



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 PENALTY ASSESSMENT**  
**17-TRAM-512-PEN**

June 6, 2017

Gary Falk, Managing Member  
White's Construction Co., LLC  
PO Box 8  
Kanopolis, Kansas 67454

**Certified Mail No. 70161970000105740662**

This is a notice of a penalty assessment against White's Construction Co., LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 20, 2017, by Kansas Corporation Commission Special Investigator(s) Gregory Askren. Penalty amounts are assessed in accordance with the FY 2017 Uniform Penalty Assessment Matrix, approved by the Commission on August 18, 2016. For a full description of the penalty(s) and terms and obligations please refer to the Order that is attached to this notice.

**IF YOU ACCEPT THE PENALTY:** White's Construction has been assessed a \$1,000 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. Please remit payment of \$1,000, 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.

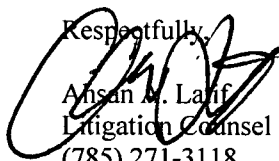
You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

You must submit to one follow-up safety compliance review within 18 months from the date of the attached Order. Transportation Staff will contact you at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER:** You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. White's Construction 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 must 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 (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 to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,000 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the attached Penalty Order, or in the alternative, failure to provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the attached Order becoming a Final Order and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

  
Ansan M. Laif  
Litigation Counsel  
(785) 271-3118

**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 **White's**      )  
**Construction Co., LLC, of Kanopolis, Kansas,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 17-TRAM-512-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. 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. White's Construction Co., LLC (White's Construction) operates under USDOT number 564395.

5. White's Construction employs five (5) CDL drivers and owns eight (8) power units.

6. White's Construction is a common motor carrier which primarily hauls grain, feed, hay, commodities dry bulk, road materials and salt.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on April 20, 2017, Commission Staff (Staff) Special Investigator(s) Gregory Askren conducted a compliance review of the operations of White's Construction. 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. Askren identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 12, 2017, White's Construction required or permitted its driver, Alan D. Ploutz, to operate a CDL-required commercial motor vehicle, a 2007 International, VIN ending in 244148, GVWR 33,000 lbs., pulling a 1975 Hobb trailer, VIN ending in 7406, GVWR 68,000 lbs., in intrastate commerce from Kanopolis, Kansas to St. Francis, Kansas. This

trip is evidenced by Driver's Daily Log, dated January 12, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, White's Construction failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator found five (5) violations of this type. White's Construction's failure to inquire into its drivers' MVR at least once every 12 months and maintain copies of the MVRs in the drivers' qualification files 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. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, driver Alan D. Ploutz drove more than eight (8) hours without taking a 30 minute break in off duty status. *See*, Attachment "B". The special investigator found 21 violations of this type. White's Construction'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 \$750.

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

8. Based upon the available facts, Staff recommends the Commission finds White's Construction 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.

9. Additionally, Staff recommends a civil penalty of \$1,000 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that White's Construction be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Transportation 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](http://kcc.ks.gov/trans/safety_meetings.htm).

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

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over White's Construction because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds White's Construction 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. White's Construction Co., LLC, of Kanopolis, Kansas is hereby assessed a \$1,000 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. White's Construction is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Transportation Staff with written proof of attendance.

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

D. 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. 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 (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel, within fifteen (15) days from the date of service of this Order. On June 6, 2017, this Penalty Order was mailed to White's Construction via Certified Mail, Return Receipt Requested, No. 70161970000105740662. Service of this Order is 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 White's Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,000 civil penalty against White's Construction, and ordering White's Construction to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Transportation Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of this Order.

E. 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.

F. If you do not request a hearing, the payment of the civil penalty of \$1,000 is due in thirty (30) days from the date of service of this Order. Payment of \$1,000, 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.

G. Failure to pay the \$1,000 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of White's Construction's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to

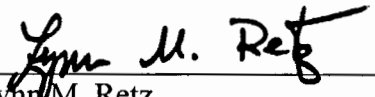
include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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: JUN 06 2017

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission








AAL

Order Mailed Date

JUN 07 2017

## **ATTACHMENT "A"**

## UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 564395	Legal: WHITE'S CONSTRUCTION CO, LLC Operating (DBA):	
MC/MX #:	State #: 	Federal Tax ID:  (EIN)	
Review Type: Compliance Review (CR)			
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S.	Territory: E
Operation Types		Interstate	Intrastate
Carrier:	N/A	Non-HM	Business: Partnership
Shipper:	N/A	N/A	Gross Revenue:  for year ending: 12/31/2016
Cargo Tank:	N/A		
Company Physical Address:			
			
Contact Name:	Gary Falk		
Phone numbers: (1)			Fax
E-Mail Address:			
Company Mailing Address:			
PO Box 8 KANOPOLIS, KS 67454-0038			
Carrier Classification			
Authorized for Hire		Exempt for Hire	
Cargo Classification			
Grain, Feed, Hay		Commodities Dry Bulk	Other: Road Materials, Salt
Equipment			
	Owned	Term Leased	Trip Leased
Truck	4	0	0
Tractor	4	0	0
Trailer	5	0	0
Power units used in the U.S.: 8			
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:		5	Average trip leased drivers/month: 0
>= 100 Miles:			Total Drivers: 5
			CDL Drivers: 5





WHITE'S CONSTRUCTION CO LLC  
U.S. DOT #: 564395

State #: [REDACTED]

Review Date:  
05/15/2017

**Part A**

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:

Address not available

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

**Person(s) Interviewed**


**Name:** Gary Falk

**Title:** President

**Name:**

**Title:**





	<b>WHITE'S CONSTRUCTION CO LLC</b>	State #: 150376	Review Date:
	U.S. DOT #: 564395		04/25/2017

### Part B Violations

1 FEDERAL	Primary: 391.25(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> 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. <b>Example</b> Driver [REDACTED] On 1/12/2017 Driver [REDACTED] Operated a 2007 INTL. VIN # [REDACTED] 244148 Ks. Reg. [REDACTED] GVWR 33000 Pulling a 1975 HOBBS, VIN # [REDACTED] 7406 Ks. Reg. [REDACTED] GVWR 68000 in intrastate commerce from Kanopolis, Ks. to St. Francis Ks. hauling salt. as refiled from the RODS sheet for 1-12-17 and bill of lading # 094346. White's Construction Co. LLC failed 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.					
2 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
<b>Description</b> Failing to maintain driver's employment application in driver's qualification file. <b>Example</b> Driver [REDACTED] On 1/12/2017 Driver Alan D. Picutz Operated a 2007 INTL. VIN # [REDACTED] 244148 Ks. Reg. [REDACTED] GVWR 33000 Pulling a 1975 HOBBS, VIN # [REDACTED] 406 Ks. Reg. [REDACTED] GVWR 68000 in intrastate commerce from Kanopolis, Ks. to St. Francis Ks. hauling salt. as refiled from the RODS sheet for 1-12-17 and bill of lading # 094346. White's Construction Co. LLC failed to maintain a driver's employment application on file for [REDACTED]					
3 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Driver [REDACTED] On 1/18/2017 Roadside Inspection Report KSHP20500603 Operated a 1996 INTL. VIN # [REDACTED] 020134, Ks. Reg. [REDACTED] GVWR 52,000 Pulling a 1996 TRVS, VIN # [REDACTED] 7293, Ks. Reg. [REDACTED] In Intrastate commerce from Kanopolis, Ks. to Washington, Ks. hauling Salt.					



	<b>WHITE'S CONSTRUCTION CO LLC</b>	State #: 	Review Date:
	U.S. DOT #: 564395		04/25/2017

### Part B Violations

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



#### Description

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

Driver 

On 1/18/2017

Roadside Inspection Report KSHP20500603

Operated a 1996 INTL, VIN #  020134, Ks. Reg.  GVWR 52,000

Pulling a 1996 TRVS, VIN #  7293, Ks. Reg. 

In Intrastate commerce from Kanopolis, Ks. to Washington, Ks. hauling Salt.

5 STATE	Primary: 395.3(a)(3)(ii)	Discovered 21	Checked 63	Drivers/Vehicles	
	CFR Equivalent: 395.3(a)(3)(ii)			In Violation 1	Checked 3

#### 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 

On 1/12/2017

Driver 

Operated a 2007 INTL, VIN #  244143 Ks. Reg.  GVWR 33000

Pulling a 1975 HOBBS, VIN #  7406 Ks. Reg.  GVWR 68000

in intrastate commerce from Kanopolis, Ks. to St. Francis Ks. hauling salt. as reflected from the RODS sheet for 1-12-17 and bill of lading # 094346

White's Construction Co. LLC is permitting a driver to drive after more than 8 hours without taking a 30 minute break in off duty status.

6 STATE	Primary: 395.8(f)(12)	Discovered 21	Checked 63	Drivers/Vehicles	
	CFR Equivalent: 395.8(f)			In Violation 1	Checked 3

#### Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

#### Example

Driver 

On 1/12/2017

Driver 

Operated a 2007 INTL, VIN #  244148 Ks. Reg.  GVWR 33000



Pulling a 1975 HOBBS, VIN #  7406 Ks. Reg.  GVWR 68000

in intrastate commerce from Kanopolis, Ks. to St. Francis Ks. hauling salt. as reflected from the RODS sheet for 1-12-17 and bill of lading # 094346.

White's Construction Co. LLC failed to have the driver log the bill of lading # on the RODS.

Shipping document number(s) or name of shipper and commodity shall be shown on the driver's record of duty status.



	<b>WHITE'S CONSTRUCTION CO LLC</b> U.S. DOT #: 564395	State #: 	Review Date: 04/25/2017
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**Part B Violations**

**Safety Fitness Rating Information:**



Total Miles Operated 146,000  
Recordable Accidents 0

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

Your proposed safety rating is :

**This Review is not Rated.**



	<b>WHITE'S CONSTRUCTION CO LLC</b>	State # 	Review Date
	U.S. DOT #: 564395		04/25/2017
<b>Part B Requirements and/or Recommendations</b>			

1. Make certain that you have Kansas Common Carrier Authority if the situation exists that your carrier operations require the authority under Kansas State law. The transportation for hire point to point within the State of Kansas requires the above authority.
2. Ensure that all documents supporting records of duty status (such as toll, fuel, repair and other on-the-road expense receipts, as well as invoices, bill of lading, dispatch records, etc.) are kept on file for at least 6 months
3. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
4. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
5. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
6. **HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures**

DESCRIPTION OF PROCESS BREAKDOWN White's Construction Co LLC monitor the hours of duty logs for proper form and manner.

#### 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://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.

#### 7. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures



	<b>WHITE'S CONSTRUCTION CO LLC</b> U.S. DOT #: 564395	Review Date: 04/25/2017
<b>Part B Requirements and/or Recommendations</b>		

DESCRIPTION OF PROCESS BREAKDOWN: White's Construction Co. LLC failed to make inquiry into the MVR of each driver.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

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

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

8. 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.

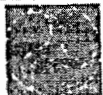

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial 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

9. For all Investigations:



	WHITE'S CONSTRUCTION CO LLC	State #: 	Review Date
	U.S DOT #: 564395		04/25/2017
<b>Part B Requirements and/or Recommendations</b>			

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

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

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

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

• All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information.

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

• 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 recurrence 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:

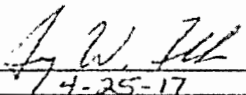
Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

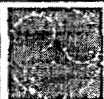
10. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements and/or failure to comply with the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of White's Construction Co. LLC operating authority and/or the impoundment of White's Construction Co. LLC vehicles

  
4-25-17

PRESIDENT  
NAME OF CARRIER OFFICIAL, TITLE  
Date

11. Stay in contact with your KCC investigator for any questions or issues with continued safety compliance  
SI Gregory Askren  
785 463.0212





WHITE'S CONSTRUCTION CO LLC  
U.S. DOT # 564395

State #



Review Date  
04/25/2017

**Part B Requirements and/or Recommendations**

[g.askren@kcc.ks.gov](mailto:g.askren@kcc.ks.gov)



## **ATTACHMENT "B"**



Year	Day	Month
211	211	211

and by using a JAGGED - 250000  
SERIALS card to read the data, the

On "Red" Hill at Lewis farmstead  
Duffless - Timber taken in last few years for fire wood, in days

White's Construction

964

496

**Total Miles Drivng Today**

Main Office Address

Canada vs KS

“**THE** **WORLD** **IS** **YOUR** **STAGE**”

30/13

Truck/Tractor and Trailer Numbers or  
License Plate(s) / State (show each unit)

**Deputy Fall Signatures**

[illegible]

1. *Introduction*

2. SLEPICKI  
BERTI

### 3. DRIVING

4. ON DUTY

and

STAYING

~~Prabir Kumar~~  
21/08/2024

Kangas Ks

SHIPPING  
DOCUMENTS.

U/L or Nonifent No.  
or

Shipper &amp; Community

From: Karapodis, ks

3 *ks* To: USE TIME STANDARD AT 100% EFFICIENCY

8527

Enter name of place you're visiting: \_\_\_\_\_

USE THE STANDARD HOME TERMINAL

**CERTIFICATE OF SERVICE**

17-TRAM-512-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on **JUN 06 2017**\_\_\_\_\_.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

GARY FALK, MANAGER  
WHITE'S CONSTRUCTION CO., LLC  
PO BOX 8  
KANOPOLIS, KS 67454-0038  
whitesconstructioncollc@gmail.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

**Order Mailed Date**

**JUN 07 2017**