

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **John Sherrill, d/b/a J & J**)
Development of Galena, Kansas, for Failure to) Docket No. 15-TRAM-027-OOS
Comply with New Entrant Safety Requirements as)
Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2013 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2013 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. 2013 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 2013 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. John Sherrill, d/b/a J & J Development is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. John Sherrill, d/b/a J & J Development is registered as a motor carrier with the U.S. Department of Transportation (USDOT), and operates under USDOT Number 1991763.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that John Sherrill, d/b/a J & J Development's New Entrant Registration had been revoked effective July 18, 2014, for failure to comply with safety requirements.

7. Pursuant to the above authority, on July 29, 2014, the Commission entered an Emergency Suspension of Operating Authority Order on John Sherrill, d/b/a J & J Development in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On July 31, 2014, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration (FMCSA), that John Sherrill, d/b/a J & J Development has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the FMCSA's Out-of-Service Order issued against the carrier has been rescinded. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate John Sherrill, d/b/a J & J Development's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over John Sherrill, d/b/a J & J Development because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate John Sherrill, d/b/a J & J Development's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) John Sherrill, d/b/a J & J Development's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

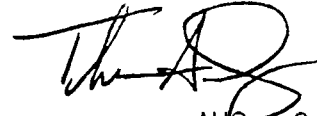
(B) John Sherrill, d/b/a J & J Development remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on July 31, 2014.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Com.; Apple, Com.;

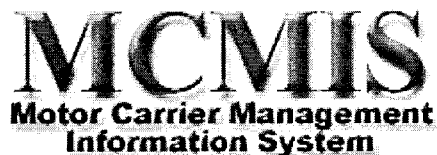
Dated: AUG 12 2014



ORDER MAILED AUG 13 2014

Thomas A. Day
Acting Executive Director

REV

Choose Subsystem

Out of Service Records



USDOT Number:	1991763	Company Type:	CARRIER	Status:	ACTIVE
Legal Name / DBA Name:	JOHN SHERRILL / J & J DEVELOPMENT				
Physical Address:	11178 SE LOSTINE RD, GALENA, KS 66739				

OOS Date	State	Rescind Date	Reason Description
07/18/2014		07/22/2014	NEW ENTRANT REVOKED - REFUSAL OF AUDIT/NO CONTACT

Options for this Company

July 31, 2014

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Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - [Field Office Contacts](#)

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JOHN SHERRILL, OWNER D/B/A J & J DEVELOPMENT 11178 SE LOSTINE RD GALENA, KS 66739		
ROBERT VINCENT, LITIGATION ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED AUG 13 2014

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