

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

17-TRAM-227-PEN

December 8, 2016

Craig Russell, Owner
d/b/a Craig Russell Trucking
532 Co Rd 16
Scott City, Kansas 67871

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 November 9, 2016, by Kansas Corporation Commission Special Investigator Penny Fryback. 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 \$2,750 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. Laiff
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 **Craig)**
Russell, d/b/a Craig Russell Trucking, of Scott)
City, Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 17-TRAM-227-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. Craig Russell, d/b/a Craig Russell Trucking (Craig Russell Trucking) obtained common operating authority from the Commission on June 25, 2014, and operates under KSMCID number 170507 and USDOT number 1440038.

5. Craig Russell attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on June 16, 2014, on behalf of Craig Russell Trucking.

6. Craig Russell Trucking is a common motor carrier which primarily hauls manure.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on November 9, 2016, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Craig Russell 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, Ms. Fryback identified six (6) violations of the Motor Carrier Safety Regulations.

- a. On October 10, 2016, Craig Russell Trucking required or permitted its driver, Craig Russell, to operate a CDL-required commercial motor vehicle, a 2004 Kenworth truck tractor, VIN ending in 056469, GVWR 80,000 lbs., pulling a 1968 Fruehauf trailer, VIN ending in 999402, in intrastate commerce from Deseret Feed Yards near Garden City, Kansas to

various fields near Deseret Feed Yards near Garden City, Kansas. This trip is evidenced by driver's time record, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Craig Russell Trucking was not enrolled in a controlled substance and alcohol testing program. The carrier'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 \$350.

- b. During the transportation described in paragraph a., above, Craig Russell 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), 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, Craig Russell Trucking had not obtained a valid registration for the 1968 Fruehauf trailer. The carrier's commercial operation of motor vehicles prior to obtaining and maintaining proper registration 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.

- d. During the transportation described in paragraph a., above, Craig Russell Trucking had not maintained a record of inspection or maintenance for the 2004 Kenworth or the 1968 Fruehauf trailer. The special investigator found three (3) violations of this type. The carrier's failure to maintain the required vehicle inspection records and vehicle maintenance records for 30 days is in violation of 49 C.F.R. 396.3(b), 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.
- e. During the transportation described in paragraph a., above, Craig Russell Trucking failed to complete a Driver Vehicle Inspection Report (DVIR) on the commercial motor vehicles operated at the completion of the day's work. The special investigator found four (4) violations of this type. The carrier's failure to require its driver to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), 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 \$300.
- f. During the transportation described in paragraph a., above, Craig Russell Trucking permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial

motor vehicles during the preceding 12-month period. The special investigator found three (3) violations of this type. Craig Russell Trucking'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 \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Craig Russell Trucking committed six (6) 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 \$2,750 for six (6) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Craig Russell Trucking 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 Craig Russell Trucking 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 Craig Russell Trucking because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Craig Russell Trucking committed six (6) 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. Craig Russell, d/b/a Craig Russell Trucking, of Scott City, Kansas is hereby assessed a \$2,750 civil penalty for six (6) 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. Craig Russell Trucking 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, Craig Russell Trucking 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 Craig Russell Trucking's right to a hearing.**

and this Penalty Order will become a Final Order assessing a \$2,750 civil penalty against Craig Russell Trucking, and ordering Craig Russell Trucking 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 \$2,750 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 Craig Russell Trucking's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not

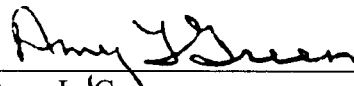
limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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: DEC 08 2016




Amy L. Green
Secretary to the Commission


AAL

Order Mailed Date
DEC 09 2016

ATTACHMENT “A”

	US DOT # 1440038		Legal: CRAIG RUSSELL TRUCKING			
			Operating (DBA):			
MC/MX #:		State #: [REDACTED]		Federal Tax ID: [REDACTED] (EIN)		
Review Type: Compliance Review (CR)						
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:	
Operation Types		Interstate		Intrastate		
Carrier: N/A		Non-HM		Business: Individual		
Shipper: N/A		N/A		Gross Revenue: [REDACTED] for year ending: 12/31/2015		
Cargo Tank: N/A						
Company Physical Address:						
[REDACTED]						
Contact Name:						
Phone numbers: (1) [REDACTED]				Fax		
E-Mail Address: [REDACTED]						
Company Mailing Address:						
532 Co Rd 16 SCOTT CITY, KS 67871						
Carrier Classification						
Authorized for Hire						
Cargo Classification						
Other: Manure						
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:			1	Average trip leased drivers/month: 0		
>= 100 Miles:				Total Drivers: 1		
				CDL Drivers: 1		




	CRAIG RUSSELL TRUCKING U.S. DOT #: 1440038	Review Date: 11/09/2016
---	--	----------------------------

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.
--


<u>Person(s) Interviewed</u>	
Name: Craig Russell Name:	Title: Owner Title:

	CRAIG RUSSELL TRUCKING	State #: [REDACTED]	Review Date:
	U.S. DOT #: 1440038		11/09/2016

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Driver [REDACTED] Trip Date 10/10/2016				
2 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example Driver [REDACTED] Trip Date: 10/10/2016 No pre-employment test conducted				
3 FEDERAL	Primary: 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. Example Driver [REDACTED] Trip Date: 10/10/2016 Carrier has no written policy				
4 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 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: 11/7/2016 No Motor Vehicle Record on file				



	CRAIG RUSSELL TRUCKING	State #: [REDACTED]	Review Date:
	U.S. DOT #: 1440038		11/09/2016

Part B Violations

5 STATE	Primary: 391.51(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(1)			In Violation 1	Checked 1

Description

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

Driver [REDACTED]

Trip Date: 11/7/2016

No application on file

6 STATE	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(5)			In Violation 1	Checked 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: 10/10/2016

No annual reviews on file

7 STATE	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(6)			In Violation 1	Checked 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: 10/10/2016

No annual certificate of violations on file

8 STATE	Primary: K.S.A. 8-142	Discovered 2	Checked 2	Drivers/Vehicles	
	Secondary: K.S.A. 8-127 CFR Equivalent: 392.2			In Violation 2	Checked 2

Description

Failure to obtain registration on a semi-trailer Intended to be operated on any highway within the state of Kansas

Example

Driver [REDACTED]

Trip Date: 10/10/2016

The live bottom trailer has a Nebraska tag number [REDACTED] which is an expired tag which comes back to a 2007 no make that belonged to [REDACTED] of Bladen, Nebraska and the end dump trailer has a Kansas tag number [REDACTED] which comes back to a 1968 Fruehauf belonging to [REDACTED]





CRAIG RUSSELL TRUCKING
U.S. DOT #: 1440038

State #: [REDACTED]

Review Date:
11/09/2016

Part B Violations

9 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 4	Checked 30	Drivers/Vehicles In Violation	Checked
				1	1

Description

Failing to require driver to make a record of duty status.

Driver [REDACTED]

Trip Date 10/10/2016

Driver has a time card with start time and end time but no total hours for each day.

10 STATE	Primary: 396.3(b) CFR Equivalent: 396.3(b)	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked
				3	3

Description

Failing to keep minimum records of inspection and vehicle maintenance.

Example

Driver [REDACTED]

Trip Date 10/10/2016

No maintenance records for the 20014 Kenworth, 1968 Fruehauf end dump trailer, 2008 Artez live bottom trailer

11 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation	Checked
				1	1

Description

Failing to require driver to prepare driver vehicle inspection report.

Example

Driver [REDACTED]

Unit 1

Trip Date 10/10/2016

Driver operated on 10/10/2016, 11/04/2016, 11/07/2016 and 11/8/2016 and did not complete a driver vehicle inspection report for these days

12 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked
				3	3

Description

Using a commercial motor vehicle not periodically inspected.

Example

1968 Fruehauf end dump and 2004 Kenworth

Trip Date: 10/10/2016

13 STATE	Primary: C.F.R. 392.2 Secondary: K.S.A. 8-133	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
				1	1

Description

Kansas registered truck tractors shall have the license plate issued for that truck tractor attached to the front of the truck tractor.

Example

Driver [REDACTED]

Trip Date 10/10/2016

Tag not displayed to the front of the truck tractor





CRAIG RUSSELL TRUCKING
U.S. DOT #: 1440038

State #: [REDACTED]

Review Date:
11/09/2016

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 10,000
Recordable Accidents 0

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 :

This Review is not Rated.





CRAIG RUSSELL TRUCKING
U.S. DOT #: 1440038

State #: [REDACTED]

Review Date:
11/09/2016

Part B Requirements and/or Recommendations

1. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.
2. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
3. Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.
4. **CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures**

DESCRIPTION OF PROCESS BREAKDOWN: Carrier needs to enroll in a controlled substance and alcohol testing program

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- 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 controlled-substance and alcohol 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.





CRAIG RUSSELL TRUCKING
U.S. DOT #: 1440038

State #: [REDACTED]

Review Date:
11/09/2016

Part B Requirements and/or Recommendations

5. Every motor carrier shall at least once every 12 months review the motor vehicle record of each of the drivers it employs. MVR's can be obtained by going to <http://www.kcc.ks.gov> then clicking on Motor Carrier on the right side of the page. There you will find a link to obtain MVR's.
6. Ensure that all drivers are fully and properly qualified before operating in interstate/ intrastate commerce. Maintain a complete driver qualification file for each driver, documenting the qualification process. Included in the driver qualification file is application for employment, previous employer inquiries, copy of the medical examination certificate, road test and certification, certificate of violations, and annual review.
7. Every motor carrier shall maintain a note relating to the annual review of the drivers driving record to determine that the driver meets the minimum requirements for safe driving
8. Each motor carrier shall obtain a list or certificate relating to violations of the motor vehicle laws and ordinances for each driver it employs.
9. A CDL driver is not required to create a standard log if the following criteria are met:
The driver operates within a 100 air-mile radius of the normal work reporting location. The driver returns to the work reporting location and is released from work within 12 consecutive hours. The driver has at least 10 consecutive hours off duty separating each 12 hours on duty. The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty. And the motor carrier must maintain time records for 6 months showing:
 - " The time the driver reports for duty each day,
 - " The time the driver is released from duty each day,
 - " Total number of hours on duty each day, and
 - " Total time on duty for the preceding 7 days for drivers used for the first time or intermittently.
10. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year and tire size.,
11. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
12. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
13. Maintain annual inspections in accordance with 396.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained
14. **VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities**

DESCRIPTION OF PROCESS BREAKDOWN: Carrier need to implement a practice of documenting all repairs and maintenance completed on the truck tractor and the trailers.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and





CRAIG RUSSELL TRUCKING

U.S. DOT #: 1440038

State #: [REDACTED]

Review Date:

11/09/2016

Part B Requirements and/or Recommendations

documentation of defects and repairs.

- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS).
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders.

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.

15. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

16. 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
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

17. If you have any questions concerning this report, please contact the Kansas Corporation Commission, 1500 SW Arrowhead Rd. Topeka, Ks. 66604-4027
785-271-3151

18. I, Craig Russell 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 Craig Russell Trucking operating authority and/or the impoundment of Craig Russell Trucking vehicles.



ATTACHMENT “B”

Miles 5 ^{Name of} Loader Mike Bernacki No.

Trucks on Job _____

Comments _____

CERTIFICATE OF SERVICE

17-TRAM-227-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 DEC 08 2016.

CRAIG RUSSELL, OWNER
CRAIG RUSSELL
D/B/A CRAIG RUSSELL TRUCKING
532 CO RD 16
SCOTT CITY, KS 67871
craig92russell@gmail.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
DEC 09 2016