

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20180227165350
Kansas Corporation Commission

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

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

Governor Jeff Colyer, M.D.

NOTICE OF PENALTY ASSESSMENT
18-TRAM-342-PEN

February 27, 2018

William Wiederholt, Owner
d/b/a Bill Wiederholt Trucking
1246 N 1 Rd
Baldwin City, Kansas 66006

Certified Mail No. 70161970000105744226

This is a notice of a penalty assessment against William J. Wiederholt, d/b/a Bill Wiederholt Trucking (Bill Wiederholt Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 22, 2018, 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: Bill Wiederholt Trucking has been assessed a \$1,200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,200, 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 Bill Wiederholt Trucking to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. 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. Bill Wiederholt Trucking must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the 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. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,200 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: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **William J.)
Wiederholt, d/b/a Bill Wiederholt Trucking, of)
Baldwin City, Kansas**, Regarding the Violation)
of the Motor Carrier Safety Statutes, Rules and) Docket No. 18-TRAM-342-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.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. William J. Wiederholt, d/b/a Bill Wiederholt Trucking (Bill Wiederholt Trucking) operates USDOT number 1631055.

5. Bill Wiederholt Trucking owns one truck and contracts with Asphalt Sales from Olathe, Kansas to haul asphalt, dirt and gravel in and around Olathe, Kansas.

6. Bill Wiederholt Trucking is a common motor carrier which primarily hauls dirt, rock and asphalt.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 22, 2018, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of Bill Wiederholt Trucking. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 13, 2017, Bill Wiederholt Trucking required or permitted its driver, William J. Wiederholt, to operate a CDL-required commercial motor vehicle, a 1995 Mack truck, VIN ending in 023691, GVWR 33,000 lbs., in intrastate commerce from Olathe, Kansas to Basehor, Kansas. This trip is

evidenced by Driver/Vehicle Inspection Report No. KSHP04140157, dated December 13, 2017, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Bill Wiederholt Trucking did not have implemented an alcohol and controlled substance abuse testing program for its CDL driver. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a., above, Bill Wiederholt Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier’s failure to inquire into its driver’s MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, Bill Wiederholt Trucking failed to require its driver to make a record of duty status. The special investigator discovered 30 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 \$750.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Bill Wiederholt Trucking committed three (3) 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 \$1,200 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Bill Wiederholt Trucking be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

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

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Bill Wiederholt Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Bill Wiederholt Trucking committed three (3) 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. William J. Wiederholt, d/b/a Bill Wiederholt Trucking, of Baldwin City, Kansas is hereby assessed a \$1,200 civil penalty for three (3) 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. Bill Wiederholt Trucking is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Bill Wiederholt Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. On February 27, 2018, this Penalty Order was mailed to Bill Wiederholt Trucking via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105744226. 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 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 Bill Wiederholt Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,200 civil penalty against Bill Wiederholt Trucking, and ordering a representative from Bill Wiederholt Trucking 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 \$1,200 is due in thirty (30) days from the date of service of this Order. Payment of \$1,200 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 \$1,200 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 Bill Wiederholt Trucking's motor carrier operating

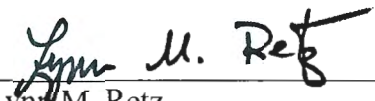
authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner







Dated: Feb. 27, 2018




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 1631055	Legal: WILLIAM J WIEDERHOLT Operating (DBA): BILL WIEDERHOLT TRUCKING		
MC/MX #:		Federal Tax ID  (SSN)		
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: N/A Non-HM		Business: Corporation		
Shipper: N/A N/A		Gross Revenue:  for year ending: 12/31/2017		
Cargo Tank: N/A				
Company Physical Address:				
				
Contact Name: William Widerholt				
Phone numbers: (1) 		Fax		
E-Mail Address: 				
Company Mailing Address:				
1246 N 1 RD BALDWIN CITY, KS 66006				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Other: Dirt, Rock, Asphalt				
Equipment				
	Owned	Term Leased	Trip Leased	Owned Term Leased Trip Leased
Truck	1	0	0	
Power units used in the U.S. 1				
Percentage of time used in the U.S. 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:		1	Total Drivers: 1	
>= 100 Miles:			CDL Drivers: 1	



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba) U.S. DOT # 1631055	Review Date: 02/05/2018
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Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at

This report will be used to assess your safety compliance.

Person(s) Interviewed

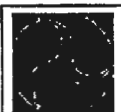
Name: William Wiederholt

Title: Owner

Name:

Title:



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba) U.S. DOT # 1631055	Review Date 02/05/2018
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Part B Violations

1 STATE	Primary 382.115(a) CFR Equivalent 382 115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

Example

On 12/3/2017 William J Wiederholt dba Bill Wiederholt Trucking had driver William Wiederholt (KS CDL # [REDACTED]) operate a 1995 Mack Truck (Unit # 3691, VIN # [REDACTED] 023691.) This vehicle has a gross vehicle weight rating greater than 33,000 lbs. Driver William Wiederholt operated in commerce on an intrastate trip from Olathe, Kansas to Basehor, Kansas. This trip is evidenced by a Roadside inspection and a Bill of lading. At the time of this trip carrier was found to be in violation of failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial vehicle operations.

2 STATE	Primary 390 19(b)(2) CFR Equivalent 390 19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to file the appropriate form under 390 19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule

Example

On 12/3/2017 William J Wiederholt dba Bill Wiederholt Trucking had driver William Wiederholt (KS CDL # [REDACTED]) operate a 1995 Mack Truck (Unit # 3691, VIN # [REDACTED] 023691.) This vehicle has a gross vehicle weight rating greater than 33,000 lbs. Driver William Wiederholt operated in commerce on an intrastate trip from Olathe, Kansas to Basehor, Kansas. This trip is evidenced by a Roadside inspection and a Bill of lading. At the time of this trip carrier was found to be in violation of failing to file the appropriate form under 390.19 (a) (MCS-150, 150B or 150C) each 24 months according to the schedule

3 STATE	Primary 391.51(b)(4) CFR Equivalent 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
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Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example

On 12/3/2017 William J Wiederholt dba Bill Wiederholt Trucking had driver William Wiederholt (KS CDL # [REDACTED]) operate a 1995 Mack Truck (Unit # 3691, VIN # [REDACTED] 023691.) This vehicle has a gross vehicle weight rating greater than 33,000 lbs. Driver William Wiederholt operated in commerce on an intrastate trip from Olathe, Kansas to Basehor, Kansas. This trip is evidenced by a Roadside inspection and a Bill of lading. 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).

4 STATE	Primary 391.51(b)(5) CFR Equivalent 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
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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 12/3/2017 William J Wiederholt dba Bill Wiederholt Trucking had driver William Wiederholt (KS CDL # [REDACTED]) operate a 1995 Mack Truck (Unit # 3691, VIN # [REDACTED] 023691.) This vehicle has a gross vehicle weight rating greater than 33,000 lbs. Driver William Wiederholt operated in commerce on an intrastate trip from Olathe, Kansas to Basehor, Kansas. This trip is evidenced by a Roadside inspection and a Bill of lading. 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).



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba)	Review Date
	U S DOT # 1631055	02/05/2018

Part B Violations

5 STATE	Primary. 391.51(b)(6) CFR Equivalent 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	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 12/3/2017 William J Wiederholt dba Bill Wiederholt Trucking had driver William Wiederholt (KS CDL # [REDACTED]) operate a 1995 Mack Truck (Unit # 3691, VIN # [REDACTED] 023691) This vehicle has a gross vehicle weight rating greater than 33,000 lbs. Driver William Wiederholt operated in commerce on a intrastate trip from Olathe, Kansas to Basehor, Kansas. This trip is evidenced by a Roadside inspection and a Bill of lading. 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

6 STATE	Primary 395.8(a) CFR Equivalent 395 8(a)	Discovered 30	Checked 30	Drivers/Vehicles In Violation	Checked 1
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Description

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

Example


On 12/3/2017 William J Wiederholt dba Bill Wiederholt Trucking had driver William Wiederholt (KS CDL # [REDACTED]) operate a 1995 Mack Truck (Unit # 3691, VIN # [REDACTED] 023691.) This vehicle has a gross vehicle weight rating greater than 33,000 lbs. Driver William Wiederholt operated in commerce on a intrastate trip from Olathe, Kansas to Basehor, Kansas. This trip is evidenced by a Roadside inspection and a Bill of lading. 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.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	63,000	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	1	OOS Vehicle (MCMIS): 0	
		Number of Vehicles Inspected (MCMIS): 0	

Your proposed safety rating is :

This Review is not Rated.



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba) U.S. DOT # 1631055	Review Date: 02/05/2018
Safety Management Process Breakdowns and Remedies		

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

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

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>

- 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.

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



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba) U.S. DOT # 1631055	Review Date 02/05/2018
Safety Management Process Breakdowns and Remedies		

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: William Wiederholt dba Bill Wiederholt Trucking violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established organized driver qualification files for the CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. 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. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES: Make sure that you have drivers complete a listing of driver violations when you run the MVRs. Then sign the certificate qualifying them for another year if they meet the standards. Utilize the documents provided to you at the time of this review 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 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://a1.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.)





BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba)
U.S. DOT # 1631055

Review Date
02/05/2018

Safety Management Process Breakdowns and Remedies

Seek Out Resources

- You are encouraged to review your company's record at the following website <http://a1.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 Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN William J Wiederholt dba Bill Wiederholt Trucking violations occurred due to a breakdown regarding the policies and procedures elements within this section of the regulations. Carrier failed to have a drug and alcohol testing program in place at the time of this review.

BASIC SPECIFIC RECOMMENDED REMEDIES All drivers must have a negative substance abuse test on file prior to operating a commercial motor vehicle. Utilize the materials provide to you at the time of this review to enroll in a program with a drug and alcohol -testing consortium or formulate your own testing program. Make sure that all drivers receive a copy of William J Wiederholt dba Bill Wiederholt Trucking alcohol and substance abuse policy and retain a signed receipt indicating that all drivers received a copy.

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

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- 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 controlled-substance and alcohol violations.

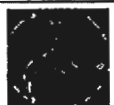
Seek Out Resources

- You are encouraged to review your company's record at the following website. <http://a1.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 William Wiederholt dba Bill Wiederholt Trucking violations occurred



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba) U.S. DOT #: 1631055	Review Date 02/05/2018
Safety Management Process Breakdowns and Remedies		

due to a breakdown regarding the monitoring and tracking elements within this section. Carrier failed to track the drivers hours of service records. It is required that all drivers of commercial motor vehicles document their hours of service.

BASIC SPECIFIC RECOMMENDED REMEDIES Utilize the "time sheet" provided to you at the time of this review. Make sure that you document time in, time out and total time each day. Verify that you are staying within the 100 air-miles of the principal place of business and are returning to the normal work reporting location and released from duty within 12 hours. Additionally make sure that you have at least 10 hours of off-duty separating each on-duty period. If you fail to meet any of the requirements for the short-haul provision make sure that you are documenting your time on a log book. If you have any questions or concerns feel free to contact me at 913-755-1289.

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 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. FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.
https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION_prc_option
7. 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 William J Wiederholt dba Bill Wiederholt operating authority and/or the impoundment of William J Wiederholt dba Bill Wiederholt's commercial motor vehicles



	BILL WIEDERHOLT TRUCKING (WILLIAM J WIEDERHOLT dba) U.S DOT # 1631055	Review Date 02/05/2018
Safety Management Process Breakdowns and Remedies		

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: KSHP04140157
Inspection Date: 12/13/2017
Start: 4 00 PM CT End: 4.30 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

WILLIAM J WIEDERHOLT

Driver: WIEDERHOLT, WILLIAM J

State: KS

BALDWIN CITY, KS, 66006

License#:

Date of Bi

USDOT: 1631055

Phone#:

CoDriver:

MC/MX#:

Fax#:

License#:

State:

State#:

Date of Birth:

Location: KANSAS CITY

Milepost: 19 Shipper: N/A

Highway: U073

Origin: OLATHE,KS

Bill of Lading: 53012

County:

Destination: BASEHOR,KS

Cargo: ASPHALT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	MACK	1995	KS		3691	023691	74000			

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
393 9	F	1	N		N N	Inoperable Required Lamp
393 9H	F	1	N		N N	Inoperable head lamps

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

* 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 _____

Report Prepared By: J. Wohlgemuth
Badge #: 0414

Copy Received By: WILLIAM WIEDERHOLT

X

X



CERTIFICATE OF SERVICE

18-TRAM-342-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 Feb. 27, 2018.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

WILLIAM WIEDERHOLT, OWNER
WILLIAM J. WIEDERHOLT
D/B/A BILL WIEDERHOLT TRUCKING
1246 N 1 RD
BALDWIN CITY, KS 66006
billwiederholt@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe