

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

January 5, 2017

17-TRAM-272-PEN

Christopher Elmore, Owner
d/b/a Elmore Repair
1306 4th Street
Downs, Kansas 67437

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 15, 2016, by Kansas Corporation Commission Special Investigators Doug Handy and Greg Askren. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,600 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

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. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



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

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

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of the Investigation of)
Christopher Elmore, d/b/a Elmore Repair, of)
Downs, Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 17-TRAM-272-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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2015 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. 2015 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. 2015 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 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

4. Christopher Elmore, d/b/a Elmore Repair (Elmore Repair) operates under USDOT number 2364820.

5. Christopher Elmore attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on January 27, 2014, on behalf of Elmore Repair.

6. Elmore Repair is a common motor carrier which primarily hauls general freight, metal, sheets, coils, rolls, grain, feed, hay, commodities dry bulk.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on December 15, 2016, Commission Staff (Staff) Special Investigators Doug Handy and Greg Askren conducted a compliance review of the operations of Elmore Repair. 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, Mr. Handy and Mr. Askren identified four (4) violations of the Motor Carrier Safety Regulations.

- a. On November 15, 2016, Elmore Repair required or permitted its driver, Christopher Elmore, to operate a CDL-required commercial motor vehicle, a 2003 Kenworth truck tractor, VIN ending in 06726, GVWR 52,000 lbs., pulling a 2002 Wabash trailer, VIN ending in 776491, GVWR 68,000 lbs., in interstate commerce from Norton, Kansas to San Marcos, Texas. This

trip is evidenced by Driver's Daily Log, dated November 15, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Elmore Repair was not enrolled in a controlled substances and alcohol testing program. The carrier did not renew his contract with Assured Occupational Solutions, Inc. until December 9, 2016. Elmore Repair's failure to establish an alcohol and/or controlled substances 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), as adopted by K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, Elmore Repair 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), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, Elmore Repair permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigators found

two (2) violations of this type. Elmore Repair's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- d. On October 5, 2016, Elmore Repair required or permitted its driver, Christopher Elmore, to operate a CDL-required commercial motor vehicle, a 2003 Kenworth truck tractor, VIN ending in 706726, GVWR 52,000 lbs., pulling a 1999 Corn trailer, VIN ending in 0007270, GVWR 68,000 lbs., in interstate commerce from Hugoton, Kansas to Colby, Kansas. This trip is evidenced by Load Confirmation Sheet, dated October 5, 2016, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Elmore Repair failed to have for-hire operating authority with the Kansas Corporation Commission to travel point-to-point in the state of Kansas. The carrier's commercial operation of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2015 Supp. 66-1,111 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Elmore Repair committed four (4) violations 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 \$1,600 for four (4) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Elmore Repair be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Elmore Repair submit to one follow-up safety compliance review within the next eighteen (18) months. 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 Elmore Repair because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Elmore Repair committed four (4) violations 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. Christopher Elmore, d/b/a Elmore Repair, of Downs, Kansas is hereby assessed a \$1,600 civil penalty for four (4) violations 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. Elmore Repair is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Elmore Repair is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 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. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Elmore Repair's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,600 civil penalty against Elmore Repair, and ordering Elmore Repair to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. 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. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

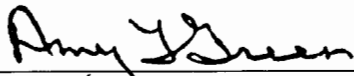
F. Failure to pay the \$1,600 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Elmore Repair's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, 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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: JAN 05 2017




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date
JAN 06 2017

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 2364820	Legal: CHRISTOPHER ELMORE Operating (DBA):ELMORE REPAIR	
	MC/MX #: 865666 Federal Tax ID: [REDACTED] (EIN)		
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S. Territory: E	
Operation Types		Interstate Intrastate	
Carrier: Non-HM N/A		Business: Corporation	
Shipper: N/A N/A		Gross Revenue: [REDACTED] for year ending: 11/30/2016	
Cargo Tank: N/A			
Company Physical Address:			
[REDACTED]			
Contact Name: Shannon Elmore			
Phone numbers: (1) [REDACTED]			
E-Mail Address: [REDACTED]			
Company Mailing Address:			
1306 4TH ST DOWNS, KS 67437-8800			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
General Freight Metal: Sheets, Coils, Rolls Grain, Feed, Hay Commodities Dry Bulk			
Equipment			
	Owned	Term Leased	Trip Leased
Truck Tractor	1	0	0
Trailer	2	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	
< 100 Miles:			Average trip leased drivers/month: 0
>= 100 Miles:	1		Total Drivers: 1
			CDL Drivers: 1





ELMORE REPAIR (CHRISTOPHER ELMORE dba)
U.S. DOT #: 2364820

Review Date
12/15/2016

Part A

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:

Address not available

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Shannon Elmore

Title: Office manager

Name:

Title:






ELMORE REPAIR (CHRISTOPHER ELMORE dba)
U.S. DOT #: 2364820

Review Date
12/15/2016

Part B Violations

1	Primary: 382.305	Discovered	Checked	Drivers/Vehicles In Violation	Checked
FEDERAL ACUTE		1	1		
Description Failing to implement a random controlled substance and/or an alcohol testing program Example Driver [REDACTED] Trip Date 11/15/16 Operated interstate commerce, carrier failed to be enrolled in a controlled substance and/or an alcohol testing program Trip from Norton, Ks. to San Marcus, TX.					
2	Primary: 395.17(a)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
FEDERAL CRITICAL		2	3	2	3
Description Using a commercial motor vehicle not periodically inspected. Example Driver [REDACTED] Trip Date 11/15/16 Wabash VIN # [REDACTED] 776491 Ks. Reg [REDACTED] GVWR 68,000. Operated interstate commerce, carrier failed to have a current annual inspection for Unit TR3					
3	Primary: 391.25(a)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
FEDERAL		1	1	1	1
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver [REDACTED] Trip Date 11/15/16 Carrier provided a MVR file with the original obtained on 8/19/11. No other MVRs were provided as required.					
4	Primary: 391.51(b)(5)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
FEDERAL		1	1	1	1
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 Driver [REDACTED] Trip Date 11/15/16 Carrier provided an annual review with the original obtained on 6/24/14. No other annual reviews provided as required.					
5	Primary: 391.51(b)(6)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
FEDERAL		1	1	1	1
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example Driver [REDACTED] Trip Date 11/15/16 Carrier provided a list of certification with the original obtained on 6/24/14. No other list of certification were provided as required.					



	ELMORE REPAIR (CHRISTOPHER ELMORE dba)	Review Date:
	U.S. DOT #: 2364820	12/15/2016

Part B Violations

6 STATE	Primary: 66-1,111 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

No Common Carrier Authority- Intrastate Point to Point

Example

Driver [REDACTED]

Trip Date 10/5/16

Operated intrastate commerce from Hugoton, Ks to Colby, Ks.,

Bill of Lading # 76130

7 FEDERAL	Primary: 395.8(f)(12)	Discovered 9	Checked 30	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

Driver [REDACTED]

Trip Date 11/15/16

Operated interstate commerce, carrier failed to list shipper and commodity.

Safety Fitness Rating Information:

Total Miles Operated 64,080

Recordable Accidents 0

Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 0

OOS Vehicle (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

SATISFACTORY

Rating Factors

Acute Critical

Factor 1:	S	0	0
Factor 2:	C	1	0
Factor 3:	S	0	0
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





ELMORE REPAIR (CHRISTOPHER ELMORE dba)
U.S. DOT #: 2364820

Review Date
12/15/2016

Part B Requirements and/or Recommendations

1. 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
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Make certain that all log books are completed with every item on the log sheet completed. 395.8 (a). Items such as Bill of Lading number, commodity transported, and recap of daily hours must be completed.
4. Make certain that you have Kansas Common Carrier Authority if the situation exists that your carrier operations require the authority under Kansas State law. The transportation for hire point to point within the State of Kansas requires the above authority.
5. 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 carriers 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.
6. **CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities-**
Carrier failed to renew consortium membership and was removed from the random select on 9/23/2016 and reinstated 12/9/2016.

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to implement a controlled substance and/or alcohol testing program. Seek out Third Party Administrators that operate as a controlled substance and alcohol testing consortium and make sure that all CDL required drivers have pre-employment test completed with results known prior to operation of a CDL required CMV and make sure that the consortium enrolls those drivers in a random testing program with other CDL drivers in a testing pool. Owner/operators are also required to have a program and be tested.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices. The following are recommended practices related to Roles and Responsibilities:

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking





ELMORE REPAIR (CHRISTOPHER ELMORE dba)
U.S. DOT # 2364620

Review Date:
12/15/2016

Part B Requirements and/or Recommendations

results

- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Passenger Carrier Only

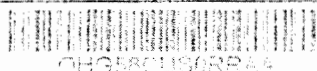
- Designate a manager to collect and evaluate all controlled-substance and alcohol-related customer complaints and their safety implications.

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.

7. 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. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information: <http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>
- The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the 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 recurrence going forward. Include any supporting documentation in a





ELMORE REPAIR (CHRISTOPHER ELMORE dba)
U.S. DOT #: 2364820

Review Date:
12/15/2016

Part B Requirements and/or Recommendations

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

8. VEHICLE MAINTENANCE BASIC - CARGO RELATED PROCESS BREAKDOWN, Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to have annual inspections as required.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document roles and responsibilities of managers and supervisors for implementing cargo-handling, loading, and securement policies and for monitoring compliance with them.
- Establish roles and responsibilities of managers and experienced drivers for performing ad-hoc oversight and instruction of newer drivers and purchasing/parts-inventory agents.
- Define and document roles and responsibilities of drivers, dispatchers, managers, mechanics, technicians, and purchasing/parts inventory agents in relation to cargo handling, loading, and securing regulations and company policies and procedures.

Passenger Carrier Only:

- Designate a manager to collect and evaluate all cargo-securment-related customer complaints and their safety implications.

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.

9. Obtain a copy of each driver's driving record and review it annually.
10. 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.
11. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
12. This review will result in a Safety Rating.
13. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Christopher Elmore DBA Elmore Repair operating authority and for the impoundment of Christopher Elmore DBA Elmore Repair vehicles.





ELMORE REPAIR (CHRISTOPHER ELMORE dba)
U.S. DOT #: 2354820

Review Date
12/15/2016

Part B Requirements and/or Recommendations

Shawnex D. New
12-15-16

NAME OF CARRIER OFFICIAL, TITLE
Date



ATTACHMENT “B”

RECAP
Complete at
end of workday.

On-duty hours
today: (Total
lines 8 & 9)

70 Hr./8 Day
Drivers

A.
Total hours on
duty last 7 days,
including today:

B.
Total hours
available
excluding today:
76 Hr. minus A.

C.
Total hours on
duty last 8 days,
including today:

60 Hr./7 Day
Drivers

A.
Total hours on
duty last 6 days,
including today:

B.
Total hours
available
excluding today:
66 Hr. minus A.

C.
Total hours on
duty last 7 days,
including today:
If you meet the
34-hour restart
requirements in
§23.2, you have
68.5 hours
available again.

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

DRIVER'S DAILY LOG

24 HOURS

Elmore Rogers
Name of Carrier or Carriers

Main Office Address

Home Terminal Address

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

TOTAL
HOURS

	HOURS																								TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11		
1. OFF DUTY																									10 34
2. SLEEPER BERTH																									1
3. DRIVING																									11
4. ON DUTY (NOT DRIVING)																									14
REMARKS																									24

MID-
NIGHT

SHIPPING
DOCUMENTS:

B/L or Manifest No.
or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

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19361 (545-MP)

ATTACHMENT “C”

*** Load Confirmation ***

Reliant Transportation, Inc.
PO Box 67009
Lincoln, NE 68506-7009
888-464-7771 Fax 888-608-9407

Page 1

0730486

Carrier: ELMORE REPAIR
DOWNS KS 67437-8800
Date: 10/04/2016
Contact: SHANNON ELMORE
Phone: [REDACTED]
Fax:

Order Order: 0730486
Miles: 177.0
Pick Up #: NORAG
BOL:
Weight to use: C
Commodity: SUNFLOWERS
Weight: 50000.0
Unload #: 145192
Reference: 145192
Trailer: Hopper Bottom (DAT)

PU 1 Name: CIRCLE H
Address: CALL FOR DIRECTIONS
HUGOTON KS 67951
Phone: [REDACTED]
Reference Number: PU NORAG
Date & Time: 10/05/2016 0000
10/05/2016 0000
Contact: GENERAL
Drvr Ld/Unld: -

SO 2 Name: RED RIVER COMMODITIES INC
Address: [REDACTED]
COLBY KS 67701
Phone: [REDACTED]
Reference Number: 6A 145192
Date & Time: 10/05/2016 0000
10/05/2016 0000
Contact: GENERAL
Drvr Ld/Unld: -

Payment Carrier Freight Pay: Rate: 23.0000 Pay Method: Ton

Total Carrier Pay:

Instructions

CIRCLE H - NORTBUKS: Originals required for payment
CIRCLE H - # 1 - PROOF OF PRIOR LOAD REQUIRED (we supply form) - CLEAN TRAILER - IF ANIMAL
PROTEIN OR FERTILIZER PROOF OF WASHOUT IS ALSO REQUIRED
2 - NO EDIBLE NUTS OR BY PRODUCTS WITHIN THE LAST 4 LOADS

Agreement

Jack Kilgenberger

Whereas Carrier has agreed to: haul said load, to provide trucks and trailers that are in good, clean, sanitary condition, free of contaminants, and suitable for hauling assigned product, to comply with cleanout procedures contained in FDA 21 CFR589.2000

Carrier is responsible to load and deliver as scheduled. Carrier is to immediately report any delays, weight discrepancies or other problems. All claims or shortages are the responsibility of the carrier.

The carrier named herein is responsible for communicating any and all information ensuring load is protected and is delivered in a timely manner. Rates on the sheet are inclusive of all fuel surcharges.

Fuel Surcharge rates are based upon weekly U.S. National Averages and are subject to change without prior notice.

CERTIFICATE OF SERVICE

17-TRAM-272-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 05 2017.

CHRISTOPHER ELMORE, OWNER
CHRISTOPHER ELMORE
D/B/A ELMORE REPAIR
1306 4TH STREET
DOWNS, KS 67437-8800
elmore.repair@yahoo.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JAN 06 2017