



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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<http://kcc.ks.gov/>

Susan K. Duffy, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

January 28, 2020

20-TRAM-308-PEN

Jeff Blixt, Vice President
L. Blixt Construction, Inc.
2646 Sage Road
Chapman, KS 67431

This is a notice of a penalty assessment against L. Blixt Construction, Inc. (Blixt Construction) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 10, 2019, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. 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: Blixt Construction has been assessed a \$2,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,250, 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 Blixt 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. Blixt 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 Executive Director 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. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$2,250 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

Before Commissioners: Susan K. Duffy, Chair
 Shari Feist Albrecht
 Dwight D. Keen

In the Matter of the Investigation of **L. Blixt**)
Construction, Inc., of Chapman, KS,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 20-TRAM-308-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 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f., 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. 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. L. Blixt Construction, Inc. (Blixt Construction) operates under USDOT number 1408509.

5. Blixt Construction is a common motor carrier which primarily hauls machinery, large objects, garbage, refuse, trash and construction.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on December 10, 2019, Commission Staff (Staff) Special Investigator Gregory Askren conducted a safety compliance review of the operations of Blixt 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 four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 17, 2019, Blixt Construction required or permitted its driver, Jeffery Doyle, to operate a CDL-required commercial motor vehicle, a 1995 Ford, VIN ending in 65749, in intrastate commerce in and around the area of Chapman, Kansas. This trip is evidenced by Ticket No. 11595378, a copy of which is attached hereto as Attachment "B" and is

hereby incorporated by reference. At the time of this transportation, Blixt Construction did not have an alcohol and controlled substance testing program for its CDL drivers. The carrier's failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

- b. During the transportation described in paragraph a, above, Blixt 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 special investigator discovered five (5) violations of this type. 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. 66-1,112. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a, above, Blixt Construction failed to maintain the responses of each state agency to the annual driver record in the driver qualification file. The special investigator discovered five (5) violations of this type. The carrier's failure to maintain a copy of the motor vehicle record received from each State in the driver qualification file is a violation of 49 C.F.R.

391.51(b)(4), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- d. During the transportation described in paragraph a, above, Blixt Transportation failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator discovered five (5) violations of this type. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds Blixt Construction committed four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

8. Additionally, Staff recommends a civil penalty of \$2,250 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Blixt 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.

10. Finally, Staff recommends that Blixt 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

11. The Commission finds it has jurisdiction over Blixt Construction because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

12. The Commission finds Blixt Construction committed four (4) 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. L. Blixt Construction, Inc., of Chapman, KS is hereby assessed a \$2,250 civil penalty for four (4) 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. Blixt 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Blixt 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.

E. Pursuant to K.S.A. 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 Executive Director 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 Blixt Construction's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,250 civil penalty against Blixt Construction, and ordering a representative from Blixt 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. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$2,250 is due in thirty (30) days from the date of service of this Order. Payment of \$2,250 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 \$2,250 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 Blixt 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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 01/28/2020



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 1408509
MC/MX#:

Legal: L BLIXT CONSTRUCTION INC
Operating (DBA):

Investigation Date:
12/16/19

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

Physical Address

2646 SAGE ROAD
CHAPMAN, KS 67431-8823
United States

Mailing Address

2646 SAGE ROAD
CHAPMAN, KS 67431-8823
United States

Contact Information

Contact Name: JEFF BLIXT, Nita Neff

Email:

Phone:

Business and Financial

Business Type: Corporation

Gross Revenue: For Year Ending: 12/01/19

Federal Tax ID:

Operation Classification and Type

Type of Operation: Non-HM Intrastate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Exempt Commodities

Cargo

Machinery, Large Objects, Garbage, Refuse, Trash, Construction

Equipment

Owned

Term Leased

Trip Leased

Straight Trucks 3

Truck Tractors 8

Power units used in the U.S.: 3

Percentage of time used in the U.S.: 100.0%

Driver Information

Drivers

Intrastate

Interstate

< 100 Miles

7

>= 100 Miles

Average trip leased driver/month: 0

Drivers with CDL: 7

Total Drivers: 7

Person(s) Interviewed**Name:** JEFF BLIXT**Title:** VICE PRESIDENT**Name:** Nita Neff**Title:** Office Manager**Questions**

Questions about this report or the Federal Motor
Carrier Safety or Hazardous Materials regulations may
be addressed to the Federal Motor Carrier Safety
Administration at:

1303 SW FIRST AMERICAN PLACE, SUITE 200
TOPEKA, KS 66604-4040
Phone: (785) 271-1260
Fax: (785) 228-9725

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.115(a)

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

A

Acute

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

L. Blixt Construction Inc does not have an alcohol and/or drug testing program.

Drivers/Vehicles

In Violation	Checked

2. Primary: 391.51(b)(2)

Failing to maintain inquiries into driver's driving record in driver's qualification file.

C

Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
	5	5

Violations Checked

Fed	State	Total
	5	5

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date, 9/17/2019

Description of violation; Failing to maintain inquiries into driver's driving record in driver's qualification file. 5 discovered of 5 checked and 5 in violation of 5 checked.

Drivers/Vehicles

In Violation	Checked
5	5

3. Primary: 391.51(b)(7)

Failing to maintain medical examiner's certificate in driver's qualification file.

Violations Discovered

Fed	State	Total

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391



Critical

At least 10% of the number checked had violations

5 5		
Violations Checked		
Fed	State	Total
5	5	

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to maintain medical examiner's certificate in driver's qualification file

Drivers/Vehicles

In Violation	Checked
5	5

4. Primary: 390.15(b)

Failing to maintain, for a period of three years after an accident occurs, an accident register

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation. Failing to maintain, for a period of three years after an accident occurs, an accident register after having a DOT recordable accident.

Drivers/Vehicles

In Violation	Checked

5. Primary: 390.15(b)(2)

Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.

Violations Discovered

Fed	State	Total
	1	1

Violations Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name, Jeffery Doyle

Drivers/Vehicles

In Violation	Checked

Accident/Trip date. 9/17/2019

List accident reports not maintained for each State or other governmental entities or insurers. L. Blixt Construction Inc. failed to maintain copies of all accident reports required by State or other governmental entities or insurers.

6. Primary: 391.51(b)(3)

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

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

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

Violations Discovered

Fed	State	Total
	3	3

Violations Checked

Fed	State	Total
	5	5

Drivers/Vehicles

In Violation	Checked
3	5

7. Primary: 391.51(b)(4)

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Violations Discovered

Fed	State	Total
	5	5

Violations Checked

Fed	State	Total
	5	5

Drivers/Vehicles

In Violation	Checked
5	5

8. Primary: 391.51(b)(5)

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

Violations Discovered

Fed	State	Total
	2	2

Violations Checked

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

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

9. Primary: 391.51(b)(6)

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

Example/Notes:

Driver name, Jeffery Doyle

Trip date. 9/17/2019

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

10. Primary: 391.51(b)(9)

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

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date 9/17/2019

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

Fed	State	Total
	2	2

Drivers/Vehicles

In Violation	Checked
2	2

Violations Discovered

Fed	State	Total
	2	2

Violations Checked

Fed	State	Total
	2	2

Drivers/Vehicles

In Violation	Checked
2	2

Violations Discovered

Fed	State	Total
	5	5

Violations Checked

Fed	State	Total
	5	5

Drivers/Vehicles

In Violation	Checked
5	5

11. Primary: 396.3(b)(1)

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example/Notes:

Unit 1, 2011 IH Vin # [REDACTED] 371603, Ks. Reg. 653751

Unit 158, 1994 Ford Vin # [REDACTED] 06384, Ks. Reg. 505775

Unit 159, 1995 Ford Vin # [REDACTED] 65749 Ks. Reg. 505768

Unit 255, 1998 Mack Vin # [REDACTED] 023262 Ks. Reg. 505762

Unit 311, 2006 Volvo Vin # [REDACTED] 439472 Ks. Reg. 653704

Driver name, Jeffery Doyle

Accident/Trip date. 9/17/2019

Description of violation; Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Violations Discovered

Fed	State	Total
	5	5

Violations Checked

Fed	State	Total
	5	5

Drivers/Vehicles

In Violation	Checked
5	5

12. Primary: 396.17(c)

Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

Example/Notes:

Driver name, Jeffery Doyle

Accident/Trip date 9/17/2019

Description of violation; Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

Violations Discovered

Fed	State	Total
	5	5

Violations Checked

Fed	State	Total
	5	5

Drivers/Vehicles

In Violation	Checked
5	5

Safety Fitness Rating

This Investigation is Not Rated

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

L. Blixt Construction Inc failed to implement a drug and/or alcohol testing program for CDL drivers.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.

BASIC: Crash Indicator

Process Breakdown: Roles and Responsibilities

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. Identify, clearly define, and document roles and responsibilities of drivers, managers, and supervisors with respect to the carrier's policies and procedures on safe driving and the timely reporting of inspection violations, citations and crash involvement.
2. Establish roles and responsibilities for managers and experienced drivers to provide oversight and instruction to newer drivers.
3. Identify, clearly define, and document role of managers and supervisors for implementing safe-driving policies and practices, and monitoring compliance in accordance with regulatory reporting and company policies and procedures.

BASIC: Vehicle Maintenance

Process Breakdown: Policies and Procedures

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.

2. Establish a policy requiring all drivers to submit copies of all roadside inspections to carrier management within 24 hours.
3. Establish a policy for employee completion of annual training on cargo-handling, loading, and securement.
4. Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
5. Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
6. Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.
7. Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows cargo-securement violations.

BASIC: Vehicle Maintenance

Process Breakdown: Roles and Responsibilities

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
2. Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
3. Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
4. Define and document roles and responsibilities of managers and supervisors for implementing cargo-handling, loading, and securement policies and for monitoring compliance with them.

BASIC: Driver Fitness

Process Breakdown: Policies and Procedures

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
2. Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier

- management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation
- 3. Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- 4. Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

BASIC: Driver Fitness

Process Breakdown: Roles and Responsibilities

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
2. Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.
3. Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.

Recommendations

1. Acute and Critical Violations

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

2. Additional Information

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

3. For All Investigations Intra, Satisfactory, no PO

For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and 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

4. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:
<http://www.fmcsa.dot.gov/forms/print/accident.htm>

5. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

6. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>)

7. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

8. **Conduct periodic internal reviews. (HM)**

Conduct periodic internal reviews of your maintenance, hazardous materials handling, driver qualification, hours of service control, accident reporting, training, and other safety systems to ensure continued compliance.

9. **Employers are responsible for the compliance of 49 CFR Part 40.**

Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.

10. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

11. **CDL and drug testing rules apply.**

Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.

12. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application

13. **Maintain all required controlled substance testing records.**

Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR.

14. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

15. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs

16. **Establish a maintenance records program for all vehicles.**

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.

17. **Require all drivers to prepare a written inspection report.**

Require all drivers to prepare a written inspection report for each day a vehicle is operated when defects are found. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

18. **Keep all driver vehicle inspection reports for 90 days.**

Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.

19. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

20. Review with drivers procedure for pre and post trip inspections.

Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis as required when defects are found. Keep them on file for 90 days.

21. Driver drug tests required.

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

22. Reasonable Suspicion Training

Provide new-hire and refresher training, to all 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.

23. New Hires

Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

24. MCS-150 biennial updates

Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.

https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option

25. Drug and Alcohol Clearinghouse

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>. Implementation begins January 6, 2020.

26. Safety Seminar

Motor carriers are responsible for complying with all tasks ordered by the Commission in its Penalty Order. In addition to paying any civil fines issued, you are also required to attend a Commission sponsored safety seminar. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

27. CAP Requirement

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

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

28. Applies only to CR - Onsite

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 L. Blixt Construction Inc. operating authority and/or the impoundment of L. Blixt Construction Inc. commercial motor vehicles.


Carrier Representative


Date

ATTACHMENT “B”



Hamm Quarries

609 Perry Place
Perry, KS 66073
785-597-5111



Ticket No.: **11595378**

Date: 9/17/2019 Time: 2:39:16PM
Location: 010114 N WOODBINE
Customer: 307658 L BLIXT CONSTRUCTION
Order:

[Handwritten signature]

	Pounds	Tons	Metric
Gross	56140	28.07	25.46
Tare	26820 *	13.41 *	12.17 *
Net	29320 *	14.66 *	13.30 *

* Manual Weight

P.O.:
Product: 0331W19110 3/4" X 7/16" CS-1

14.66 Ton

Ordered	0.00
Received	0.00
Remaining	0.00
Today: 14.66	Loads: 1

Weighmaster: Joel Calovich

Carrier:
Vehicle: BLIXT BLIXT
Received:



Hamm Quarries

609 Perry Place
Perry, KS 66073
785-597-5111



Ticket No.: **11595378**

Date: 9/17/2019 Time: 2:39:16PM
Location: 010114 N WOODBINE
Customer: 307658 L BLIXT CONSTRUCTION
Order:

*Side of Road 4
Side of Kyle Cook*

	Pounds	Tons	Metric
Gross	56140	28.07	25.46
Tare	26820 *	13.41 *	12.17 *
Net	29320 *	14.66 *	13.30 *

* Manual Weight

P.O.:
Product: 0331W19110 3/4" X 7/16" CS-1

14.66 Ton

Ordered	0.00
Received	0.00
Remaining	0.00
Today: 14.66	Loads: 1

Weighmaster: Joel Calovich

Carrier:
Vehicle: BLIXT BLIXT
Received:

CERTIFICATE OF SERVICE

20-TRAM-308-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 01/28/2020.

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

JEFF BLIXT, VICE PRESIDENT
L. BLIXT CONSTRUCTION, INC.
2646 SAGE ROAD
CHAPMAN, KS 67431-8823
blixtdemo2003@yahoo.com

/S/ DeeAnn Shupe
DeeAnn Shupe