



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

October 22, 2019

20-TRAM-174-PEN

William Urban, Member  
B & N Trucking, LLC  
812 V Lane  
Oberlin, KS 67749

This is a notice of a penalty assessment against B & N Trucking, LLC (B & N Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 11, 2019, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order attached to this notice.

### IF YOU ACCEPT THE PENALTY:

B & N Trucking has been assessed a \$500 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$500 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

### **B & N TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.**

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

### IF YOU CONTEST THE PENALTY ORDER:

**You have the right to request a hearing if you contest the terms of the Penalty Order.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. B & N Trucking, LLC 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) 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. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$500 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,



Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
a.latif@kcc.ks.gov

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Laura Kelly, Governor

## **REDUCED PENALTY AGREEMENT**

### **20-TRAM-174-PEN**

B & N Trucking, LLC (B & N Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated October 22, 2019. B & N Trucking has agreed to comply with the following terms and obligations:

1. B & N Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. B & N Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. B & N Trucking will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. B & N Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

B & N Trucking, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$250, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, B & N Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

B & N Trucking, LLC

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William Urban  
Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

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

**PENALTY ORDER**

## I. JURISDICTION

2. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing 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**

3. B & N Trucking, LLC (B & N Trucking) has common operating authority with the Commission and further operates under USDOT number 2901165.

4. William Urban attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on August 8, 2016, on behalf of B & N Trucking.

5. B & N Trucking is a common motor carrier which primarily hauls general freight, machinery, large objects, liquids/gases, grain, feed, hay, livestock, sand and gravel.

6. B & N Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on October 11, 2019, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of B & N Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On August 22, 2019, B & N Trucking required or permitted its driver, William (Bill) Ralph Urban, to operate a CDL-required commercial motor vehicle, a 1996 International, VIN ending in 010802, GVWR 52,000 lbs., pulling a 2002 Wilson semi-trailer, VIN ending in 235869, GVWR 75,000 lbs., in interstate commerce from Oberlin, Kansas to Trenton, Nebraska. This trip is evidenced by United States Warehouse Act Grain Inspection & Weight Certificate, dated August 22, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the

time of this transportation, B & N Trucking's load was in excess of the maximum gross weight of 90,000 pounds allowed on the Kansas Overweight Permit. The carrier's load was 95,320 pounds. The special investigator discovered five (5) violations of this type. B & N Trucking's failure to stay within the legal gross weight limit is a violation of 49 C.F.R 392.2, adopted by K.A.R. 82-4-3, and authorized by K.S.A. 8-1909. Staff recommends a fine of \$500.

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

8. Based upon the available facts, Staff recommends the Commission find B & N Trucking committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Staff recommends a civil penalty of \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that B & N Trucking, LLC is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

11. Staff recommends B & N Trucking, LLC submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this Penalty Order, including specific and detailed information

explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

12. Staff further recommends that a representative from B & N Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

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

## **V. CONCLUSIONS OF LAW**

14. The Commission finds it has jurisdiction over B & N Trucking 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.

15. The Commission finds a penalty of \$500 should be assessed to B & N Trucking for committing one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

16. The Commission finds B & N Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. B & N Trucking, LLC, of Oberlin, KS is hereby assessed a penalty of \$500 for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as

adopted by the Kansas Administrative Regulations. Payment of \$500 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from B & N Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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).

C. B & N Trucking must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. B & N 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 motor carrier at a later date to determine an appropriate time for this review.

E. If B & N Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$500 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of B & N Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.



F. **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, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. 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 Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of B & N Trucking's right to a hearing.

G. 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.

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

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 10/22/2019

A handwritten signature in cursive script, reading "Lynn M. Retz".

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Lynn M. Retz  
Executive Director

AAL

## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 2901165  
**MC/MX#:** 983966

**Legal:** B & N TRUCKING LLC  
**Operating (DBA):**

**Investigation Date:**  
10/11/19

**Investigation Type:** Onsite Comprehensive Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

812 V LN  
OBERLIN, KS 67749-5130  
United States

**Mailing Address**

812 V LN  
OBERLIN, KS 67749-5130  
United States

**Contact Information**

**Contact Name:** WILLIAM URBAN, NORA URBAN

**Email:**

**Phone:**

**Fax:** ()-

**Business and Financial**

**Business Type:** Corporation

**Gross Revenue:** For Year Ending: 12/31/18

**Federal Tax ID:** (IN)

**Operation Classification and Type**

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

**Operation Classification**

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

**Cargo**

General Freight, Machinery, Large Objects, Liquids/Gases, Grain, Feed, Hay, Livestock, Other (Sand, gravel)

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	1		
Trailers	1		

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

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

**Driver Information**

**Drivers**

Intrastate	Interstate
< 100 Miles	
>= 100 Miles	1

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

**Drivers with CDL:** 1

**Total Drivers:** 1

**Person(s) Interviewed****Name:** WILLIAM URBAN**Title:** MEMBER**Name:** NORA URBAN**Title:** SECRETARY**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:

1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
Phone: (785) 443-1523  
Fax: (785) 271-3124

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

## Violations

<p><b>1. Primary: 392.2</b>  <b>Secondary: K.S.A. 8-1901</b>  Operating in excess of the maximum gross weight allowed on the overweight permit</p>	<table border="1"> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td>5</td> <td></td> <td>5</td> </tr> </table> <table border="1"> <tr> <th colspan="3">Violations Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td>30</td> <td></td> <td>30</td> </tr> </table>	Violations Discovered			Fed	State	Total	5		5	Violations Checked			Fed	State	Total	30		30
Violations Discovered																			
Fed	State	Total																	
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Violations Checked																			
Fed	State	Total																	
30		30																	
<p><b>Example/Notes:</b></p> <p>Driver Bill Urban  Trip Date: August 22, 2019</p> <p>On August 22, 2019 Driver Bill Urban transported corn from CHS in Oberlin, Kansas to Southwest Grain in Trenton, Nebraska. The load was grossing 95,320 pounds.</p>	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td>1</td> <td>1</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	1	1												
Drivers/Vehicles																			
In Violation	Checked																		
1	1																		

  

<p><b>2. Primary: 396.3(b)(1)</b>  Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.</p>	<table border="1"> <tr> <th colspan="3">Violations Discovered</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td>2</td> <td></td> <td>2</td> </tr> </table> <table border="1"> <tr> <th colspan="3">Violations Checked</th> </tr> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> <tr> <td>2</td> <td></td> <td>2</td> </tr> </table>	Violations Discovered			Fed	State	Total	2		2	Violations Checked			Fed	State	Total	2		2
Violations Discovered																			
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Violations Checked																			
Fed	State	Total																	
2		2																	
<p><b>Example/Notes:</b></p> <p>B &amp; N Trucking L.L.C. did not have a maintenance record for Unit 14 or Unit 103 that identified the vehicle by the make, the year, the VIN number, a company unit number and tire size.</p>	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td>2</td> <td>2</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	2	2												
Drivers/Vehicles																			
In Violation	Checked																		
2	2																		

## 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) Number of Vehicles Inspected (CR): OOS Vehicles (MCMIS): Number of Vehicles Inspected (MCMIS): OOS Rate: NaN	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 63,416 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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None



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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](https://csa.fmcsa.dot.gov).

### 2. Operating in excess of the Kansas Overweight Permit

A company can purchase an overweight permit for any vehicle that has more than 6 axles to haul up to 90,000 pounds gross weight. If a carrier is caught transporting over 90,000 pounds the permit can be confiscated and the carrier can receive a citation for the overweight.

### 3. Required recommendation

- **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 could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. 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 Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa dot.gov/>.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

e-mail: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 B & N Trucking L.L.C. operating authority and/or the impoundment of B & N Trucking L.L.C. vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

x William Duba  
Signature

x 10-11-19  
Date

**Table 1: Violations Discovered During Review/Inspection**

Violation	Date	Identifying Information	Description
<b>396.3(b)(1) - Failing to keep a maintenance record identifying the vehicle</b>			
1	08/22/19	Equipment: Unit 14	Maintenance records do not identify the vehicle
<b>392.2 - Operating in excess of the maximum gross weight allowed on the overweight permit</b>			
1	08/21/19	Driver Bill Urban	Hauled in excess of the 90,000 pound overweight permit. Hauled 94,160 pounds
2	08/22/19	Driver Bill Urban	Hauled in excess of the 90,000 pound overweight permit. Hauled 91,180 pounds
3	08/22/19	Driver Bill Urban	Hauled in excess of the 90,000 pound overweight permit. Hauled 95,320 pounds
4	08/23/19	Driver Bill Urban	Hauled in excess of the 90,000 pound overweight permit. Hauled 91,900 pounds
5	08/22/19	Driver Bill Urban	Hauled in excess of the 90,000 pound overweight permit. Hauled 93,180 pounds.

## **ATTACHMENT “B”**



CHS ELEVATORS

**UNITED STATES WAREHOUSE ACT  
GRAIN INSPECTION & WEIGHT CERTIFICATE**

Inspection not valid for purposes of the United States Grain Standards Act

901 MASON AVE

BERTRAND, NE

308/472-3415  
68927

TICKET #: 0492416

INBOUND -TRUCK

LICENSE #: 3-9890

ELEVATOR #: 3079000

CHS - OBERLIN GRAIN

708 E FRONTIER PARKWAY

OBERLIN KS 67749

100.0000

1016.34 CHS - OBERLIN GRAIN

000

Hold-Not Applied

COMMODITY: HARD RED WINTER WHEAT	VEHICLE ID: OBERLIN	FIELD ID S15454
US GRADE #1	DRIVER ON?: N	FREIGHT RATE: 0.0000
MOISTURE 11.1	08/22/19 15:36	93180 Lbs GROSS
TEST WEIGHT 61.2	08/22/19 15:46	31840 Lbs TARE
DOCKAGE 0.4		61340 Lbs NET

	GROSS UNITS	1022.33
DOCKAGE \$5 D 0.40	SHRINK	
	DOCK	4.09
	NET UNITS	1018.24

**CERTIFICATION:** This certificate is issued by an Inspector and/or weigher licensed under the United States Warehouse Act and regulations thereunder for the CHS Elevators, Holdrege, NE

**COPY - NON-NEGOTIABLE**

JIM

Licensed Inspector and/or Weigher

## CERTIFICATE OF SERVICE

20-TRAM-174-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 10/23/2019.

WILLIAM URBAN, MEMBER  
B & N TRUCKING, LLC  
812 V LANE  
OBERLIN, KS 67749-5130  
bigbillsurbanfarms@yahoo.com

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

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe