

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Emergency Suspension of)
Operating Authority of **Juan Hernandez, d/b/a**)
Classiconcrete Associates of De Soto, Kansas,) Docket No. 13-TRAM-166-OOS
for Failure to Comply with New Entrant Safety)
Requirements as Required by the Motor Carrier)
Safety Statutes, Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

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

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

provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 2017 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Juan Hernandez, d/b/a Classiconcrete Associates is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Juan Hernandez, d/b/a Classiconcrete Associates is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2292807.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Juan Hernandez, d/b/a Classiconcrete Associates's New Entrant Registration had been revoked effective August 29, 2012, for failure to comply with safety requirements.

7. Pursuant to the above authority, on September 7, 2012, the Commission entered an Emergency Suspension of Operating Authority Order on Juan Hernandez, d/b/a Classiconcrete Associates in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On October 24, 2018, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Juan Hernandez, d/b/a Classiconcrete Associates has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2292807 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Juan Hernandez, d/b/a Classiconcrete Associates's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Juan Hernandez, d/b/a Classiconcrete Associates because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Juan Hernandez, d/b/a Classiconcrete Associates's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Juan Hernandez, d/b/a Classiconcrete Associates's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

(B) Juan Hernandez, d/b/a Classiconcrete Associates remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating

Authority Order at paragraph B., entered on September 7, 2012, and provide proof of attendance to Litigation Counsel.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/30/2018



Lynn M. Retz
Secretary to the Commission

AAL



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

JUAN HERNANDEZ
OWNER
CLASSICONCRETE ASSOCIATES
9315 CEDAR CREEK
DESOTO, KS 66018

1200 New Jersey Ave., S.E.
Washington, DC 20590
October 24, 2018

In reply refer to:
USDOT Number: 2292807

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since CLASSICONCRETE ASSOCIATES's USDOT New Entrant registration was revoked on August 29, 2012, based on a failed safety audit conducted on June 7, 2012. Our records also indicate that CLASSICONCRETE ASSOCIATES has reapplied in accordance with 49 CFR section 385.329. CLASSICONCRETE ASSOCIATES's reapplication for USDOT New Entrant registration has been approved.

CLASSICONCRETE ASSOCIATES's 18-month new entrant safety monitoring period restarts as of October 24, 2018. FMCSA will continue to monitor and evaluate CLASSICONCRETE ASSOCIATES's safety management practices and on-road performance to ensure CLASSICONCRETE ASSOCIATES has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of CLASSICONCRETE ASSOCIATES's USDOT New Entrant or permanent registration.

Sincerely,

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

CERTIFICATE OF SERVICE

13-TRAM-166-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 10/31/2018.

JUAN HERNANDEZ, OWNER
JUAN HERNANDEZ
D/B/A CLASSICONCRETE ASSOCIATES
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/S/ DeeAnn Shupe
DeeAnn Shupe