

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Emergency Suspension of)
Operating Authority of **JF Sod & Landscaping,**)
LLC of Kansas City, Kansas, for Failure to)
Comply with New Entrant Safety Requirements as)
Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

Docket No. 19-TRAM-513-OOS

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds 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, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-1, 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, and amendments thereto, 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. Pursuant to K.S.A. 2018 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. JF Sod & Landscaping, LLC is a motor carrier as defined in K.A.R. 82-4-1 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. JF Sod & Landscaping, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 3259859.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that JF Sod & Landscaping, LLC's New Entrant Registration had been revoked effective June 10, 2019, for failure to comply with safety requirements.

7. Pursuant to the above authority, on June 20, 2019, the Commission entered an Emergency Suspension of Operating Authority Order on JF Sod & Landscaping, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On July 11, 2019, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that JF Sod & Landscaping, LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 3259859 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate JF Sod & Landscaping, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over JF Sod & Landscaping, LLC because it is a motor carrier as defined in K.A.R. 82-4-1.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate JF Sod & Landscaping, LLC's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. JF Sod & Landscaping, LLC's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

B. JF Sod & Landscaping, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on June 20, 2019, and provide proof of attendance to Litigation Counsel.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 07/16/2019

A handwritten signature in black ink, reading "Lynn M. Retz". The signature is written in a cursive style with a prominent horizontal line at the end.

Lynn M. Retz
Executive Director

AAL



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590
July 11, 2019

MARIA ZUNIGA SR.
JF SOD & LANDSCAPING LLC
JF SOD & LANDSCAPING LLC
1924 S FERREE ST
KANSAS CITY, KS 66103-1427

In reply refer to:
USDOT Number: 3259859

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since JF SOD & LANDSCAPING LLC's USDOT New Entrant registration was revoked on June 10, 2019, and that JF SOD & LANDSCAPING LLC has reapplied in accordance with 49 CFR 385.329. This is to inform JF SOD & LANDSCAPING LLC that JF SOD & LANDSCAPING LLC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; JF SOD & LANDSCAPING LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-368-7187 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of JF SOD & LANDSCAPING LLC's USDOT New Entrant registration and JF SOD & LANDSCAPING LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

JF SOD & LANDSCAPING LLC's 18-month new entrant safety monitoring period restarts as of July 11, 2019. FMCSA will continue to monitor and evaluate JF SOD & LANDSCAPING LLC's safety management practices and on-road performance to ensure JF SOD & LANDSCAPING LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of JF SOD & LANDSCAPING LLC's USDOT New Entrant or permanent registration.

JF SOD & LANDSCAPING LLC's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by JF SOD & LANDSCAPING LLC as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

CERTIFICATE OF SERVICE

19-TRAM-513-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 07/17/2019.

MARIA ZUNIGA, MANAGER
JF SOD & LANDSCAPING, LLC
1924 S FERREE ST
KANSAS CITY, KS 66103-1427

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/S/ DeeAnn Shupe
DeeAnn Shupe