

**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 T)
R L Trucking LLC of Kansas City,)
Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's) Docket No. 16-TRAM-153-PEN
Authority to Impose Penalties,)
Sanctions and/or the Revocation of)
Motor Carrier Authority.)

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

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. Pursuant to K.S.A. 2016 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. T R L Trucking LLC of Kansas City, Kansas (Respondent) is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.

5. Respondent operates under USDOT Number 996940.

6. On October 13, 2015, Respondent was issued a penalty assessment of \$3,700 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on September 11, 2015, by Kansas Corporation Commission Special Investigator B.K. Smith. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. The Penalty Order was mailed to Respondent via certified mail, return receipt requested, on October 13, 2015. A Proof of Service of the Penalty Order was filed in this docket on November 30, 2015, indicating the Respondent was served with the Penalty Order on November 21, 2015.

8. On January 12, 2016, the Commission issued an Order Suspending Intrastate Motor Carrier Operations for Respondent's failure to pay the civil penalty.

9. On December 28, 2016, Staff and Respondent entered into a Stipulated Settlement Agreement wherein Respondent would pay \$310 a month for eleven (11) months and the final payment of \$290 due on December 15, 2017. On January 5, 2017, the Commission issued an Order Approving Stipulated Settlement Agreement.

10. On March 3, 2017, as a result of Respondent making timely monthly payments, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations. On March 9, 2017, the Commission issued an Order Reinstating Intrastate Motor Carrier Operations.

11. On January 17, 2018, Staff filed a Motion to Suspend Intrastate Motor Carrier Operations advising the Commission that Respondent has defaulted on the agreed Stipulated Settlement Agreement (Agreement), with the last payment received by Respondent of \$310 on October 11, 2017, for the August 2017 payment. Staff has not received payment from Respondent since October 11, 2017, therefore, Respondent has defaulted on September, October, November and December 2017 payments. The account balance owing as of January 17, 2018, is \$910.

12. The Commission finds Respondent has failed to comply with the terms and conditions of the approved Agreement.

10. The Commission finds that Respondent is to attend a Commission-sponsored safety meeting within 90 days from the date of this Order, and to provide Litigation Counsel with proof of attendance.

III. CONCLUSIONS OF LAW

9. The Commission finds it has jurisdiction over Respondent as it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. The Commission finds Respondent defaulted on the approved Stipulated Settlement Agreement.

12. The Commission finds Respondent is to attend a Commission-sponsored safety seminar within 90 days from the date of this Order, and it is to provide proof of attendance to Litigation Counsel.

13. The Commission finds Respondent's failure to comply with the requirements of the Stipulated Settlement Agreement is intentional and therefore this Commission finds the Respondent should be suspended from all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2016 Supp. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. T R L Trucking LLC of Kansas City, Kansas is immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2016 Supp. 66-1,129, until such time as Respondent pays the penalty amount of \$910 and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. T R L Trucking LLC of Kansas City, Kansas is hereby ordered to attend a Commission-sponsored safety meeting within 90 days of the date of this Order, and to provide Litigation Counsel with written proof of attendance.

C. This order was mailed on January 23, 2017 via certified mail, return receipt requested, Certified Mail No. 70161970000105744479. Service is complete when Respondent signs the Domestic Return Receipt.

D. **Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Respondent's right to a hearing, and this Order will become a Final Order against Respondent, suspending Respondent's motor carrier operations, ordering Respondent to attend a Commission-sponsored safety seminar within ninety (90) days of the date of this Order, and it is to provide Litigation Counsel with written proof of attendance.

E. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

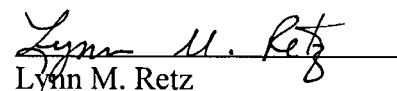
F. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

G. 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: JAN 23 2018


Lynn M. Retz
Secretary to the Commission

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Order Mailed Date

JAN 24 2018

CERTIFICATE OF SERVICE

16-TRAM-153-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 JAN 23 2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JAN 24 2018