 5	Drivers/Vehicles In Violation	Checked 5
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Description

Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.

Example

Driver: Candelario Pederaza

Trip Date: 4/12/2018 From Garden Grove, CA to La Junta, CO

Carrier did not have inquiry's from past employers on file.

2 FEDERAL	Primary: 382.601(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation	Checked 5
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Description

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.

Example

Driver: Candelario Pederaza

Trip Date: 4/12/2018 From Garden Grove, CA to La Junta, CO

The Drug and Alcohol testing policy was missing these requirements 1) The categories of drivers who are subject to the requirements. 2) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance. 3) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing. 4) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions. 5) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04. 6) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

3 FEDERAL	Primary: 387.7(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to maintain at principal place of business required proof of financial responsibility.

Example

2014 Perterbuilt KS Registration:  VIN:  247468

Trip Date: March 15, 2018 from Grand Junction, CO to Ruleton, KS

Carrier failed to have a copy of the MCS-90 at the carriers Principal Place of Business.

4 FEDERAL	Primary: 390.21(a)	Discovered 2	Checked 4	Drivers/Vehicles In Violation	Checked 4
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Description

Failing to ensure self-propelled CMV, as defined in section 390.5, is marked as specified in paragraphs (b), (c), and (d) of 390.21.

Example


Driver: Jerry Gardiner

Trip Date: March 15, 2018 from Grand Junction, CO to Ruleton, KS

2014 Perterbuilt KS Registration:  VIN:  247468

Vehicles were not marked on both side for one vehicle and missing the marking on the passenger side of the other vehicle.



	21ST CENTURY BEAN PROCESSING LLC	Review Date:
	U.S. DOT #: 1718085	10/04/2018

Part B Violations

5 FEDERAL	Primary: 391.51(b)(2)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
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Description

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

Example

Driver: Candelario Pederaza

Trip Date: 4/12/2018 From Garden Grove, CA to La Junta, CO

Background information was missing from file.

6 STATE	Primary: 392.2 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example

Driver Juan Farias

Trip Date: October 1, 2018, From Sharon Springs, KS to Ruleton, KS

Carrier failed to obtain Intrastate operating authority from the Kansas Corporation Commission as per (66,112(g))

7 FEDERAL	Primary: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example

On April 27, 2018, the FMCSA and State or Local commercial vehicle safety partners have identified a pattern of violations at the roadside over the previous 24 months that are reflected in the Unsafe Driving BASIC of the Carrier Safety Measurement System. Driver Shaun Beavers on a trip from Salem, OR, to Mankato, MN operated a CMV 6 to 10 miles per hour over the posted speed limit, (67/60)

8 FEDERAL	Primary: 395.3(a)(2)	Discovered 2	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

Example

Driver: Shaun Beavers

Trip Date: 4/20/2018 From Rimrock, AZ to San Diego, CA 05/23-24/89 - Shaun Beavers drove 3 hours past the 14th hour since coming on duty." from 11:am to 1:00pm.

9 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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Description

Driving 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

Driver: Jerry Gardiner

Trip Date: 7/31/2018 from Brooklyn, IA to Goodland, KS

Driver failed to take a 30 minute breaks after coming out of the sleeper berth after more than 8 hours have passed.



	21ST CENTURY BEAN PROCESSING LLC	Review Date:
	U.S. DOT #: 1718085	10/04/2018

Part B Violations

10 FEDERAL	Primary: 395.8(a)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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Description

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

Example

Driver: Juan Farias

Trip Date: 9/22/2018 From Ruleton, KS to Sharon Springs, KS

Scale ticket shows a pick up in Ruleton, KS with a delivery to Sharon Springs, KS the time card for the driver show off duty.

11 FEDERAL	Primary: 395.8(e)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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Description

False reports of records of duty status.

Example

Driver: Jerry Gardiner

Trip Date: 7/21/2018 From Valley, NE to Sharon Springs, KS

Came on duty in Valley, NE at 2:42am and went off duty in Sharon Springs, KS at 9:46am with no drive time indicated and a distance of 404 miles, 6 hours, 11 minutes.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	55,524	Number of Vehicle Inspected (CR): 0
Recordable Accidents	1	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.



21ST CENTURY BEAN PROCESSING LLC
U.S. DOT #: 1718085

Review Date:
10/04/2018

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.

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. 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.

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>

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN:

The carrier has a safety manager located in California where safety management of the carrier is conducted. With the carrier experiencing violations with the Hours-of Service the carrier should implement a system where the drivers Hours of Service is more closely monitored at the carrier's principal place of business. With the carrier's management able to more closely monitor the drivers records of duty status, may aid the carrier identify issues and improve the carrier's safety posture with Hours-of-Service.

BASIC SPECIFIC RECOMMENDED REMEDIES



Safety Management Process Breakdowns and 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://ai.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 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.

3. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN:


The carrier does have a designated person to monitor the drivers driving behaviors however, the carrier is still experiencing violation with Unsafe Driving. The carrier should designate someone from the management team at the carrier's principal place of business, where unsafe driving behaviors can be more closely monitored. By having a designated person at the principal place of business, the carrier may better be able to identify unsafe driving behaviors and correct them and promote safe driving behaviors therefore, possibly improving the carriers safety posture with unsafe driving violations being cited roadside.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Managers are responsible for making certain that employees receive safe-driving training in accordance with State or Federal regulations and company policy, including safe-driving procedures while carrying HAZMAT (if applicable) - for example, counteracting sloshing in cargo tanks and no smoking.
- Define and document roles and responsibilities of managers and supervisors for implementing safe-driving policies and monitoring compliance with them.
- Ensure that dispatchers and operation managers are responsible for analyzing trips to ascertain that drivers can complete them without speeding.
- Define and document driver roles and responsibilities associated with compliance with Federal, State, and local laws and ordinances related to unsafe driving.

Seek Out Resources:

	21ST CENTURY BEAN PROCESSING LLC U.S. DOT #: 1718085	Review Date: 10/04/2018
Safety Management Process Breakdowns and Remedies		

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

9153

— CUSTOM WEIGHT —

21ST CENTURY
BEAV
785.852.4203

Date 9-18-18

☐ On

Load of

Pinto S old crop

Driver:

☒ Off

FROM

ruleton

To

SS Flat

First
Weight
GROSS

Second
Weight
TARE

Price

Amt. \$

Remarks:

EAST BIN
White Truck

54,960

LBS. NET

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CERTIFICATE OF SERVICE

19-TRAM-164-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 11/02/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe