

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner



20220728112137
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
23-TRAM-007-PEN

July 28, 2022

Robert Long, Member
Long Haul Trucking LLC
6423 Hagan St
Shawnee, KS 66216

This is a notice of a penalty assessment against Long Haul Trucking LLC (Long Haul Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 8, 2022, by Kansas Corporation Commission Special Investigator Matt Adams. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. 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: Long Haul Trucking has been assessed a \$1,900 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,900, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 Long Haul Trucking 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.

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. Long Haul Trucking 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,900 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,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Investigation of **Long Haul**)
Trucking LLC, of Shawnee, KS, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 23-TRAM-007-PEN
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 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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. Long Haul Trucking LLC (Long Haul Trucking or Carrier) is a common carrier that operates under USDOT number 2901327.

5. Carrier has never attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission.

6. Long Haul Trucking is a common motor carrier which primarily hauls construction and asphalt.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on June 8, 2022, Commission Staff (Staff) Special Investigator Matt Adams conducted a safety compliance review of the operations of Long Haul Trucking. 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 Four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 17, 2022, Long Haul Trucking required or permitted its driver, Wardell Lyday, to operate a CDL-required commercial motor vehicle, a 2007 Sterling Dump Truck, VIN ending in 81197, GVWR 52,000 lbs., in

intrastate commerce from Kansas City, Kansas to Kansas City, Missouri. This trip is evidenced by Driver/Vehicle Examination Report Number MO1500010225 dated May 17, 2022, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Long Haul Trucking did not have implemented an alcohol and controlled substance testing program for its two CDL drivers. The Carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a., above, Long Haul Trucking failed to conduct a pre-employment inquiry with the Drug and Alcohol Clearinghouse into its drivers. The Carrier’s failure to conduct a pre-employment inquiry is a violation of 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$0.00, as the Carrier has already been penalized for failure to implement an alcohol and controlled substance testing program in paragraph a, above.
- c. During the transportation described in paragraph a., above, Long Haul Trucking failed to maintain a driver qualification file on each driver employed. The special investigator discovered two (2) violations of this type. The Carrier’s failure to maintain a driver qualification file is a

violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

- d. During the transportation described in paragraph a., above, Long Haul Trucking permitted or required its driver to operate a commercial motor vehicle that did not have a valid commercial motor vehicle registration. The Carrier's failure to obtain a commercial registration for its commercial motor vehicle is a violation of K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and implemented by K.S.A. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated July 5, 2022, attached hereto as Attachment "C" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Long Haul Trucking committed Four (4) 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.

10. Additionally, Staff recommends a civil penalty of \$1,900 for Four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Long Haul Trucking 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.

12. Staff further recommends Long Haul Trucking submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

13. Finally, Staff recommends that Long Haul Trucking 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

14. The Commission finds it has jurisdiction over Long Haul Trucking because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds Long Haul Trucking committed Four (4) 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. Long Haul Trucking LLC, of Shawnee, KS is hereby assessed a \$1,900 civil penalty for Four (4) 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. Long Haul Trucking 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Long Haul Trucking 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.

E. Pursuant to K.S.A. 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 Executive Director 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 Long Haul Trucking's right to a hearing, and this Penalty Order will become a Final Order.

F. 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.²

G. If you do not request a hearing, the payment of the civil penalty of \$1,900 is due in thirty (30) days from the date of service of this Order. Payment of \$1,900 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,900 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Long Haul Trucking's motor carrier operating authority without further notice.³ 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.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 07/28/2022



Lynn M. Retz
Executive Director


AAL

² . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

³ K.S.A. 66-1,105.

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION

		U.S. DOT#: 2901327 MC/MX#: 0		Legal: LONG HAUL TRUCKING LLC Operating (DBA):		Investigation Date: 06/30/2022	
Investigation Type: Onsite Comprehensive Investigation				Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation			
Physical Address 6423 HAGAN ST SHAWNEE, KS 66216 United States				Mailing Address 6423 HAGAN ST SHAWNEE, KS 66216 United States			
Contact Information Contact Name: ROBERT LONG Email: 39long@gmail.com Phone: (913)208-8012 Cell: (913)208-8012 Fax: ()-							
Business and Financial Business Type: Limited Liability Corporation Name of Gross Revenue Provider: Robert Long Title of Gross Revenue Provider: Owner Gross Revenue: \$115,000.00 For Year Ending: 12/31/2021 Federal Tax ID: 81-2720427 (EIN)							
Operation Classification and Type Type of Operation: Non-HM Interstate Carrier Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight				Cargo Construction, Other (Asphalt and aggregate materials)			
Equipment				Driver Information			
	Owned	Term Leased	Trip Leased	Drivers			
Straight Trucks	2				Intrastate	Interstate	
Power units used in the U.S.: 2 Percentage of time used in the U.S.: 100%				< 100 Miles		2	
				> = 100 Miles			
				Average trip leased driver/month: 0 Drivers with CDL: 2 Total Drivers: 2			
Person(s) Interviewed							
Name: ROBERT LONG				Title: MEMBER			

Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378
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This report will be used to assess your safety compliance.

Violations

1. Primary: 382.115(a) Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. <div><div>A</div>Acute</div>		Violations Discovered <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>	Fed	State	Total	1		1	Fed	State	Total	1		1	BASIC Impacted Controlled Substances/Alcohol	Rating Factor 2: Driver = Part 382
Fed	State	Total														
1		1														
Fed	State	Total														
1		1														
Example/Notes: On 5/17/2022 Long Haul Trucking LLC had driver Wardell Lyday (valid MO CDL #125C286002) operate a 2007 Sterling dump truck (unit 31, VIN 2FZHAZCVX7AW81197, gross vehicle weight rating 52,000 pounds) in interstate commerce hauling asphalt. Lyday operated the vehicle from Kansas City, KS to Kansas City, MO. This trip is evidenced by a job invoice, time sheet, roadside inspection, and consortium enrollment letter dated 6/6/2022. At the time of this trip, the carrier had failed to implement an alcohol and/or controlled substances testing program on the date the employer began commercial motor vehicle operations.			Drivers/Vehicles in Violation <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table>		Fed	State	Total				Fed	State	Total			
Fed	State	Total														
Fed	State	Total														
2. Primary: 392.2RG Operating a vehicle without proper registration			Violations Discovered <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>		Fed	State	Total	1		1	Fed	State	Total	1		1
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Fed	State	Total														
1		1														
Fed	State	Total														
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3. Primary: 382.701(a) Failing to conduct a pre-employment query			Violations Discovered <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>		Fed	State	Total	1		1	Fed	State	Total	1		1
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Example/Notes:			Drivers/Vehicles in Violation													

On 5/17/2022 Long Haul Trucking LLC had driver Wardell Lyday (valid MO CDL #125C286002) operate a 2007 Sterling dump truck (unit 31, VIN 2FZHAZCVX7AW81197, gross vehicle weight rating 52,000 pounds) in interstate commerce hauling asphalt. Lyday operated the vehicle from Kansas City, KS to Kansas City, MO. This trip is evidenced by a job invoice, time sheet, roadside inspection, and a Drug and Alcohol Clearinghouse query dated 6/9/2022 (two months after the Lyday's hire date). At the time of this trip, the carrier had failed to conduct pre-employment queries prior to the driver performing safety-sensitive functions.

4. Primary: 391.51(b)

Secondary: 391.51(a)

Failing to maintain driver qualification file in accordance with 391.51(b).

Example/Notes:

On 5/17/2022 Long Haul Trucking LLC had driver Wardell Lyday (valid MO CDL #125C286002) operate a 2007 Sterling dump truck (unit 31, VIN 2FZHAZCVX7AW81197, gross vehicle weight rating 52,000 pounds) in interstate commerce hauling asphalt. Lyday operated the vehicle from Kansas City, KS to Kansas City, MO. This trip is evidenced by a job invoice, time sheet, and roadside inspection. At the time this trip, the carrier failed to maintain a driver qualification file on each driver.

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1
Violations Discovered		
Fed	State	Total
2		2
Checked		
Fed	State	Total
2		2
Drivers/Vehicles in Violation		
Fed	State	Total
2		2
Checked		
Fed	State	Total
2		2

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 1 Number of Vehicles Inspected (CR): 3 OOS Vehicles (MCMIS): 1 Number of Vehicles Inspected (MCMIS): 3 OOS Rate: 33.3%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 25,000 Recordable Accidents: 1 Recordable Accidents/Million Miles: 40.00	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

None

Recommendations

1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

2. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

3. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

4. **Clearinghouse Registration - Owner/Operator**

As a registered Owner/Operator you must designate a C/TPA in the Clearinghouse to comply with the employer requirements related to your own drug and alcohol program compliance. You may continue to perform the employer functions for any other drivers that you employ who are subject to the requirements of 49 CFR Part 382.

5. **Clearinghouse Pre-employment Query**

Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.

6. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

7. **Maintain a complete file documenting the qualification process.**

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.

8. **KCC For All Investigations**

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations and/or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed for *Long Haul Trucking LLC USDOT #2901327*. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>. For all Investigations that did not result in a Cooperative Safety Plan: The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to: e-mail: g.davenport@kcc.ks.gov FAX: 785-271-3124; or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 *Long Haul Trucking LLC's* authority and/or the impoundment of *Long Haul Trucking LLC's* Commercial Motor Vehicles.

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 cvemail@mshp.dps.mo.gov
Return of report NOT required.

Report Number: MO1500010225
Inspection Date: 05/17/2022
Start: 10:15 AM CT End: 10:34 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: LONG HAUL TRUCKING LLC

DBA:

6423 HAGAN ST
SHAWNEE, KS, 66216

USDOT: 2901327

Phone#: (913)208-8012

MC/MX#:

Fax#:

State#:

Location: I-29 RAMP FROM 112TH

Highway: I-29

County:

Email:

Driver: LYDAY, WARDELL C

License#: 125C286002

State: MO

Date of Birth: 06/15/1992

CoDriver:

License#:

State:

Date of Birth:

Milepost: Shipper: NONE

Origin: KANSAS CITY, MO

Bill of Lading: NONE

Destination: KANSAS CITY, MO

Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	STER	2007	KS		31	2FZHAZCVX7AW81197	80000			

BRAKE ADJUSTMENTS:No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	CP	Citation #	Verify	Crash	Violations Discovered
392.2IRP	F	1	N	N		N	N	IRP Apportioned Tag or Registration Violation: Failed to display valid plate. Expired Kansas temp tag of 04/03/2022.
392.2FT	F	1	N	N		N	N	State or International Fuel Tax (IFTA) Violation: No IFTA permit or 72 hour temp.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

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

Signature Of Repairer X: _____ Facility: _____ Date: _____

Report Prepared By: ID/Badge #:
B. SANDERS W110

Copy Received By:
WARDELL LYDAY

X

X



ATTACHMENT “C”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: July 5, 2022

SUBJECT: Docket No. 23-TRAM-007-PEN
In the Matter of the Investigation of Long Haul Trucking LLC of Shawnee,
Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and
the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation
of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Long Haul Trucking LLC (Long Haul Trucking or Carrier) is a common motor carrier, primarily hauling construction and asphalt. Long Haul Trucking operates under USDOT 2901327. On June 8, 2022, Commission Staff Special Investigator Matt Adams conducted a safety compliance review of the operations of Long Haul Trucking. As a result of this investigation, the special investigator identified Four (4) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$1,900.

DISCUSSION AND ANALYSIS:

On June 8, 2022, Commission Staff Special Investigator Matt Adams conducted a safety compliance review of the operations of Long Haul Trucking. As a result of this investigation, the special investigator identified Four (4) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 4)

On May 17, 2022, Long Haul Trucking required or permitted its driver, Wardell Lyday, to operate a CDL-required commercial motor vehicle, a 2007 Sterling Dump Truck, VIN ending in 81197, GVWR 52,000 lbs., in intrastate commerce from Kansas City, Kansas to Kansas City, Missouri. This trip is evidenced by Driver/Vehicle Examination Report Number MO1500010225 dated May 17, 2022. At the time of this transportation, Long Haul Trucking did not have implemented an alcohol and controlled substance testing program for its two CDL drivers. The

Carrier's failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

Violation Two (2 of 4)

During the transportation described in Violation One, above, Long Haul Trucking failed to conduct a pre-employment inquiry with the Drug and Alcohol Clearinghouse into its drivers. The Carrier's failure to conduct a pre-employment inquiry is a violation of 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$0.00, as the Carrier has already been penalized for failure to implement an alcohol and controlled substance testing program in paragraph a, above.

Violation Three (3 of 4)

During the transportation described in Violation One, above, Long Haul Trucking failed to maintain a driver qualification file on each driver employed. The special investigator discovered two (2) violations of this type. The Carrier's failure to maintain a driver qualification file is a violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

Violation Four (4 of 4)

During the transportation described in Violation One, above, Long Haul Trucking permitted or required its driver to operate a commercial motor vehicle that did not have a valid commercial motor vehicle registration. The Carrier's failure to obtain a commercial registration for its commercial motor vehicle is a violation of K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and implemented by K.S.A. 66-1,129. Staff recommends a fine of \$500.

RECOMMENDATION:

Transportation Staff recommends the Commission find Long Haul Trucking committed Four (4) 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.

Additionally, Staff recommends a civil penalty of \$1,900 for Four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from Long Haul Trucking be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the 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.

Staff further recommends Long Haul Trucking submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order,

documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that Long Haul Trucking submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

CERTIFICATE OF SERVICE

23-TRAM-007-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 07/28/2022.

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/S/ DeeAnn Shupe

DeeAnn Shupe