

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
19-TRAM-426-PEN

April 30, 2019

Andy Ritchie, Manager
WR Spraying, LLC
722 Road 30
Olpe, KS 66865

This is a notice of a penalty assessment against WR Spraying, LLC (WR Spraying) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 8, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: WR Spraying has been assessed a \$850 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$850, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of WR Spraying to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: 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. WR Spraying must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$850 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Ahsan A. Latif
Litigation Counsel
(785) 271-3118

2. Pursuant to K.S.A. 2018 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 issue an order 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. WR Spraying, LLC (WR Spraying) has been operating without a USDOT number.

5. WR Spraying is a private motor carrier which primarily hauls rock and gravel.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on April 8, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of WR Spraying. 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, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 26, 2019, WR Spraying required or permitted its driver, Brian Williamson, to operate a CDL-required commercial motor vehicle, a 1999 International, VIN ending in 617655, GVWR 54,000 lbs., in intrastate commerce from Cedar Point, Kansas to Olpe, Kansas. This trip is evidenced by a calendar entry on March 26, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by

reference. At the time of this transportation, WR Spraying did not have implemented an alcohol and controlled substance testing program for its CDL driver. The carrier's failure to establish an alcohol and controlled substances testing program for its CDL driver that complies with the procedures established in 49 C.F.R. 382.105, as adopted by K.A.R. 82-4-3c, is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a, above, WR Spraying used a driver that was not medically examined and certified as physically fit to operate a commercial motor vehicle. The carrier's failure to confirm that its driver is medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a, above, WR Spraying failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R.

82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds WR Spraying committed three (3) violation(s) 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.

8. Additionally, Staff recommends a civil penalty of \$850 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from WR Spraying be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

10. Finally, Staff recommends that WR Spraying submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over WR Spraying because it is a motor carrier as defined in K.A.R. 82-4-1.

12. The Commission finds WR Spraying committed three (3) violation(s) 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. WR Spraying, LLC, of Olpe, KS is hereby assessed a \$850 civil penalty for three (3) violation(s) 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. WR Spraying is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. WR Spraying is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of WR Spraying's right to a hearing, and this Penalty Order will become a Final Order assessing a \$850 civil penalty against

WR Spraying, and ordering a representative from WR Spraying to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, 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 less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$850 is due in thirty (30) days from the date of service of this Order. Payment of \$850 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$850 civil penalty within thirty (30) days from the date of 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 WR Spraying'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 revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

H. 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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner





Dated: 04/30/2019




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 0000	Legal: WR Spraying LLC Operating (DBA):	
MC/MX #:		Federal Tax ID:  (EIN)	
Review Type: Non-ratable Review - CSA			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	
Territory:			
Operation Types		Interstate	Intrastate
Carrier:	N/A	Non-HM	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		
Business: Corporation		Gross Revenue:  for year ending: 12/31/2018	
Company Physical Address:			
722 Road 30 olpe, KS 66865			
Contact Name: Andy Ritchie			
Phone numbers: (1) 		Fax	
E-Mail Address:			
Company Mailing Address:			
722 Road 30 olpe, KS 66865			
Carrier Classification			
Private Property			
Cargo Classification			
Other: Rock, Gravel			
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	



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Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
 Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission

Topeka, KS 66604

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Andy Ritchie

Title: Owner

Name:

Title:



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Part B Violations

1 STATE	Primary 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

Example

On March 26, 2019 WR Spraying LLC had driver Brian Williamson (KS CDL# [REDACTED]) operate a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver Brian Williamson operated in commerce on an intrastate trip from Cedar Point, Kansas to Olpe, Kansas. This trip is evidenced by a driver's record of duty status and a load ticket. At the time of this trip and time of this review carrier was found to be in violation of failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

2 STATE	Primary 391.45(a) Secondary: 391.11(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Using a driver not medically examined and certified.

Example

On March 26, 2019 WR Spraying LLC had driver Brian Williamson (KS CDL# [REDACTED]) operate a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver Brian Williamson operated in commerce on an intrastate trip from Cedar Point, Kansas to Olpe, Kansas. This trip is evidenced by a driver's record of duty status and a load ticket. At the time of this trip and time of this review carrier was found to be in violation of using a driver not medically examined and certified.

3 STATE	Primary 392.9a(a)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Operating without the required operating authority (Property, Non-HHG).

Example

On March 26, 2019 WR Spraying LLC had driver Brian Williamson (KS CDL# [REDACTED]) operate a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver Brian Williamson operated in commerce on an intrastate trip from Cedar Point, Kansas to Olpe, Kansas. This trip is evidenced by a driver's record of duty status and a load ticket. At the time of this trip and time of this review carrier was found to be in violation of Operating without the required operating authority (Property, Non-HHG).

4 STATE	Primary 396.17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Using a commercial motor vehicle not periodically inspected.

Example

On March 26, 2019 WR Spraying LLC had driver Brian Williamson (KS CDL# [REDACTED]) operate a 1999 International (VIN # [REDACTED] 617655.) This vehicle has a gross vehicle weight rating of 54,000 lbs. Driver Brian Williamson operated in commerce on an intrastate trip from Cedar Point, Kansas to Olpe, Kansas. This trip is evidenced by a driver's record of duty status and a load ticket. At the time of this trip and time of this review carrier was found to be in violation of using a commercial motor vehicle not periodically inspected.





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Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 1,000
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.





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Safety Management Process Breakdowns and Remedies

1. 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 carriers 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.

2. 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.

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





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Safety Management Process Breakdowns and Remedies

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

3. Cease all transportation until properly registered with the Federal Motor Carrier Safety Administration.
4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN WR Spraying LLC's violations occurred due to a breakdown regarding the policies and procedures elements within this section of the regulations. Carrier failed to have a drug and alcohol-testing program in place at the time of this review.

BASIC SPECIFIC RECOMMENDED REMEDIES All drivers must have a negative substance abuse test on file prior to operating a commercial motor vehicle. Utilize the materials provided to you at the time of this review to enroll in a program with a drug and alcohol-testing consortium or formulate your own testing program. Make sure that all drivers receive a copy of your alcohol and substance abuse policy and retain a signed receipt indicating that all drivers received a copy.

Implement Safety Improvement Practices The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other non-qualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://a.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





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Safety Management Process Breakdowns and Remedies

the industry

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN WR Spraying LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements within this section. Carrier has established an organized driver qualification file, however, you need to develop a better methodology for ensuring that driver Brian Williamson has all the requisite paperwork in his file and is qualified to operate a commercial motor vehicle. These duties and the documents verifying their completion require monitoring to ensure compliance. Utilize the documents provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES Brian Williamson needs a medical card. This documentation should be maintained in the driver qualification file. When you get a new medical card make sure to go online and verify the medical examiner is listed with the FMCSA. Feel free to contact me at 913-755-1289 with any questions or concerns

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 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.

6. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN WR Spraying LLC's violations occurred due to a breakdown



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regarding the monitoring and tracking elements within this section. All commercial motor vehicle have to have pass an annual inspection prior to being utilized

BASIC SPECIFIC RECOMMENDED REMEDIES: You must have your commercial motor vehicle pass an annual inspection by a certified inspector immediately. Once you obtain the annual inspection place the original annual inspection in the maintenance file This is an annual requirement, make sure that you complete the same process within 365 days.

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 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

7. 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 WR Spraying LLC operating authority and/or the impoundment of WR Spraying LLC commercial motor vehicles.

Carrier Representative _____

Date _____

ATTACHMENT “B”

B4/2B1

- to DAN clock

26 10:30-1:00 Curved (28%)
2 Loads to Schindler
Engines
Curved Gravel 3" clean

3 hours Skid Steer Work.

2:00-5:00

8 hrs

WAT

an

CERTIFICATE OF SERVICE

19-TRAM-426-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 05/01/2019.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

ANDY RITCHIE, MANAGER
WR SPRAYING, LLC
722 ROAD 30
OLPE, KS 66865
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/S/ DeeAnn Shupe

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