

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



201702080012
Kansas Corporation Commission

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

February 21, 2017

17-TRAM-372-PEN

Michael Bartmess, Member
B-2 Express Lines, LLC
15347 S 169 Hwy
Olathe, Kansas 66062

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 27, 2017, by Kansas Corporation Commission Special Investigator Wade Patterson. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,600 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days 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.

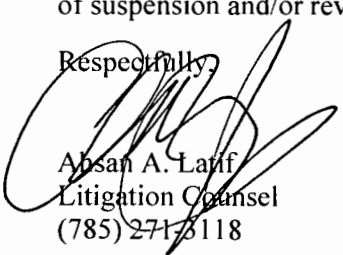
You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY: 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. Respondent must submit 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 stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



Absan A. Larif
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 **B-2 Express**)
Lines, LLC, of Olathe, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes,) Docket No. 17-TRAM-372-PEN
Rules and Regulations and the 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. B-2 Express Lines, LLC (B-2 Express Lines) obtained common operating authority from the Commission on November 5, 2014, and operates under KSMCID number 170679 and USDOT number 2495722.

5. Mardy Whitehead attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on October 20, 2014, on behalf of B-2 Express Lines.

6. B-2 Express Lines is a common motor carrier which primarily hauls general freight, commodities dry bulk, and paper products.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 27, 2017, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of B-2 Express Lines. 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. Patterson identified four (4) violations of the Motor Carrier Safety Regulations.

- a. On October 13-14, 2016, B-2 Express Lines required or permitted its driver, Lanny Hamp, to operate a CDL-required commercial motor vehicle, a 2006 Freightliner, VIN ending in 09835, GVWR 54,000 lbs., pulling a 2016 Stoughton trailer, VIN ending in 622994, GVWR 31,751

lbs., in interstate commerce from Olathe, Kansas to Springdale, Arkansas. This trip is evidenced by Employee's Log Reports, dated October 13 and 14, 2016, copies of which are attached hereto as Attachment "B" and are hereby incorporated by reference. At the time of this transportation, B-2 Express Lines failed to designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and controlled substances usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. B-2 Express Lines' inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603 as adopted by K.A.R. 82-4-3c and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a., above, driver Lanny Hamp drove in violation of the 11-hour rule on October 14, 2016. Mr. Hamp then went off duty at midnight, failing to take a full 10 hours off duty before starting work. He then operated the above-listed commercial motor vehicles from Olathe, Kansas to Lawrence, Kansas, in violation of the 11th and 14th hour rules. Mr. Hamp drove from 10:12 a.m. to 12:30 p.m. The special investigator found three (3) violations of this type. B-2 Express Lines' failure to require its driver to cease driving at the 14th hour

is in violation of 49 C.F.R. 395.3(a)(2) as 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.

- c. During the transportation described in paragraph a., above, driver Lanny Hamp drove in violation of the 11th-hour rule on October 14, 2016. *See*, Attachment “B”. The special investigator found two (2) violations of this type. B-2 Express Lines’ failure to require its driver, to take 10 consecutive hours off duty after driving 11 hours is in violation of 49 C.F.R. 395.3(a)(3)(i) as adopted by K.A.R. 82-4-3 and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.
- d. During the transportation described in paragraph a., above, driver Lanny Hamp created a false report of duty status on October 14, 2016, showing he went off-duty at 10:25 a.m. The toll data, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference, shows Mr. Hamp exiting the Eastern Terminal at 12:16 p.m. The special investigator found three (3) violations of this type. B-2 Express Lines’ falsifying records of duty status is a violation of 49 C.F.R. 395.8(e), as adopted by K.A.R. 82-4-3a, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find B-2 Express Lines committed four (4) violations 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 \$1,600 for four (4) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that B-2 Express Lines be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide 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.

11. Finally, Staff recommends that B-2 Express Lines submit to one follow-up safety compliance review within the next eighteen (18) months. 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 B-2 Express Lines because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds B-2 Express Lines committed four (4) violations 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. B-2 Express Lines, LLC, of Olathe, Kansas is hereby assessed a \$1,600 civil penalty for four (4) violations 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. B-2 Express Lines is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, B-2 Express Lines is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2016 Supp. 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 Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of B-2 Express Lines's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,600 civil penalty against B-2 Express Lines, and ordering B-2 Express Lines to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. 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.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$1,600 civil penalty within thirty (30) days of the 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 B-2 Express Lines'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 out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. 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: FEB 21 2017




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

FEB 22 2017

ATTACHMENT “A”

	US DOT # 2495722	Legal: B-2 EXPRESS LINES LLC Operating (DBA):	
MC/MX #: 864596		State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	
Territory:			
Operation Types			
Interstate	Intrastate		
Carrier: Non-HM	N/A	Business: Corporation	
Shipper: N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2016	
Cargo Tank:	N/A		
Company Physical Address:			
[REDACTED]			
Contact Name: Michael Bartmess			
Phone numbers: (1) [REDACTED]			
E-Mail Address: [REDACTED]			
Company Mailing Address:			
15347 S 169 HWY OLATHE, KS 66062-3403			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
General Freight		Commodities Dry Bulk	Paper Products
Equipment			
	Owned	Term Leased	Trip Leased
Truck Tractor	3	2	0
Trailer	5	1	0
Power units used in the U.S.: 5			
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:	4		Average trip leased drivers/month: 0
>= 100 Miles:			Total Drivers: 4
			CDL Drivers: 4





B-2 EXPRESS LINES LLC

U.S. DOT #: 2495722

State #: [REDACTED]

Review Da.

01/27/2017

Part A

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road
Topeka, Kansas 66604
Telephone (785)640-9132

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Michael Bartmess

Name: [REDACTED]





B-2 EXPRESS LINES LLC
U.S. DOT #: 2495722

State # [REDACTED]

Review Date:
01/27/2017

Part B Violations

1 FEDERAL	Primary: 367.30	Discovered 1	Checked 2	Drivers/Vehicles In Violation	Checked
				0	0

Description

Fail to pay current years UCR and operating in interstate commerce.

Example

On 1/09/2017 B-2 Express Lines LLC had driver [REDACTED] (KS CDL# [REDACTED]) operate a CDL required combination of vehicles (VIN# [REDACTED] 11347 & VIN# [REDACTED] 622916) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Ames Iowa on 1/9/17. This trip is evidenced by a driver hours of service record, bills of lading, scale ticket and fuel receipt. At the time of this trip and during the review, carrier failed to pay the correct amount to UCR for 2017.

2 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked
				0	0

Description

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Example

On 1/09/2017 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 11347 & VIN# [REDACTED] 622916) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Ames Iowa on 1/9/17. This trip is evidenced by a driver hours of service record, bills of lading, scale ticket, fuel receipt, and consortium driver list. At the time of this trip and during the review, carrier failed to remove terminated driver from the random testing pool.

3 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
				0	0


Description

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Example

On 10/14/2016 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 09835 & VIN# [REDACTED] 622994) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Springdale Arkansas on 10/13/2016. Driver then went off duty at midnight on 10/14/2016. Driver failed to take a full 10 hours off duty before starting work. Mr. [REDACTED] then operated the above listed combination of vehicles from Olathe Kansas to Lawrence Kansas on 10/14/16. This trip is evidenced by driver hours of service records, bills of lading, and toll data. At the time of this trip, carrier failed to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.



	B-2 EXPRESS LINES LLC	State # [REDACTED]	Review Date:
	U.S. DOT #: 2495722		01/27/2017

Part B Violations

4 FEDERAL	Primary: 391.23(e)(1)	Discovered 3	Checked 4	Drivers/Vehicles In Violation 3	Checked 4
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Description

Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.
On 10/14/2016 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 09835 & VIN# [REDACTED] 622994) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Springdale Arkansas on 10/13/2016. Driver then went off duty at midnight on 10/14/2016. Driver failed to take a full 10 hours off duty before starting work. Mr. Hamp then operated the above listed combination of vehicles from Olathe Kansas to Lawrence Kansas on 10/14/16. This trip is evidenced by driver hours of service records, bills of lading, and toll data. At the time of this trip and during the review, carrier failed to investigate the driver's alcohol and controlled substances history for the previous 3 years.

5 FEDERAL	Primary: 395.3(a)(2)	Discovered 3	Checked 90	Drivers/Vehicles In Violation 1	Checked 3
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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

On 10/14/2016 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 09835 & VIN# [REDACTED] 622994) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Springdale Arkansas on 10/13/2016. Driver drove in violation of the 11 hour rule on that date. Driver then went off duty at midnight on 10/14/2016. Driver failed to take a full 10 hours off duty before starting work. Mr. [REDACTED] then operated the above listed combination of vehicles from Olathe Kansas to Lawrence Kansas. Thus, driver operated in violation of the 11th and 14th hour rules on this day of operation. Driver drove in violation from on or about 10:12am to 12:30pm on 10/14/2016. This trip is evidenced by driver hours of service records, bills of lading, and toll data.

6 FEDERAL	Primary: 395.3(a)(3)(i)	Discovered 2	Checked 90	Drivers/Vehicles In Violation 1	Checked 3
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Description

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

Example

On 10/14/2016 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 09835 & VIN# [REDACTED] 622994) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Springdale Arkansas on 10/13/2016. Driver drove in violation of the 11 hour rule on that date. Driver then went off duty at midnight on 10/14/2016. Driver failed to take a full 10 hours off duty before starting work. Mr. [REDACTED] then operated the above listed combination of vehicles from Olathe Kansas to Lawrence Kansas. Thus, driver operated in violation of the 11th and 14th hour rules on this day of operation. Driver drove in violation from on or about 10:12 am to 12:30pm on 10/14/2016. This trip is evidenced by driver hours of service records, bills of lading, and toll data.



**B-2 EXPRESS LINES LLC**

U.S. DOT #: 2495722

State #: [REDACTED]

Review Date:

01/27/2017

Part B Violations

7 FEDERAL	Primary: 395.8(e)	Discovered 3	Checked 90	Drivers/Vehicles In Violation	Checked 3
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Description

False reports of records of duty status.

On 10/14/2016 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 09835 & VIN# [REDACTED] 622994) in interstate commerce. These vehicles have a gross vehicle weight rating of 54,000 lbs. and 31,751 lbs. respectively. Carrier operated this combination of vehicles on a for hire basis from Olathe Kansas to Springdale Arkansas on 10/13/2016. Driver drove in violation of the 11 hour rule on that date. Driver then went off duty at midnight on 10/14/2016. Driver failed to take a full 10 hours off duty before starting work. Mr. [REDACTED] then operated the above listed combination of vehicles from Olathe Kansas to Lawrence Kansas. Thus, driver operated in violation of the 11th and 14th hour rules on this day of operation. Driver drove in violation from on or about 10:12am to 12:30pm on 10/14/2016. This trip is evidenced by driver hours of service records, bills of lading, and toll data. In addition to operating in violation of the 11hr and 14hr rules, driver created a false log on 10/14/16. Based on the log, driver showed that he went off-duty at 10:25am. Toll data however shows driver exiting the Eastern Terminal at 12:16pm. Owner Michael Bartmess signed a written statement confirming that no other driver operated this tractor on the date in question.

8 FEDERAL	Primary: 396.25(c)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
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Description

Requiring or permitting an employee who does not meet minimum brake inspector qualifications to be responsible for the inspection, maintenance, service, or repairs of any brakes on a commercial motor vehicle.

Example

On 05/12/2016 B-2 Express Lines LLC had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 722248 & [REDACTED] 6003576) in interstate commerce. The gross vehicle weight rating of these vehicles are 52,000 lbs. and 65,000 lbs. respectively. At the time of this trip from Princeton Kentucky to Olathe Kansas, driver was stopped for a roadside inspection by the Missouri Highway Patrol. This roadside inspection revealed serious issues with the combination vehicle's brakes. The power unit was placed out of service by the trooper. Driver [REDACTED] adjusted the brakes on-site and returned to the carrier's principal place of business. At the time of our review, we interviewed Mr. Kiarie and found his brake inspector qualifications to be inadequate. Driver has no formal training on vehicle maintenance nor does he know the requirements listed in Appendix G of the regulations. This trip is evidenced by the roadside inspection report.

Safety Fitness Rating Information:

Total Miles Operated 760,454
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

Your proposed safety rating is :

SATISFACTORY

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

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





B-2 EXPRESS LINES LLC

U.S. DOT #: 2495722

State #: [REDACTED]

Review Date:

01/27/2017

Part B Requirements and/or Recommendations

1. 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. 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>

For all Investigations that could result in a Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation





B-2 EXPRESS LINES LLC

U.S. DOT #: 2495722

State #: [REDACTED]

Review Date:

01/27/2017

Part B Requirements and/or Recommendations

Federal Motor Carrier Safety Administration
Kansas Division
Division Administrator
1303 First American Place
Suite 200
Topeka, KS 66604-4040

For all Investigations that did not result in a Cooperative Safety Plan:

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

2. 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.

3. The UCR Application form can be obtained from <https://www.ucr.in.gov>.
Carrier failed to pay the appropriate rate for the number of vehicles in fleet. Ensure that your vehicle count is accurately reflected when you pay your annual UCR fees. Correct your error and pay the remainder of 2017 UCR fees as soon as possible. If you have questions or issues, please don't hesitate to contact me.
4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Carrier was found to be in violation of the following:

- 1) failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made





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01/27/2017

Part B Requirements and/or Recommendations

2) failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

BASIC SPECIFIC RECOMMENDED REMEDIES

- 1) Make sure to remove drivers from the random testing pool immediately after they are terminated.
- 2) Even though you corrected this prior to the review ensure that you retain the copies of reasonable suspicion training in your files.

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Monitor and adjust the testing program to ensure proper annual driver sampling.
- Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
- Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch; lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies.
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Passenger Carrier Only:

- Monitor and track controlled-substance and alcohol-related passenger complaints, and assess safety implications.

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.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

The carrier was found to be in violation of the following:





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Part B Requirements and/or Recommendations

- 1) Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.

BASIC SPECIFIC RECOMMENDED REMEDIES

- 1) Despite having fortified your pre-employment history inquiries make sure that you are investigating drivers alcohol and controlled substances history for the previous 3 years.

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
- Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

Passenger Carriers Only:

- Designate a manager to collect and evaluate all driver-fitness-related customer complaints and their safety implications.

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.

6. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Carrier was found to be in violation of the following:

- 1) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.
- 2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.
- 3) False reports of duty status.

BASIC SPECIFIC RECOMMENDED REMEDIES

All of the above violations can be corrected by monitoring drivers hours of service records. Use all available supporting documents to check and verify drivers hours.

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in





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Part B Requirements and/or Recommendations

Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.

- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Passenger Carrier Only:

- Monitor and track driver-fatigue-related passenger complaints and assess safety implications.
- Ensure that management ascertains that available hours account for rest periods, separate operations within-company, intermittent and relief drivers, and changes to itinerary that require "extended day." Check in with drivers at pre-designated intervals.

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. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN:

Carrier was found to be in violation of requiring or permitting an employee who does not meet minimum brake inspector qualifications to be responsible for the inspection, maintenance, service, or repairs of any brakes on a commercial motor vehicle.

BASIC SPECIFIC RECOMMENDED REMEDIES

Verify that qualified inspectors and mechanics are performing all inspections, maintenance, service and repairs to commercial motor vehicles. Make sure a qualified mechanic corrects all Out-Of-Service violations prior to the vehicle being placed back in service.

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that prospective employees are qualified to inspect, repair and maintain the carrier's vehicles by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding inspection, repair, and maintenance responsibilities and (for mechanics and technicians) the quality of previous work, including whether maintenance services were systematic and well documented. Create a detailed written record of each inquiry.
- Query the Federal Motor Carrier Safety Administration's (FMCSA) information systems to check the vehicle inspection, repair, and maintenance performance (violations, Out-of-Service [OOS] rates, etc.) of other carriers for whom the mechanic has worked. Then, ask follow-up questions to better determine the mechanic's performance in those previous jobs.
- Verify prospective brake inspectors' understanding of job requirements and their applicable training and apprenticeship credentials.
- Screen prospective dispatchers for flexibility and the ability to deal with crisis by posing "what if" scenarios, such as how they would expedite an emergency repair or a replacement vehicle if given an Out-of-Service (OOS) call on a critical haul.





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Part B Requirements and/or Recommendations

- Assess prospective drivers' understanding of their responsibility for, and experience with, inspecting and maintaining the vehicle, reporting defects, and verifying repairs.
- Ensure that the employment application captures all information required by Federal Motor Carrier Safety Regulations (FMCSRs) - for example, for drivers, with regard to types of vehicles operated, and for mechanics and technicians, with regard to certification of the ability to perform repairs.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, mechanic, and other roles with responsibility for inspection, repair, and maintenance, using outside resources such as insurance companies, industry groups, and consultants for employee searches and referrals.

Passenger Carrier Only:

- Verify that mechanics and technicians are familiar with advanced technology and are certified for the vehicles on which they will be working

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. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of B-2 Express Lines LLC's operating authority and/or the impoundment of B-2 Express Lines LLC's vehicles.

X

Michael Bartmess



ATTACHMENT “B”



Employee's Log Report

SORTED BY: Employee Name
 Entire Company
 Range of Dates: 10/1/2016 - 10/31/16

Employee Code: 2202 Hamp, Lanny

Log Date: 10/13/2016

Miles Driven: 168

Reporting Level: B-2 Express Lines, LLC

Job Class: CDL Driver

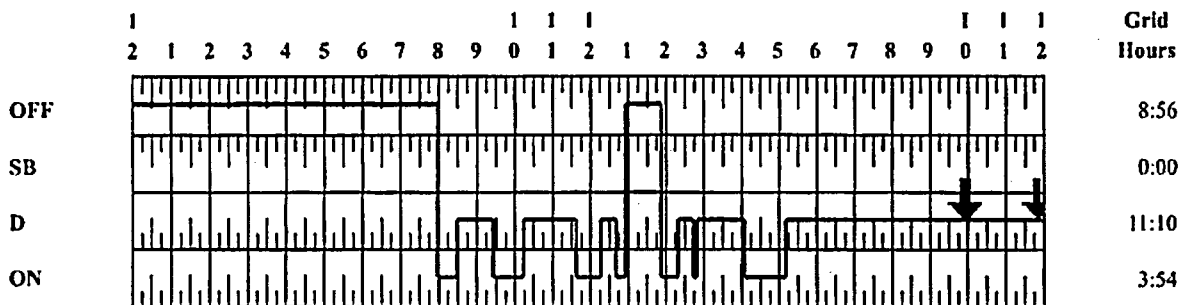
Tractor Number: 2

Trailer Number: 21878-21800

Shipment Info: Drop trailer in Kmart Lawrence

Driver Type: Property Carrying

☒ Driver Returned To and Released From Normal Work Reporting Location



Start Time	Status	Duration	Rule Set	Location
12:00 AM	Off Duty	8:00	US 60 Hour	
8:00 AM	On-Duty Not Driving	0:31	US 60 Hour	Olathe, KS
8:31 AM	Driving	0:56	US 60 Hour	Olathe, KS
9:27 AM	On-Duty Not Driving	0:49	US 60 Hour	Lawrence, KS
10:16 AM	Driving	1:25	US 60 Hour	Lawrence, KS
11:41 AM	On-Duty Not Driving	0:39	US 60 Hour	Olathe, KS
12:20 PM	Driving	0:24	US 60 Hour	Olathe, KS
12:44 PM	On-Duty Not Driving	0:14	US 60 Hour	Lenexa, KS
12:58 PM	Off Duty	0:56	US 60 Hour	Lenexa, KS
1:54 PM	On-Duty Not Driving	0:28	US 60 Hour	Lenexa, KS
2:22 PM	Driving	0:25	US 60 Hour	Lenexa, KS
2:47 PM	On-Duty Not Driving	0:07	US 60 Hour	Kansas City, KS
2:54 PM	Driving	1:14	US 60 Hour	Kansas City, KS
4:08 PM	On-Duty Not Driving	1:06	US 60 Hour	Topeka, KS
5:14 PM	Driving	6:46	US 60 Hour	Topeka, KS

* - Denotes fields whose data has been modified from the original data generated by Keller Mobile.



Employee's Log Report

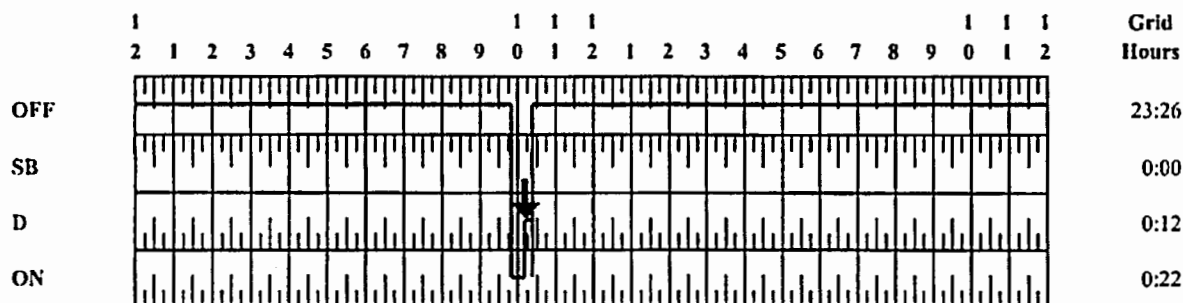
SORTED BY: Employee Name
Entire Company
Range of Dates: 10/1/2016 - 10/31/16

Employee Code: 2202 **Hamip, Lanny**
Log Date: 10/14/2016
Reporting Level: B-2 Express Lines, LLC
Tractor Number: 2
Trailer Number: 21878
Shipment Info:

Miles Driven: 1
Job Class: CDL Driver

Driver Type: Property Carrying

☒ **Driver Returned To and Released From Normal Work Reporting Location**



Start Time	Status	Duration	Rule Set	Location
12:00 AM	Off Duty	9:51	US 60 Hour	
9:51 AM	On-Duty Not Driving	0:21	US 60 Hour	Olathe, KS
10:12 AM	Driving	0:12	US 60 Hour	Olathe, KS
10:24 AM	On-Duty Not Driving	0:01	US 60 Hour	Olathe, KS
10:25 AM	Off Duty	13:35	US 60 Hour	Olathe, KS

DOT Violations

Shipment Info Missing/Incomplete
395.8(d)

Company Violations

DOT Calculated Violations

11 Hr Driving Violation 395.3(a)
14 Hr On Duty Violation 395.3(a)

Log Notes and Remarks

ATTACHMENT “C”

<i>Date of Activity</i>	<i>Exit Time</i>	<i>Tag Number</i>	<i>Entry Location</i>	<i>Exit Location</i>	<i>Vehicle Class</i>	<i>Toll Amount</i>	<i>Discounted Toll Amount</i>
10/20/2016	8:59:44 am	KTA.01395274	Emporia: I-35N	Wichita: US-54/400, Kellogg	5	14.00	12.60
10/19/2016	6:09:07 pm	KTA.01421487	Topeka: I-470W, US-75, Top Blvd	Eastern Terminal	5	7.75	6.98
10/19/2016	8:10:01 am	KTA.01421486	US 69	Flint Bridge	5	8.30	8.30
10/19/2016	8:07:18 am	KTA.01421487	Eastern Terminal	Topeka: I-70	5	7.50	6.75
10/19/2016	4:49:42 am	KTA.01421486	E.Endgate	Big Cabin-US 69	5	8.00	8.00
10/18/2016	1:21:20 pm	KTA.01421485	Afton-US 60	E.Endgate	2	1.20	1.20
10/18/2016	7:47:08 am	KTA.01421485	E.Endgate	Big Cabin-US 69	2	1.90	1.90
10/17/2016	3:12:48 pm	KTA.01421487	Topeka: I-70	Eastern Terminal	5	7.50	6.75
10/14/2016	3:29:12 pm	KTA.01421487	Coweta ML	Coweta ML	5	5.00	5.00
10/14/2016	12:16:58 pm	KTA.01421486	Lawrence: US-59S, Iowa St	Eastern Terminal	5	4.25	3.83

CERTIFICATE OF SERVICE

17-TRAM-372-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 FEB 21 2017.

MICHAEL BARTMESS, MEMBER
B-2 EXPRESS LINES, LLC
15347 S 169 HWY
OLATHE, KS 66062-3403
Fax: 913-764-0093
b2mike@ks.rr.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

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

FEB 22 2017