



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

Western Service Center  
12600 W. Colfax Ave., Suite B-300  
Lakewood, CO 80215

Phone: (303) 407-2350  
Fax: (303) 407-2339

April 26, 2013

Juan Carlos Fuentes Muniz, Representative  
Transportes Monteblanco SA de CV  
Carretera Federal 57, KM 212  
Huachicil Artega, COH, MX 25370

Dear Mr. Fuentes Muniz:

Via Fax: 01152-844-171-5220  
RE: Request for Change in Safety Rating  
USDOT # 1059694

A Compliance Review (CR) conducted at **Transportes Monteblanco SA de CV** on March 1, 2013, resulted in a safety fitness rating of "Conditional." On April 15, 23, and 25, 2013, **Transportes Monteblanco SA de CV** submitted a request to upgrade its safety rating based on corrective action that it has taken to come into compliance with the U.S. Federal Motor Carrier Safety Regulations (FMCSRs).

After reviewing the request, the corrective action plan, and the evidence submitted, the Federal Motor Carrier Safety Administration (FMCSA) is **granting** your request. Effective immediately, **Transportes Monteblanco SA de CV's** safety rating is hereby upgraded to "Satisfactory."

Please continue your efforts to remain in compliance with the FMCSRs. Should you have any compliance questions, please feel free to contact FMCSA's Texas Division Office. The Texas Division staff may be contacted by telephone at (512) 916-5440 or by fax at (512) 916-5482.

Sincerely,

*dfw* Terry D. Wolf  
Field Administrator

cc: Joanne Cisneros, Division Administrator



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 27, 2013

Transportes Monteblanco SA de CV  
Carretera Federal 57 Km212  
Huachichil Arteaga, CH 25370  
Mexico

In reply refer to: MC-ESB  
MX Number: 443410  
US DOT Number: 1059694

Mailing Address

Bosque de Ciruelos  
#304 Piso 9  
Mexico, DF 11700 Mexico

**Notice of Conditional Rating and Order of Proposed Revocation**

The motor carrier safety rating for TRANSPORTES MONTEBLANCO SA DE CV is:

CONDITIONAL

This CONDITIONAL rating is the result of a compliance review and evaluation of the safety fitness of TRANSPORTES MONTEBLANCO SA DE CV completed on March 1, 2013. A CONDITIONAL rating indicates that TRANSPORTES MONTEBLANCO SA DE CV does not have adequate safety management controls in place to ensure compliance with the safety fitness standard prescribed in 49 CFR § 385.5.

Specifically, the company was found to be deficient in the following areas:

49 CFR § 391.23(a) – Failing to investigate driver’s background

49 CFR § 391.23(e)(1) – Failing to investigate the driver’s alcohol and controlled substances history for the previous 3 years.

49 CFR § 395.3(a)(1) – Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours

49 CFR § 395.3(a)(2)- Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14<sup>th</sup> hour after coming on duty (critical)

49 CFR § 395.8(j)(2) – Failing to obtain from driver used for the first time or intermittently, a signed statement giving the total time on duty during the preceding 7 days and time at which last relieved from duty

49 CFR § 396.3(b)(1) – Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size

49 CFR § 396.9(d)(3) – Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier’s principal place of business.

Immediate action must be taken to correct deficiencies or violations discovered during the compliance review. Please refer to the copy of the compliance review report you received regarding areas in need of corrective action.

#### Participation in the U.S.-Mexico Cross-Border Long-Haul Trucking Pilot Program

On October 19, 2012, TRANSPORTES MONTEBLANCO SA DE CV was granted a certificate of registration for Provisional Operating Authority (Provisional Operating Authority) to participate in the Cross-Border Long-Haul Pilot Program (Pilot Program) authorizing transportation in the United States beyond U.S. municipalities and commercial zones on the U.S.-Mexico border. Operations under the Provisional Operating Authority are subject to subpart B of Part 385 of Title 49 of the Code of Federal Regulations (49 CFR §§ 385.101 – 385.119) and the terms and conditions of the Pilot Program.

Pursuant to 49 CFR § 385.111, if a Mexico-domiciled motor carrier with Provisional Operating Authority is assigned a “Conditional” rating following a compliance review, the Federal Motor Carrier Safety Administration (FMCSA) will revoke the motor carrier’s Provisional Operating Authority in 30 days unless within 10 days the motor carrier demonstrates that the compliance review contains a material error; or within 30 days, the motor carrier submits adequate evidence of necessary corrective actions.

If FMCSA revokes the Provisional Operating Authority, the motor carrier is then prohibited from operating in the United States beyond the U.S. municipalities and commercial zones on the U.S. - Mexico border.

In accordance with 49 CFR § 385.111, you are hereby advised FMCSA is initiating a revocation proceeding of TRANSPORTES MONTEBLANCO SA DE CV’s Provisional Operating Authority to conduct transportation in the United States beyond the U.S. municipalities and commercial zones. TRANSPORTES MONTEBLANCO SA DE CV’s Provisional Operating Authority will be revoked on April 26, 2013, unless within 10 days of this notice TRANSPORTES MONTEBLANCO SA DE CV demonstrates that the compliance review contains material error, or TRANSPORTES MONTEBLANCO SA DE CV submits adequate evidence of necessary corrective actions within 30 days of this notice.

Material error is a mistake or series of mistakes that resulted in an erroneous safety rating or an erroneous determination that the carrier does not exercise the necessary basic safety management controls. If TRANSPORTES MONTEBLANCO SA DE CV believes that the compliance review contains material error, FMCSA recommends that TRANSPORTES MONTEBLANCO SA DE CV submit its evidence of material error as quickly as possible, but such evidence must be received by FMCSA no later than April 6, 2013. It should be submitted in writing, in English, to:

William A. Quade  
Associate Administrator for Enforcement (MC-E)  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

A copy should be sent to:

Federal Motor Carrier Safety Administration  
Western Service Center  
12600 W. Colfax Ave, Suite B-300  
Lakewood, CO 80215

If TRANSPORTES MONTEBLANCO SA DE CV does not submit evidence of material error or does not demonstrate that the compliance review contains material error, TRANSPORTES MONTEBLANCO SA DE CV may submit evidence of necessary corrective action to:

Federal Motor Carrier Safety Administration  
Western Service Center  
12600 W. Colfax Ave, Suite B-300  
Lakewood, CO 80215

In order to allow sufficient time to review the corrective action submission before the revocation of Provisional Operating Authority takes effect on April 26, 2013. **FMCSA recommends that TRANSPORTES MONTEBLANCO SA DE CV submit its evidence of necessary corrective action as quickly as possible.** FMCSA may not be able to review corrective action submittals before the revocation takes effect if the submittal is received by FMCSA later than 15 days after the date of this notice.

A Mexico-domiciled motor carrier subject to subpart B of Part 385 of Title 49 of the Code of Federal Regulations (49 CFR §§ 385.101 – 385.119) may request FMCSA conduct an administrative review if it believes the FMCSA has committed an error in assigning a safety rating or suspending or revoking the carrier's Provisional Operating Authority. To request administrative review, the carrier must submit its request in writing, in English, to:

William A. Quade  
Associate Administrator for Enforcement (MC-E)  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

In its request for administrative review, the carrier must explain the error it believes the FMCSA committed in assigning the safety rating or revoking the carrier's Provisional Operating Authority, and include any information or documents that support its argument. FMCSA will complete its administrative review no later than 10 days after FMCSA's Associate Administrator receives the request for review. The decision of the Associate Administrator will constitute final agency action.

A Mexico-domiciled motor carrier whose Provisional Operating Authority has been revoked may reapply no sooner than 30 days after the date of revocation. The Mexico-domiciled motor carrier will be required to initiate the application process from the beginning and will be required to demonstrate how it has corrected the deficiencies that resulted in revocation of its registration. It will also have to undergo a new pre-authorization safety audit. If the applicant motor carrier has

been subject to a rated compliance review, it must have a Satisfactory safety rating in order to apply for Provisional Operating Authority to participate in the Pilot Program.

Commercial Zone Registration

While TRANSPORTES MONTEBLANCO SA DE CV may continue to operate in the commercial zones along the U.S.-Mexico international border under its OP-2 Certificate of Registration, immediate action should be taken to correct any deficiencies or violations discovered during the compliance review. In accordance with 49 CFR § 385.17, TRANSPORTES MONTEBLANCO SA DE CV may request a change to the safety rating based upon corrective actions. The request must be based upon evidence that TRANSPORTES MONTEBLANCO SA DE CV has taken corrective actions and that its operations currently meet the safety fitness standards and factors specified in 49 CFR §§ 385.5 and 385.7. The request may be made to:

Federal Motor Carrier Safety Administration  
Western Service Center  
12600 W. Colfax Avenue, Suite B-300  
Lakewood, CO 80215

FMCSA will make a final determination based upon the documentation submitted and any other additional relevant information. A written decision will be issued by FMCSA.

If you have any questions, please contact FMCSA's Western Service Center at the address above or at (303) 407-2350.

Sincerely,



Joseph P. DeLorenzo  
Director, Office of Enforcement  
and Compliance

cc: Jose Abelardo Cortez  
Process Agent  
2305-C Airline Drive  
Houston, TX 77009