

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Suspension of Operating)
Authority of **MW Freight Line LLC of**)
Wichita, Kansas, for Failure to Comply with)
New Entrant Safety Requirements as Required by) Docket No. 24-TRAM-678-OOS
the Motor Carrier Safety Statutes, Rules and)
Regulations.)

**ORDER ADOPTING THE FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION'S ORDER AND SUSPENDING OPERATING AUTHORITY**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed the records and being duly advised in the premises, the Commission makes the following findings:

I. Background

1. On February 14, 2024, the Federal Motor Carrier Safety Administration ("FMCSA") forwarded a notice of violation(s) of the federal motor carrier safety regulations to MW Freight Line LLC ("Carrier"), wherein Carrier was given 60 days to comply with the regulations or its New Entrant Registration would be revoked.¹

2. On April 16, 2024, FMCSA issued Carrier an Order to Revoke "New Entrant" Registration and Cease All Interstate Transportation ("Federal Order"), attached hereto as Attachment "A" and is hereby incorporated by reference, due to Carrier's failure to agree to the FMCSA's safety audit.

¹ See Attachment A.

3. Pursuant to the Federal Order, Carrier's operations were placed out of service immediately and Carrier must immediately cease all interstate motor carrier operations in the United States.²

II. Legal Standards

4. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

5. Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

6. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

III. Analysis

7. MW Freight Line LLC ("Carrier") is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in interstate commerce in a manner that requires Commission authority.

² See Attachment A.

8. Carrier is registered as a motor carrier with the U.S. Department of Transportation (“USDOT”), and operates under USDOT Number 4023530.

9. The Commission considers Carrier received sufficient notice from the FMCSA of the violation(s) of motor carrier safety rules and regulations, and a requisite opportunity to correct the violation(s) and to obtain compliance. However, Carrier failed to act upon the FMCSA’s notice.

10. The Commission considers Carrier’s failure to comply with requirements of a new entrant audit is sufficient evidence of unsafe motor carrier operations, and as such poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

11. Therefore, the Commission finds that it is imperative to the safety and welfare of the public of the state of Kansas that the Federal Order be adopted and that the Carrier’s intrastate motor carrier operations be suspended, other than such motor carrier operations excepted from the Commission’s regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant. This includes submitting to the Commission verifiable evidence of the correction of the violation(s) noted in Federal Order including, but not limited to, proof of federal reinstatement and attendance of a Commission-sponsored safety seminar within ninety (90) days from the date of this Order. 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. The proof of attendance at the safety seminar should be submitted to Litigation Counsel.

THEREFORE, THE COMMISSION ORDERS:

- A. The Federal Motor Carrier Safety Administration’s Order to Revoke “New Entrant” Registration and Cease All Interstate Transportation issued on April 16, 2024 is hereby accepted and adopted.

- B. MW Freight Line LLC of Wichita, Kansas is to be immediately suspended from all intrastate Kansas commercial motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Carrier presents to Staff verifiable evidence, including, but not limited to, proof of federal reinstatement documenting the correction of the safety concerns identified in the FMCSA's April 16, 2024 Order to Revoke "New Entrant" Registration and Cease All Interstate Transportation. This Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspend operating authority.
- C. MW Freight Line LLC is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance.
- D. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Order.** Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order.
- E. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 04/23/2024

Lynn M. Retz

Lynn M. Retz
Executive Director

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ATTACHMENT “A”



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

April 16, 2024

In reply refer to:
USDOT Number: **4023530**

**MW FREIGHT LINE LLC
PO BOX 782144
WICHITA, KS 67278**

**ORDER TO REVOKE "NEW ENTRANT" REGISTRATION AND CEASE
ALL INTERSTATE TRANSPORTATION U.S. DOT Number: 4023530**

This Order is issued pursuant to 49 CFR 385.325(b). On February 14, 2024 MW FREIGHT LINE LLC was notified that its USDOT New Entrant registration would be revoked and its interstate operations placed out of service unless MW FREIGHT LINE LLC took action to remedy its safety management practices and submit in writing evidence of necessary corrective action within 60 days. Because MW FREIGHT LINE LLC has failed to submit sufficient evidence of the necessary corrective action, MW FREIGHT LINE LLC's USDOT New Entrant registration is hereby revoked and its interstate operations placed out of service, effective immediately. MW FREIGHT LINE LLC must immediately cease all Interstate motor carrier operations in the United States.

Failure to comply with this order may subject the carrier to a penalty in accordance with 49 USC 521 (b)(2)(a) and the minimum/maximum penalty schedule in 49 CFR Part 386 Appendix A and B.

In accordance with 49 CFR 385.327, MW FREIGHT LINE LLC may request an administrative review if it believes Federal Motor Carrier Safety Administration (FMCSA) has committed an error in determining that its basic safety management controls are inadequate and/or that its corrective action under section 385.319(c) is insufficient. Under section 385.327(c) (1), the request must be submitted within 90 days of the date of the notice of FMCSA determining that its basic safety management controls are inadequate resulting in failure of the safety audit or under section 385.327(e) (2) within 90 days of the date that of the notice that FMCSA determined that the corrective actions are insufficient. The request for administrative review must include a description of the error(s) believed made by FMCSA in its determination and include a list of all factual and procedural issues disputed and any supporting information or documentation. The Field Administrator's decision will constitute final agency action. A request for administrative review must be submitted to:

WINSOME LENFERT
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
MIDWESTERN SERVICE CENTER
4749 LINCOLN MALL DRIVE, SUITE 300A
MATTESON, IL 60443
Email: MSCCAP@DOT.GOV
Phone: 708-283-3564
Fax: 877-547-0381

Under section 385.329, MW FREIGHT LINE LLC may reapply for USDOT New Entrant registration no earlier than 30 days from the date of this Order. In order to reapply MW FREIGHT LINE LLC must begin the application process from the

beginning, submit an updated Motor Carrier Identification Report (MCS-150), submit adequate evidence that the violations that resulted in the USDOT New Entrant registration revocation and adequate basic safety management controls have been established, and restart the 18-month new entrant monitoring period. Reapplication may be made via the FMCSA web site (<http://safer.fmcsa.dot.gov>) or by submitting a MCS-150 form. The form may be obtained by calling FMCSA support services at 1-800-832-5660 or via the FMCSA web site at <http://www.fmcsa.dot.gov>.

Contact your local FMCSA office if you have questions about what corrective actions must be submitted and where to submit them.

Sincerely,

A handwritten signature in cursive script that reads "David J. Yessen".

David J. Yessen
Chief, Compliance Division

CERTIFICATE OF SERVICE

24-TRAM-678-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 04/23/2024.

Wade Fields, OWNER
MW Freight Line LLC
PO Box 782144
Wichita, KS 67278
wdfields@yahoo.com

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

/S/ KCC Docket Room
KCC Docket Room