



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

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

Laura Kelly, Governor

## NOTICE OF PENALTY ASSESSMENT

November 14, 2019

20-TRAM-209-PEN

Filiberto Ponce Favela, Managing Member  
Sporting Construction LLC  
8601 Leavenworth Rd  
Kansas City, KS 66109

This is a notice of a penalty assessment against Sporting Construction LLC (Sporting Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 1, 2019, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. 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:** Sporting Construction has been assessed a \$1,350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,350, 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 Sporting 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. Sporting 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,350 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

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

In the Matter of the Investigation of **Sporting**     )  
**Construction LLC, of Kansas City, KS,**     )  
Regarding the Violation of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 20-TRAM-209-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 2018 Supp. 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f., doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2.     Pursuant to K.S.A. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

## **II. BACKGROUND**

4. Sporting Construction LLC (Sporting Construction) operates under USDOT number 2482140.

5. Sporting Construction is a private motor carrier which primarily hauls building materials, construction, garbage, refuse and trash.

## **III. STATEMENT OF FACTS**

6. Pursuant to the jurisdiction and authority cited above, on November 1, 2019, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Sporting 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 six (6) violation(s) of the Motor Carrier Safety Regulations.

- a. On October 4, 2019, Sporting Construction required or permitted its driver, Filiberto Ponce-Favela, to operate a commercial motor vehicle, a 2016 GMC truck, VIN ending in 155004, GVWR over 5,000 lbs., pulling a 2003 Texas Bragg trailer, VIN ending in 30970, GVWR over 5,000 lbs., in interstate commerce from Kansas City, Kansas to Kansas City,

Missouri. This trip is evidenced by a signed statement, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Sporting Construction had not paid its Unified Carrier Registration (UCR) fees for 2019. The carrier's failure to annually register its commercial motor vehicle(s) operating in interstate commerce and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.60, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

- b. During the transportation described in paragraph a, above, Sporting Construction 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. 2018 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a, above, Sporting Construction failed to submit a corrective action plan (CAP) as stipulated following its previous compliance review. The carrier's failure to submit a CAP to the Transportation Division following a compliance review is in violation of 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,142b(h). Staff recommends a fine of \$500.

- d. During the transportation described in paragraph a, above, Sporting Construction failed to require its driver to prepare a record of duty status. 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- e. During the transportation described in paragraph a, above, Sporting Construction failed to keep minimum records of inspection and maintenance for the commercial motor vehicles. The carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.
- f. During the transportation described in paragraph a, above, Sporting Construction failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

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

7. Based upon the available facts, Staff recommends the Commission finds Sporting Construction committed six (6) 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.

8. Additionally, Staff recommends a civil penalty of \$1,350 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Sporting 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).

10. Finally, Staff recommends that Sporting 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**

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

12. The Commission finds Sporting Construction committed six (6) 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. Sporting Construction LLC, of Kansas City, KS is hereby assessed a \$1,350 civil penalty for six (6) 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. Sporting 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Sporting 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.

E. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written

request. Failure to timely request a hearing will result in a waiver of Sporting Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,350 civil penalty against Sporting Construction, and ordering a representative from Sporting 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,350 is due in thirty (30) days from the date of service of this Order. Payment of \$1,350 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 \$1,350 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 Sporting 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



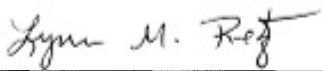
and desist orders, and any other remedies available to the Commission by law, without further notice.

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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 11/14/2019 \_\_\_\_\_

  
\_\_\_\_\_  
Lynn M. Retz  
Executive Director

AAL

## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 2482140  
**MC/MX#:**

**Legal:** SPORTING CONSTRUCTION LLC  
**Operating (DBA):**

**Investigation Date:**  
11/01/19

**Investigation Type:** Onsite Comprehensive Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

## Physical Address

8601 Leavenworth RD  
KANSAS CITY, KS 66109  
United States

## Mailing Address

8601 Leavenworth RD  
KANSAS CITY, KS 66109  
United States

## Contact Information

**Contact Name:** FILIBERTO PONCE

**Email:** [REDACTED]  
**Phone:** [REDACTED] (0)-

## Business and Financial

**Business Type:** Corporation

**Gross Revenue:** [REDACTED] **For Year Ending:** 12/31/18

**Federal Tax ID:** [REDACTED]

## Operation Classification and Type

**Type of Operation:** Non-HM Interstate Carrier

## Operation Classification

Private Motor Carrier

Property – Non-Hazardous Materials

## Cargo

Building Materials, Construction, Garbage, Refuse, Trash

## Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	1		
Trailers	1		

## Driver Information

### Drivers

	Intrastate	Interstate
< 100 Miles		1
>= 100 Miles		

**Power units used in the U.S.:** 1

**Percentage of time used in the U.S.:** 100.0%

**Average trip leased driver/month:** 0

**Drivers with CDL:** 0

**Total Drivers:** 1

**Person(s) Interviewed****Name:** FILIBERTO PONCE**Title:** OWNER**Questions**

Questions about this report or the Federal Motor  
Carrier Safety or Hazardous Materials regulations may  
be addressed to the Federal Motor Carrier Safety  
Administration at:

1303 SW FIRST AMERICAN PLACE, SUITE 200  
TOPEKA, KS 66604-4040  
Phone: (785) 271-1260  
Fax: (785) 228-9725

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

## Violations

### 1. Primary: 367

Fail to pay current years UCR and operating in interstate commerce.

#### Violations Discovered

Fed	State	Total
1		1

#### Violations Checked

Fed	State	Total
1		1

#### Example/Notes:

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED]) operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 155004 & 2003 Texas Bragg Trailer VIN# [REDACTED] 30970) in interstate commerce. This vehicle combination has a GCWV over 10,001 lbs. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier failed to pay UCR fees and operating in interstate commerce.

#### Drivers/Vehicles

In Violation	Checked
1	1

### 2. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

#### Violations Discovered

Fed	State	Total
1		1

#### Violations Checked

Fed	State	Total
1		1

#### Example/Notes:

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED]) operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 155004 & 2003 Texas Bragg Trailer VIN# [REDACTED] 30970) in interstate commerce. This vehicle combination has a GCWV over 10,001 pounds. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier failed to maintain a copy of the driver MVR in the driver qualification file.

#### Drivers/Vehicles

In Violation	Checked
1	1

**3. Primary: 391.51(b)(1)**

Failing to maintain driver's employment application in driver's qualification file.

**Violations Discovered**

Fed	State	Total
1		1

**Violations Checked**

Fed	State	Total
1		1

**Example/Notes:**

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED]) operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 155004 & 2003 Texas Bragg Trailer VIN# [REDACTED] 30970) in interstate commerce. This vehicle combination has a GCWV over 10,001 pounds. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier failed to maintain driver application for employment in the driver qualification file.

**Drivers/Vehicles**

In Violation	Checked
1	1

**4. Primary: 392.2****State Equivalent: KSA 66-1,142b(h)**

Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Other.

**Violations Discovered**

Fed	State	Total
	1	1

**Violations Checked**

Fed	State	Total
	1	1

**Example/Notes:**

No corrective action plan received as stipulated in the State penalty order from the carrier's previous compliance review.

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED]) operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 155004 & 2003 Texas Bragg Trailer VIN# [REDACTED] 30970) in interstate commerce. This vehicle combination has a GCWV over 10,001 pounds. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier failed to submit a corrective action plan to the State of Kansas as stipulated following their previous review.

**Drivers/Vehicles**

In Violation	Checked
1	1

**5. Primary: 395.8(a)(1)**

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

**Violations Discovered**

Fed	State	Total
1		1

**Violations Checked**

Fed	State	Total
1		1

**Example/Notes:**

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED] operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 155004 & 2003 Texas Bragg Trailer VIN# [REDACTED] B0970) in interstate commerce. This vehicle combination has a GCWV over 10,001 pounds. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier failed to require driver to prepare record of duty status.

**Drivers/Vehicles**

In Violation	Checked
1	1

**6. Primary: 396.3(b)**

Failing to keep minimum records of inspection and vehicle maintenance.

**Violations Discovered**

Fed	State	Total
1		1

**Violations Checked**

Fed	State	Total
1		1

**Example/Notes:**

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED] operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 55004 & 2003 Texas Bragg Trailer VIN# [REDACTED] B0970) in interstate commerce. This vehicle combination has a GCWV over 10,001 pounds. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier failed to keep minimum records of inspection and maintenance for commercial motor vehicles

**Drivers/Vehicles**

In Violation	Checked
1	1

**7. Primary: 396.17(a)**

Using a commercial motor vehicle not periodically inspected.

**Violations Discovered**

Fed	State	Total
1		1

**Violations Checked**

Fed	State	Total
1		1

**Example/Notes:**

On October 4th, 2019 Sporting Construction LLC had driver Filiberto Ponce-Favela (KS DL# [REDACTED]) operate a combination commercial motor vehicle (2016 GMC Truck VIN# [REDACTED] 155004 & 2003 Texas Bragg Trailer VIN# [REDACTED] 30970) in interstate commerce. This vehicle combination has a GCWV over 10,001 pounds. Driver Filiberto Ponce-Favela operated this combination vehicle from the carrier's principal place of business in Kansas City Kansas to the job site (Phillips Gas Station) in Kansas City Missouri. This trip is evidenced by a driver statement and a job invoice. At the time of this trip and during the review, carrier is operating commercial motor vehicles without having them periodically inspected. Carrier was unable to provide any annual inspections for commercial motor vehicles.

**Drivers/Vehicles**

In Violation	Checked
1	1



## Safety Fitness Rating

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

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory		
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS) 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Satisfactory		
Factor 5: Haz Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 112,000 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

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

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

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## **Process Breakdown and Remedies**

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### **BASIC: Hours-of-Service Compliance**

#### **Process Breakdown: Policies and Procedures**

##### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

1. Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
2. Establish a policy to ensure that drivers enter all compensated time, including time spent working for a non-motor carrier, on their Record of Duty Status (RODS) or prior seven-day duty statement.

### **BASIC: Vehicle Maintenance**

#### **Process Breakdown: Policies and Procedures**

##### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

1. Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.

### **BASIC: Driver Fitness**

#### **Process Breakdown: Monitoring and Tracking**

##### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. 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.

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## Recommendations

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1 **Additional Information**

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

2. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)

3. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

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

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

5. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

6. **100-mile exemption terms must be met.**

If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.

7. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

8. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

## **ATTACHMENT “B”**



2 men

contract of subcontractor

interstate tie

10-4-19.

draw #5 track

8:00 drop it

draw #2 track

5:30

Pick up

5810

n antioch kemo  
gas station philips

Flubbs Jones

Spokane Construction

10-17-19

## **CERTIFICATE OF SERVICE**

20-TRAM-209-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail/hand delivered on 11/15/2019.

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

FILIBERTO PONCE FAVELA, MANAGING MEMBER  
SPORTING CONSTRUCTION LLC  
8601 LEAVENWORTH RD  
KANSAS CITY, KS 66109  
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/S/ DeeAnn Shupe  
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