

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

February 2, 2017

17-TRAM-335-PEN

Chris Varela, Owner/Operator
d/b/a CVT
3618 Westport Ave
Garden City, Kansas 67846

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 11, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback. 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 \$4,200 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

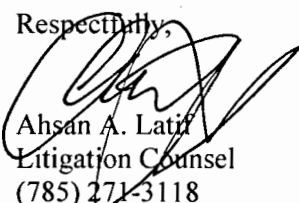
You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

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

Respectfully,



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 **Chris**)
Varela, d/b/a CVT, of Garden City, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-335-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). 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. Chris Varela, d/b/a CVT (CVT) operates under USDOT number 2313142.

5. CVT operates in interstate and intrastate commerce, owing one truck tractor and one trailer requiring a CDL.

6. CVT is a common motor carrier which primarily hauls manure, gravel, and sand.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 11, 2017, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of CVT. 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, Ms. Fryback identified eight (8) violations of the Motor Carrier Safety Regulations.

- a. On November 5, 2016, CVT required or permitted its driver, Chris Varela, to operate a CDL-required commercial motor vehicle, a 1996 Peterbilt, VIN ending in 388307, GVWR 50,000 lbs., in intrastate commerce from Garden City to Liberal, Kansas. This trip is evidenced by Driver's Time Record, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, CVT had not obtained the required minimum levels of financial responsibility by failing to provide evidence of financial security such as a policy of

motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. CVT's failure to produce from its principal place of business the required proof of financial responsibility is a violation of 49 C.F.R. 387.7(d), as adopted by K.A.R. 82-4-3, as implemented by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

- b. On May 13, 2016, CVT required or permitted its driver, Gerardo Irigoyen, to operate a CDL-required commercial motor vehicle, a 1995 Peterbilt, VIN ending in 382005, GVWR 50,000 lbs., in intrastate commerce from Garden City, Kansas to Bellefont, Kansas. This trip is evidenced by Driver/Vehicle Inspection Report No. KSHP03791389, dated May 13, 2016, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, CVT had allowed driver Gerardo Irigoyen to drive a commercial motor vehicle without first obtaining a negative pre-employment test result. The carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances test and to obtain a negative test result prior to requiring or permitting him to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a) as adopted by K.A.R. 82-4-3c and as

authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$650.

- c. During the transportation described in paragraph b., above, CVT had not obtained a driver qualification file for driver Gerardo Irigoyen, nor had it obtained a copy of the driver's medical examiners certificate, MVR, application, copy of CDL license, and had not completed a previous employer inquiry. CVT's failure to maintain a driver qualification file is a violation of 49 C.F.R. 391.51(a), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.
- d. On August 9, 2016, CVT required or permitted its driver, Jose A. Banuelos, to operate a CDL-required commercial motor vehicle, a 1995 Kenworth, VIN ending in 66337, GVWR 50,000 lbs., in intrastate commerce from Garden City, Kansas to Minneola, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP92060525, dated August 9, 2016, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, CVT failed to require its driver to complete a record of duty status. The special investigator found seven (7) violations of this type. CVT's failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a

and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

- e. On June 22, 2016, CVT required or permitted its driver, Jaime Varela, to operate a CDL-required commercial motor vehicle, a 1998 Peterbilt, VIN ending in 70013, GVWR 48,000 lbs., pulling a 1981 Fruehauf trailer, VIN ending in 027701, GVWR 99,999 lbs., in intrastate commerce from Garden City, Kansas to Belfont, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP04420077, dated June 22, 2016, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, CVT failed to maintain a minimum record of inspections and maintenance on the above-referenced commercial motor vehicles. CVT'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 \$750.
- f. On November 4, 2016, CVT required or permitted its driver, Chris Varela, to operate a CDL-required commercial motor vehicle, a 1996 Peterbilt, VIN ending in 388307, GVWR 50,000 lbs., in intrastate commerce from Garden City, Kansas to Liberal, Kansas. This trip is evidenced by Driver's Time Record, a copy of which is attached hereto as Attachment "F" and is hereby incorporated by reference. At the time of this transportation, CVT failed to require its driver to complete a Driver

Vehicle Inspection Report (DVIR) on the commercial motor vehicles operated. The special investigator found 11 violations of this type. CVT's failure to require each of its drivers to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), 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 \$300.

- g. On June 9, 2016, CVT required or permitted its driver, Jaime Varela, to operate a CDL-required commercial motor vehicle, a 1998 Peterbilt, VIN ending in 470013, GVWR 48,000 lbs., pulling a 1982 Fruehauf trailer, VIN ending in 027701, in intrastate commerce from Minneola, Kansas to Garden City, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP03700086, dated June 9, 2016, a copy of which is attached hereto as Attachment "G" and is hereby incorporated by reference. At the time of this transportation, CVT had not obtained and documented a successful periodic (annual) inspection on the commercial motor vehicles during the preceding 12-month period. CVT's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), 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 \$750.

- h. During the transportation described in paragraph a., above, CVT had not obtained the inspector qualifications documenting how the inspector was qualified to complete an annual inspection on a commercial motor vehicle. CVT's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicles is a violation of 49 C.F.R. 396.19(b), as adopted by K.A.R. 82-4-3, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find CVT committed eight (8) 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 \$4,200 for eight (8) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that CVT be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

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

13. The Commission finds CVT committed eight (8) 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. Chris Varela, d/b/a CVT, of Garden City, Kansas is hereby assessed a \$4,200 civil penalty for eight (8) 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. CVT 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, CVT 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 CVT's right to a hearing, and this Penalty

Order will become a Final Order assessing a \$4,200 civil penalty against CVT, and ordering CVT 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.*

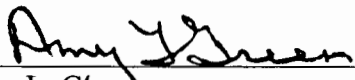
F. Failure to pay the \$4,200 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of CVT's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: FEB 02 2017




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

FEB 03 2017

ATTACHMENT “A”

	US DOT # 2313142	Legal: CHRIS VARELA Operating (DBA):CVT			
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Other		Territory:	
Operation Types		Interstate	Intrastate		
Carrier:	N/A	Non-HM	Business: Individual		
Shipper:	N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2016		
Cargo Tank:	N/A				
Company Physical Address:					
[REDACTED]					
Contact Name:					
Phone numbers: (1) [REDACTED]		(2)		Fax	
E-Mail Address:					
Company Mailing Address:					
3618 WESTPORT AVE GARDEN CITY, KS 67846-7916					
Carrier Classification					
Exempt for Hire					
Cargo Classification					
Other: Sand					
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck Tractor	1	1	0	Trailer	1 1 0
Power units used in the U.S.:2					
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:	2		Total Drivers: 2		
>= 100 Miles:			CDL Drivers: 2		





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

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.

Person(s) Interviewed

Name: Chris Varela

Title: Owner

Name: [REDACTED]





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Violations

1 FEDERAL	Primary: 382.301(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example Driver [REDACTED] Trip Date: 5/13/2016 Hire date: Unknown This driver drove for CVT on 5/13/2016 and did not have a pre-employment drug test					
2 STATE	Primary: 392.2 Secondary: K.S.A. 40-3104	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage. Example Unit 1029 1979 Peterbuilt Was given a Certificate of Insurance that did not show any commercial liability limits. I phone Progressive at 1-800-895-2886 and gave them the Policy number 02776383-0 and was told this carrier has no commercial general liability insurance.					
3 STATE	Primary: 391.51(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain driver qualification file on each driver employed. Example Driver [REDACTED] Trip Date: 5/13/2016 No Driver qualification file on file for this driver.					
4 STATE	Primary: 395.8(a)	Discovered 7	Checked 37	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to require driver to make a record of duty status. Example Driver [REDACTED] Trip Date: 8/09/2016 CVT could not produce a record of duty status for August 9, 2016 or the drivers prior 7 days					





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Violations

5 STATE	Primary: 396.3(b)	Discovered 2	Checked 4	Drivers/Vehicles In Violation 2	Checked 4
Description Failing to keep minimum records of inspection and vehicle maintenance. Unit 64 & Unit 60 Carrier had no maintenance records for these two Units					
6 STATE	Primary: 396.3(b)(1)	Discovered 2	Checked 4	Drivers/Vehicles In Violation 2	Checked 4
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Unit 1029 Maintenance record was missing the tire size for Unit 1029 and for Unit 1052 carrier only had repair receipts					
7 STATE	Primary: 396.11(a)	Discovered 11	Checked 11	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to require driver to prepare driver vehicle inspection report. Example Driver [REDACTED] Unit 1029 Trip Date: 11/05/2016 Carrier was not requiring drivers to complete DVIRS					
8 STATE	Primary: 396.17(a)	Discovered 2	Checked 4	Drivers/Vehicles In Violation 2	Checked 4
Description Using a commercial motor vehicle not periodically inspected. Example Unit 60 Trip Date: 6/22/2016 Carrier was unable to provide annual inspections for Unit 64 or Unit 60					
9 STATE	Primary: 396.19(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to maintain evidence of inspector's qualifications. Example Inspector [REDACTED] Inspection Date: 10/02/2016 Unit 1029 and Unit T1052 Trip Date: 10/05/2016					





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 70,000
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 1
Number of Vehicles Inspected (MCMIS): 3

Your proposed safety rating is :

This Review is not Rated.





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Requirements and/or Recommendations

1. Cease all for-hire interstate transportation of regulated commodities until evidence of public liability is filed with the Federal Motor Carrier Safety Administration.
2. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.
3. **CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Training and Communication**

DESCRIPTION OF PROCESS BREAKDOWN: This carrier has an Agent to keep their files. The carrier needs to communicate their intentions prior to allowing someone to operate their commercial vehicles. This carrier needs to stay in regular contact with their Agent to avoid violations.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts; for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.
- Encourage disclosure of personal problems with controlled substances and alcohol within a safe environment by having an open-door policy with management or using an Employee Assistance Program (EAP). An EAP enables drivers to alert management of concerns about other personnel and to seek help for their own substance abuse and/or alcohol problems.
- After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
- Ensure that managers and supervisors regularly communicate and demonstrate their ongoing commitment to abiding by regulations and company policies regarding controlled-substance and alcohol use.
- Communicate the carrier's Controlled Substances and Alcohol BASIC percentile to all staff, and explain to them individually what they can do to help improve compliance.
- Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a Substance Abuse Professional (SAP); and confidentiality requirements in relation to recordkeeping.
- Ensure that personnel in safety-sensitive positions receive required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled-substance and alcohol use.
- Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives.
- Ensure that drivers are trained on driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to controlled-substance and alcohol-use regulations and related company policies and procedures.

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.





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Requirements and/or Recommendations

- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. Ensure that all drivers are fully and properly qualified before operating in interstate/ intrastate commerce. Maintain a complete driver qualification file for each driver, documenting the qualification process. Included in the driver qualification file is application for employment, previous employer inquiries, copy of the medical examination certificate, road test and certification, certificate of violations, and annual review.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: This carrier needs training on what a driver is and on What is required for a driver qualification file.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to driver-fitness regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between driver requirements and current qualifications.
- Ensure that all driver-qualification data, including Motor Vehicle Record (MVR) results, inspections, changes in credentials, and driver-reported violations, are properly communicated to managers, supervisors, and dispatchers to enable them to make appropriate assessments about each driver's fitness.
- Ensure that managers and supervisors regularly communicate and demonstrate their commitment to using only fit and qualified drivers.
- Communicate the carrier's Driver Fitness percentile to all staff, and explain to them individually what they can do to help improve the percentile.
- Ensure that hiring officials and employees who are responsible for safety have current knowledge, training, and experience regarding driver fitness regulations (both interstate and intrastate where applicable) and interpretations. Train these individuals on successful compliance practices of other companies.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to driver fitness regulations and company policies and procedures.
- Train all staff who are required to monitor and track driver fitness compliance on the appropriate company policies, including those related to discipline and incentives.
- Reinforce training about driver-fitness policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://al.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. On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include: All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier and all time inspecting, servicing, or conditioning any commercial motor vehicle at any time;





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Requirements and/or Recommendations

7. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

8. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: This carrier needs to designate someone with the company to ensure that the carrier obtains and retains the records of duty status for all drivers for a period of 30 days. And obtains the prior seven days and the current day for drivers who only drive on an occasional basis.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

HAZMAT Carrier Only:

- Ensure that managers and dispatchers ascertain that drivers who may already be stressed for time due to non-driving HAZMAT responsibilities are not overburdened.

Passenger Carrier Only:

- Define and document responsibilities for verifying that Hours of Service (HOS) and available hours for separate operations within-company are accounted for, including part-time, intermittent, and relief drivers, and for "extended day".
- Designate a manager to collect and evaluate all fatigue-related customer complaints and their safety implications.

Seek Out Resources:

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

9. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year and tire size.
10. Require all drivers operating in intrastate commerce to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
11. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.





CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Requirements and/or Recommendations

12. Maintain annual inspections in accordance with 396.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained.
13. Evidence of the individual's qualifications to perform annual inspections shall be retained by the motor carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter.

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

DESCRIPTION OF PROCESS BREAKDOWN: This carrier either needs to provide their information to their Agent or they need to designate someone within the company to monitor and track all the annual inspections, the driver vehicle inspection reports, and the maintenance records for all of the vehicles.

BASIC SPECIFIC RECOMMENDED REMEDIES

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.

15. **For all Investigations:**

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also





CVT (CHRIS VARELA dba)
U.S. DOT #. 2313142

Review Date
01/11/2017

Part B Requirements and/or Recommendations

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.

16. This review will result in a Safety Rating.
17. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers
18. The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above. (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

19. 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 Chris Varela d/b/a CVT operating authority and/or the



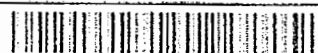


CVT (CHRIS VARELA dba)
U.S. DOT #: 2313142

Review Date:
01/11/2017

Part B Requirements and/or Recommendations

impoundment of Chris Varela d/b/a CVT vehicles.



ATTACHMENT “B”

DRIVER'S TIME RECORD

Driver's Name (print) Chris Varela Employee No. _____ Month 11 Year 2016

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF
DRIVERS DAILY LOG IF THE FOLLOWING APPLIES
• Operates within 100 air-mile radius of headquarters
• Returns to headquarters and is released from work within 12
consecutive hours
• At least 8 hours off duty for passenger carriers and 10 hours off
duty for property carriers

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	8:00 a.m.	6:00 p.m.	10	1029	
2	NO work				Fuel UP G.C. KS
3	8:00 a.m.	6:00 p.m.	10	1029	G.C. KS to Liberal KS
4	8:00 a.m.	6:00 p.m.	10	1029	G.C. KS to Liberal KS
5	8:00 a.m.	6:00 p.m.	10	1029	G.C. KS to Liberal KS
6	NO work				
7	8:00 a.m.	2:00 p.m.	12	1029	G.C. KS to Liberal KS
8	8:00 a.m.	7:00 p.m.	11	↓	↓
9	8:00 a.m.	7:00 p.m.	11		
10	8:00 a.m.	7:00 p.m.	11		
11	8:00 a.m.	7:00 p.m.	11		
12	8:00 a.m.	7:00 p.m.	11		
13	NO work				
14	NO work				
15	NO work				
16	NO work				Fuel UP G.C. KS
17	↓				
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30	8:00 a.m.	6:00 p.m.	10	1029	G.C. KS to Lakin KS
X					

☐ 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

ATTACHMENT “C”

DRIVER/VEHICLE EXAMINATION REPORT

inSPECT 1.0.91



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03791389
Inspection Date: 05/13/2016
Start: 8:45 AM CT End: 9:22 AM CT
Inspection Level: II - Walk-Around Inspection
HM Inspection Type: None

CHRIS VARELA

Driver: IRIGOYEN, GERARDO L

GARDEN CITY, KS, 67846-7916

License#: [REDACTED]

State: NM

USDOT: 2313142

Phone#: [REDACTED]

Date of Birth: [REDACTED]

MC/MX#:

Fax#: [REDACTED]

CoDriver:

License#:

State:

State#:

Date of Birth:

Location: GRAY COUNTY - 069

Milepost: 104 Shipper: HUBER SAND

Highway: US 50

Origin: GARDEN CITY, KS

Bill of Lading: 142583

County: GRAY

Destination: BELLEFONT, KS

Cargo: SAND

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	PTRB	1995	KS	[REDACTED]	52	[REDACTED]	382005	50000		
2	ST	EADU	2004	KS	NONE	52	[REDACTED]	133874	80000		

BRAKE ADJUSTMENTS No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2MI	F	D	N		N	N	Miscellaneous Traffic Law Violation: front visor painted white, driver side measures 11 inches to 6 3/4 inches to center of windshield KSA 8-1749a
392.7A	F	D	N		N	N	Driver failing to conduct pre-trip inspection: driver failed to conduct a pre-trip inspection (lights out, tire violation, and no paperwork for this equipment)
393.81	F	1	N		N	N	Horn inoperative: horn does not work
393.95A	F	1	N		N	N	No/discharged/unsecured fire extinguisher: fire extinguisher is just laying in the side box on the driver side under sleeper not secured in
393.95F	F	1	N		N	N	No / insufficient warning devices: no warning devices can be located in the power unit
393.9TS	F	1	N		N	N	Inoperative turn signal: driver side front turn signal inoperative
387.303B4	F	D	N		N	N	No copy of certificate of registration: no paperwork present in this truck for registration.
393.75C	F	2	N		N	N	Tire-other tread depth less than 2/32 of inch: 5 axle driver inside tire less 2/32 tread
392.2IRP	F	2	N		N	N	IRP Apportioned Tag or Registration Violation: no tag displayed on the trailer and has no paperwork showing registration
393.11UR	F	1	N		N	N	Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles manufactured after December 1993: no retro reflective sheeting on cab of truck as required in the upper corners

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

CDL Verified: Y; No Connectivity: N; Officer recommend Civil Assess: N

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>

Signature Of Motor Carrier X

Title

Date

Report Prepared By:

H. Bradley

Badge #:

0379

Copy Received By:

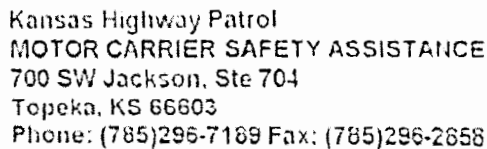
GERARDO
IRIGOYEN

02313142 KS KSHP03791389

x

x

ATTACHMENT “D”



Report Number: A5-09246602
Inspection Date: 08/04/2011
Start: 9:30 AM CT End: 10:30 AM CT
Inspection Level: 100% 2nd-Annual Inspection
HM Inspection Type: None

Driver: 3A7JELCS UNIT A

License#: [REDACTED] State: KS

Date of Birth: [REDACTED]

Phone#:

CoDriver:

Fax#:

License#: _____ State: _____

Date of Birth:

Milepost: Shipper: 0-0000000000

Origin: GARFIELD TOWNSHIP Bill of Lading: 000000

Destination: M.I.T. 4-45 Cargo: 2A11A

<u>SRI</u>	<u>Type</u>	<u>Date</u>	<u>Year</u>	<u>State</u>	<u>Birth</u>	<u>Married</u>	<u>Wife</u>	<u>SSN#</u>	<u>Civilian #</u>	<u>Service #</u>	<u>206 Sucker</u>
1	AF	AV	1938	CA	[REDACTED]	SI	[REDACTED]	1-2077	1-2078		125078
2	SM	TRVS	1941	CA	[REDACTED]	.	[REDACTED]		1-2079		125079

[illegible]

Section	Type	Unit	QC'd	Inspector #	Verify	Crack	Work/Rep./Discovered
380-56	F	0	N	0100450116	N	N	Paint to give seat belt style covering OMI.
390C	F	1	N		N	N	Damage to associated windshield crack repair strip of driver's window
0351	F	1	Y		U	N	No or defective brake warning device
396-17C	F	1	N		N	N	Operating a CMV without proof of a periodic brake test sticker on back (left) no brake shown and no paper work in truck
396-17C	F	2	N		N	N	Operating a CMV without proof of a periodic inspection
393-26F	F	1	N		N	N	Stop lamp violations - both sides
393-57S	F	1	N		N	N	Cooperative turn signal - both sides and both work in signals
393-26F	F	2	N		N	N	Stop lamp violations - passenger side
391-2- SULEWA'	F	0	N		N	N	State inspection - Excessive weight - no load limit on truck is good
393-201A	F	2	Y		U	N	Frame cracked - loose / sagging - trucking / Passenger side between axles 4-b frame cracked 2 spots
396-3A1	F	2	N		N	N	Inspection repair and maintenance of parts & accessories - 2 parts close on frame (passenger side between axles 4-b)

Placard:

Cargo Tanks:

— Centre for Strategic Studies

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Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

[illegible]

$M = C_0$ $U(1)$ VA $2\pi\alpha' F$
 $g = 0$ $\frac{2\pi\alpha'}{L} = 0$ $\frac{2\pi\alpha'}{L} = 0$ $\frac{2\pi\alpha'}{L} = 0$
 $U(1)$ $U(1)$ $U(1)$ $U(1)$

* Size and Shape of Environments

$$E_{\text{eff}} = E_0 \left(1 - \frac{\alpha}{\beta} \right) \quad (1)$$

CEL verified in the Connecticut, U. S. Office documents for Passes:

Subsequent to the aforesaid, contained in the 4th CFR, a 9th EOP, 10th 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th 101st 102nd 103rd 104th 105th 106th 107th 108th 109th 110th 111th 112th 113th 114th 115th 116th 117th 118th 119th 120th 121st 122nd 123rd 124th 125th 126th 127th 128th 129th 130th 131st 132nd 133rd 134th 135th 136th 137th 138th 139th 140th 141st 142nd 143rd 144th 145th 146th 147th 148th 149th 150th 151st 152nd 153rd 154th 155th 156th 157th 158th 159th 160th 161st 162nd 163rd 164th 165th 166th 167th 168th 169th 170th 171st 172nd 173rd 174th 175th 176th 177th 178th 179th 180th 181st 182nd 183rd 184th 185th 186th 187th 188th 189th 190th 191st 192nd 193rd 194th 195th 196th 197th 198th 199th 200th 201st 202nd 203rd 204th 205th 206th 207th 208th 209th 210th 211th 212th 213th 214th 215th 216th 217th 218th 219th 220th 221st 222nd 223rd 224th 225th 226th 227th 228th 229th 230th 231st 232nd 233rd 234th 235th 236th 237th 238th 239th 240th 241st 242nd 243rd 244th 245th 246th 247th 248th 249th 250th 251st 252nd 253rd 254th 255th 256th 257th 258th 259th 260th 261st 262nd 263rd 264th 265th 266th 267th 268th 269th 270th 271st 272nd 273rd 274th 275th 276th 277th 278th 279th 280th 281st 282nd 283rd 284th 285th 286th 287th 288th 289th 290th 291st 292nd 293rd 294th 295th 296th 297th 298th 299th 300th 301st 302nd 303rd 304th 305th 306th 307th 308th 309th 310th 311th 312th 313th 314th 315th 316th 317th 318th 319th 320th 321st 322nd 323rd 324th 325th 326th 327th 328th 329th 330th 331st 332nd 333rd 334th 335th 336th 337th 338th 339th 340th 341st 342nd 343rd 344th 345th 346th 347th 348th 349th 350th 351st 352nd 353rd 354th 355th 356th 357th 358th 359th 360th 361st 362nd 363rd 364th 365th 366th 367th 368th 369th 370th 371st 372nd 373rd 374th 375th 376th 377th 378th 379th 380th 381st 382nd 383rd 384th 385th 386th 387th 388th 389th 390th 391st 392nd 393rd 394th 395th 396th 397th 398th 399th 400th 401st 402nd 403rd 404th 405th 406th 407th 408th 409th 410th 411th 412th 413th 414th 415th 416th 417th 418th 419th 420th 421st 422nd 423rd 424th 425th 426th 427th 428th 429th 430th 431st 432nd 433rd 434th 435th 436th 437th 438th 439th 440th 441st 442nd 443rd 444th 445th 446th 447th 448th 449th 450th 451st 452nd 453rd 454th 455th 456th 457th 458th 459th 460th 461st 462nd 463rd 464th 465th 466th 467th 468th 469th 470th 471st 472nd 473rd 474th 475th 476th 477th 478th 479th 480th 481st 482nd 483rd 484th 485th 486th 487th 488th 489th 490th 491st 492nd 493rd 494th 495th 496th 497th 498th 499th 500th 501st 502nd 503rd 504th 505th 506th 507th 508th 509th 510th 511th 512th 513th 514th 515th 516th 517th 518th 519th 520th 521st 522nd 523rd 524th 525th 526th 527th 528th 529th 530th 531st 532nd 533rd 534th 535th 536th 537th 538th 539th 540th 541st 542nd 543rd 544th 545th 546th 547th 548th 549th 550th 551st 552nd 553rd 554th 555th 556th 557th 558th 559th 560th 561st 562nd 563rd 564th 565th 566th 567th 568th 569th 570th 571st 572nd 573rd 574th 575th 576th 577th 578th 579th 580th 581st 582nd 583rd 584th 585th 586th 587th 588th 589th 590th 591st 592nd 593rd 594th 595th 596th 597th 598th 599th 600th 601st 602nd 603rd 604th 605th 606th 607th 608th 609th 610th 611th 612th 613th 614th 615th 616th 617th 618th 619th 620th 621st 622nd 623rd 624th 625th 626th 627th 628th 629th 630th 631st 632nd 633rd 634th 635th 636th 637th 638th 639th 640th 641st 642nd 643rd 644th 645th 646th 647th 648th 649th 650th 651st 652nd 653rd 654th 655th 656th 657th 658th 659th 660th 661st 662nd 663rd 664th 665th 666th 667th 668th 669th 670th 671st 672nd 673rd 674th 675th 676th 677th 678th 679th 680th 681st 682nd 683rd 684th 685th 686th 687th 688th 689th 690th 691st 692nd 693rd 694th 695th 696th 697th 698th 699th 700th 701st 702nd 703rd 704th 705th 706th 707th 708th 709th 710th 711th 712th 713th 714th 715th 716th 717th 718th 719th 720th 721st 722nd 723rd 724th 725th 726th 727th 728th 729th 730th 731st 732nd 733rd 734th 735th 736th 737th 738th 739th 740th 741st 742nd 743rd 744th 745th 746th 747th 748th 749th 750th 751st 752nd 753rd 754th 755th 756th 757th 758th 759th 760th 761st 762nd 763rd 764th 765th 766th 767th 768th 769th 770th 771st 772nd 773rd 774th 775th 776th 777th 778th 779th 780th 781st 782nd 783rd 784th 785th 786th 787th 788th 789th 790th 791st 792nd 793rd 794th 795th 796th 797th 798th 799th 800th 801st 802nd 803rd 804th 805th 806th 807th 808th 809th 810th 811th 812th 813th 814th 815th 816th 817th 818th 819th 820th 821st 822nd 823rd 824th 825th 826th 827th 828th 829th 830th 831st 832nd 833rd 834th 835th 836th 83

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report (F4, F5, F6, F7, F8, F9, F10, F11, F12) at the time of signature

Resort Friendly by
S. Foster

Figure 1

Flowchart illustrating the selection process for the study.

The flowchart shows the following steps:

- Initial sample size: 1000
- Exclusion criteria:
 - Not meeting inclusion criteria: 100
 - Duplicate records: 50
- Final sample size: 850

The final sample size of 850 was used for the analysis.

CONGRATULATIONS



...the

ATTACHMENT “E”

DRIVER/VEHICLE EXAMINATION REPORT

INSPECT 1001



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHRP04420077
Inspection Date: 06/22/2016
Start: 12:15 PM CT End: 12:45 PM CT
Inspection Level: II - Walk Around Inspection
HM Inspection Type: None

CHRIS VARELA

Driver: VARELA JAMIE V

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

GARDEN CITY, KS 67846-7516

USDOT: 2313142

Phone#:

MC/MX#: 996161

Fax#:

State#:

Location: 50

Milepost: 117

Shipper: HUBER SAND

Highway: 50

Origin: GARDEN CITY, KS

Bill of Lading: 143689

County: FORD

Destination: BELFONT KS

Cargo: SAND

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	GVSA #	Issued #	COS Sticker
1	TT	PTRB	1996	KS		64	470013 46200				
2	ST	FRUE	1992	KS		27	327701 99999				

BRAKE ADJUSTMENTS No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	COS	Citation #	VerifyCrash	Violations Discovered
393.9TS	F	2	Y		A	N Inoperative turn signal: RIGHT AND LEFT TURN SIGNALS
393.25F	F	2	N		N	N Stop lamp violations: LEFT BRAKE
393.9	F	2	N		N	N Inoperative Required Lamp: LEFT AND MIDDLE ID LIGHTS
393.95A	F	1	N		N	N No/discharged/unsecured fire extinguisher: FIRE EXTINGUISHER STILL IN BOX AND NOT MOUNTED

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

CDL Verified: Y No Connectivity: N Officer recommend Civil Assess: N

Pursuant to the authority contained in Title 49, CFR, K.S.A. 88-1-129, K.C.C. Reg. 92-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the carrier indicated on this report. Driver Initials: CV

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X _____ Facility _____ Date _____

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt. MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA's) Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>.

Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By:
J. Proberts

Badge #:
0442

Copy Received By:
JAMIE VARELA



2313142 KS KSHRP04420077

ATTACHMENT “F”

DRIVER'S TIME RECORD

Driver's Name (print) Chris Varela

Employee No. _____ Month 11 Year 2016

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF
"DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES
• Operates within 100 air-mile radius of headquarters
• Returns to headquarters and is released from work within 12
consecutive hours
• At least 8 hours off duty for passenger carriers and 10 hours off
duty for property carriers

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	8:00 a.m.	6:00 p.m.	10	1029	
2	NO work				
3	8:00 a.m.	6:00 p.m.	10	1029	Fuel UP G.C., KS
4	8:00 a.m.	6:00 p.m.	10	1029	G.C., KS to Liberal, KS
5	8:00 a.m.	6:00 p.m.	10	1029	G.C., KS to Liberal, KS
6	NO work				
7	8:00 a.m.	2:00 p.m.	12	1029	G.C., KS to Liberal, KS
8	8:00 a.m.	7:00 p.m.	11	↓	↓
9	8:00 a.m.	7:00 p.m.	11		
10	8:00 a.m.	7:00 p.m.	11		
11	8:00 a.m.	7:00 p.m.	11		
12	8:00 a.m.	7:00 p.m.	11		
13	NO work				
14	NO work				
15	NO work				
16	NO work				Fuel UP G.C., KS
17	↓				
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30	8:00 a.m.	6:00 p.m.	10	1029	G.C., KS to Lakin, KS
X					

☐ 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.

ATTACHMENT “G”

DRIVER/VEHICLE EXAMINATION REPORT

inSPECT 1.0.91



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)286-7189 Fax: (785)286-2858

Report Number: KSHP03700086
Inspection Date: 06/09/2016
Start: 10:25 AM CT - End: 11:15 AM CT
Inspection Level: I - Full Inspection
HM Inspection Type: None

CHRIS VARELA

GARDEN CITY, KS, 67846-7916

USDOT: 2313142

MC/MX#: 965151

State#:

Location: FINNEY COUNTY - 055

Highway: US 83

County: FINNEY

Driver: VARELA, JAIME V

License#: [REDACTED]

Date of Birth: [REDACTED]

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: 69 Shipper: N/A

Origin: MINNEOLA, KS

Destination: GARDEN CITY, KS

Bill of Lading: N/A

Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	PTRB	1998	KS	[REDACTED]	64	[REDACTED]	470013 48000			115590
2	ST	FRUE	1982	KS	[REDACTED]	T60	[REDACTED]	27701 0			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/4	*3	1 1/2	*2 1/4	1 1/2
Left	1 1/4	1	*INOP	*2 1/4	1 1/2
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
396.3A1BOS	F	1	Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment: AXLE 2 PASSENGER SIDE
393.53B	F	1	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.48A	F	1	N		N	N	Excessive/defective brakes: AXLE 2 DRIVER SIDE OIL SOAKED DRUM AND BRAKE PADS
396.3A1B	F	1	N				Brakes (general) Explain: Axle 2 Passenger Side - Automatic Slack Adjuster Not Connected To Push Rod, Missing Pin from Connection
393.25F	F	2	N		N	N	Stop lamp violations: Passenger Side
393.47E	F	2	N		N	N	Clamp or Roto type brake out-of-adjustment: AXLE 4 DRIVER SIDE
393.47E	F	2	N		N	N	Clamp or Roto type brake out-of-adjustment: AXLE 4 PASSENGER SIDE

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

CDL Verified Y, No Connectivity N Officer recommend Civil Assess Y

Pursuant to the authority contained in Title 49, CFR: K.S.A. 66-1, 129, K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE." No person and/or carrier shall permit and/or require the removal of the OUT OF SERVICE stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the carrier indicated on this report. Driver Initials: *hV*

Advisory: This vehicle has been identified as having brake adjustment violations. 49 CFR Section 393.53 requires that a brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: *[Signature]*

Facility: *Oh Mesa*

Date: *6/10/16*

Report Prepared By:
C. Tarpley

Badge #:
0370

Copy Received By:
JAIME VARELA



02313142 KS KSHP03700086

X: *[Signature]*

X: *[Signature]*

CERTIFICATE OF SERVICE

17-TRAM-335-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on FEB 02 2017.

CHRIS VARELA, OWNER/OPERATOR
CHRIS VARELA
D/B/A CVT
3618 WESTPORT AVE
GARDEN CITY, KS 67846-7916

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

FEB 03 2017