



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

May 21, 2019

19-TRAM-457-PEN

Fariz Turkmani, President
Tess Limousine & Airport Services Inc.
10800 Metcalf Ave
Overland Park, KS 66210

This is a notice of a penalty assessment against Tess Limousine & Airport Services Inc. (Tess Limousine) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 1, 2019, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Tess Limousine 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 Tess Limousine 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. Tess Limousine must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

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

Respectfully,

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

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

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

In the Matter of the Investigation of **Tess**)
Limousine & Airport Services Inc., of)
Overland Park, KS, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-457-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.A.R. 82-4-1b, 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.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, 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. Tess Limousine & Airport Services Inc. (Tess Limousine) operates under USDOT number 1487673. This carrier was put out-of-service interstate on January 15, 2019 and out-of-service intrastate on January 24, 2019.

5. Fariz Turkmani attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 12, 2019, on behalf of Tess Limousine.

6. Tess Limousine is a private motor carrier which primarily hauls private passengers.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 1, 2019, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Tess Limousine. 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 March 29, 2019, Tess Limousine required or permitted its driver, Fariz Turkmani, to operate a 25-passenger commercial motor vehicle, a 2017

Ford Econoline, VIN ending in 51632, in interstate commerce from Overland Park, Kansas to Kansas City, Missouri. This trip is evidenced by a Driver's Time Sheet, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver Fariz Turkmani did not use an appropriate method of completing a record of duty status for the trip. The carrier did not use the electronic logging device. The carrier's failure to require its driver to record his hours of service on the electronic logging device provided within the commercial motor vehicle is a violations of 49 C.F.R. 395.8(a)(1)(f), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Tess Limousine 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 Tess Limousine 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 Tess Limousine 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 Tess Limousine because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Tess Limousine 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. Tess Limousine & Airport Services Inc., of Overland Park, 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. Tess Limousine 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. Tess Limousine is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Tess Limousine's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against Tess Limousine, and ordering a representative from Tess Limousine to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

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

your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$500 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Tess Limousine's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner


Dated: 05/21/2019




Lynn M. Retz
Secretary to the Commission

AAL


ATTACHMENT “A”

| | | | | | |
|---|----------------------------|--|---|-----------------------------|--------------------------------------|
|  | US DOT # 1487673 | Legal: TESS LIMOUSINE & AIRPORT SERVICES INC Operating (DBA): | | | |
| MC/MX #: | | Federal Tax ID: | | (EIN) | |
| Review Type: Non-ratable Review - CSA | | | | | |
| Scope: Principal Office | | Location of Review/Audit: Company facility in the U. S. | | | Territory: |
| Operation Types | | Interstate | Intrastate | | |
| Carrier: Non-HM | | N/A | | | |
| Shipper: N/A | | N/A | | | |
| Cargo Tank: N/A | | | | | |
| | | Business: Corporation | | | |
| | | Gross Revenue: | | for year ending: 12/31/2018 | |
| Company Physical Address: | | | | | |
| 10800 METCALF AVE OVERLAND PARK, KS 66210-2320 | | | | | |
| Contact Name: Fariz Turkmani | | | | | |
| Phone numbers: (1) | | | | | |
| E-Mail Address: | | | | | |
| Company Mailing Address: | | | | | |
| 10800 METCALF AVE OVERLAND PARK, KS 66210-2320 | | | | | |
| Carrier Classification | | | | | |
| Private Passenger, Business | | | | | |
| Cargo Classification | | | | | |
| Passengers | | | | | |
| Equipment | | | | | |
| | Owned | Term Leased | Trip Leased | | Owned Term Leased Trip Leased |
| Minibus, 16+ | 2 | 0 | 0 | Van, 9-15 | 1 0 0 |
| Limousine, 9-15 | 2 | 0 | 0 | | |
| Power units used in the U.S. 5 | | | | | |
| 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 | | | |
| < 100 Miles: | 4 | | | | |
| >= 100 Miles: | | | | | |
| | | | Average trip leased drivers/month: 0 | | |
| | | | Total Drivers: 4 | | |
| | | | CDL Drivers: 1 | | |



| | | | | | | | | | | | |
|--|--|---------------------------|-------------------------------------|--|--|-----------------------------|--------------------------------|--|--------------|---------------|--|
|  | TESS LIMOUSINE & AIRPORT SERVICES INC U.S. DOT # 1487673 | Review Date 05/01/2019 | | | | | | | | | |
| 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. | | | | | | | | | | | |
| <table border="0"> <tr> <td colspan="3" data-bbox="99 583 370 625"><u>Person(s) Interviewed</u></td> </tr> <tr> <td data-bbox="99 625 893 657">Name: Fariz Turkmani</td> <td colspan="2" data-bbox="893 625 1503 657">Title: Owner / Operator</td> </tr> <tr> <td data-bbox="99 657 893 699">Name:</td> <td colspan="2" data-bbox="893 657 1503 699">Title:</td> </tr> </table> | | | <u>Person(s) Interviewed</u> | | | Name: Fariz Turkmani | Title: Owner / Operator | | Name: | Title: | |
| <u>Person(s) Interviewed</u> | | | | | | | | | | | |
| Name: Fariz Turkmani | Title: Owner / Operator | | | | | | | | | | |
| Name: | Title: | | | | | | | | | | |



| | | |
|---|--|---------------------|
|  | TESS LIMOUSINE & AIRPORT SERVICES INC | Review Date. |
| | U.S. DOT # 1487673 | 05/01/2019 |

Part B Violations

| | | | | | |
|--------------|----------------------|------------------|----------------|---------------------------------------|--------------|
| 1 FEDERAL | Primary 385.13(a)(1) | Discovered 10 | Checked 120 | Drivers/Vehicles In Violation 3 | Checked 4 |
|--------------|----------------------|------------------|----------------|---------------------------------------|--------------|

Description

Operating a commercial motor vehicle after the effective date of an "unsatisfactory" rating.

Example

On March 29th, 2019 Tess Limousine & Airport Services Inc. had driver Fariz Turkmani (KS CDL#) operate a 25 passenger commercial motor vehicle (2017 Ford Econoline VIN# 51632) in interstate commerce. Mr. Turkmani transported passengers from the Sheraton Hotel in Overland Park Kansas to the MCI Kansas City International Airport located in Missouri. Mr. Turkmani transported 21 people in interstate commerce while under a Federal out-of-service order. This trip is evidenced by a driver hours of service record and a job invoice.

| | | | | | |
|--------------|---------------------|------------------|----------------|---------------------------------------|--------------|
| 2 FEDERAL | Primary 395.8(a)(1) | Discovered 16 | Checked 120 | Drivers/Vehicles In Violation 1 | Checked 4 |
|--------------|---------------------|------------------|----------------|---------------------------------------|--------------|

Description

Failing to require a driver to prepare a record of duty status using the appropriate method

Example


On March 29th, 2019 Tess Limousine & Airport Services Inc. had driver Fariz Turkmani (KS CDL#) operate a 25 passenger commercial motor vehicle (2017 Ford Econoline VIN# 51632) in interstate commerce. Mr. Turkmani transported passengers from the Sheraton Hotel in Overland Park Kansas to the MCI Kansas City International Airport located in Missouri. Mr. Turkmani operated this commercial motor vehicle and failed to prepare a record of duty status using the appropriate method. This trip is evidenced by a driver hours of service record and a job invoice.

| | | | |
|---|--------|--|--|
| Safety Fitness Rating Information: | | OOS Vehicle (CR): 0 | |
| Total Miles Operated | 90,250 | Number of Vehicle Inspected (CR): 0 | |
| Recordable Accidents | 0 | OOS Vehicle (MCMIS): 0 | |
| | | Number of Vehicles Inspected (MCMIS): 0 | |

Your proposed safety rating is :

This Review is not Rated.



| | | |
|--|--|---------------------------|
|  | TESS LIMOUSINE & AIRPORT SERVICES INC U.S. DOT # 1487673 | Review Date 05/01/2019 |
| Safety Management Process Breakdowns and Remedies | | |

1. For all Investigations.

- Understand Why Compliance Saves Time and Money. Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans. Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE. 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.fmcsc.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.fmcsc.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim


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

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
 Federal Motor Carrier Safety Administration
 Kansas Division



| | | |
|---|--|---------------------------|
|  | TESS LIMOUSINE & AIRPORT SERVICES INC U.S. DOT # 1487673 | Review Date 05/01/2019 |
| Safety Management Process Breakdowns and Remedies | | |

Division Administrator
1303 First American Place
Suite 200
Topeka, KS 66604-4040

For all Investigations resulting in a proposed conditional or unsatisfactory rating.

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to

US Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Division Administrator
1303 First American Place
Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

For all Investigations resulting in a proposed unsatisfactory rating.

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/>.

• All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.



| | | |
|--|--|---------------------------|
| | TESS LIMOUSINE & AIRPORT SERVICES INC U.S. DOT # 1487673 | Review Date 05/01/2019 |
| Safety Management Process Breakdowns and Remedies | | |

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

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

2. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN. Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

Tess Limousine & Airport Services Inc's violations occurred due to a breakdown in the policies and procedures elements of compliance within this section of the regulations. Carrier was found to be in violation of failing to have drivers record hours of service records during the previous review conducted on 11-29-2018. At the time of this review, carrier failed to have drivers record hours of service records in the appropriate manner. Drivers are utilizing the Short Haul Provision and the State provided form. That said, the records are being incorrectly recorded. Drivers are only recording the time for each commercial trip. Furthermore, drivers do not begin and end in the same location. I explained these requirements in depth to Mr. Turkmani once again during the course of this review. Follow the correct procedures for recording driver hours of service records. If you have questions or need assistance, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices The following are recommended practices related to Policies and





Safety Management Process Breakdowns and Remedies

Procedures

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

Passenger Carrier Only.

- Develop a policy that discourages long-distance trips that depart at night and outlines acceptable route-scheduling procedures.
- Develop a policy that prohibits drivers from deviating from stated itineraries without appropriate management approval, and advise customers of this policy.
- Establish a policy to ensure that drivers enter all compensated time, including time spent working for a non-motor carrier, on their Record of Duty Status (RODS) or prior seven-day duty statement.
- Develop a dispatch policy that discourages use of drivers who have worked various hourly shifts prior to any long-distance trips

Seek Out Resources

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

4. This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers. Tess Limousine & Airport Services Inc. is currently under a Federal OOS (out-of-service) order. You shall not operate commercial motor vehicles until this order is lifted. You have violated this order and must immediately cease all activities involving the operation of commercial motor vehicles. If you have any questions, please do not hesitate to contact me.



ATTACHMENT “B”

Driver's Time Sheet

Month: March 2019

Driver: Fariz Turkmani

| D | Start Time | End Time | Start Time 2 | End Time 2 | Vehicle | Total Hrs | Trip Info |
|----|------------|----------|--------------|------------|-----------|-----------|--------------|
| 1 | 5:15A | 7:30A | | | Sedan | 2 1/2 | Airport |
| 2 | 12:00P | 1:00P | | | S | 1 | " |
| 3 | — | — | | | | | |
| 4 | — | — | | | | | |
| 5 | 4:00 | 5:30A | | | S | 1 1/2 | " |
| 6 | — | — | | | | | |
| 7 | — | — | | | | | |
| 8 | 4:30A | 5:15A | 6:00P | 6:30P | 13 + Sed. | 2 | " |
| 9 | 3:00A | 6:00P | | | SUV | 3 | " |
| 10 | — | — | | | | | |
| 11 | 5:15 | 7:45 | | | Sedan | 2 1/2 | " |
| 12 | — | — | | | | | |
| 13 | — | — | | | | | |
| 14 | 9:00A | 10:00A | | | 13 | 1 | → CROSS TOWN |
| 15 | 12:17 | 1:00P | 11:40P | 12:15A | SUV + 13 | 2 | ↓ Airport |
| 16 | — | — | | | | | |
| 17 | — | — | | | | | |
| 18 | — | — | | | | | |
| 19 | 3:45A | 4:30A | | | Sed | 1 | ↑ " |
| 20 | — | — | | | | | |
| 21 | 9:00A | 10:00A | | | S | 1 | ↑ " |
| 22 | — | — | | | | | |
| 23 | 3:30A | 6:00A | | | S | 2 1/2 | ↑ " |
| 24 | — | — | | | | | |
| 25 | — | — | | | | | |
| 26 | 6:45A | 7:30A | | | S | 1 | ↑ " |
| 27 | 4:15A | 8:00A | | | S | 4 | ↑ " |
| 28 | 4:15A | 8:00A | | | S | 4 | ↑ " |
| 29 | 3:15P | 10:15 | | | 25 + Lim | 7 | CROSS TOWN |
| 30 | 11:30A | 12:00P | 4:30P | 5:30P | Lim | | " |
| 31 | — | — | | | | | |

CERTIFICATE OF SERVICE

19-TRAM-457-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/hand delivered on 05/22/2019.

AHSAN LATIF, LITIGATION COUNSEL
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Fax: 785-271-3354
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/S/ DeeAnn Shupe

DeeAnn Shupe