



# Kansas Motor Carriers Association

Trucking Solutions Since 1936

**Mike Short**  
Short & Son Inc.  
President

**Kimberly Bonhart**  
United Parcel Service, Inc.  
Chairman of the Board

**Lori Borgan**  
Convoy Systems, LLC  
First Vice President

**Brett Weis**  
Great Plains Trucking  
Second Vice President

**Mark Munds**  
Groendyke Transport, Inc.  
Treasurer

**Larry "Doc" Criqui**  
Kansas Van & Storage  
Criqui Corp.  
Corporate Secretary

**Mike Miller**  
Miller Trucking LTD  
ATA State Vice President

**Jason Hammes**  
Fairview Express LLC  
ATA Alternate State VP

**Ken Leicht**  
Miller Trucking LTD/Frito Lay  
Public Relations Chairman

**Jane DeClue**  
DeClue Transport  
ProTruck PAC Chairman

**Jeff Robertson**  
TT & T Salvage & Towing, Inc.  
Foundation Chairman

**Susan Bryant**  
Great West Casualty Co.  
Allied Industries Chairman

**Tom Whitaker**  
Executive Director

## LEGISLATIVE TESTIMONY Presented By The Kansas Motor Carriers Association Before The

### House Transportation Committee Representative Richard Proehl, Chairman Thursday, March 17, 2016

#### MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear before you this afternoon representing our 950 member firms in strong opposition to House Bill No. 2736 requiring "probable cause" for law enforcement to inspect motor carriers, trucks or truck tractors.

While you may think HB 2736 will reduce the number of truck inspections because of the "probable cause" requirement, it will not. Kansas is required to complete a certain number of truck inspections per year to meet the funding requirements of the Federal Motor Carrier Safety Assistance Program. Failure to do so will make Kansas a non-conforming State and create the possibility for Federal funds to be withheld.

The "probable cause" requirement is always required in only six States. Those States are: Delaware, Indiana, New Mexico, New York and Oregon. Motor carriers nationwide required to comply with the safety rules and regulations adopted by the Federal Motor Carrier Safety Administration (FMCSA). Part of the FMCSA compliance is obtaining a USDOT number. By complying with the USDOT number, motor carriers are subjected to the Compliance, Safety and Accountability (CSA) program which tracks a carrier's safety performance. CSA was developed to quickly identify carriers with subpar safety performance and work with such carrier to improve their performance or in some cases penalize the carrier. I have attached to this testimony a copy of a motor carriers CSA report to our testimony. As you can see, this carrier has a few problems. This information is used by insurance companies to establish rates and by freight brokers to determine whether it is safe to tender a shipment with a certain carriers.

Our industry's experience with other States that require probable cause is there is an increase in violations. To illustrate this fact the State of Indiana issues a large quantity of warning violations to truck operator to meet the "probable cause" requirement.



**TRUCKING**  
Moves America Forward

While these are warning tickets they still count against a motor carriers CSA score and are necessary to do a truck inspection. In addition, in Indiana, it is unlikely a carrier will receive a "clean inspection" because of the probable cause requirement. In Kansas, a carrier is stopped randomly and inspected. No ticket will be issued and reported on the inspection report unless a violation is discovered.

KMCA believes HB 2736 is bad for the trucking industry in Kansas. It creates a "them" against "us" situation and, we believe will down grade the relationship our industry has with law enforcement. Mr. Chairman we respectfully request the House Transportation Committee either not work HB 2736 or pass the bill out with an unfavorable recommendation.

Thank you for the opportunity to appear before you this afternoon. I would be pleased to answer any questions you may have.





Number of Drivers: 3  
Number of Inspections: 7

### Safety Rating & OOS Rates

(As of 03/15/2016 updated daily from SAFER)

**CONDITIONAL**  
(Rating Date: 03/11/2016)

### Out of Service Rates

Type	OOS %	National Avg %
Vehicle	71.4	20.7
Driver	14.3	5.5
Hazmat	0.0	4.5

### Licensing and Insurance

(As of 03/15/2016 updated hourly from L&I)

Active For-Hire Authority	
Type	Yes/No MC#/MX#
Property	No
Passenger	No
Household Goods	No
Broker	No

U.S. DOT [redacted] has no current for-hire operating authority with FMCSA.

### BASIC Status (Public Property Carrier View) ?

Behavior Analysis & Safety Improvement Categories (BASICS)

Based on a 24-month record ending February 26, 2016



Unsafe Driving



Not Public  
Crash Indicator



Hours-of-Service Compliance



Vehicle Maintenance



Controlled Substances and Alcohol



Not Public  
Hazardous Materials Compliance



Driver Fitness

Select a BASIC icon above to get details, or view your [Complete SMS Profile](#).

## BASIC: Vehicle Maintenance

### On-Road Performance

Measure: 12.28 ?

Safety Event Group: 5-10 relevant vehicle inspections

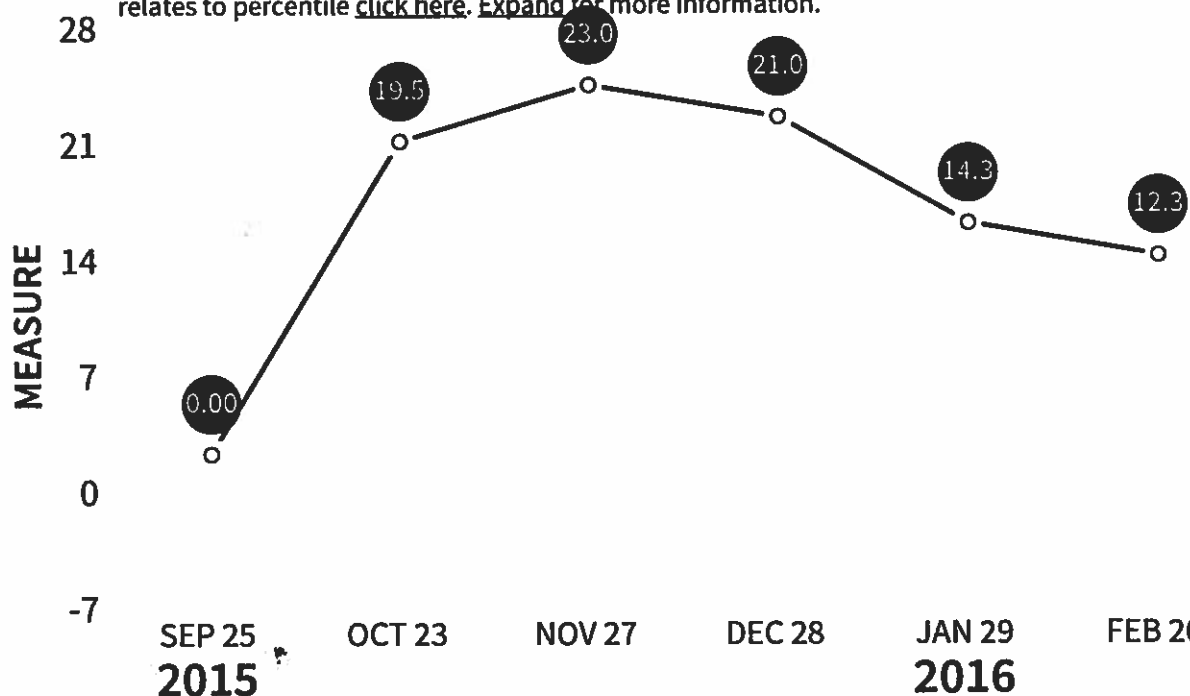
### Investigation Results



Acute/Critical Violations Discovered

### CARRIER MEASURE OVER TIME

This graph displays a carrier's measure based on 24 months of on-road performance. Zero indicates the best performance. To see how the measure is calculated [click here](#). To see how the measure relates to percentile [click here](#). [Expand](#) for more information.

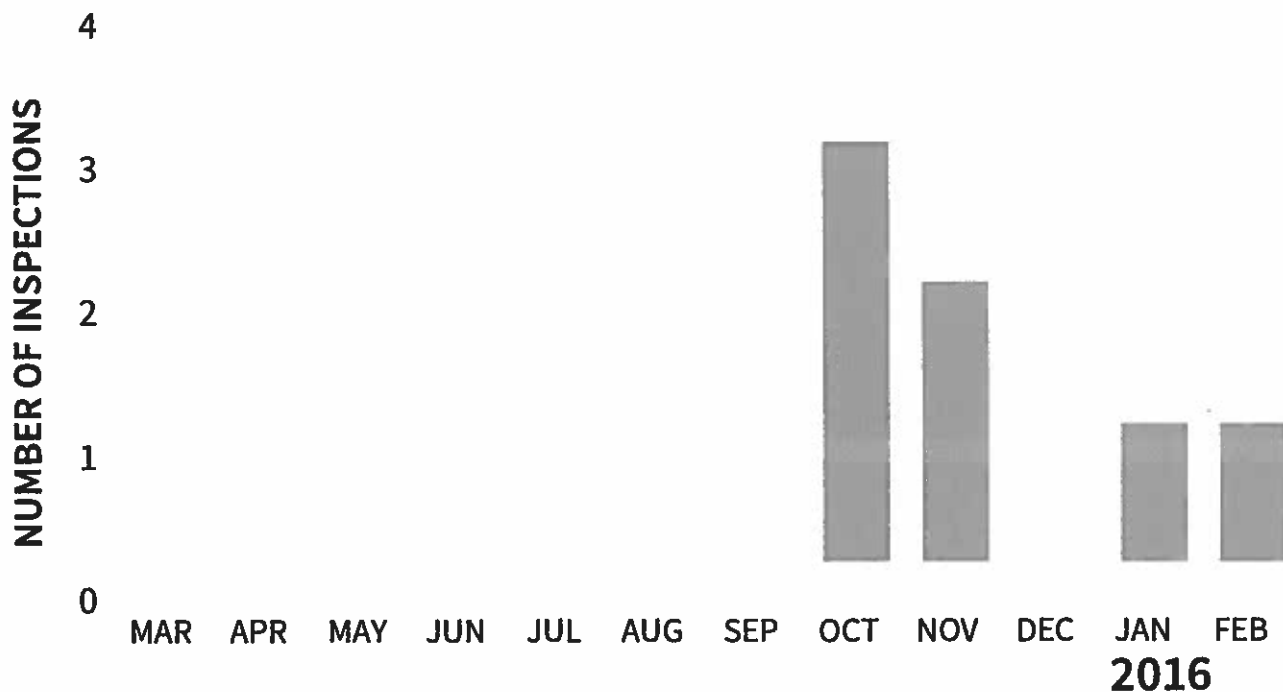


	Sep 25 2015	Oct 23 2015	Nov 27 2015	Dec 28 2015	Jan 29 2016	Feb 26 2016
Status	Active	Active	Active	Active	Active	Active
BASIC Trends Version	3.0.5	3.0.5	3.0.5	3.0.5	3.0.5	3.0.5
Investigation Results						
On-Road Performance Detail						
Measure	0.00	19.50	23.00	21.00	14.33	12.28
Safety Event Group	No Safety Event Grouping	No Safety Event Grouping	No Safety Event Grouping	No Safety Event Grouping	5-10 relevant vehicle inspections	5-10 relevant vehicle inspections
Vehicle Inspections	0	2	3	4	6	7
with Vehicle Maint. Violations	0	2	3	4	5	5
without Vehicle Maint. Violations	0	0	0	0	1	2
Vehicle Maint. Violations	0	10	19	22	23	23

Sep 25 2015   Oct 23 2015   Nov 27 2015   Dec 28 2015   Jan 29 2016   Feb 26 2016

### INSPECTION RESULTS

The graph below displays the number of inspections that the carrier has received for a selected period of time, with or without violations for this BASIC. [Expand](#) for more information.



### VIOLATION SUMMARY

Vehicle Maint. Violations: 23

Violations	Description	# Violations	# OOS Violations	Violation Severity Weight
393.95(a)	No/discharged/unsecured fire extinguisher	5	0	2
396.17(c)	Operating a CMV without proof of a periodic inspection	3	0	4
393.9	Inoperative required lamps	2	1	2
393.95(f)	No / insufficient warning devices	2	0	2
393.9TS	Inoperative turn signal	2	2	6
392.7(a)	Driver failing to conduct pre-trip inspection	1	0	4
392.8	Failing to inspect/use emergency equipment	1	0	2
393.100(b)	Leaking/spilling/blowing/falling cargo	1	1	7
393.11	No/defective lighting devices/reflective devices/projected	1	0	3
393.25(f)	Stop lamp violations	1	0	6
393.43	No/improper breakaway or emergency braking	1	1	4
393.95(b)	No spare fuses as required	1	0	2
393.9T	Inoperative tail lamp	1	0	6
396.9(d)(2)	Failure to correct defects noted on inspection report	1	0	4

Report			Vehicle			Measure =		
Inspection Date	Number	State	Plate Number	Plate State	Type	Severity Weight (SW)	Time Weight (TiW)	Total Weight (TotW)
Violation: 393.95(b) No spare fuses as required						2		
Sum of Violation Weight => Inspection Severity Weight (SW)						30		
Only the 1000 most recent inspections are included in this print view.								
Sum of measure weights						86	21	258

PERFORMANCE MEASURE LAST MONTH As of 1/29/2016	$\frac{TotW}{TiW} = \frac{258}{18} = 14.33$	PERFORMANCE MEASURE THIS MONTH As of 2/26/2016	$\frac{TotW}{TiW} = \frac{258}{21} = 12.28$
--	---	--	---

\*\*\* The sum of all violation severity weights (violation weight + out-of-service) for this inspection has been capped at 30.

**INVESTIGATION RESULTS**

Vehicle Maint. Acute/Critical Violations: 5

Investigation Date	Investigation	Violation	Description
12/7/2015	Compliance Review	396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance
12/7/2015	Compliance Review	396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance
12/7/2015	Compliance Review	396.11 (a)	Failing to require driver to prepare driver vehicle inspection report
12/7/2015	Compliance Review	396.17 (a)	Using a commercial motor vehicle not periodically inspected
12/7/2015	Compliance Review	396.17 (a)	Using a commercial motor vehicle not periodically inspected

**Summary of Activities**

The summary includes information on the 5 most recent investigations and 24 months of inspections and crash history.

Most Recent Investigation: 12/7/2015 (Compliance Review)

Total Inspections: 7  
 Total Inspections without Violations used in SMS: 2  
 Total Inspections with Violations used in SMS: 5

**Carrier Registration**

**Flags**

Subject to General Threshold

**Penalties History**

(Six years as of 03/15/2016 updated daily from FMCSA)  
 No penalties found

INSPECTION HISTORY						Vehicle Inspections: 7		
Report			Vehicle			Measure =		
<u>Inspection Date</u>	Number	State	Plate Number	Plate State	Type	Severity Weight (SW)	Time Weight (TiW)	Total Weight (TotW)
2/18/2016	KSHPO2520420	KS	BA52171	MI	Straight Truck	0	3	0
1/12/2016	KSPD84060094	KS	BA52171	MI	Straight Truck	0	3	0
11/25/2015	KSHPO1000616	KS	BA52171	MI	Straight Truck	15	3	45
Violation: 396.9(d)(2) Failure to correct defects noted on inspection report						4		
Violation: 393.100(b) Leaking/spilling/blowing/falling cargo (OOS)						7 + 2 (OOS)		
Violation: 393.95(a) No/discharged/unsecured fire extinguisher						2		
Sum of Violation Weight => Inspection Severity Weight (SW)						15		
11/24/2015	KSPD83960110	KS	BA52171	MI	Straight Truck	2	3	6
Violation: 393.95(a) No/discharged/unsecured fire extinguisher						2		
10/12/2015	KSPD83960053	KS	BA52171	MI	Straight Truck	17	3	51
Violation: 393.9 Inoperative required lamps						2		
Violation: 393.43 No/improper breakaway or emergency braking (OOS)						4 + 2 (OOS)		
Violation: 393.11 No/defective lighting devices/reflective devices/projected						3		
Violation: 396.17(c) Operating a CMV without proof of a periodic inspection						4		
Violation: 393.95(a) No/discharged/unsecured fire extinguisher						2		
Sum of Violation Weight => Inspection Severity Weight (SW)						17		
10/7/2015	KSPD84060029	KS	ADY	MI	Straight Truck	22	3	66
Violation: 393.25(f) Stop lamp violations						6		
Violation: 393.9TS Inoperative turn signal (OOS)						6 + 2 (OOS)		
Violation: 396.17(c) Operating a CMV without proof of a periodic inspection						4		
Violation: 393.95(a) No/discharged/unsecured fire extinguisher						2		
Violation: 393.95(f) No / insufficient warning devices						2		
Sum of Violation Weight => Inspection Severity Weight (SW)						22		
10/6/2015	KSPD83960045	KS	ADY	MI	Straight Truck	30...	3	90
Violation: 392.7(a) Driver failing to conduct pre-trip inspection						4		
Violation: 392.8 Failing to inspect/use emergency equipment						2		
Violation: 393.9 Inoperative required lamps (OOS)						2 + 2 (OOS)		
Violation: 396.17(c) Operating a CMV without proof of a periodic inspection						4		
Violation: 393.95(a) No/discharged/unsecured fire extinguisher						2		
Violation: 393.95(f) No / insufficient warning devices						2		
Violation: 393.9T Inoperative tail lamp						6		
Violation: 393.9TS Inoperative turn signal (OOS)						6 + 2 (OOS)		
Only the 1000 most recent inspections are included in this print view.								
Sum of measure weights						86	21	258

Total Crashes\* : 0

\*Crashes listed represent a motor carrier's involvement in reportable crashes, regardless of the carrier's or driver's role in the crash. Continue for details.



Acute/Critical Violations cited within last 12 months from an investigation.

## USE OF SMS DATA/INFORMATION


### FAST Act of 2015:

Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.

### Safety Measurement System:

The data in the Safety Measurement System (SMS) is performance data used by the Agency and Enforcement Community.

A  symbol, based on that data, indicates that FMCSA may prioritize a motor carrier for further monitoring.

The  symbol is not intended to imply any federal safety rating of the carrier pursuant to 49 USC 31144. Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier in the SMS has received an UNSATISFACTORY safety rating pursuant to 49 CFR Part 385, or has otherwise been ordered to discontinue operations by the FMCSA, it is authorized to operate on the nation's roadways.

Motor carrier safety ratings are available at <http://safer.fmcsa.dot.gov> and motor carrier licensing and insurance status are available at <http://li-public.fmcsa.dot.gov/>.