

STATE OF KANSAS

20181011114304
Kansas Corporation Commission

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

October 11, 2018

19-TRAM-132-PEN

Jose A. Solis, Construction Coordinator
PPJ Construction Inc.
3750 N Old Lawrence Rd
Wichita, KS 67219

This is a notice of a penalty assessment against PPJ Construction Inc. (PPJ Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 29, 2018, by Kansas Corporation Commission Special Investigator Gary Goeller. 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: PPJ Construction has been assessed a \$3,000 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$3,000, 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 PPJ Construction 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. PPJ Construction 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 \$3,000 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,


Arsan 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 **PPJ**)
Construction Inc., of Wichita, KS, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 19-TRAM-132-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2017 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

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

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and 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. PPJ Construction Inc. (PPJ Construction) operates USDOT number 1130296.

5. PPJ Construction is an intrastate and interstate motor carrier that owns 10 trucks and 12 trailers and employs 8 CDL drivers.

6. PPJ Construction is a private motor carrier which primarily hauls building materials, machinery, large objects and construction.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 29, 2018, Commission Staff (Staff) Special Investigator Gary Goeller conducted a compliance review of the operations of PPJ Construction. 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 six (6) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 10, 2017, PPJ Construction required or permitted its driver, Everado Escamilla-Gonzalez to operate a CDL-required commercial motor vehicle, a 1999 Sterling, VIN ending in 62363, GVWR 58,000 lbs., pulling a 2011 Trail King trailer, VIN ending in 072435, GVWR 30,660

lbs., in interstate commerce from Wichita, Kansas to St. Louis, Missouri. This trip is evidenced by Driver/Vehicle Examination Report Number MOA3WA003382, dated July 10, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, PPJ Construction had not paid its Unified Carrier Registration (UCR) fees for 2017 prior to operating interstate. The carrier's failure to annually register its commercial motor vehicle(s) operating in interstate commerce over the highways of this state and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 2017 Supp. 66-1,139a and K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

- b. During the transportation described in paragraph a., above, PPJ Construction failed to obtain a negative pre-employment controlled substance test result on its driver. The carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances USDOT regulated test and to obtain a negative test result within 30 days of him/her employment and prior to requiring or permitting him/her to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(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 \$1,000.
- c. During the transportation described in paragraph a., above, PPJ Construction failed to provide educational materials to its driving

explaining its alcohol and controlled substance abuse testing policy. The carrier's failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver's qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

- d. On August 15, 2017, PPJ Construction required or permitted its driver, Epifanio Cedillo, to operate a CDL-required commercial motor vehicle, a 2015 Ford truck, VIN ending in 86951, GVWR 14,000 lbs., pulling a 2011 PJ trailer, VIN ending in 1152054, GVWR 14,000 lbs., in intrastate commerce in and around the area of Wichita, Kansas. This trip was observed by the special investigator named above. At the time of this transportation, PPJ Construction's driver did not have a valid Class A commercial driver's license. The carrier's failure to require its driver to have a valid Class A driver's license to operate a commercial motor vehicle is a violation of 49 C.F.R. 392.2 (K.S.A. 8-2,125), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-2,125. Staff recommends a fine of \$500.
- e. During the transportation described in paragraph a., above, PPJ Construction failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment. The special investigator discovered two

(2) violations of this type. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- f. During the transportation described in paragraph a., above, PPJ Construction had not obtained and documented a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds PPJ Construction committed six (6) 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 \$3,000 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

13. The Commission finds PPJ Construction committed six (6) 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. PPJ Construction Inc., of Wichita, KS is hereby assessed a \$3,000 civil penalty for six (6) 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. PPJ Construction 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. PPJ Construction 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 PPJ Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$3,000 civil penalty against PPJ Construction, and ordering a representative from PPJ Construction 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 \$3,000 is due in thirty (30) days from the date of service of this Order. Payment of \$3,000 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 \$3,000 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 PPJ Construction'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: 10/11/2018




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “C”

ATTACHMENT “A”

	US DOT # 1130296	Legal: PPJ CONSTRUCTION INC			
	Operating (DBA):				
MC/MX #:		State #: 0000000		Federal Tax [REDACTED] (EIN)	
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory: F
Operation Types Interstate Intrastate					
Carrier: HM HM		Business: Corporation Gross Revenue: [REDACTED] for year ending: 8/31/2017			
Shipper: N/A N/A					
Cargo Tank: N/A					
Company Physical Address:					
[REDACTED] WICHITA, KS 67219					
Contact Name: Jesus A Solis					
Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED]					
E-Mail Address: [REDACTED]					
Company Mailing Address:					
[REDACTED] WICHITA, KS 67219					
Carrier Classification					
Private Property					
Cargo Classification					
Building Materials		Machinery, Large Objects		Construction	
Hazardous Materials					
9 Miscellaneous HM		Carried	Non-Bulk	9 (Elev temp material)	Carried Bulk
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	10	0	0	Trailer	12 0 0
Power units used in the U.S.: 10					
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 Total Drivers: 9 CDL Drivers: 8		
< 100 Miles:	2	7			
>= 100 Miles:	0	0			





PPJ CONSTRUCTION INC
U.S. DOT #: 1130296

State #: 0000000

Review Date:
08/29/2018

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: Jesus A Solis

Title: Consturction Coordinator

Name:

Title:





PPJ CONSTRUCTION INC
U.S. DOT #: 1130296

State #: 0000000

Review Date:
08/29/2018

Part B Violations

1 FEDERAL	Primary: 387.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
Description Failed to pay Unified Carrier Registration Fees (UCR) Example Everado Escamilla-Gonzalez Trip date 07-10-2017 Operated a 1999 Sterling Truck KS Vin# [REDACTED] 62363, KS Tag# [REDACTED] gvr 58000 LBS, and a 2011 Trail King KS tag# [REDACTED], KS Vin# [REDACTED] 072435 gvr 30660 lbs. on a trip from Wichita, KS to St. Louis, MO 2016 and 2017 UCR fees paid on 08-17-2017					
2 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example Everado Escamilla-Gonzalez Hire Date 03.20.2017 Trip date 07-10-2017 Carrier driver Everado Escamilla left employment with PPJ Construction in August 10, 2016 and was not re hired until 03.20.2017. Operated a 1999 Sterling Truck KS Vin# [REDACTED] 62363, KS Tag# [REDACTED] gvr 58000 LBS, and a 2011 Trail King KS tag# [REDACTED], KS Vin# [REDACTED] 072435 gvr 30660 lbs. on a trip from Wichita, KS to St. Louis, MO					
3 FEDERAL	Primary: 382.601(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
Description Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies. Example Everado Escamilla-Gonzalez Trip date 07-10-2017 Operated a 1999 Sterling Truck KS Vin# [REDACTED] 62363, KS Tag# [REDACTED] gvr 58000 LBS, and a 2011 Trail King KS tag# [REDACTED], KS Vin# [REDACTED] 072435 gvr 30660 lbs. on a trip from Wichita, KS to St. Louis, MO					
4 STATE	Primary: 392.2 Secondary: 8-2,125 CFR Equivalent: 383.23(a)(1)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Operating a CMV before taking and passing written and driving tests for a CLP or CDL for the group or groups of CMV required. Example Epifanio Cedillo Trip date 08 15 2017 Observed driver Operating a 2015 Ford Truck KS Vin# [REDACTED] 86951 KS Tag# [REDACTED] gvr 14000, and a 2011 PJ Trailer KS Vin# [REDACTED] 1152054, gvr 14000 lbs on a trip in Wichita, KS while he did not posses a valid Class A CDL license.					





PPJ CONSTRUCTION INC
U.S. DOT #: 1130298

State #: 0000000

Review Date:
08/29/2018

Part B Violations

5 FEDERAL	Primary: 391.23(b)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description (b) A copy of the motor vehicle record(s) obtained in response to the inquiry or inquiries to each State required by paragraph (a)(1) of this section must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with § 391.51 Example Everado Escamilla-Gonzalez Trip date 07-10-2017 Hire Date 03.20.2017 Operated a 1999 Sterling Truck KS Vin# [REDACTED] 62363, KS Tag# [REDACTED] gvwr 58000 LBS, and a 2011 Trail King KS tag# [REDACTED], KS Vin# [REDACTED] 072435 gvwr 30660 lbs. on a trip from Wichita, KS to St. Louis, MO. Driver previous employed but had left company on 08.12.2016 and was not employed by carrier again until 03.20.2017 Larry Olivarez hired 01.03.2017 no mvr in 30 days					
6 FEDERAL	Primary: 395.8(f)(11)	Discovered 20	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
Description Fail to total hours on Record of duty status Example Everado Escamilla-Gonzalez Trip date 07-14-2017 Driver failed to list office address and total hours on graph of RODS. Driver also failed to list Office address 395.8(f)(9) Operated a 1999 Sterling Truck KS Vin# [REDACTED] 62363, KS Tag# [REDACTED] gvwr 58000 LBS, and a 2011 Trail King KS tag# [REDACTED], KS Vin# [REDACTED] 072435 gvwr 30660 lbs. on a trip from Oakville, MO to Wichita, KS					
7 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
Description Using a commercial motor vehicle not periodically inspected. Example Everado Escamilla-Gonzalez Trip date 07-10-2017 2011 Trail King file had no history of any annual periodic inspection or did the trailer. Operated a 1999 Sterling Truck KS Vin# [REDACTED] 62363, KS Tag# [REDACTED] gvwr 58000 LBS, and a 2011 Trail King KS tag# [REDACTED], KS Vin# [REDACTED] 072435 gvwr 30660 lbs. on a trip from Wichita, KS to St. Louis, MO					
Safety Fitness Rating Information:					
Total Miles Operated 100,000		OOS Vehicle (CR): 0			
Recordable Accidents 0		Number of Vehicle Inspected (CR): 0			
Recordable Accidents/Million Miles 0.00		OOS Vehicle (MCMIS): 3			
		Number of Vehicles Inspected (MCMIS): 5			





PPJ CONSTRUCTION INC
U.S. DOT #: 1130296

State #: 0000000

Review Date:
08/29/2018

Part B Violations

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	C	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





PPJ CONSTRUCTION INC
U.S. DOT #: 1130296

State #: 0000000

Review Date:
11/14/2017

Part B Requirements and/or Recommendations

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>

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 carrier's 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.

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 recurrence 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





PPJ CONSTRUCTION INC
U.S. DOT #: 1130296

State #: 0000000

Review Date:
11/14/2017

Part B Requirements and/or Recommendations

Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
5. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
6. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
7. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
8. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
9. This review will result in a Safety Rating.
10. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
11. 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 PPJ Construction Inc's vehicles operating authority and/or the impoundment of PPJ Construction Inc's vehicles.
Signed *Jesus A. Sola*
Date 11-14-2017
12. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Gary Goeller at 785-623-0541 or email at g.goeller@kcc.ks.gov



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Missouri State Highway Patrol
Commercial Vehicle Enforcement Division
Post Office Box 568
Jefferson City, MO 65102-0568
Phone: (573)526-6128 Fax: (573)526-4637

Report Number: MOA3WA003382
Inspection Date: 07/10/2017
Start: 9:37 AM CT End: 10:59 AM CT
Inspection Level: I - Full
HM Inspection Type: None

PPJ CONSTRUCTION INC

WICHITA, KS, 67219

USDOT: 1130296

MC/MX#:

State#:

Location: MAYVIEW A3E

Highway: I-70

County:

Phone:

Fax#:

Driver: ESCAMILLA- GONZALES, EVERA

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: 43 Shipper: PP&J CONSTRUCTION.

Origin: WICHITA, KS

Destination: ST. LOUIS, MO

Bill of Lading: N/A

Cargo: COMPANY EQUIPMENT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GWR	CVSA #	Issued #	OOS Sticker
1	TT	STER	1999	KS		3	52363 58000				A3WA003382
2	ST	TRK	2011	KS			072435 30660				A3WA003382

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	5/8	1 5/8	7/8	INOP	INOP
Left	3/4	1 1/8	7/8	INOP	INOP
Chamber	C-20	C-30	C-30	ELEC	ELEC

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
304.160-D	S	D	N		N	OVER WEIGHT 1-2500 LBS AXLE/AXLE GROUPS
396.3A1BL	F	1	Y		U	Brake system pressure loss
396.3A1B	F	1	N		N	Brakes (general) Explain:
393.45B2	F	1	N		N	Brake hose or tubing chafing and/or kinking
393.78	F	1	N		N	Windshield wipers inoperative/defective
393.48A	F	2	N		N	Inoperative/defective brakes
393.48A	F	2	N		N	Inoperative/defective brakes
393.48A	F	2	N		N	Inoperative/defective brakes
393.48A	F	2	N		N	Inoperative/defective brakes
396.3A1BOS	F	2	Y		U	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
393.43	F	2	Y		U	No/improper breakaway or emergency braking
393.26F	F	2	Y		U	Stop lamp violations
393.9	F	2	N		N	Inoperable Required Lamp

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

* I hereby declare the above vehicle(s)/drivers as "OUT OF SERVICE". No person shall remove the "OUT OF SERVICE" sticker(s) applied to this/these vehicle(s) or operate such vehicle(s) until the OUT-OF-SERVICE defect(s) has/have been repaired and vehicle(s) restored to a safe operating condition.
Signature Of Repaker X: _____ Facility: _____ Date: _____

I certify that the above violation(s) was/were corrected.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

NOTICE TO DRIVER/MOTOR CARRIER: The motor carrier name that appears on this report must sign the certification and fax, mail to the Missouri State Highway Patrol, Commercial Vehicle Enforcement Division, P.O. Box 568, Jefferson City, MO 65102-0568 or Email to cvemail@mshp.dps.mo.gov within 15 days. If no violations were discovered, you are NOT required to sign and return a copy of the report.***Warning*** If this box is checked(), A separate traffic citation was issued to the violator. Please refer to the issued traffic citation for additional information. DO NOT send fine payment with the return of this report.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____



DRIVER/VEHICLE EXAMINATION REPORT

Missouri State Highway Patrol
Commercial Vehicle Enforcement Division
Post Office Box 568
Jefferson City, MO 65102-0568
Phone: (573)526-6128 Fax: (573)526-4637

Report Number: MOA3WA003382
Inspection Date: 07/10/2017
Start: 9:37 AM CT End: 10:59 AM CT
Inspection Level: I - Full
HM Inspection Type: None

Report Prepared By: Badge #:
C. SHERMAN W212

Copy Received By:
EVERA ESCAMILLA- GONZALES

X

X



CERTIFICATE OF SERVICE

19-TRAM-132-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 10/12/2018.

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

JESUS A. SOLIS, PRESIDENT
PPJ CONSTRUCTION INC
3750 N OLD LAWRENCE RD
WICHITA, KS 67219
Fax: 316-831-0357

/S/ DeeAnn Shupe

DeeAnn Shupe