

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **Twisted Piston**)
Transport, LLC of Sharon, Kansas, for Failure)
to Comply with New Entrant Safety Requirements) Docket No. 16-TRAM-124-OOS
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. 2015 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. 2015 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. 2015 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. 2015 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. Twisted Piston Transport, LLC is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Twisted Piston Transport, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2504898.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Twisted Piston Transport, LLC's New Entrant Registration had been revoked effective September 1, 2015 for failure to comply with safety requirements.

7. Pursuant to the above authority, on September 10, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Twisted Piston Transport, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On September 27, 2016, 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, that Twisted Piston Transport, LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2504898 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Twisted Piston Transport, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Twisted Piston Transport, LLC because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Twisted Piston Transport, LLC's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Twisted Piston Transport, LLC'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) Twisted Piston Transport, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on September 10, 2015.

(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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: OCT 11 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

OCT 12 2016



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

CLAYTON D RUCKER
OWNER
TWISTED PISTON TRANSPORT LLC
5550 NW RIVER RD
MEDICINE LODGE, KS 67104-8099

1200 New Jersey Ave., S.E.
Washington, DC 20590
September 27, 2016

In reply refer to:
USDOT Number: 2504898
MC Number: MC872310

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since TWISTED PISTON TRANSPORT LLC's USDOT New Entrant registration was revoked on September 1, 2015, and that TWISTED PISTON TRANSPORT LLC has reapplied in accordance with 49 CFR 385.329. This is to inform TWISTED PISTON TRANSPORT LLC that TWISTED PISTON TRANSPORT LLC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; TWISTED PISTON TRANSPORT LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of TWISTED PISTON TRANSPORT LLC's USDOT New Entrant registration and TWISTED PISTON TRANSPORT LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

TWISTED PISTON TRANSPORT LLC's 18-month new entrant safety monitoring period restarts as of September 27, 2016. FMCSA will continue to monitor and evaluate TWISTED PISTON TRANSPORT LLC's safety management practices and on-road performance to ensure TWISTED PISTON TRANSPORT LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of TWISTED PISTON TRANSPORT LLC's USDOT New Entrant or permanent registration.

TWISTED PISTON TRANSPORT LLC's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by TWISTED PISTON TRANSPORT LLC as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

CERTIFICATE OF SERVICE

16-TRAM-124-OOS

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 **OCT 11 2016**.

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CLAYTON D. RUCKER, MANAGING MEMBER
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5550 NW RIVER RD
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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

OCT 12 2016