



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
22-TRAM-103-PEN

August 26, 2021

Bill Woodward, Member
Saaw Operating, LLC
824 Avenue L
Protection, KS 67127

This is a notice of a penalty assessment against Saaw Operating, LLC (Saaw) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 13, 2021, by Kansas Corporation Commission Special Investigator Doug Handy. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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: Saaw has been assessed a \$200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$200, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 Saaw 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.

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. Saaw 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$200 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,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation of **Saaw**)
Operating, LLC, of Protection, KS, Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 22-TRAM-103-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 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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. Saaw Operating, LLC (Saaw or Carrier) has common operating authority with the Commission and further operates under USDOT number 3353414.

5. William Woodward attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on December 16, 2019, on behalf of Saaw.

6. Saaw is a common motor carrier which primarily hauls general freight and salt water.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 13, 2021, Commission Staff (Staff) Special Investigator Doug Handy conducted a safety compliance review of the operations of Saaw. 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 two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 13, 2021, Saaw required or permitted its driver, William P. Woodward, to operate a CDL-required commercial motor vehicle, a 2006 Freightliner Truck, VIN ending in 29834, GVWR 52,000 lbs., in intrastate

commerce from Protection, Kansas to locations in and around Comanche County, Kansas. This trip is evidenced by a Time Sheet, dated March 27 to June 13, 2021, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Saaw failed to enroll in the FMCSA Clearinghouse. The Carrier’s failure to be enrolled in the FMCSA Drug and Alcohol Clearinghouse is a violation 49 C.F.R. 382.711(b), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a, above, Saaw failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver, William P. Woodward, and maintain the responses of each state agency in the driver qualification file. This violation is evidenced by the absence of a driver’s MVR in Mr. Woodward’s driver qualification file. Saaw’s failure to inquire into the 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. 66-1,129. Staff recommends a fine of \$100.

IV. STAFF’S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated August 23, 2021, attached hereto as Attachment “C” and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Saaw committed two (2) 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.

10. Additionally, Staff recommends a civil penalty of \$200 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Saaw 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.

12. Staff further recommends Saaw submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

13. Finally, Staff recommends that Saaw 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

14. The Commission finds it has jurisdiction over Saaw pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds Saaw committed two (2) 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. Saaw Operating, LLC, of Protection, KS is hereby assessed a \$200 civil penalty for two (2) 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. Saaw 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Saaw 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.

E. Pursuant to K.S.A. 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 Executive Director 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 Saaw's right to a hearing, and this Penalty Order will become a Final 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 less than \$500, a corporation may appear by a duly authorized representative of the corporation.²

G. If you do not request a hearing, the payment of the civil penalty of \$200 is due in thirty (30) days from the date of service of this Order. Payment of \$200 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 \$200 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Saaw's motor carrier operating authority without further notice.³ 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.

² K.S.A. 66-1,142b(e) and amendments thereto.

³ K.S.A. 66-1,105.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/26/2021



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3353414
MC/MX#: 0

Legal: SAAW OPERATING LLC
Operating (DBA):

Investigation Date:
08/12/21

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

Physical Address

824 AVENUE L
PROTECTION, KS 67127
United States

Mailing Address

824 AVENUE L
PROTECTION, KS 67127
United States

Contact Information

Contact Name: BILL PATRICK WOODWARD

Email:

Phone: [REDACTED] **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation

Gross Revenue: [REDACTED] **For Year Ending:** 12/31/20

Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Intrastate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Cargo

Other (salt water), General Freight

Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	1		

Power units used in the U.S.: 1

Percentage of time used in the U.S.: 100%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles	1	
>= 100 Miles		

Average trip leased driver/month: 0

Drivers with CDL: 1

Total Drivers: 1

Person(s) Interviewed**Name:** BILL PATRICK WOODWARD**Title:** MEMBER**Questions**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1303 SW FIRST AMERICAN PL STE 200
TOPEKA, KS 66604-4040
Phone: (785) 271-1260
Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver Name: William P. Woodward

Trip Date: 06/13/2021

Carrier began operation in January of 2020. At the time of this investigation it was discovered the carrier had failed to register in the Clearinghouse. The verification was conducted with the carrier's consortium and with the FMCSA Midwest Division.

Drivers/Vehicles

In Violation	Checked

2. Primary: 391.25(a)

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.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: William P Woodward

Trip date: 06/13/2021

Hire Date: 01/08/2020

The driver qualification file provided failed to have a MVR in the record as required. There were no MVR's available for review.

Drivers/Vehicles

In Violation	Checked
1	1

3. Primary: 391.51(b)(1)

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

Violations Discovered

Fed	State	Total
	1	1

Checked

	<table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table>	Fed	State	Total		1	1
Fed	State	Total					
	1	1					
Example/Notes: Driver name: William P Woodward Trip date: 06/13/2021 Hire Date: 01/08/2020 Driver qualification file missing and application of employment.	Drivers/Vehicles <table><tr><th>In Violation</th><th>Checked</th></tr><tr><td>1</td><td>1</td></tr></table>	In Violation	Checked	1	1		
In Violation	Checked						
1	1						

<div><div><div>4. Primary: 391.51(b)(3)</div><div>Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.</div></div></div>	<div><div><div>Violations Discovered</div><table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table></div><div><div>Checked</div><table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table></div></div>	Fed	State	Total		1	1	Fed	State	Total		1	1
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	1	1											
Fed	State	Total											
	1	1											
<div><div><div>Example/Notes:</div><div><div>Driver name: William P. Woodward</div><div>Trip date:06/13/2021</div><div>Hire Date: 01/08/2020</div><div>Carrier operates a cargo tank straight truck. The driver qualification file was missing a road test as required.</div></div></div></div>	<div><div><div>Drivers/Vehicles</div><table><tr><th>In Violation</th><th>Checked</th></tr><tr><td>1</td><td>1</td></tr></table></div></div>	In Violation	Checked	1	1								
In Violation	Checked												
1	1												

<div>5. Primary: 391.51(b)(5)</div> <div>Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</div>	<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table>	Fed	State	Total		1	1	Fed	State	Total		1	1
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<div>Example/Notes:</div> <div>Driver name: William P Woodward</div> <div>Trip date: 06/13/2021</div> <div>Hire Date: 01/08/2020</div>	<div>Drivers/Vehicles</div> <table><tr><th>In Violation</th><th>Checked</th></tr><tr><td>1</td><td>1</td></tr></table>	In Violation	Checked	1	1								
In Violation	Checked												
1	1												

Carrier failed to conduct annual reviews annually as required. There were no annual reviews provided during this investigation.	
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6. Primary: 391.51(b)(6)

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

Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

Example/Notes:

Driver name: William P Woodward
Trip date: 06/13/2021
Hire Date: 01/08/2020
Carrier failed to conduct certification of violations annually as required. There were no certification of violations provided during this investigation.

Drivers/Vehicles	
In Violation	Checked
1	1

Safety Fitness Rating

This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Unsafe Driving

Process Breakdown: Monitoring and Tracking

Saaw Operating, LLC failed to have the driver qualification file current with the required annual verifications needed to be in compliance.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to safe driving. If a driver seems to have license-related problems, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

2. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

3. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

4. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

5. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

6. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

7. **KCC Safety Seminar**

Motor carriers are responsible for complying with all tasks ordered by the Commission in its Penalty Order. In addition to paying any civil fines issued, you are also required to attend a Commission sponsored safety seminar. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

8. **Serious Violations**

This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.

9. **CAP Penalty**

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all the violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

10. **CAP Requirement**

"The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027"

11. **Acknowledgement Signature**

"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 Saaw Operating, LLC operating authority and/or the impoundment of Saaw Operating, LLC commercial motor vehicles.

Bill Woodward
Carrier Representative

8-12-21

Date

ATTACHMENT “B”

Time Sheet

Month: 6

Year 21

Name: W. W. Woodard

Date	FROM		TO		Daily Hrs.	Running	Comments
	ON-DUTY		OFF-DUTY				Hours carried forward from previous week
5-27	8:00	AM PM	1:00	AM PM	5		
5-28	2:00	AM PM	2:00	AM PM	7		
5-29	8:00	AM PM	12:00	AM PM	4		
6-2	7:00	AM PM	3:00	AM PM	8		
6-5	7:00	AM PM	12:00	AM PM	5		
6-12	7:00	AM PM	12:00	AM PM	5		
6-13	7:00	AM PM	1:00	AM PM	6		
Carry Forward Hrs.							

Notes: _____

Signature: W. W. Woodard

Date: 6-1 - 6-13

10 hrs off duty between each shift

ATTACHMENT “C”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: August 23, 2021

SUBJECT: Docket No. 22-TRAM-103-PEN
In the Matter of the Investigation of Saaw Operating, LLC of Protection, Kansas
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority.

EXECUTIVE SUMMARY:

Saaw Operating, LLC (Saaw or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling general freight and salt water. Saaw operates under USDOT 3353414. On August 13, 2021, Commission Staff Special Investigator Doug Handy conducted a safety compliance review of the operations of Saaw. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$200.

DISCUSSION AND ANALYSIS:

On August 13, 2021, Commission Staff Special Investigator Doug Handy conducted a safety compliance review of the operations of Saaw. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 2)

On June 13, 2021, Saaw required or permitted its driver, William P. Woodward, to operate a CDL-required commercial motor vehicle, a 2005 FRHT, VIN ending in 29834, GVWR 52,000 lbs., in intrastate commerce from Protection, Kansas to locations in and around Comanche County, Kansas. This trip is evidenced by a Time Sheet, dated March 27 to June 13, 2021. At the time of this transportation, Saaw failed to register in the FMCSA Clearinghouse. The Carrier's failure to be registered in the FMCSA Drug and Alcohol Clearinghouse is a violation 49 C.F.R. 382.711(b), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$100.

Violation Two (2 of 2)

During the transportation described in Violation One, above, Saaw failed to inquire with the State Agency to make and document an annual inquiry of Mr. Woodward's driving record. This violation is evidenced by the absence of a driver's motor vehicle record (MVR) in Mr. Woodward's driver qualification file. Saaw's failure to inquire into the driving record of each of its drivers at least once every 12 months and to maintain the MVR in the driver's qualification file is a violation of 49 C.F.R. Part 391.25(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$100.

RECOMMENDATION:

Transportation Staff recommends the Commission find Saaw committed two (2) 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.

Additionally, Staff recommends a civil penalty of \$200 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

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

Staff further recommends Saaw submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

CERTIFICATE OF SERVICE

22-TRAM-103-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 08/26/2021.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

BILL WOODWARD
SAAW OPERATING LLC
824 Avenue L
PROTECTION, KS 67127
oxbow2014@hotmail.com

/S/ DeeAnn Shupe
DeeAnn Shupe