

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

January 26, 2017

17-TRAM-319-PEN

Alejandro Gonzalez, Owner/Operator  
Alejandro Gonzalez, d/b/a Gonzalez Repair and Towing  
165 N Normandy Dr  
Olathe, Kansas 66061

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 12, 2017, by Kansas Corporation Commission Special Investigators Wade Patterson and Jared Smith. 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 \$450 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

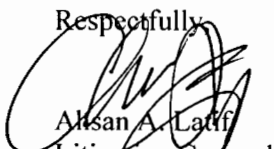
You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

**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,



Ahsan A. Latif  
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 **Alejandro** )  
**Gonzalez, d/b/a Gonzalez Repair and Towing,** )  
**of Olathe, Kansas,** Regarding the Violation of )  
the Motor Carrier Safety Statutes, Rules and ) Docket No. 17-TRAM-319-PEN  
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. Alejandro Gonzalez, d/b/a Gonzalez Repair and Towing (Gonzalez Repair and Towing) obtained private operating authority from the Commission on January 3, 2017, and operates under KSMCID number 171633 and USDOT number 1895590. The carrier has applied for KAN-C operating authority and it is pending in the Transportation Division of the Kansas Corporation Commission.

5. Alejandro Gonzalez attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on July 19, 2016, on behalf of Gonzalez Repair and Towing.

6. Gonzalez Repair and Towing is a private motor carrier which primarily hauls motor vehicles and driveaway/towaway.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on January 12, 2017, Commission Staff (Staff) Special Investigators Wade Patterson and Jared Smith conducted a compliance review of the operations of Gonzalez Repair and Towing. 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 and Mr. Smith identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On December 22, 2016, Gonzalez Repair and Towing required or permitted its driver, Alejandro Gonzalez, to operate a commercial motor

vehicle, a 1993 Ford F350 rollback wrecker, VIN ending in 04711, GVWR 15,000 lbs., in intrastate commerce in and around the area of Olathe, Kansas. This trip is evidenced by a repair/tow receipt, dated December 22, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Gonzalez Repair and Towing failed to make and document an annual inquiry into Mr. Gonzalez' driving record and maintain the record in the driver's qualification file. Gonzalez Repair and Towing's failure to inquire into the driving record of each of its drivers at least once every 12 months and to maintain the MVR in the driver's qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c) as adopted by K.A.R. 82-4-3g 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, Gonzalez Repair and Towing failed to maintain minimum records of inspection and vehicle maintenance. The carrier's failure to maintain the required vehicle inspection records and vehicle maintenance records for 30 days is in violation of 49 C.F.R. 396.3(b), as adopted by K.A.R. 82-4-3j and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$350.

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

8. Based upon the available facts, Staff recommends the Commission find Gonzalez Repair and Towing committed two (2) 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 \$450 for two (2) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Gonzalez Repair and Towing 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Gonzalez Repair and Towing 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 Gonzalez Repair and Towing because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Gonzalez Repair and Towing committed two (2) 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. Alejandro Gonzalez, d/b/a Gonzalez Repair and Towing, of Olathe, Kansas is hereby assessed a \$450 civil penalty for two (2) 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. Gonzalez Repair and Towing 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, Gonzalez Repair and Towing 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 Gonzalez Repair and Towing's right to a hearing, and this Penalty Order will become a Final Order assessing a \$450 civil penalty against Gonzalez Repair and Towing, and ordering Gonzalez Repair and Towing 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 \$450 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 Gonzalez Repair and Towing'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: JAN 26 2017


  
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Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date  
JAN 27 2017

## **ATTACHMENT “A”**



	US DOT # 1895590	Legal: ALEJANDRO GONZALEZ Operating (DBA): GONZALEZ REPAIR AND TOWING	
MC/MX #:	State #: [REDACTED]	Federal Tax ID: [REDACTED] (SSN)	
Review Type: Compliance Review (CR)			
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S. Territory:	
Operation Types		Interstate	Intrastate
Carrier:	N/A	HM	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		
		Business: Corporation	
		Gross Revenue: [REDACTED]	for year ending: 12/31/2015
Company Physical Address:			
[REDACTED]			
Contact Name: Alejandro Gonzalez			
Phone numbers: (1) [REDACTED]		Fax	
E-Mail Address: [REDACTED]			
Company Mailing Address:			
165 N NORMANDY DRIVE OLATHE, KS 66061-3887			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
Motor Vehicles		Driveaway / Towaway	
Hazardous Materials			
9 Miscellaneous HM		Carried	Non-Bulk
Equipment			
	Owned	Term Leased	Trip Leased
Truck	1	0	0
Power units used in the U.S.: 1			
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:		1	
>= 100 Miles:			
		Average trip leased drivers/month: 0	
		Total Drivers: 1	
		CDL Drivers: 1	





**GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)**

U.S. DOT #: 1895590

State #: [REDACTED]

Review Date:

01/12/2017

**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:** Alejandro Gonzalez

**Title:** Owner/operator

**Name:**

**Title:**



	<b>GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)</b>		Review Date:
	U.S. DOT #: 1895590	State #: 	01/12/2017



### Part B Violations

1 STATE	Primary: 391.21(a)  CFR Equivalent: 391.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Using a driver who has not completed and furnished an employment application.

#### Example



On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# ) operated a 1993 Ford F350 (VIN ) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier utilized a driver who has not completed and furnished an employment application.

2 STATE	Primary: 391.25(c)(1)  CFR Equivalent: 391.25(c)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

#### Example



On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# ) operated a 1993 Ford F350 (VIN #2FDLF47M4PCA ) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

3 STATE	Primary: 391.51(b)(3)  CFR Equivalent: 391.51(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

#### Example



On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# ) operated a 1993 Ford F350 (VIN #2FDLF47M4PCA ) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier failed to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

4 STATE	Primary: 391.51(b)(5)  CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

#### Example

On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# ) operated a 1993 Ford F350 (VIN #2FDLF47M4PCA ) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).





GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)

U.S. DOT #: 1895590

State #: [REDACTED]

Review Date:

01/12/2017

## Part B Violations

5 STATE	Primary: 391.51(b)(6)  CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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## Description

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

On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# [REDACTED]) operated a 1993 Ford F350 (VIN [REDACTED] 04711) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

6 STATE	Primary: 391.51(b)(9)  CFR Equivalent: 391.51(b)(9)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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## Description

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).

## Example

On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# [REDACTED]) operated a 1993 Ford F350 (VIN [REDACTED] 04711) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier failed to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).

7 STATE	Primary: 396.3(b)  CFR Equivalent: 396.3(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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## Description

Failing to keep minimum records of inspection and vehicle maintenance.

## Example

On 12/22/16 Gonzalez Repair and Towing driver Alejandro Gonzalez (KS DL# [REDACTED]) operated a 1993 Ford F350 (VIN [REDACTED] 04711) rollback wrecker with a GVWR of 15,000 lbs. in intrastate commerce. Carrier transported a vehicle on a for-hire basis on a trip from Olathe, Ks to Olathe, KS. This trip is evidenced by a repair/tow receipt. At the time of the trip and during the review, carrier failed to maintain minimum records of inspection and vehicle maintenance.

## Safety Fitness Rating Information:

Total Miles Operated 6,000  
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.





GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)

U.S. DOT #: 1895590

State #: [REDACTED]

Review Date:

01/12/2017

## 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.

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:





GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)

U.S. DOT #: 1895590

State #: [REDACTED]

Review Date:

01/12/2017

## Part B Requirements and/or Recommendations

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. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN:** Alejandro Gonzalez dba Gonzalez Repair and Towing was found to be in violation of failing to keep a complete driver qualification file. Mr. Gonzalez only contained one requirement for a driver qualification file (MEC). Thus, the carrier must have driver complete all the requisite forms and provide all requested documentation. Utilize page four of the "Red Book" as your checklist. This was provided during the course of your compliance review. Assemble the forms that I removed from the book for you. Fill out the documents and place them in a folder specific to you. Acquire your MVR as instructed and maintain it in your file. Plan to execute this requirement annually. If you have questions or needs, please don't hesitate to contact me.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Use the forms provided from the Red book to establish a complete maintenance plan.

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

- Implement an effective process for monitoring and documenting all drivers job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- 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 driver fitness. 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.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all





GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)

U.S. DOT #: 1895590

State #: [REDACTED]

Review Date:

01/12/2017

## Part B Requirements and/or Recommendations

staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.

- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-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 driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### 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.

#### 4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN:

##### Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Alejandro Gonzalez dba Gonzalez Repair and Towing was found to be in violation of failing to keep minimum records of inspection and vehicle maintenance. Without monitoring the maintenance of commercial vehicles, Alejandro Gonzalez dba Gonzalez Repair and Towing cannot validate or track the safety of those vehicles.

**BASIC SPECIFIC RECOMMENDED REMEDIES:** Use the forms provided from the Red book to establish a complete maintenance plan. Place the forms provided to you during the review into a folder specific to your rollback tow truck. Track all maintenance conducted and keep all repair invoices in the folder. Develop a comprehensive maintenance policy and follow your plan. Conduct preventative maintenance on your truck and develop your maintenance schedule. Finally, conduct periodic annual inspections on your vehicles once every year. This must be done annually and keep previous one on file. Evidence of this inspection should be kept at the principal place of business and in the commercial motor vehicle. Follow the directions given to you, and please contact me with any questions or needs.

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

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and





GONZALEZ REPAIR AND TOWING (ALEJANDRO GONZALEZ dba)

U.S. DOT #: 1895590

State #: [REDACTED]

Review Date

01/12/2017

### Part B Requirements and/or Recommendations

how to remedy them.

- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRS), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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. 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 Alejandro Gonzalez dba Gonzalez Repair and Towing operating authority and/or the impoundment of Alejandro Gonzalez dba Gonzalez Repair and Towing vehicles.

Carrier Representative  
Alejandro Gonzalez

Date





## **ATTACHMENT “B”**

GT3870 auto repair order

adams

CONZALEZ Repair-  
[REDACTED]  
NORTH K.S. 66061

NAME *K.C. POSTAGE COMPANY LLC* PHONE   
ADDRESS   
CITY, STATE, ZIP *OLATHE K.S.* PHONE   
2ND AUTHORIZED NAME  PHONE

1. LISTEN: ALL PARTS NEW OR RE-SPECIFIED IN USED, A-RESULT, AS-RECONDITIONED

QTY.	PART NO.	NAME OF PART	PRICE
0		Replace windshield-	
1		Glasses -	
		Mirror -	
		Air Filter -	
		wipers.	
		Towing n-	
		Total	700.00
			\$
		TOTAL PARTS	700.00

TOTAL PARTS

700.00

## MECHANICS RECOMMENDATIONS

CUSTOMER'S INFORMATION			
RECEIVED (DATE & TIME)	A.M. P.M.	CUSTOMER'S ORDER NO.	PROMISED (DATE & TIME)
12-22-16	PM		
YEAR • MAKE • MODEL			SERIAL #/VIN
07 FORD VAN			MOTOR #
LICENSE NO.		ODOMETER	WRITTEN BY

☐ LUBE ☐ OIL CHANGE ☐ FLUSH TRANS. ☐ FLUSH DIFF. ☐ WASH ☐ POLI

CHARGE FOR HAZARDOUS OR OTHER WASTE REMOVAL\*

METHOD OF PAYMENT  
☐ CHECK    ☐ CHARGE  
☐ CASH

Daily Storage fee after repair work has been completed and customer has been notified. No charges shall accrue or be due and payable for a period of 3 working days from date of notification.

LABOR

☐ FLAT RATE ☐ HOURLY  
☐ BOTH

**GUARANTEED ITEMS:**

**GUARANTEE EFFECTIVE UNTIL:**

TIME \_\_\_\_\_

11 PAGE

☐ RETAIN PARTS

☐ DESTROY PARTS

AUTHORIZED BY

LABOR ONLY

## PARTS

## ACCESSORIES

G/S, OIL & GREASE

MISC. MERCHANDISE

SUBLET REPAIRS

STORAGE FEE

TAX

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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Estimate Change: \_\_\_\_\_ Price for Change: \_\_\_\_\_

1 CAREFULLY CHECK ONE OF THE STATEMENTS BELOW, AND SIGN:  
 1 THAT, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE,  
 1 COMPLETION DATE, IF MY FINAL BILL WILL EXCEED \$100. (\$50 in MD)  
 1 A WRITTEN ESTIMATE. THE FINAL BILL MAY NOT EXCEED THE

**CERTIFICATE OF SERVICE**

17-TRAM-319-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 JAN 26 2017.

ALEJANDRO GONZALEZ, OWNER/OPERATOR  
ALEJANDRO GONZALEZ  
D/B/A GONZALEZ REPAIR AND TOWING  
165 N NORMANDY DRIVE  
OLATHE, KS 66061-3887  
myguatorepair@icloud.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

JAN 27 2017