

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

August 4, 2015

16-TRAM-052-PEN

Brandon J. Blocker, Owner
d/b/a Apex Professional Tree Service
551 Meeds Dr
Valley Center, Kansas 67147

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 May 12, 2015, by Kansas Corporation Commission Special Investigators Doug Handy and Gary Goeller. 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 \$700 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. 2014 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,

Michael J. Duenes
Litigation Counsel
(785) 271-3181

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

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

In the Matter of the Investigation of **Brandon J.)**
Blocker, d/b/a Apex Professional Tree)
Service, of Valley Center, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 16-TRAM-052-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). 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. 2014 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. 2014 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. 2014 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. Brandon J. Blocker, d/b/a Apex Professional Tree Service (Apex Professional Tree Service) operates under USDOT number 2471668.

5. Apex Professional Tree Service is an intrastate carrier located in Valley Center, Kansas.

6. Apex Professional Tree Service is a private motor carrier which primarily hauls machinery, large objects, and tree service equipment.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 12, 2015, Commission Staff (Staff) Special Investigators Doug Handy and Gary Goeller conducted a compliance review of the operations of Apex Professional Tree Service. 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. Goeller identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On August 12, 2014, Apex Professional Tree Service required or permitted its leased driver, Patrick Smith, to operate a commercial motor vehicle, a 2002 Freightliner, VIN ending in 26529, in intrastate commerce from Wichita, Kansas to a location near Goddard, Kansas. This trip is evidenced

by a type-written statement by Brandon J. Blocker, the owner of Apex Professional Tree Service, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Apex Professional Tree Service failed to conduct a random substance and/or alcohol test on its driver. Apex Professional Tree Service's failure to require its drivers to be enrolled in a random alcohol and controlled substance testing program is a violation of 49 C.F.R. 382.305(a) and (i)(2), as adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2014 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a., above, Apex Professional Tree Service permitted the transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. Apex Professional Tree Service's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2014 Supp. 66-1,129. Staff recommends a fine of \$350.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Apex Professional Tree Service committed two (2) 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 \$700 for two (2) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Apex Professional Tree Service 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 Apex Professional Tree Service 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 Apex Professional Tree Service because it is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108.

13. The Commission finds Apex Professional Tree Service committed two (2) 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. Brandon J. Blocker, d/b/a Apex Professional Tree Service, of Valley Center, Kansas is hereby assessed a \$700 civil penalty for two (2) 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. Apex Professional Tree Service 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, Apex Professional Tree Service is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2014 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 Apex Professional Tree Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$700 civil penalty against Apex Professional Tree Service, and ordering Apex Professional Tree Service 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. 2014 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.*

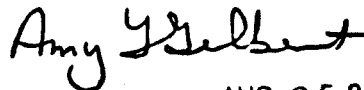
F. Failure to pay the \$700 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Apex Professional Tree Service's motor carrier operating authority without further notice. Additionally, the 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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: AUG 04 2015




ORDER MAILED AUG 05 2015

Amy L. Gilbert
Secretary to the Commission

MJD

ATTACHMENT “A”

Kansas Corporation Commission

	US DOT # 2471668	Legal: BRANDON J BLOCKER Operating (DBA): APEX PROFESSIONAL TREE SERVICE											
MC/MX #:		State #: 00000000		Federal Tax ID: (SSN)									
Review Type: Compliance Review (CR)													
Scope: Principal Office		Location of Review/Audit: Other		Territory: F									
Operation Types													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Carrier: N/A</td> <td style="width:33%;">Interstate</td> <td style="width:33%;">Intrastate</td> </tr> <tr> <td>Shipper: N/A</td> <td></td> <td></td> </tr> <tr> <td>Cargo Tank: N/A</td> <td></td> <td></td> </tr> </table>		Carrier: N/A	Interstate	Intrastate	Shipper: N/A			Cargo Tank: N/A			Business: Individual Gross Revenue: \$ for year ending: 12/31/2014		
Carrier: N/A	Interstate	Intrastate											
Shipper: N/A													
Cargo Tank: N/A													
Company Physical Address:													
Contact Name: Brandon J Blocker Phone numbers: (1) (2) Fax E-Mail Address:													
Company Mailing Address:													
551 Meeds Dr Valley Center, KS 67147													
Carrier Classification													
Private Property													
Cargo Classification													
Machinery, Large Objects Other: Tree Service													
Hazardous Materials													
9 Miscellaneous HM Carried Non-Bulk													
Equipment													
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased									
Truck	1	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										

	APEX PROFESSIONAL TREE SERVICE (BRANDON J BLOCKER dba) U.S. DOT #: 2471668	State #: 00000000	Review Date: 07/22/2015
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: 1500 SW. Arrowhead Rd. Topeka, Ks. 66604-4027			
This report will be used to assess your safety compliance.			
<u>Person(s) Interviewed</u>			
Name: Brandon J Blocker		Title: Owner	
Name:		Title:	





APEX PROFESSIONAL TREE SERVICE (BRANDON J BLOCKER dba)

U.S. DOT #: 2471668

State #: 00000000

Review Date:

07/22/2015

Part B Violations

1 FEDERAL	Primary: 382.305	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to implement a random controlled substance and/or an alcohol testing program.

Example

Driver Name

Trip Date 08-12-14

2002 Freightliner VIN # 26529

Carrier hired a CDL driver from a Temporary Labor agency.

2 FEDERAL	Primary: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example

Driver Name

Trip Date 08-12-14

2002 Freightliner VIN # 26529

3 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Using a commercial motor vehicle not periodically inspected.

Example

Driver Name

Trip Date 08-12-14

2002 Freightliner VIN # 26529

Safety Fitness Rating Information:		OOS Vehicle (CR): 0		
Total Miles Operated	100	Number of Vehicle Inspected (CR): 0		
Recordable Accidents	0	OOS Vehicle (MCMIS): 0		
		Number of Vehicles Inspected (MCMIS): 0		

Your proposed safety rating is :

This Review is not Rated.



APEX PROFESSIONAL TREE SERVICE (BRANDON J BLOCKER dba)

U.S. DOT #: 2471668

State #: 00000000

Review Date:

05/12/2015

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 for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
3. 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.
4. A motor carrier must implement a alcohol/controlled substance test program that meet the requirements of Part 40/382 of the Federal Motor Carrier Regulations prior to the date the employer begins commercial motor vehicle operations.

Corrective Action:

Provide proof of being in a program

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 carrier's 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. 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





APEX PROFESSIONAL TREE SERVICE (BRANDON J BLOCKER dba)

U.S. DOT #: 2471668

State #: 00000000

Review Date:

05/12/2015

Part B Requirements and/or Recommendations

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.

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

7. 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.

8. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN- Carrier needs to get familiar with the FMCSA Regulations.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

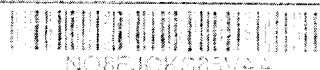
- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

HAZMAT Carrier Only:

- Ensure that managers and dispatchers ascertain that drivers who may already be stressed for time due to non-driving HAZMAT responsibilities are not overburdened.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://a.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





APEX PROFESSIONAL TREE SERVICE (BRANDON J BLOCKER dba)

U.S. DOT #: 2471668

State #: 00000000

Review Date:

05/12/2015

Part B Requirements and/or Recommendations

the industry.

9. 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

10. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Carrier needs to get familiar with the FMCSA Regulations

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-substances 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://real.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.

11. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: Carrier needs to become familiar with the FMCSA Regulations

BASIC SPECIFIC RECOMMENDED REMEDIES





APEX PROFESSIONAL TREE SERVICE (BRANDON J BLOCKER dba)

U.S. DOT #: 2471668

State #: 00000000

Review Date:

05/12/2015

Part B Requirements and/or Recommendations

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 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.

12. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
13. Within 15 days send a letter to our office explaining your actions taken to remedy a non-compliance status. Mail to Kansas Corporation Commission Attn: Gary Davenport 1500 SW Arrowhead Rd., Topeka, Ks. 66604-4027
14. 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 Brandon J. Blocker/DBA Apex Professional Tree Service operating authority and/or the impoundment of Brandon J. Blocker/DBA Apex Tree Service vehicles.

Brandon Blocker
May 12, 15

Brandon J. Blocker, Owner
Date



ATTACHMENT “B”

Transportation Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3145
Fax: 785-271-3124
<http://kcc.ks.gov/>

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

Sam Brownback, Governor

I, Brandon J. Blocker, Owner of Brandon J. Blocker/DBA Apex Professional Tree Service hired driver Patrick Smith on 08-11/2014 from Labor Finders 849 S. Hillside in Wichita, Ks. to operate a 2002 Freightliner VIN [REDACTED] 26529 in intrastate commerce from Wichita, Ks. to a location near Goddard, Ks. on 08-12-2014.

Brandon J. Blocker

Date

May 12, 15

Brandon J. Blocker

IN RE: DOCKET NO. **16-TRAM-052-PEN**

DATE **AUG 04 2015**

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
BRANDON J. BLOCKER, OWNER D/B/A APEX PROFESSIONAL TREE SERVICE 551 MEEDS DR VALLEY CENTER, KS 67147		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED AUG 05 2015

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.