

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Investigation of CP)
Cranston LLC, of Oakley, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-522-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION TO AMEND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, files its motion requesting the Commission amend the Penalty Order issued to CP Cranston LLC (Respondent) on June 6, 2017.

In support of its Motion, Staff states as follows:

1. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2402568.
2. On June 6, 2017, the Commission issued Respondent a Penalty Order assessing it a \$500 penalty as a result of two (2) violations of the Motor Carrier Safety Regulations found during a Compliance Review conducted on April 26, 2017, by Transportation Division Special Investigator Penny Fryback.
3. On June 15, 2017, Respondent contacted Transportation Staff and advised that the Penalty Order lists the incorrect trailers that were used in paragraphs 8a. and 8b.
4. Staff requests the Commission to issue an Amended Penalty Order, attached hereto and made a part hereof, which corrects the trailer listed in the paragraphs stated above

from a 2015 Hitchcock trailer, VIN ending in 302524, to a 2004 Merritt trailer, VIN ending in 017026.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an Order amending the Penalty Order issued on June 6, 2017, to list the correct trailer that was operated during the transportations stated therein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ahsan A. Latif', is written over a horizontal line.

Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3118 (Telephone)
(785) 271-3124 (Facsimile)
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For Commission Staff

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF AMENDED PENALTY ASSESSMENT

June 22, 2017

17-TRAM-522-PEN

Chance Cranston, Member
CP Cranston LLC
520 Hudson Ave
Oakley, Kansas 67748

Certified Mail Receipt No. 70103090000072002544

This is a notice of a penalty assessment against CP Cranston LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 26, 2017, by Kansas Corporation Commission Special Investigator(s) Penny Fryback. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

CP Cranston has been assessed a \$500 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$500, through your personal account with the Kansas Corporation Commission's KTRAN application 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.

CP CRANSTON IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached 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; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

(4) within 18 months from the date of the attached Penalty Order, the carrier must be available for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be

issued by the Commission shortly thereafter. Payment of the reduced penalty of \$250 would be due within thirty (30) days from the date of service of the Amended Penalty Order.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. CP Cranston LLC 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 by mailing a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail 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 of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$500 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If CP Cranston submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$250 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,

Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

17-TRAM-522-PEN

CP Cranston LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 6, 2017. CP Cranston has agreed to comply with the following terms and obligations:

1. CP Cranston has submitted, within fifteen (15) days from the date of the Penalty Order issued on June 6, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. CP Cranston will, within 30 days from the date of the Penalty Order dated June 6, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. CP Cranston will, within thirty (30) days from the date of the Penalty Order dated June 6, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. CP Cranston will be available within eighteen (18) months from the date of the Penalty Order for a Safety Compliance Review. Transportation Staff will contact it to schedule the review.

CP Cranston LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the Agreement attached to the motion. The Amended Penalty Order will assess CP Cranston a fifty-percent (50%) reduced penalty of \$250, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, CP Cranston will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

CP Cranston LLC

Chance Cranston
Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

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

In the Matter of the Investigation of CP)
Cranston LLC, of Oakley, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 17-TRAM-522-PEN
Commission's Authority to Impose Penalties,)
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Carrier Authority.)

AMENDED 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. 2016 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. 2016 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. 2016 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. CP Cranston LLC (CP Cranston) obtained common operating authority from the Commission on February 19, 2015, and private operating authority on January 23, 2014, and operates under KSMCID number 169905 and USDOT number 2402568.

5. Chance Cranston attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 16, 2015, on behalf of CP Cranston.

6. CP Cranston is a common motor carrier which primarily hauls machinery, large objects, livestock, grain, feed and hay.

7. CP Cranston is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on April 26, 2017, Commission Staff (Staff) Special Investigator(s) Penny Fryback conducted a compliance review of the operations of CP Cranston. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Fryback identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 15, 2017, CP Cranston required or permitted its driver, Chance Cranston, to operate a CDL-required commercial motor vehicle, a 1997

Peterbilt, VIN ending in 428474, GVWR over 33,000 lbs., pulling a 2004 Merritt trailer, VIN ending in 017026, in interstate commerce from Grand Island, Nebraska to Junction City, Kansas. This trip is evidenced by Driver's Daily Log, dated March 15, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, CP Cranston failed to require its driver to take a 30-minute break after being on duty for 8 hours. The special investigator found five (5) violations of this type. The carrier's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On March 16, 2017, CP Cranston required or permitted its driver, Chance Cranston, to operate a CDL-required commercial motor vehicle, a 1997 Peterbilt, VIN ending in 428474, GVWR over 33,000 lbs., pulling a 2014 Merritt trailer, VIN ending in 017026, in intrastate commerce from Junction City, Kansas to Oakley, Kansas. This trip is evidenced by Driver's Daily Log, dated March 16, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, driver Chance Cranston had been on duty and driving from 11:00 a.m. until 10:45 p.m. on March 15, 2017, then Chance Cranston was off duty until 8:00 a.m., or a total of 9 ¼ hours. This puts

driver Chance Cranston driving over the fourteen hours for the four and a half hours he drove on March 16, 2017. The carrier's failure to require its driver to cease driving at the 14th hour after coming on duty following ten (10) consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find CP Cranston 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. Staff recommends a civil penalty of \$500 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that CP Cranston LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment, and the Agreement is approved.

12. Staff recommends CP Cranston LLC submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the this 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. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that CP Cranston attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Litigation Counsel.

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

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over CP Cranston because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$500 should be assessed CP Cranston for committing 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.

17. The Commission finds CP Cranston is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein.

THE COMMISSION THEREFORE ORDERS THAT:

A. CP Cranston LLC, of Oakley, Kansas is hereby assessed a penalty of \$500 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. Payment of \$500 must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

B. CP Cranston is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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.

C. CP Cranston must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the attached 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.

D. CP Cranston 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 motor carrier at a later date to determine an appropriate time for this review.

E. If CP Cranston does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$500 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission

will have the right to order further sanctions, including suspension of CP Cranston's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. On June 6, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70103090000072002544. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of CP Cranston's right to a hearing.

G. 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

H. 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.


Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: _____

Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT "A"

	US DOT # 2402568	Legal: CP CRANSTON LLC Operating (DBA):	
MC/MX #: 897867		State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Other	Territory:
Operation Types		Business: Corporation	
Carrier: HM	HM	Gross Revenue: \$ [REDACTED] for year ending: 12/31/2016	
Shipper: N/A	N/A		
Cargo Tank: N/A			
Company Physical Address:			
[REDACTED] OAKLEY, KS 67748-1732			
Contact Name: Chance Cranston			
Phone numbers: (1) [REDACTED]			
E-Mail Address: [REDACTED]			
Company Mailing Address:			
520 HUDSON AVE OAKLEY, KS 67748-1732			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
Machinery, Large Objects		Livestock	Grain, Feed, Hay
Hazardous Materials			
9 Miscellaneous HM		Carried	Non-Bulk
Equipment			
	Owned Term Leased Trip Leased		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	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 1
>= 100 Miles:	1		CDL Drivers: 1





CP CRANSTON LLC
U.S. DOT #: 2402568

State #: XXXXXXXXXX

Review Date:
04/26/2017

Part A

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

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chance Cranston
Name:

Title: Member
Title:





CP CRANSTON LLC
U.S. DOT #: 2402568

State #: [REDACTED]

Review Date:
04/26/2017

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.3(a)(3)(II)	Discovered 4	Checked 24	Drivers/Vehicles In Violation 1	Checked 1
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. Example Driver [REDACTED] Trip Date: 3/1/2017 Driver [REDACTED] came on duty at 07:30 a.m. and drove and was on duty not driving until 06:30 p.m. without a thirty minute rest period.					
2 STATE CRITICAL	Primary: 395.3(a)(3)(II) CFR Equivalent: 395.3(a)(3)(ii)	Discovered 1	Checked 6	Drivers/Vehicles In Violation 1	Checked 1
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. Example Driver [REDACTED] Trip Date 3/17/2017 Driver [REDACTED] transported a CAT Excavator from Ottawa, Kansas to Levant, Kansas. Driver [REDACTED] came on duty at 07:00 a.m. and was on duty and driving until 08:15 p.m. without a break					
3 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles 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 3/1/2017 Last annual review was completed on 2/5/2016					
4 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles 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: 3/1/2017 Last certificate of violations was completed on 2/5/2016					





CP CRANSTON LLC
U.S. DOT #: 2402588

State #: [REDACTED]

Review Date:
04/28/2017

Part B Violations

5 STATE	Primary: 395.3(a)(1) CFR Equivalent: 395.3(a)(1)	Discovered 1	Checked 6	Drivers/Vehicles In Violation Checked 1 1
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Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.

Driver [REDACTED]
Trip Date: 3/16/2017

Driver [REDACTED] came on duty on 3/15/2017 at 11:30 a.m. and drove ten hours then Driver [REDACTED] went off duty at 10:45 p.m. until 08:00 a.m. on 3/16/2017 a total of 9 1/4 hours. Driver [REDACTED] then drove for 4 1/2 more hours.

6 STATE	Primary: 395.3(a)(2) CFR Equivalent: 395.3(a)(2)	Discovered 1	Checked 6	Drivers/Vehicles In Violation Checked 1 1
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Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

Example

Driver [REDACTED]
Trip Date: 3/16/2017

On 3/15/2016 Driver [REDACTED] came on duty at 11:30 a.m. and was on duty and driving until 10:45 p.m. Driver [REDACTED] then went off duty until 08:00 a.m. on 3/16/2017 a total of 9 1/4 hours. Driver [REDACTED] then drove 4 1/2 hours after being on duty 14 hours following his last ten hour break.

7 FEDERAL	Primary: 395.3(a)(2)	Discovered 0	Checked 24	Drivers/Vehicles In Violation Checked 1 1
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Description

"Driving a commercial motor vehicle for any period after having been on duty for 14 hours (property-carrying vehicles).

Example

Driver [REDACTED]
Trip Date: 3/1/2017

No fourteen hour violations discovered on interstate trips

8 FEDERAL	Primary: 395.3(a)(3)(i)	Discovered 0	Checked 24	Drivers/Vehicles In Violation Checked 1 1
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Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.

Example

Driver [REDACTED]
Trip Date: 3/1/2017

No violations were discovered on interstate trips

Safety Fitness Rating Information:

Total Miles Operated 59,589
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0





CP CRANSTON LLC
U.S. DOT #: 2402568

State #: [REDACTED]

Review Date:
04/26/2017

Part B Violations

Your proposed safety rating is :

CONDITIONAL

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	2
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





CP CRANSTON LLC
U.S. DOT #: 2402568

State #: XXXXXXXXXX

Review Date:
04/28/2017

Part B Requirements and/or Recommendations

1. Within 10 working days, file a properly executed MCS-90 financial responsibility endorsement with the Federal Motor Carrier Safety Administration, Kansas Division, 1300 First American Place, Suite 200, Topeka, Kansas 66617.

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: CP Cranston L.L.C. needs to have a policy in place that required the drivers to take a thirty minute break for every 8 hours on duty and after the drivers unload livestock if the the driver has been on duty more 8 hours since his last off duty break of at least 30 minutes.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- 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 Hours-of-Service (HOS) violations.

Seek Out Resources:

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

3. After June 30, 2013, driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.
4. Establish a system to control property -carrying drivers' hours of service. Do not dispatch drivers who lack adequate hours to complete assigned trips legally. Do not allow drivers to exceed the 11, 14, 60/70-hour limits.
5. 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
6. Each motor carrier shall obtain a list or certificate relating to violations of the motor vehicle laws and ordinances for each driver it employs.
7. HOW TO REQUEST AN UPGRADE TO YOUR SAFETY RATING BASED ON CORRECTIVE ACTION





CP CRANSTON LLC
U.S. DOT #: 2402568

State #: XXXXXXXXXX

Review Date:
04/26/2017

Part B Requirements and/or Recommendations

The Federal Motor Carrier Safety Administration (FMCSA) allows a motor carrier to request an upgrade of its safety rating based on corrective action as defined in 49 CFR section 385.17. The motor carrier's request for an upgrade must include a detailed written description of corrective actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

The FMCSA requires a description of the corrective action taken and will accept a Safety Management Plan (SMP) that outlines how you will prevent future violations as evidence of the safety management controls that have been put into place to satisfy the regulations of 49 CFR sections 385.5 and 385.7. You may at any time request, in writing, a change to your safety rating based on corrective actions. However, if your review resulted in a proposed unsatisfactory safety rating you should do so as soon as possible so that FMCSA has the opportunity to review your request before the effective date of the final safety rating. Your submission should be as detailed as possible and clearly indicate that it is a request for a safety rating upgrade under 49 CFR § section 385.17. For example:

"Pursuant to 49 CFR § Part 385.17 of the Federal Motor Carrier Safety Regulations, CP Cranston L.L.C., US DOT # 2402568 requests that the Safety Fitness Rating issued to us be upgraded based on corrective action taken and submitted in this Safety Management Plan (SMP)."

The regulations require that motor carriers submit their requests to the Field Administrator and Division Administrator for the Federal Motor Carrier Safety Administration office, in which the motor carrier maintains its principal place of business.

Two copies of the SMP shall be prepared and one submitted to each of the following addresses:

Field Administrator Division Administrator
Federal Motor Carrier Safety Administration
Safety Management Plan
Midwestern Service Center
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

Federal Motor Carrier Safety Administration
Safety Management Plan
Kansas Division
1303 SW First American Place, Suite 200
Topeka, KS 66617

The safety management plan should include, but not be limited to, the following:

1. The request must address each acute and/or critical violation on the most recent Compliance Review, and Factor 6 (Accident Factor), when the rating for Factor 6 is Unsatisfactory. Also if the Out of Service (OOS) Rate is greater than 34%, actions taken by the motor carrier to reduce the OOS Rate must also be discussed in the SMP.
2. The request must discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Documentation of corrective action must be submitted with your safety rating upgrade request. For example, documentation may include new policies and procedures, training programs and sign-in lists, or copies of missing drug and alcohol tests (see the attached Required Documentation of Corrective Action).
3. Outline actions taken to ensure the violations do not reoccur and long term goals of continuing efforts to stay in compliance in the future.
4. If Factor 4 (Vehicle Factor) out-of-service rate is 34 percent or higher, a systematic maintenance schedule program should be included with the request. The program should include, but not be limited to, ensuring the safety defects reported by the drivers on their vehicle inspection reports are repaired before the vehicle is re-dispatched and a complete file for each subject vehicle, recording all repairs, maintenance and inspection operations performed (see the attached Required Documentation of Corrective Action).
5. If Factor 6 (Accident Factor) is rated unsatisfactory, an accident countermeasure program should be included as part of the request. The program should include, but not be limited to, defensive driving training, winter driving tips, identification of causative factors, and preventive measures implemented to reduce crashes (see the attached Required Documentation of Corrective Action).





CP CRANSTON LLC
U.S. DOT #: 2402568

State #: [REDACTED]

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04/26/2017

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6. If the request includes actions that will be conducted in the near future, such as training, reorganization of operations, purchasing of computer programs, satellite tracking, etc., a detailed description of the activity or training, including the specific curriculum, with a schedule of when the activity will commence and be completed, should be included.

7. Any additional documentation that relates to motor carrier safety and the prevention of accidents and hazardous materials incidents.

8. Include a written statement that the motor carrier will operate in compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Material Regulations, and that the motor carrier's operation currently meets the safety standard and factors specified in 49 CFR sections 385.5 and 385.7. The statement must be signed by a corporate official or owner of the company.

NOTE: Failing to adequately respond to each area listed above may result in a denial of your request for an upgrade to your safety rating.

Your roadside data may also be evaluated to assist in determining if a rating upgrade is warranted

If you have questions regarding the safety management plan process you can call your local Division Office at (785) 271-1260.

REQUIRED DOCUMENTATION OF CORRECTIVE ACTION:

This section provides a list of basic documentation that you must submit in your SMP. In some cases it will be necessary for you to send documents that are not listed or you may be required to send evidence for more drivers or vehicles than listed below.

HOURS OF SERVICE – PART 395

1.. **CRITICAL** Violation 49 CFR §395.3(a)(3)(II) – Requiring or permitting a property-carrying commercial motor vehicle driver to drive if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes

PROCESS DESCRIPTION:

A detailed description of your system for monitoring and controlling Hours of Service (HOS) and verifying the accuracy of driver's Records of Duty Status (logs or log books) to ensure HOS compliance in the future, including at a minimum the following:

- o The titles of personnel responsible for verifying the accuracy of logs and checking for HOS violations
- o Training and/or experience of person checking the logs
- o The responsibilities of personnel in monitoring drivers' HOS
- o A description of how you check for hours of service violations and falsification of logs including but not limited to:
 - ? The frequency of log checks and audits
 - ? If applicable, a description of how compliance with exemptions is checked (i.e. time cards)
- o Provide a description of your disciplinary program specific to HOS compliance and log falsification
- o If appropriate, provide any additional information that may demonstrate your level of compliance. For example, driver safety meetings, driver training, implementation of safety technology, etc.

LOG AUDIT SUMMARY AND DOCUMENTS:

- Provide a detailed log audit summary for all drivers in violation on the compliance review.
- Your summary must include a sufficient time period to clearly demonstrate any corrective measures implemented and to ensure that the plan is effective in reducing ALL 49 CFR § Part 395 HOS violations.
- The log audit summary must include at a minimum the following:





CP CRANSTON LLC
U.S. DOT #: 2402568

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Review Date:
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The number of logs checked for compliance with the 11 hour, 14 hour, 70 hour, and 30 minute break regulations for each driver checked

The number of violations discovered pursuant the 11 hour, 14 hour, 70 hour, and 30 minute break regulations for each driver checked

The number of logs checked for accuracy (falsification) for each driver checked

The number of logs determined to be false for each driver checked

A description of the false logs and the supporting document used determine falsification

Evidence of disciplinary action taken against each driver found to violation the hours of service regulations

Your log audit summary report must clearly define for each driver and the cumulative totals of all drivers, the number of logs checked for each HOS regulation listed above and the number of violations discovered for each regulation listed above (see example summary reports)

Include copies of the logs and supporting documents used in your log audit

For all other acute and critical violations that are not listed in this report, please provide:

- An explanation of how the violation was corrected
- Evidence that the violation was corrected
- Statements that the violations have been corrected

Safety Management Plan (SMP) Submission Coversheet

This coversheet, or similar type of coversheet, should be submitted when submitting the carrier's Safety Management Plan (SMP). It will assist with the processing of your SMP.

Pursuant to 49 CFR § Part 385.17 of the Federal Motor Carrier Safety Regulations, we request that the Safety Fitness Rating issued to us be upgraded based on corrective action taken and submitted in this Safety Management Plan (SMP)."

Carrier's USDOT: 2402568

Carrier's Legal Name: CP Cranston L.L.C.

Date of Review: 04/26/2017

Carrier's Key SMP Contact Name(s), Position(s), and Telephone Numbers(s):

Safety Management Plan (SMP) – Violation Specific Worksheet

Carrier's USDOT# & Name: CP Cranston L.L.C. Date: 4/26/2017

Name the Critical and/or Acute Violations, Accident Rate, and/or vehicle out of service rate, which caused the Adverse Safety Rating, being addressed:

Describe why this violation was allowed to occur:





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Describe the actions taken to correct this violation; supporting documentation must be included per the enclosed Examples of Corrective Action Documentation.

Describe the action taken to ensure this violation will not reoccur:

Safety Management Plan (SMP) - General SMP Worksheet

Carrier's USDOT# & Name: _____

Compliance Statement Signed by a Corporate Official or Owner:

We certify that we will operate in compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Material Regulations, and that the motor carrier's operation currently meets the safety standard and factors specified in 49 CFR sections 385.5 and 385.7.

Signature of Corporate Official or Owner: _____

Title: _____

Date: _____





CP CRANSTON LLC
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Part B Requirements and/or Recommendations

8. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

9. This review will result in a Safety Rating.

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

11. 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

12. I, _____, acknowledge that these requirements and/or

6/12/2017 10:05:58 AM

Page 6 of 7



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CP CRANSTON LLC
U.S. DOT #: 2402668

State #: [REDACTED]

Review Date:
04/26/2017

Part B Requirements and/or Recommendations

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 CP Cranston L.L.C. operating authority and/or the impoundment of CP Cranston L.L.C. vehicles.





CP CRANSTON LLC
U S DOT #: 2402568

State #: [REDACTED]

Review Date
04/26/2017

Part B Requirements and/or Recommendations

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

12. I, [Signature] 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 CP Cranston L.L.C. operating authority and/or the impoundment of CP Cranston L.L.C. vehicles.

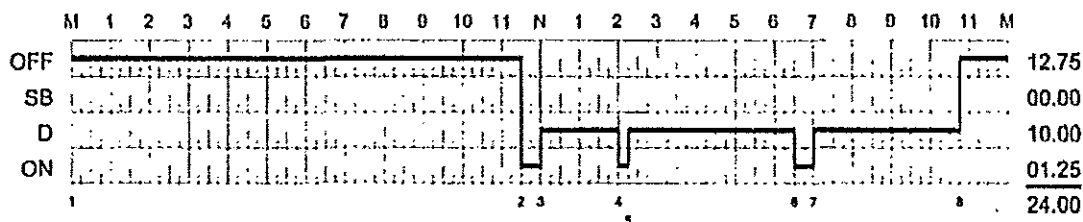


ATTACHMENT "B"

KEEP IT REAL**DRIVER'S DAILY LOG**

March 15, 2017

Driver	Chance Cranston	Co-Drivers	
Distance		Vehicles	Trailers
Carrier	CP Cranston LLC	Main Office	██████████ Oakley, KS, 67748
Shipping Docs			



No.	Status	Start (CDT)	Duration	Location	Notes	Recap
1	Off Duty	12:00 AM	11 hr 30 min	Ulysses, KS		3/02 10.50
2	On Duty	11:30 AM	30 min	Ulysses, KS		3/03 0.00
3	Driving	12:00 PM	2 hr			3/04 0.00
4	On Duty	2:00 PM	15 min	Oakley, KS		3/05 0.00
5	Driving	2:15 PM	4 hr 15 min			3/06 0.00
6	On Duty	6:30 PM	30 min	Grand Island, NE		3/07 12.00
7	Driving	7:00 PM	3 hr 45 min			3/08 0.00
8	Off Duty	10:45 PM	1 hr 15 min	Junction City, KS		3/09 0.00
						3/10 0.00
						3/11 0.00
						3/12 0.00
						3/13 12.00
						3/14 12.75
						Hrs Worked Today 11.25

Bol # 1275

I certify that these entries are true and correct



Driver Signature

ATTACHMENT "C"

KEEP IT LOGGED**DRIVER'S DAILY LOG**

March 16, 2017

Driver	Chanco Cranston	Co-Drivers																																																																																																																																																																																																																																																								
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BoL # 1276

I certify that these entries are true and correct

Driver Signature

CERTIFICATE OF SERVICE

17-TRAM-522-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was served via electronic service this 19th day of June, 2017, to the following:

CHANCE CRANSTON, MEMBER
CP CRANSTON LLC
520 HUDSON AVE
OAKLEY, KS 67748
Fax: 785-671-1257
chancecranston1@hotmail.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

Vicki Jacobsen

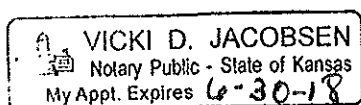
VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing Motion to Amend Penalty Order, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.


Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 19th day of June, 2017.




Notary Public

My Appointment Expires: June 30, 2018


CERTIFICATE OF SERVICE

17-TRAM-522-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was served via electronic service this 19th day of June, 2017, to the following:

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Vicki Jacobsen