

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**18-TRAM-224-PEN**

December 7, 2017

Bruce Davis, Manager  
Bruce Davis Construction, LLC  
1201 Graphic Arts Rd  
Emporia, Kansas 66801

**Certified Mail No. 70161970000105742697**

This is a notice of a penalty assessment against Bruce Davis Construction, LLC (Bruce Davis Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 1, 2017, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

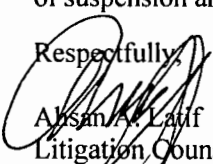
**IF YOU ACCEPT THE PENALTY:** Bruce Davis Construction has been assessed a \$1,650 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,650, through your personal account with the Kansas Corporation Commission's KTRAN system 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 Bruce Davis 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](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. Bruce Davis 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 Commission's Secretary 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. 2016 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,650 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,

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

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

Before Commissioners:      Pat Apple, Chairman  
                                     Shari Feist Albrecht  
                                     Jay Scott Emler

In the Matter of the Investigation of **Bruce Davis**      )  
**Construction, LLC, of Emporia, Kansas,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 18-TRAM-224-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. 2016 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. 2016 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. 2016 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. Bruce Davis Construction, LLC (Bruce Davis Construction) operates as a private motor carrier under USDOT number 1679510.

5. Bruce Davis Construction owns six (6) tractors, one truck and one trailer.

6. Bruce Davis Construction is a private motor carrier which primarily hauls machinery, large objects and road material.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on November 1, 2017, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of Bruce Davis 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 four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 15, 2017, Bruce Davis Construction required or permitted its driver, Bryan Acuna, to operate a CDL-required commercial motor vehicle, a 2005 Chevrolet, VIN ending in 946122, GVWR 11,400 lbs., pulling a 2012 Elite trailer, VIN ending in 230169, GVWR 22,000 lbs., in intrastate commerce from Spring Hill, Kansas to Emporia, Kansas. This trip is

evidenced by a Driver/Vehicle Inspection Report Number KSHP02551068, dated May 15, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation Bruce Davis Construction failed to receive a negative pre-employment controlled substances test before allowing Mr. Acuna to operate a CDL-required commercial motor vehicle. The carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances test and to obtain a negative test result within 30 days of his/her employment and prior to requiring or permitting him 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. On October 2, 2017, Bruce Davis Construction required or permitted its driver, Randy Shown, to operate a CDL-required commercial motor vehicle, a 2007 Kenworth, VIN ending in 180480, GVWR 55,000 lbs., in intrastate commerce from Emporia, Kansas to Topeka, Kansas. This trip is evidenced by Mr. Shown's time record, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Bruce Davis Construction had failed to investigate Randy Shown's background within 30 days of employment. The special investigator found two (2) violations of this type. The carrier's failure to make investigations and inquiries with respect to each driver it employs within 30 days of employment is a violation of 49 C.F.R. 391.23, adopted

by K.A.R. 82-4-3, and implement by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. On August 28, 2017, Bruce Davis Construction required or permitted its driver, Dustin Johnson, to operate a CDL-required commercial motor vehicle, a 2007 Kenworth, VIN ending in 188213, GVWR 55,000 lbs., in interstate commerce from Emporia, Kansas to Chatham, Virginia. This trip is evidenced by Driver's Daily Log, dated August 28, 2017, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, driver Dustin Johnson drove after more than eight (8) hours have passed since the end of the driver's last off duty or sleeper birth period of at least 30 minutes. Bruce Davis Construction's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.
- d. During the transportation described in paragraph b., above, Bruce Davis Construction failed to require its driver to make a record of duty status showing the date, time began driving, time ending driving and total number of hours. The special investigator found twenty (20) violations of this type. The carrier's failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation

is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

#### **IV. STAFF'S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission finds Bruce Davis Construction 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.

9. Additionally, Staff recommends a civil penalty of \$1,650 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Bruce Davis 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Bruce Davis 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 Bruce Davis Construction because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Bruce Davis Construction 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. Bruce Davis Construction, LLC, of Emporia, Kansas is hereby assessed a \$1,650 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. Bruce Davis 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. Bruce Davis 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. On December 7, 2017, this Penalty Order was mailed to Bruce Davis Construction via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742697. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2016 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 Commission's Secretary, 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 Bruce Davis Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,650 civil penalty against Bruce Davis Construction, and ordering a representative from Bruce Davis 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.

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. 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,650 is due in thirty (30) days from the date of service of this Order. Payment of \$1,650 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.

H. Failure to pay the \$1,650 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 Bruce Davis Construction's motor carrier operating



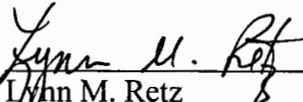
authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

I. 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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 07 2017


  
Lynn M. Retz  
Secretary to the Commission

AAL

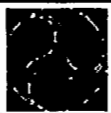
Order Mailed Date

DEC 08 2017

## **ATTACHMENT "A"**

	<b>US DOT #</b> 1679510	<b>Legal:</b> BRUCE DAVIS CONSTRUCTION LLC <b>Operating (DBA):</b> BRUCE DAVIS CONSTRUCTION		
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> <span style="background-color: black; color: black;">XXXXXXXXXX</span> (EIN)		
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U S		<b>Territory:</b>
<b>Operation Types</b>		<b>Interstate</b>	<b>Intrastate</b>	<b>Business:</b> Corporation <b>Gross Revenue:</b> <span style="background-color: black; color: black;">XXXXXXXXXX</span> for year ending: 12/31/2016
<b>Carrier:</b> HM		HM		
<b>Shipper:</b> N/A		N/A		
<b>Cargo Tank:</b> N/A				
<b>Company Physical Address:</b> <div style="background-color: black; height: 30px; width: 100%;"></div>				
<b>Contact Name:</b> Bruce Davis <b>Phone numbers: (1)</b> <span style="background-color: black; color: black;">XXXXXXXXXX</span> <b>E-Mail Address:</b> <span style="background-color: black; color: black;">XXXXXXXXXX</span>				
<b>Company Mailing Address:</b> 1201 GRAPHIC ARTS RD EMPORIA, KS 66801				
<b>Carrier Classification</b> Private Property				
<b>Cargo Classification</b> Machinery, Large Objects      Other: Road Material				
<b>Hazardous Materials</b> 9 Miscellaneous HM      Carried      Non-Bulk				
<b>Equipment</b>				
	Owned	Term Leased	Trip Leased	
Truck	1	0	0	Truck Tractor
Trailer	1	0	0	
<b>Power units used in the U S</b> 7				
<b>Percentage of time used in the U S</b> :100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	Inter	Intra		
< 100 Miles:	1	4	<b>Average trip leased drivers/month:</b> 0	
>= 100 Miles:			<b>Total Drivers:</b> 5	
			<b>CDL Drivers:</b> 5	





**BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)**  
U.S. DOT # 1679510

Review Date  
11/08/2017

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or  
Hazardous Materials rules may be addressed to the Kansas Corporation Commission at  
1500 SW Arrowhead Road  
Topeka, KS 66604  
Phone 913-755-1289

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**


**Name:** Bruce Davis

**Title:** Owner

**Name:**

**Title:**



	<b>BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)</b>	<b>Review Date</b>
	<b>U S. DOT #: 1679510</b>	<b>11/08/2017</b>

### Part B Violations

<b>1 FEDERAL CRITICAL</b>	<b>Primary 395 8(a)</b>	<b>Discovered</b> 0	<b>Checked</b> 2	<b>Drivers/Vehicles In Violation</b> 0	<b>Checked</b> 1
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**Description**

Failing to require driver to make a record of duty status

**Example**

No violations of this type were found in Interstate commerce

<b>2 STATE CRITICAL</b>	<b>Primary. 395.8(a)</b> <b>CFR Equivalent 395 8(a)</b>	<b>Discovered</b> 24	<b>Checked</b> 148	<b>Drivers/Vehicles In Violation</b> 4	<b>Checked</b> 5
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**Description**

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

**Example**

On October 2, 2017 Bruce Davis Construction LLC had driver [REDACTED] (KS CDL# [REDACTED]) operate a 2007 Kenworth (Unit 18 VIN # [REDACTED] 180480) this vehicle has a gross vehicle weight rating of GVWR 55,000 lbs Driver [REDACTED] operated in Commerce on an intrastate trip from Emporia, Kansas to Topeka, Kansas This trip is evidenced by a driver record of duty status At the time of this trip carrier was found to be in violation of failing to require driver to make a record of duty status

<b>3 FEDERAL</b>	<b>Primary 382 301(a)</b>	<b>Discovered</b> 0	<b>Checked</b> 1	<b>Drivers/Vehicles In Violation</b> 0	<b>Checked</b> 1
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**Description**

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

**Example**

No violations of this type were found in Interstate commerce

<b>4 STATE</b>	<b>Primary. 382 301(a)</b>	<b>Discovered</b> 1	<b>Checked</b> 4	<b>Drivers/Vehicles In Violation</b> 1	<b>Checked</b> 4
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**Description**

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result

**Example**

On May 15, 2017 Bruce Davis Construction LLC had driver [REDACTED] (KS CDL# [REDACTED]) operate a 2005 Chevrolet 3500 (Unit # 1-VIN # [REDACTED] 946122) in combination with a 2012 Elite Trailer (Unit 1T-VIN # [REDACTED] 230169) These vehicles have a gross vehicle weight rating of 11,400 lbs and 22,000 lbs Driver [REDACTED] operated in commerce on an intrastate trip from Spring Hill, Kansas to Emporia, Kansas This trip is evidenced by a level 1 roadside inspection performed by Officer Weber KS0255 with the Kansas Highway Patrol At the time of this trip carrier was found to be in violation of using a driver before the motor carrier has received a negative pre-employment controlled substance test result.


<b>5 FEDERAL</b>	<b>Primary. 391 23(c)</b>	<b>Discovered</b> 0	<b>Checked</b> 1	<b>Drivers/Vehicles In Violation</b> 0	<b>Checked</b> 1
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**Description**

Failing to investigate driver's background within 30 days of employment

**Example**

No violations of this type were found in Interstate commerce

	<b>BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)</b>	<b>Review Date:</b>
	<b>U.S. DOT #: 1679510</b>	<b>11/08/2017</b>

### Part B Violations

<b>6</b>	<b>Primary: 391 23(c)</b>	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>
<b>STATE</b>		<b>2</b>	<b>4</b>	<b>In Violation Checked</b>
				<b>2 4</b>

#### Description

Failing to investigate driver's background within 30 days of employment

#### Example

On October 2, 2017 Bruce Davis Construction LLC had driver [REDACTED] (KS CDL# [REDACTED]) operate a 2007 Kenworth (Unit 18 VIN # [REDACTED] 180480) this vehicle has a gross vehicle weight rating of GVWR 55,000 lbs Driver [REDACTED] operated in Commerce on an intrastate trip from Emporia, Kansas to Topeka, Kansas. This trip is evidenced by a driver record of duty status At the time of this trip carrier was found to be in violation of failing to investigate driver's background within 30 days of employment.

<b>7</b>	<b>Primary: 391 51(b)(4)</b>	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>
<b>STATE</b>	<b>CFR Equivalent 391 51(b)(4)</b>	<b>0</b>	<b>4</b>	<b>In Violation Checked</b>
				<b>0 4</b>

#### Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391 25(a).

#### Example

No violations of this type were found in Intrastate commerce

<b>8</b>	<b>Primary 391 51(b)(4)</b>	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>
<b>FEDERAL</b>		<b>1</b>	<b>1</b>	<b>In Violation Checked</b>
				<b>1 1</b>

#### Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391 25(a)

#### Example

On August 28, 2017 Bruce Davis Construction LLC had driver [REDACTED] operate a 2007 Kenworth Tractor (Unit # 20 -VIN # [REDACTED] 188213) in interstate commerce. This vehicle has a gross vehicle weight rating of 55,000 lbs Driver [REDACTED] operated in commerce on an interstate trip from Emporia, Kansas to Chatham, Virginia This trip is evidenced by a driver record of duty status and a level II roadside inspection performed by Officer Lynch KY#4388 with the Kentucky State Police. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

<b>9</b>	<b>Primary: 391.51(b)(5)</b>	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>
<b>STATE</b>	<b>CFR Equivalent. 391.51(b)(5)</b>	<b>0</b>	<b>4</b>	<b>In Violation Checked</b>
				<b>0 4</b>

#### Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391 25(c)(2)

#### Example

No violations of this type were found in Intrastate commerce

<b>10</b>	<b>Pnmary 391 51(b)(5)</b>	<b>Discovered</b>	<b>Checked</b>	<b>Drivers/Vehicles</b>
<b>FEDERAL</b>		<b>1</b>	<b>1</b>	<b>In Violation Checked</b>
				<b>1 1</b>


#### Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391 25(c)(2)

#### Example

On August 28, 2017 Bruce Davis Construction LLC had driver [REDACTED] operate a 2007 Kenworth Tractor (Unit # 20 -VIN # [REDACTED] 188213) in interstate commerce. This vehicle has a gross vehicle weight rating of 55,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Emporia, Kansas to Chatham, Virginia. This trip is evidenced by a driver record of duty status and a level II roadside inspection performed by Officer Lynch KY#4388 with the Kentucky State Police. At the time of this trip carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391 25(c)(2).



	<b>BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)</b> U.S. DOT #. 1679510	Review Date 11/08/2017
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### Part B Violations

11 STATE	Primary. 391.51(b)(6) CFR Equivalent. 391 51(b)(6)	Discovered 0	Checked 4	Drivers/Vehicles In Violation 0	Checked 4
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#### Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391 27

#### Example

No violations of this type were found in Intrastate commerce

12 FEDERAL	Primary 391 51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391 27

#### Example

On August 28, 2017 Bruce Davis Construction LLC had driver [REDACTED] operate a 2007 Kenworth Tractor (Unit # 20 -VIN # [REDACTED] 188213) in interstate commerce. This vehicle has a gross vehicle weight rating of 55,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Emporia, Kansas to Chatham, Virginia. This trip is evidenced by a driver record of duty status and a level II roadside inspection performed by Officer Lynch KY#4388 with the Kentucky State Police. At the time of this trip carrier was found to be in violation of failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

13 STATE	Primary 395 3(a)(3)(ii) CFR Equivalent: 395 3(a)(3)(ii)	Discovered 0	Checked 148	Drivers/Vehicles In Violation 0	Checked 5
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#### Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes

#### Example

No violations of this type were observed in Intrastate commerce

14 FEDERAL	Primary. 395.3(a)(3)(ii)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Driving after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes

#### Example

On August 28, 2017 Bruce Davis Construction LLC had driver [REDACTED] operate a 2007 Kenworth Tractor (Unit # 20 -VIN # [REDACTED] 188213) in interstate commerce. This vehicle has a gross vehicle weight rating of 55,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Emporia, Kansas to Chatham, Virginia. This trip is evidenced by a driver record of duty status and a level II roadside inspection performed by Officer Lynch KY#4388 with the Kentucky State Police. At the time of this trip carrier was found to be in violation of Driving after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes

15 STATE	Primary. 395 8(f) CFR Equivalent 395 8(f)	Discovered 0	Checked 148	Drivers/Vehicles In Violation 0	Checked 5
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#### Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

#### Example

No violations of this type were found in Intrastate commerce



	<b>BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)</b>	<b>Review Date</b>
	<b>U.S DOT #: 1679510</b>	<b>11/08/2017</b>

### Part B Violations

16 FEDERAL	Primary 395 8(f)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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#### Description

Failing to require driver to prepare record of duty status in form and manner prescribed

#### Example

On August 28, 2017 Bruce Davis Construction LLC had driver [REDACTED] operate a 2007 Kenworth Tractor (Unit # 20 -VIN # [REDACTED] 88213) in interstate commerce. This vehicle has a gross vehicle weight rating of 55,000 lbs. Driver [REDACTED] operated in commerce on an interstate trip from Emporia, Kansas to Chatham, Virginia. This trip is evidenced by a driver record of duty status and a level II roadside inspection performed by Officer Lynch KY#4388 with the Kentucky State Police. At the time of this trip carrier was found to be in violation of failing to require driver to prepare record of duty status in form and manner prescribed.

#### Safety Fitness Rating Information:

Total Miles Operated 5,000  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0  
Number of Vehicle Inspected (CR): 3  
OOS Vehicle (MCMIS): 0  
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

**CONDITIONAL**

#### Rating Factors

Acute Critical

Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	2
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D C

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.








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U S DOT # 1679510

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**Part B Violations**



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## Part B Requirements and/or Recommendations

1. 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/](http://csa.fmcsa.dot.gov/). During the data preview period, the Agency requests comments on the impacts of the changes.

2. 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](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.





**BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)**  
U S. DOT # 1679510

Review Date:  
11/08/2017

### Part B Requirements and/or Recommendations

<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 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.

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.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course 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  
Jeff Ellett - 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:

US Department of Transportation  
Jack Van Steenburg - Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
Washington, DC 20590





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### Part B Requirements and/or Recommendations

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  
Max Strathman - Midwestern Field Administrator  
Federal Motor Carrier Safety Administration  
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  
Kansas Division  
Jeff Ellett - Division Administrator  
Federal Motor Carrier Safety Administration  
1303 First American Place, Suite 200  
Topeka, KS 66604-4040

This letter should be submitted as soon as possible

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

### 3. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking


**DESCRIPTION OF PROCESS BREAKDOWN** Bruce Davis Construction LLC dba Bruce Davis Construction violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established an organized driver qualification file, but needs to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual file. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Be sure to run a MVR on new hire within 30 days to make sure they are qualified. Additionally, ensure that you have drivers complete a listing of driver applications annually when you run the MVRs. Then sign the certificate qualifying them for another year if they meet the standards. Utilize page 18 of KCC's Red book to complete these requirements.

**Implement Safety Improvement Practices** The following are recommended practices related to Monitoring and Tracking Processes

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver



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program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.

- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files, applying the performance standards fairly, consistently, and equitably, and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

#### Seek Out Resources

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

#### 4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN- Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN:** Bruce Davis Construction LLC dba Bruce Davis Construction violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier failed to ensure that all CDL required commercial motor vehicle operators had submitted a negative pre-employment controlled substance test prior to operating. Driver Bryan Acuna did not have this controlled substance test completed before he began operating a CDL required vehicle for Bruce Davis Construction. This was the only violation discovered in this section of the regulations. Overall, we observed compliance and the files were orderly and complete. Thus, this violation can only be broken down to a lapse in monitoring and tracking. Going forward, ensure that violations of this type do not occur again.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Make sure that all CDL operators of commercial motor vehicles have a negative pre-employment substance abuse test prior to operating a commercial motor vehicle.

**Implement Safety Improvement Practices.** The following are recommended practices related to Monitoring and Tracking Processes.

- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Monitor and adjust the testing program to ensure proper annual driver sampling.



**BRUCE DAVIS CONSTRUCTION (BRUCE DAVIS CONSTRUCTIO dba)**  
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### Part B Requirements and/or Recommendations

- Ensure that all test records are monitored for adherence to retention dates and non disclosure requirements
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training; via software, checklist in the driver's file, and/or another appropriate method
- Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures Motor Vehicle Record (MVR), records related to testing, the designated employer representative (DER), return to duty, and dispatch, lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters, and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary
- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies.
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc )

#### Seek Out Resources

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

#### 5. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Monitoring and Tracking


**DESCRIPTION OF PROCESS BREAKDOWN** Bruce Davis Construction LLC dba Bruce Davis Construction violations occurred due to a breakdown regarding the monitoring and tracking elements within this section. It is incumbent upon the carrier to review all driver records of duty status reports and verify that they are correct and accurate. Monitor the time records continually in order to track the driver movements. It is your responsibility to ensure that drivers return to the normal work reporting location and are released within 12 hours when using the short haul provision. In addition make sure that when drivers fill out a log book page they are trained on the regulations to avoid driving violations.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Utilize the forms provided to you from the "Red Book" to assist you in correcting these HOS violations. Know that when a driver fails to return to the normal work reporting location and be released within 12 hours the short-haul provision is lost and the driver needs to track their hours on a log book. Schedule driver training for the drivers so they know and understand the regulations. If you have any questions or needs, please don't hesitate to contact me.

**Implement Safety Improvement Practices** The following are recommended practices related to Monitoring and Tracking Processes

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in



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### Part B Requirements and/or Recommendations

Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations

- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS> Assess violations for process breakdowns and how to remedy them
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably, and for whether they are documenting evaluations
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc ).

Seek Out Resources:

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

6. 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 Bruce Davis Construction LLC dba Bruce Davis Construction operating authority and/or the impoundment of Bruce Davis Construction LLC dba Bruce Davis Construction commercial motor vehicles

Carrier Representative \_\_\_\_\_

Date \_\_\_\_\_



## **ATTACHMENT "B"**



# **DRIVER/VEHICLE EXAMINATION REPORT**

**Kansas Highway Patrol**  
**MOTOR CARRIER SAFETY ASSISTANCE**  
 700 SW Jackson, Ste 704  
 Topeka, KS 66603  
 Phone: (785)296-7189 Fax: (785)296-2858

**Report Number:** KSHP02551068  
**Inspection Date:** 05/15/2017  
**Start:** 5 01 PM CT **End:** 5.33 PM CT  
**Inspection Level:** I - Full  
**HM Inspection Type:** Non-Bulk

**BRUCE DAVIS CONSTRUCTION**

EMPORIA, KS, 66801

USDOT: 1679510

MC/MX#:

State#:

Location: JOHNSON COUNTY - 091

Highway: US-169 AND 175TH

County:

Phone:

Fax#:

**Driver:** ACUNA, BRYAN M

**License#:**

**Date of Birth:**

**CoDriver:**

**License#:**

**Date of Birth:**

**State:** KS

**State:**

**Milepost:** **Shipper:** CARRIER

**Origin:** SPRING HILL,KS

**Destination:** EMPORIA,KS

**Bill of Lading:** NO NUMBER

**Cargo:** GRASS SEED,  
UN1993, GRASS

## **VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	CHEV	2005	KS		1	946122	11400			
2	ST	BAD	2012	KS		1T	230169	22000			

## **BRAKE ADJUSTMENTS**

Axle #	1	2	3	4
Right	N/A	N/A	N/A	N/A
Left	N/A	N/A	N/A	N/A
Chamber	HYDR	HYDR	ELEC	ELEC

## **VIOLATIONS**

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
390 21B	F	1	N		N	Carrier name and/or USDOT Number not displayed as required
383.23A2	F	D	Y		N	Operating a CMV without a CDL
396.17C	F	1	N		N	Operating a CMV without proof of a periodic inspection
393 60D	F	1	N		N	Glazing permits < 70% of light
391 41A-F	F	D	N		N	Operating a property-carrying vehicle without possessing a valid medical certificate
392 2DL	F	D	N		N	Miscellaneous Drivers License Violation
392 8	F	D	N		N	Failing to inspect/use emergency equipment
393 95F	F	1	N		N	No / insufficient warning devices
393 11	F	1	N		N	No or defective lighting devices or reflective material as required

**HazMat:**

**Placard:** No

**Cargo Tank:**

**Special Checks:** No data for special checks

**Notes:** Driver stated he is usually in a haul truck and was told to hook up to trailer and go pick up this load. He was hauling grass seed, seed rolls for erosion control on a job site. Driver had no DOT number displayed on power unit. Had Class B CDL but needed a Class A. No med card. Cut break on one strap met defect table although did not list as driver had additional straps to replace.

\* Pursuant to the authority contained in Title 49, CFR, K.S.A. 66-1,129, K.C.C. Reg. 82-4-3, I hereby declare BRYAN ACUNA "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until obtains valid class A CDL. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature. Signature Of Repairer X \_\_\_\_\_ Facility \_\_\_\_\_ Date \_\_\_\_\_

\*\*/\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*/\*\* CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form. Signature Of Motor Carrier X \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_



DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP02551068  
Inspection Date: 05/15/2017  
Start: 5 01 PM CT End: 5:33 PM CT  
Inspection Level: I - Full  
HM Inspection Type: Non-Bulk

Report Prepared By: Badge #.  
J. WEBER 0255

Copy Received By.  
BRYAN ACUNA

X

X



## **ATTACHMENT "C"**

No. Week Ending 9/20/17  
 Name Randy Shown

9/18/17 MON. (3 1/2)	A M	IN OUT	6:00 To Shop
9/19/17 TUE. (1)	A M	IN OUT	6:00 Topeka Country Club
9/20/17 WED. (11 3/4)	A M	IN OUT	6:00 Stockpile Shop & Beto (1)
9/21/17 THU. (12 1/4)	A M	IN OUT	6:00 Topeka Country Club
9/22/17 FRI. (12)	A M	IN OUT	6:00 Country Club Trash & Dirt
9/23/17 SAT. (1)	A M	IN OUT	4:00 Truck
9/24/17 SUN.	A M	IN OUT	47 1/2

No. Week Ending 9/27/17  
 Name Randy Shown

9/25/17 MON. (10 1/2)	A M	IN OUT	6:00 Stockpile Shop & I head to Melrose Pl.
9/26/17 TUE. (1)	A M	IN OUT	10:00 Truck
9/27/17 WED. (5 1/2) (4 1/2)	A M	IN OUT	6:30 Stockpile Shop
9/28/17 THU. (12 1/4)	A M	IN OUT	6:00 Vassar Long Truck 2 Hrs Downtime
9/29/17 FRI. (12 1/2)	A M	IN OUT	6:00 Vassar Long Truck 2 Hrs Downtime
9/30/17 SAT.	A M	IN OUT	8:00 Trk Time Repairs
10/1/17 SUN.	A M	IN OUT	46 1/4

No. Week Ending 10/4/17  
 Name Randy Shown

10/2/17 MON. (12 3/4)	A M	IN OUT	6:00 Topeka Brewster
10/3/17 TUE. (10 1/2)	A M	IN OUT	6:00 Topeka Brewster
10/4/17 WED.	A M	IN OUT	4:30 Saturday
10/5/17 THU. (12 3/4)	A M	IN OUT	6:00 Topeka Brewster
10/6/17 FRI. (10) (1 1/4)	A M	IN OUT	5:45 Beto HDL, Rip Rap Shop Truck
10/7/17 SAT.	A M	IN OUT	47 1/4
10/8/17 SUN.	A M	IN OUT	

## **ATTACHMENT “D”**



8 / 17 / 12  
(Month) (Day) (Year)

406

Total Miles Driving Today

406

Total Mileage Today

# DRIVER'S DAILY LOG

(24 HOURS)

Original - File at home terminal  
Duplicate - Driver retains in his/her possession for eight days

*Blue Dan Corp*

Name of Carrier or Carriers

*Empire 161*

Main Office Address

Home Terminal Address

I certify these entries are true and correct:

*Blue Dan Corp*

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or  
License Plate(s) / State (show each unit)

*APV Truck*

1. OFF DUTY

2. SLEEPER  
BERTH

3. DRIVING

4. ON DUTY  
(NOT DRIVING)

REMARKS

MID-  
NIGHT

1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11

SHIPPING  
DOCUMENTS:

B/L or Manifest No.  
or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL Copyright 2013 J. J. Keller & Associates, Inc.® All rights reserved

19361 (545-MP)

RECAP  
Complete at  
end of workday.

On-duty hours  
today. (Total  
lines 3 & 4)

70 Hr./8 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today.

B.  
Total hours  
available  
tomorrow.  
70 hr. minus A.\*

C.  
Total hours on  
duty last 8 days,  
including today.

60 Hr./7 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today.

B.  
Total hours  
available  
tomorrow.  
60 hr. minus A.\*

C.  
Total hours on  
duty last 7 days,  
including today.

\*If you meet the  
34-hour restart  
requirements in  
§395.3, you have  
60-70 hours  
available again.



**CERTIFICATE OF SERVICE**

18-TRAM-224-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 DEC 07 2017.

BRUCE DAVIS, MANAGER  
BRUCE DAVIS CONSTRUCTION, LLC  
1201 GRAPHIC ARTS RD  
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TOPEKA, KS 66604-4027  
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a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

DEC 08 2017