

STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

**NOTICE OF PENALTY ASSESSMENT**

August 30, 2018

19-TRAM-086-PEN

Darwin Dove, Managing Member  
Lonesome Dove Trucking, LLC  
1651 Rock Rd  
Belleville, KS 66935

This is a notice of a penalty assessment against Lonesome Dove Trucking, LLC (Lonesome Dove Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 10, 2018, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. 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:** Lonesome Dove Trucking has been assessed a \$100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$100, 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 Lonesome Dove Trucking to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](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. Lonesome Dove Trucking must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$100 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,

A handwritten signature in blue ink, appearing to read "Ahsan A. Latif".

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

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

Before Commissioners:      Shari Feist Albrecht, Chair  
                                 Jay Scott Emler  
                                 Dwight D. Keen

In the Matter of the Investigation of **Lonesome**      )  
**Dove Trucking, LLC, of Belleville, KS,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 19-TRAM-086-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. 2017 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. 2017 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. 2017 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. Lonesome Dove Trucking, LLC (Lonesome Dove Trucking) has private and common operating authority with the Commission and further operates USDOT number 2403818.

5. Darwin Dove attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on December 2, 2016, on behalf of Lonesome Dove Trucking.

6. Lonesome Dove Trucking is a private and common motor carrier which primarily hauls building materials, grain, feed, hay, farm supplies and construction supplies.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on July 10, 2018, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of Lonesome Dove Trucking. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 21, 2018, Lonesome Dove Trucking required or permitted its driver, Darwin Dove, to operate a CDL-required commercial motor

vehicle, a 1984 Peterbilt, VIN ending in 174985, GVWR 33,000 lbs., pulling a 2004 TIMP trailer, VIN ending in 103785, GVWR 69,484 lbs., in intrastate commerce from Lyons, Kansas to Belleville, Kansas. This trip is evidenced by Driver's Daily Log, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Lonesome Dove Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$100.

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

8. Based upon the available facts, Staff recommends the Commission finds Lonesome Dove 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. Additionally, Staff recommends a civil penalty of \$100 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Lonesome Dove Trucking be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date

of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

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

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Lonesome Dove Trucking because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Lonesome Dove 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.

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

A. Lonesome Dove Trucking, LLC, of Belleville, KS is hereby assessed a \$100 civil penalty 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.

B. Lonesome Dove Trucking is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

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

D. On July 10, 2018, this Penalty Order was mailed to Lonesome Dove Trucking via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745476. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Lonesome Dove Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against Lonesome Dove Trucking, and ordering a representative from Lonesome Dove Trucking to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney,

unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$100 is due in thirty (30) days from the date of service of this Order. Payment of \$100 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 \$100 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 Lonesome Dove Trucking's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/30/2018

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








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Lynn M. Retz  
Secretary to the Commission

AAL



## **ATTACHMENT “A”**

	US DOT # 2403818	Legal: LONESOME DOVE TRUCKING LLC Operating (DBA):						
MC/MX #:		Federal Tax ID  (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:  for year ending: 12/31/2017					
Cargo Tank:		N/A						
Company Physical Address:								
 BELLEVILLE, KS 66935								
Contact Name: Darwin Dove								
Phone numbers: (1)  Fax								
E-Mail Address: 								
Company Mailing Address:								
 BELLEVILLE, KS 66935								
Carrier Classification								
Exempt for Hire				Private Property				
Cargo Classification								
Building Materials		Grain, Feed, Hay		Farm Supply				
Construction								
Equipment								
	Owned	Term Leased	Trip Leased			Owned	Term Leased	Trip Leased
Truck Tractor	1	0	0	Trailer	2	0	0	0
Power units used in the U.S.: 1								
Percentage of time used in the U.S.: 100								
Does carrier transport placardable quantities of HM? No								
Is an HM Permit required? N/A								
Driver Information								
	Inter	Intra	Average trip leased drivers/month: 0					
< 100 Miles:			Total Drivers: 1					
>= 100 Miles:	1		CDL Drivers: 1					



LONESOME DOVE TRUCKING LLC  
U.S. DOT #: 2403818

Review Date:  
07/10/2018

**Part A**

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


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

**Person(s) Interviewed**

**Name:** Darwin Dove  
**Name:**

**Title:** Owner  
**Title:**



	<b>LONESOME DOVE TRUCKING LLC</b>	<b>Review Date:</b>
	U.S. DOT #: 2403818	07/10/2018

### Part B Violations

<b>1</b> FEDERAL	Primary: 391.51(b)(4)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1	<b>Checked</b> 1
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#### Description

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

#### Example

Driver Darwin Dove

DOB [REDACTED]

Ks. C [REDACTED]

Trip Date - 6/21/2018

On an interstate trip from Chester NE to Lyons, Ks. driving a 1984 PTRB, Vin # [REDACTED] 174985, Ks. Reg. [REDACTED]  
GVWR 33,000, pulling a 2004 Timp. Vin # [REDACTED] 03785, Ks. Reg. [REDACTED] GVWR 29484.

Lonesome Dove trucking failed to check the annual driving record as required by 391.25(a).

As verified by his RODs and Bill of lading # 4156314

<b>2</b> FEDERAL	Primary: 391.51(b)(5)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1	<b>Checked</b> 1
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#### Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

#### Example

Driver Darwin Dove

DOB [REDACTED]

Ks. O [REDACTED]

Trip Date - 6/21/2018

On an interstate trip from Chester NE to Lyons, Ks. driving a 1984 PTRB, Vin # [REDACTED] 174985, Ks. Reg. [REDACTED]  
GVWR 33,000, pulling a 2004 Timp. Vin # [REDACTED] 03785, Ks. Reg. [REDACTED] GVWR 29484.

Lonesome Dove Trucking failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

As verified by his RODs and Bill of lading # 4156314

<b>3</b> FEDERAL	Primary: 391.51(b)(6)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1	<b>Checked</b> 1
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#### Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

#### Example

Driver Darwin Dove

DOB [REDACTED]

Ks. C [REDACTED]

Trip Date - 6/21/2018

On an interstate trip from Chester NE to Lyons, Ks. driving a 1984 PTRB, Vin # [REDACTED] 174985, Ks. Reg. [REDACTED]  
GVWR 33,000, pulling a 2004 Timp. Vin # [REDACTED] 03785, Ks. Reg. [REDACTED] GVWR 29484.

Lonesome Dove Trucking failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances as required by 391.27

As verified by his RODs and Bill of lading # 4156314

	LONESOME DOVE TRUCKING LLC	Review Date:
	U.S. DOT #: 2403818	07/10/2018

### Part B Violations

<b>Safety Fitness Rating Information:</b> Total Miles Operated 62,000 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 :  <div style="text-align: center; font-size: 1.2em;"><b>SATISFACTORY</b></div>		<table border="1"> <thead> <tr> <th>Rating Factors</th> <th></th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 4:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 5:</td> <td>N</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 6:</td> <td>S</td> <td>-</td> <td>-</td> </tr> </tbody> </table>		Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	S	0	0	Factor 3:	S	0	0	Factor 4:	S	0	0	Factor 5:	N	0	0	Factor 6:	S	-	-
Rating Factors		Acute	Critical																												
Factor 1:	S	0	0																												
Factor 2:	S	0	0																												
Factor 3:	S	0	0																												
Factor 4:	S	0	0																												
Factor 5:	N	0	0																												
Factor 6:	S	-	-																												

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



LONESOME DOVE TRUCKING LLC  
U.S. DOT #: 2403818

Review Date:  
07/10/2018

## Part B Requirements and/or Recommendations

### 1. 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>

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.

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

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission  
Attn: Gary Davenport





LONESOME DOVE TRUCKING LLC  
U.S. DOT #: 2403818

Review Date:  
07/10/2018

## Part B Requirements and/or Recommendations

1500 SW Arrowhead Rd  
Topeka, KS 66604-4027

2. 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. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Obtain a copy of each driver's driving record and review it annually.
5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Develop a policy to ensure that your driving record and annual review are completed.

### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
  - Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry
6. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Greg Askren at 785-483-0212 or email at [g.askren@kcc.ks.gov](mailto:g.askren@kcc.ks.gov)
  7. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Lonesome Dove Trucking LLC operating authority and/or the impoundment of Lonesome Dove LLC's vehicles.





LONESOME DOVE TRUCKING LLC  
U.S. DOT #: 2403818

Review Date:  
07/10/2018

Part B Requirements and/or Recommendations

Signed

Date

7-10-18





## **ATTACHMENT “B”**

## USE TIME STANDARD AT HOME TERMINAL

**CERTIFICATE OF SERVICE**

19-TRAM-086-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 08/31/2018.

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

DARWIN DOVE, MANAGING MEMBER  
LONESOME DOVE TRUCKING, LLC  
1651 ROCK RD  
BELLEVILLE, KS 66935  
darwindove55@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe