

STATE OF KANSAS



CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

PHONE: 785-271-3100
FAX: 785-271-3354
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT
18-TRAM-536-PEN

June 14, 2018

Justin Rutz, Managing Member
Rutz Construction LLC
1654 2000 Ave
Enterprise, Kansas 67441

Certified Mail No. 70161970000105745810

This is a notice of a penalty assessment against Rutz Construction LLC (Rutz Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 11, 2018, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. 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: Rutz Construction has been assessed a \$350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$350, 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 Rutz Construction 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. Rutz Construction 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. 2017 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$350 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. Laiff
Litigation Counsel
(785) 271-3118

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

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Investigation of **Rutz**)
Construction LLC, of Enterprise, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-536-PEN
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). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2017 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. 2017 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. 2017 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. Rutz Construction LLC (Rutz Construction) has private operating authority with the Commission and further operates USDOT number 2536894.

5. Justin Rutz attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on August 25, 2014, on behalf of Rutz Construction.

6. Rutz Construction is a private motor carrier which primarily hauls general freight, building materials, machinery, and large objects.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 11, 2018, Commission Staff (Staff) Special Investigator Jared Smith conducted a compliance review of the operations of Rutz Construction. 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 two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 11, 2018, Rutz Construction required or permitted its driver, Justin Rutz, to operate a CDL-required commercial motor vehicle, a 2000 Sterling, VIN ending in 069523, GVWR 74,000 lbs., in intrastate commerce from Enterprise, Kansas to Solomon, Kansas. This trip is evidenced by

Driver's Time Record (100 air-mile radius), dated January 11, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Rutz Construction used driver Justin Rutz who 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. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, Rutz Construction failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Rutz Construction committed two (2) 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.

9. Additionally, Staff recommends a civil penalty of \$350 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Rutz Construction 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.

11. Finally, Staff recommends that Rutz Construction 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

12. The Commission finds it has jurisdiction over Rutz Construction because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Rutz Construction committed two (2) 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. Rutz Construction LLC, of Enterprise, Kansas is hereby assessed a \$350 civil penalty for two (2) 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. Rutz Construction 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. Rutz Construction 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. On June 14, 2018, this Penalty Order was mailed to Rutz Construction via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745810. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2017 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 Rutz Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$350 civil penalty against Rutz Construction, and ordering a representative from Rutz Construction 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.

F. 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$350 is due in thirty (30) days from the date of service of this Order. Payment of \$350 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.

H. Failure to pay the \$350 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 Rutz Construction'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.

I. 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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner







Dated: 06/14/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT "A"

	US DOT # 2536894	Legal: RUTZ CONSTRUCTION LLC Operating (DBA):					
MC/MX #:		Federal Tax ID:  (EIN)					
Review Type: Non-ratable Review - CSA							
Scope: Principal Office	Location of Review/Audit: CSA Off-site	Territory:					
Operation Types	Interstate Intrastate	Business: Corporation					
Carrier: N/A	HM	Gross Revenue:  for year ending: 12/31/2017					
Shipper: N/A	N/A						
Cargo Tank: N/A							
Company Physical Address:							
							
Contact Name:	Justin Rutz						
Phone numbers: (1)		Fax					
E-Mail Address:							
Company Mailing Address:							
1654 2000 AVE ENTERPRISE, KS 67441-9032							
Carrier Classification							
Private Property							
Cargo Classification							
General Freight	Building Materials	Machinery, Large Objects					
Hazardous Materials							
9 Miscellaneous HM	Carried	Non-Bulk					
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	2	0	0	Truck Tractor	1	0	0
Trailer	2	0	0				
Power units used in the U S. 3							
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	Average trip leased drivers/month: 0				
< 100 Miles:		1	Total Drivers: 1				
>= 100 Miles:			CDL Drivers: 1				



	RUTZ CONSTRUCTION LLC U.S. DOT #: 2536894	Review Date 05/11/2018
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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

This report will be used to assess your safety compliance.

<u>Person(s) Interviewed</u>	
Name: Justin Rutz	Title: Owner
Name: 	Title: Owner



	RUTZ CONSTRUCTION LLC U S. DOT #: 2536894	Review Date 05/11/2018
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Part B Violations

1 STATE	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent 391.45(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 January 11, 2018, Rutz Construction LLC had driver Justin Rutz (KS CDL # [REDACTED]) operate a 2000 Sterling (VIN # [REDACTED] 069523). This vehicle has a gross vehicle weight rating of 74,000 lbs. Driver Justin Rutz operated in commerce on an intrastate trip from Enterprise, Kansas to Solomon, KS. This trip is evidenced by a driver's record of duty status. At the time of this trip carrier was found to be in violation of using a driver not medically examined and certified.

2 STATE	Primary: 391.51(b)(4) CFR Equivalent 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example
On January 11, 2018, Rutz Construction LLC had driver Justin Rutz (KS CDL # [REDACTED]) operate a 2000 Sterling (VIN # [REDACTED] 069523). This vehicle has a gross vehicle weight rating of 74,000 lbs. Driver Justin Rutz operated in commerce on an intrastate trip from Enterprise, Kansas to Solomon, KS. This trip is evidenced by a driver's record of duty status. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

3 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 January 11, 2018, Rutz Construction LLC had driver Justin Rutz (KS CDL # [REDACTED]) operate a 2000 Sterling (VIN # [REDACTED] 069523). This vehicle has a gross vehicle weight rating of 74,000 lbs. Driver Justin Rutz operated in commerce on an intrastate trip from Enterprise, Kansas to Solomon, KS. This trip is evidenced by a driver's record of duty status. At the time of this trip carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

4 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.

Example
On January 11, 2018, Rutz Construction LLC had driver Justin Rutz (KS CDL # [REDACTED]) operate a 2000 Sterling (VIN # [REDACTED] 069523). This vehicle has a gross vehicle weight rating of 74,000 lbs. Driver Justin Rutz operated in commerce on an intrastate trip from Enterprise, Kansas to Solomon, KS. This trip is evidenced by a driver's record of duty status. At the time of this trip carrier was found to be in violation of failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	15,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents	0	OOS Vehicle (MCMIS): 0
		Number of Vehicles Inspected (MCMIS): 0





RUTZ CONSTRUCTION LLC
U.S. DOT # 2536894

Review Date:
05/11/2018

Part B Violations

Your proposed safety rating is :

This Review is not Rated.



	RUTZ CONSTRUCTION LLC U.S. DOT # 2536894	Review Date 05/11/2018
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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





RUTZ CONSTRUCTION LLC
U.S. DOT #. 2536894

Review Date
05/11/2018

Safety Management Process Breakdowns and Remedies

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

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking


DESCRIPTION OF PROCESS BREAKDOWN. Rutz Construction LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established a driver qualification file, but needs to develop a better method for ensuring that all drivers have the required documents in the file. It is the carrier's responsibility to execute all annual requirements and make sure drivers maintain a valid medical card. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance.

BASIC SPECIFIC RECOMMENDED REMEDIES. Utilize a calendar or electronic tracking system to remind you when a driver's medical card is going to expire and when to run motor vehicle reports. Make sure that your driver obtains a new medical card prior to the expiration of their current medical card. Make sure you have drivers complete a listing of their violations when you run the MVR (motor vehicle report). Then sign the certificate qualifying them for another year if they meet the requirements. Utilize page 18 of the Redbook to complete this requirement.

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.).



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Safety Management Process Breakdowns and Remedies

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. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. 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 Rutz Construction LLC's operating authority and/or the impoundment of Rutz Construction LLC's commercial motor vehicles.

Carrier Representative

Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.



ATTACHMENT "B"

DRIVER'S TIME RECORD (100 air-mile radius)

Driver's Name (print) Justin Rutz Employee No. _____ Month 1 Year 2018

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:

- *Operates within 100 air-mile radius of the normal work reporting location.
- *Returns to normal work reporting location and is released from work within 12 consecutive hours.
- *At least 10 consecutive hours off duty separate each 12 hours on duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed. This includes the preceding month.

Date	Start Time	End Time	Total Hours	Truck Number	Trip Information TO - FROM
1	OFF				
2	7:30	5:30	9.5	DT	Newburn Turnap
3	7:30	5:30	9.5	DT	Newburn Turnap
4	7:30	5	9	DT	Newburn
5	7:30	5	9		Shop
6	OFF				
7	OFF				
8	7:30	5:30	9.5	S	Blaine Veal / move equip
9	7:30	5:30	9.5		Blaine Veal
10	7:30	5	9		Greg Noel
11	7:30	12	4	DT	Solomon Corp
12	OFF				
13	OFF				
14	OFF				
15	OFF				
16	OFF				
17	7:30	5	9.5	S	Shop / move equip
18	7:30	5	9.5	DT	Sheryl Holton / move equip
19	7:30	5	9.5		Sheryl Holton
20	7:30	12	4		Ray Shider
21	OFF				
22	8	4:30	8.5	S	Shop / move equip
23	8	5:30	9.5		Shop
24	7:30	6	10		Cole Rodenbeck
25	7:30	5:30	9.5		Cole Rodenbeck
26	7:30	5	9	S	Cole Rodenbeck / move equip
27	OFF				
28	OFF				
29	7:30	6	10	DT	Greg Baston
30	7:30	6	10		Greg Baston
31	7:30	6	10		Greg Baston

To be prepared monthly by each DOT certified driver unless time record is exclusively kept on Driver's Daily Log. Indicate "days off." Check box if no driving is performed during this month and the first 7 days of the following month. Mail this report to your Division Manager of Administration.


2018

CERTIFICATE OF SERVICE

18-TRAM-536-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 06/14/2018.

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

JUSTIN RUTZ, MANAGING MEMBER
RUTZ CONSTRUCTION LLC
1654 2000 AVE
ENTERPRISE, KS 67441-9032
rutzconstr@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe