

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**DECISION ON APPEAL OF ORDER REJECTING APPLICATION FOR
AUTHORITY TO OPERATE IN THE U.S.-MEXICO CROSS-BORDER
LONG-HAUL PILOT PROGRAM
NO. MX-637271**

TRANSPORTES UNIMEX SA DE CV

DECIDED: July 1, 2013

By Order served April 25, 2013, the Federal Motor Carrier Safety Administration ("FMCSA") rejected the application for operating authority registration to participate in the U.S.-Mexico Cross-Border Long-Haul Pilot Program ("Pilot Program") filed by Transportes Unimex SA de CV. Pursuant to 49 C.F.R. § 365.111, an applicant has the right to appeal rejection of its application; the appeal must be filed at the FMCSA within 10 days of the date of the rejection. On May 1, 2013 FMCSA received Transportes Unimex SA de CV's appeal of the rejection of its application. The appeal was timely.

In its appeal Applicant contends that it submitted a request for upgrade of its proposed "Conditional" safety rating based on corrective action in accordance with 49 C.F.R. § 385.17 that was received by FMCSA on March 11, 2013. Further, Applicant argues that FMCSA did not timely respond to the request for upgrade of its "Conditional" safety rating and allowed the rating to become final resulting in FMCSA inappropriately rejecting its application for operating authority.

Pursuant to 49 C.F.R. § 365.109, FMCSA will review an application for operating authority for correctness, completeness, and the adequacy of the evidence supporting the application. All motor carrier applications are reviewed for consistency with FMCSA's operational safety fitness policy. In accordance with 49 U.S.C. § 13902(a)(1) and 49 C.F.R. §§ 365.107 and 365.109, FMCSA will grant a request for authority to operate in the Pilot Program only if FMCSA determines that the applicant is fit, and willing, and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the Federal Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 399); 3) the commercial motor vehicle (CMV) safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

In accordance with 49 C.F.R. § 385.11, following a compliance review of a motor carrier's operations, FMCSA will provide the motor carrier written notice of the safety rating resulting from the review. Where the compliance review will result in a less than "Satisfactory" safety rating, FMCSA will issue a notice of a proposed safety rating to the motor carrier; the proposed safety rating of general property carrier becomes effective 60 days after the date of the notice. A motor carrier that has taken action to correct the

deficiencies that resulted in a less than "Satisfactory" rating may request a change to a proposed or final safety rating based upon its corrective actions. In accordance with 49 C.F.R. § 385.17, FMCSA will make a final determination on the request for change based upon the documentation the motor carrier submits and any additional relevant information. In order to grant a change in safety rating, the motor carrier must submit evidence that it has taken required corrective actions, and that its motor carrier operations meet the safety standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7. 49 C.F.R. § 385.17 does not impose time limitations for FMCSA review of a request for upgrade of a "Conditional" safety rating.

FMCSA completed the compliance review on Transportes Unimex SA de CV on January 17, 2013 and issued notice to the carrier of the proposed "Conditional" safety rating resulting from the review on January 31, 2013. On or about March 11, 2013 Transportes Unimex SA de CV submitted a request for change in rating pursuant to 49 C.F.R. § 385.17. FMCSA denied the request on May 14, 2013 finding that Transportes Unimex SA de CV had not submitted sufficient evidence to demonstrate that adequate corrective actions had been taken to address the critical violations cited during the January 2013 compliance review.

Mexico-domiciled motor carriers applying to participate in the Pilot Program are subject to the oversight program set forth in subpart B of 49 C.F.R. part 385, and are not permitted to hold provisional operating authority if the motor carrier has a less than "Satisfactory" safety rating. Accordingly, FMCSA will not grant provisional operating authority registration to participate in the Pilot Program to a Mexico-domiciled motor carrier that has a "Conditional" safety rating. Transportes Unimex SA de CV's "Conditional" safety rating became final on April 2, 2013, and remains in effect. Transportes Unimex SA de CV has not established that it meets FMCSA's safety fitness standard for the operating authority it seeks. Further, Transportes Unimex SA de CV has not established that it is willing and able to comply with applicable motor carrier statutes and regulations.

FMCSA finds that Transportes Unimex SA de CV has failed to demonstrate that FMCSA erred in rejecting its application for operating authority registration to participate in Pilot Program.

Transportes Unimex SA de CV's appeal of the rejection of its application for operating authority registration *is hereby denied.*



Dr. G. Kelly Leone
Associate Administrator for
Research and Information Technology

CERTIFICATE OF SERVICE

This is to certify that on this 2nd day of July 2013, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Adalberto Campero Martinez, Owner Transportes Unimex SA de CV Lib Luis Donaldo Colosio Reynosa, Tamaulipas 88786 MEXICO	One Copy United Parcel Service Tracking #
Juan Jauregui, Process Agent 858 West Price Road Brownsville, TX 78520	One Copy US Postal Service Mail
Joanne Cisneros, Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto, Suite 101 Austin, TX 78701	One Copy Internal Mail
Terry D. Wolf, Field Administrator U.S. Department of Transportation Federal Motor Carrier Safety Administration Western Service Center 1325 J Street, Suite 1540 Sacramento, CA 95814	One Copy Internal Mail

Potchance Ritad

FAX COVER SHEET

DATE: May 1, 2013

TO:

**DOT/FMCSA
Director, Office of Registration and Safety Information
1200 New Jersey Avenue, SE
Washington, DC 20590**

Fax (202) 366-7908

**FROM: Transportes Unimex SA De CV
Adalberto Campero**

SUBJECT: Appeal of Decision

COPIES: 14 plus cover sheet

COMMENTS:

THANK YOU

Transportes Unimex SA De C
Adalberto Campero Martinez, Owner
Lib Luis Donaldo Colosio
Reynosa, MX 88786
USDOT 1739863Z

April 30, 2013

USDOT / Federal Motor Carrier Safety Administration
Director, Office of Registration and Safety Information {MC-RS}
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: Cross-Border Long Haul Pilot Program Appeal

On or about April 25, 2013 Transportes Unimex received a "Order Rejection of the application for the U.S. -Mexico Cross Border Long Haul Pilot Program. The rejection order stated that we did not provide corrective action for the items noted on the January 17, 2013 Compliance Review.

This request is to appeal the final decision made for the Pilot Program. After the Compliance Review Transportes Unimex submitted their request for rating upgrade due to the corrective action taken with evidence. Please see the attached petition and evidence of the registered mail which was received on March 11, 2013.

Item 1. Copy of Petition dated February 13, 2013. (11 Pages)

Item 2. Copy of the Registered mail receipt with tracking numbers for both Lakewood, Co and Austin, TX.

The United Postal Service Tracking numbers indicate that the petition was received on 3/11/13 at 11:27 am for Lakewood, Co and delivered 3/11/13 at 3:51 pm in the Austin, TX office.

The petition was mailed and received within the required response time to show corrective action taken. FMCSA did not respond to our request and allowed for the safety rating to become final after the 90 day expiration date as required within the 49CFR 385.17 guidelines.

It is therefore, our request for appeal of your final decision based upon above explained reason.

Please see the attached supporting documents and feel free to contact us if you should have any questions.

Sincerely,



Adalberto Campero

BROWNSVILLE MPO
 BROWNSVILLE, Texas
 785209998
 4879830056-0096
 03/08/2013 (956)546-2411 12:59:39 PM

Sales Receipt

Product Description	Sale Unit Qty	Price	Final Price
---------------------	---------------	-------	-------------

DENVER CO 80215			\$1.52
Zone-5 First-Class			
Large Env			
3.20 oz.			
Expected Delivery: Mon 03/11/13			
Return Rcpt (Green Card)		\$2.55	
@@ Certified		\$3.10	
Label #:	70121010000013775177		
=====			
Issue PVI:		\$7.17	

AUSTIN TX 78701			\$1.52
Zone-3 First-Class			
Large Env			
3.10 oz.			
Expected Delivery: Mon 03/11/13			
Return Rcpt (Green Card)		\$2.55	
@@ Certified		\$3.10	
Label #:	70121010000013775160		
=====			
Issue PVI:		\$7.17	

Total: \$14.34

Paid by:
 Cash \$14.34

@@ For tracking or inquiries go to
 [redacted] or call [redacted]
 To a hurry? Self-service kiosks.

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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$7.17

BROWNSVILLE TX 78520
 MAR 8 2013
 USPS
 03/08/2013

Sent To: Carrie A. Conroy, Division Admin FMCSA, TX Division
 Street, Apt. No. or PO Box No. 903 San Jacinto Blvd Room 101
 City, State, ZIP+4 AUSTIN, TX 78701

PS Form 3800, August 2006 See Reverse for Instructions

7012 1010 0000 1377 5177

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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$7.17

BROWNSVILLE TX 78520
 MAR 8 2013
 USPS
 03/08/2013

Sent To: USDOT/FMCSA, Western Service Center, Cedar Hills Dr
 Street, Apt. No. or PO Box No. 12600 W Colfax Ave Suite B-302
 City, State, ZIP+4 Lakewood, CO 80215

PS Form 3800, August 2006 See Reverse for Instructions

Transportes Unimex SA De CV
Lib Luis Donaldo Colosio
Reynosa, MX 88786
USDOT 1739863Z

February 13, 2013

USDOT / Federal Motor Carrier Safety Administration
Western Service Center
William R Paden, Regional Administrator
Golden Hills Office Centre
12600 W. Colfax Ave. Suite B-300

Request for upgrade of Safety Rating after corrective action as per 49 CFR 385.17

USDOT 1739863Z

On or about January 25, 2013 a Compliance Review was conducted on our company. The result of the review was a proposed "Conditional Rating". Transportes Unimex has made corrective action for all the discrepancies listed on Part B of the Compliance Review report. Please see the following items addressed as part of our corrective action.

Item 1 – 382.305(b)(1)(critical) Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

Corrective Action: An internal investigation revealed that random alcohol test were conducted on our company drivers however, since we operate two different companies with each their own authority, the test results only indicated one company and none under this company authority. As part of our corrective action we have hired new staff personnel to help and assist with the Safety Department Program. We have also contracted a new third party administrator to handle our Drug and Alcohol consortium services. Please note the new company information:

Center of Industrial Rehab Services
Acct. Mgr. Irene Reyes
1401 South 6th St.
McAllen, TX 78501
(956)618-2400

Item 2 – 382.305(b)(2)(critical) Failing to conduct random controlled substances testing at a an annual rate of not less than the applicable annual rate of the average number of driver Positions.

Corrective Action: Although we did conduct nine of nineteen tests required with simply did not meet the minimum required as per regulation. After an internal investigation was conducted. It revealed that non-compliance issue was caused by miscommunication between both parties' motor carrier and consortium laboratory. The corrective action implemented is listed above and is the same for item one.

Items 3 -4 - 391.23(e)(1) and 391.51(b)(2) Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.

Corrective Action: After the Compliance Review was completed Transportes Unimex held an all hands staff meeting to initiate immediate corrective action. We hired an outside safety consultant to help and re-train our staff in the areas of safety regulations to include 49 CFR Parts 390-396. Each form and regulation pertaining to the driver qualification file was reviewed.. All driver files have been updated and completed.

Item 5 – 392.2 Operating a commercial vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated – Driver Fitness.

Corrective Action: Our Safety Consultant along with Transportes Unimex conducted training focused on the seven Basic Areas from SMS program. Training included how to minimize the inspection weight and gravity points. Training also included overall review of the point calculation for violations found during roadside inspection. In depth training also included each basic threshold limits.

Items 6 - 10 – 395.3(a)(1) thru 395.8(j)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive in violation of the 11,14 hour rules. Form and Manner as well as driver seven day statement.

Corrective Action: All company drivers are receiving Hours of Service training to include review of the 11,14 and 70 hr rules in accordance with 49 CFR Part 395. The safety department is currently conducting monthly internal auditing on all drivers logs. Drivers who are found to be in violation of these rules receive remedial training and/or disciplinary action reports. Please see attached copies of evidence of our "Employee Disciplinary Report".

Item 11 – 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.

Corrective Action- Although Transportes Unimex does file and maintain inspection records and was only missing 1 of 96 reviewed. We instructed our staff to continue to periodically check and insure all inspection reports are maintained.

Item Item 12 – Certificate of Compliance

Transportes Unimex SA de CV is currently operating in compliance with the Federal Motor Carrier Safety Regulations. Transportes Unimex SA de CV currently meets the safety standard and factors specified in 49 CFR Section 385.5

Certified by _____

Safety Plan with New Policies- Please see attached revised Safety Plan that indicates the actions taken that detail our new safety program that will take meaningful action for those that do not comply.

Transportes Unimex SA De CV. is requesting your consideration of up grading our current proposed rating to "Satisfactory" as a result of our corrective action taken with regard to the above items listed.

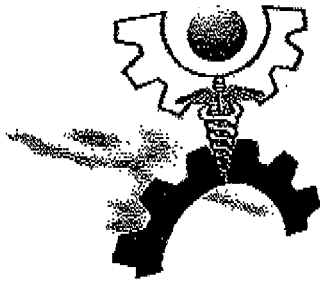
If you have any questions or concerns please contact me at (956)787-1515

Thank You for your time

Adalberto Campero Martinez
President/ Owner

CC.

FMCSA
Attn: Jeffrey Langloss
903 San Jacinto Blvd, Suite 101
Austin, TX 78701-2452



**The Center of
INDUSTRIAL
Rehabilitation Services**

February 13, 2013

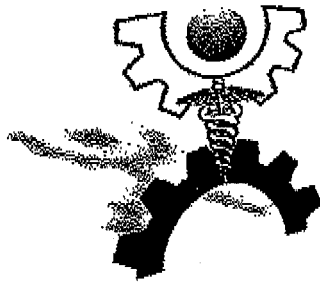
This certifies that Transportes Unimex. S.A.C.V has contracted The Center of Industrial Rehabilitation Services to handle the random selection requirements under Part 382 of the Department of Transportation requirement. This contract will commence on February 13, 2013 and will end on December 31, 2013 after which a new contract may be initiated for the next calendar year.

A handwritten signature in black ink, appearing to read 'Veronica Hinojosa R.M.A.', written over a horizontal line.

Veronica Hinojosa R.M.A.
The Center of Industrial & Rehab Services
1401 S. 6th St.
McAllen, TX 78501
(956)618-2400

A handwritten signature in black ink, appearing to read 'Transportes Unimex S.A.C.V.', written over a horizontal line.

Transportes Unimex S.A.C.V.
Cumbres de Acutzingo
#618 Esq Cerro
Reynosa, Tamp. 88780
(899)129-7701



The Center of
INDUSTRIAL
Rehabilitation Services

February 13, 2013

Drivers for Transportes Unimex:

Random Selection Results

Employer: **TRANSPORTES UNIMEX S.A.C.V.**
CUMBRES DE ACUTZINGO #618 ESQ ESQ CERRO DE
REYNOSA, 88780

Selection date: 02/11/2013 08:20:02 AM
Selection by: Janie Olivares

Selected Employees listed in the order they were selected. Alternates marked with a Y in the Alt Column.

Alt.	Employee Name	SSN	Test Type
1			Urine/Breath
2			Urine
3			Urine
4			Urine
5			Urine
6	Y		Urine/Breath
7	Y		Urine/Breath
8	Y		Urine/Breath
9	Y		Urine/Breath
10	Y		Urine/Breath

Transportes Unimex SA de CV

Motor Carrier Safety Management Plan

➤ Hours of Service Policy and Plan

All drivers must follow DOT rules and regulations in regards to the Hours of Service. Non-compliance with the following will subject the driver to disciplinary action. Questions in regards to the Hours of Service should be discussed with the Safety Department.

New Procedure - All drivers will be required to submit their time sheet on a weekly basis. The safety director will review time sheet for hours of service compliance. A report of violations will be prepared and reviewed with the driver. The driver will be counseled on the corrective actions needed.

- Local drivers must abide by the 100 air mile radius exemption. Logs will be reviewed regularly and any violations discovered upon review of logs will result in driver discipline ranging from a verbal warning to termination.
- Falsification of logs is not tolerated and driver is subject to severe disciplinary action, disciplinary action may include termination for falsifying the logbooks.
- All drivers must turn in driver log/time sheets, mileage reports, fuel receipts, signed bills of lading, roadside inspection reports and all other pertinent trip information immediately upon return from trip. Failure to do so will result in withholding of paycheck until all documentation is turned into the Safety department.

Enforcement Policy

All drivers will turn in their original copy of their log no later than 13 days . When the safety coordinator receives the drivers log he will then audit the log book for compliance of the 11/14/70 hour rules and 100 air mile exemption rule as well as falsification on logs and on Time Sheets.

Driver Violation and Discipline Process

Once a violation is noted on the drivers log audit report, the driver will be referred to the one of the following disciplinary steps:

First Offense - Remedial training on Hours of Service and documentation of training.

Second Offense - Must document why driver is in violation and additional Hours of Service Training and subject to suspension and or Other type of Disciplinary action.

Third Offense - Immediate disciplinary action to include further suspension

and may also be subject to review by company officials to determine if driver will continue with company or be terminated.

Driver Training Program

Prevention Tools

Every driver must attend a safety meeting at least one per quarter. The Safety Meeting will consist of one or more of the following topics:

- New released or revised USDOT regulations and laws
- Hours of Service (new releases)
- Vehicle Inspection Procedures
- Accident Prevention procedures
- Accident Reporting Procedures
- Drug and Alcohol Prohibition
- Extreme Weather Driving
- CSA Program
- State and Federal Laws
- Weight and Measures
- Load / Cargo Securement

- Transportes Unimex SA de CV is a drug free workplace and there is a zero tolerance of drugs. Alcohol will not be tolerated in the workplace or while on duty. Any driver with a confirmed positive result following a drug test or any trace of alcohol on a Breathalyzer or blood test will be immediately terminated. All drivers are subject to the drug and alcohol testing program IAW Parts 40 and 382 of the Federal Motor Carrier Safety Regulations. All drivers are required to undergo a Pre-employment drug test with a negative test result before performing any safety sensitive function. Drug and Alcohol Program consist of the following:
- Pre-employment testing
 - Random drug and alcohol testing
 - Reasonable Suspicion drug and alcohol testing
 - Post accident testing within 2 hours for alcohol and within 32 hours for a controlled substance regardless if driver received citation or not.

Transportes Unimex will not tolerate any illegal activities. Activities that will interfere with operations of the company or affect the well being of company employees on company property and vehicles. These activities include but are not limited to smuggling of drugs and/or illegal aliens, horseplay, fighting and etc. Violation of this policy will result in disciplinary action up to and including termination of employment.

- All drivers are required to keep the following documents current and up to date. Failure to keep the following documentation will result in disciplinary action.
 - Must keep CDL current and in good standing
 - Must keep Medical Certificate current.
 - Must maintain a clean driving record

- All drivers are subject to a thorough background check prior to and after gaining employment with Transportes Unimex, giving false or misleading information on an employment application will lead to the following.
 - Disqualification from employment with the company
 - Termination of employment if false or misleading information discovered after employment is gained with Transportes Unimex.

- All drivers must be safe and responsible, unsafe or reckless driving will not be tolerated and will subject the driver to immediate termination.

- Radar detectors are not allowed under any circumstances, possession of a radar detector in a commercial motor vehicle is a direct violation of federal law. Violation of this policy will result in the following disciplinary action.
 - First offense will result in a written warning.
 - Second offense will result in a three day suspension.
 - Third offense will result in termination.

- Drivers are responsible for keeping informed of any changes that occur in the Federal Motor Carrier Safety Regulations and State statutes. Questions in regards to regulation and or state law changes should be discussed with the Safety Department.

- All drivers are required to perform and document pre-trip and post-trip vehicle inspections. Failure to complete vehicle inspections or falsification of vehicle inspections will result in disciplinary action. Questions in regards to vehicle inspection requirements should be discussed with the Safety Department.

- All drivers must attend all scheduled safety meetings. Failure to attend safety meetings will subject the driver to disciplinary action up to and including termination.

- All drivers must obey all state and federal laws.

- Passengers will not be allowed in company or leased trucks under any circumstances. Violation of this policy will result in severe disciplinary action up to and including termination.
- Drivers must not drive when the driver has been placed out of service. Violation of this policy will result in immediate termination.
- Drivers must never drive a vehicle in an out of service condition. Violation of this policy will result in immediate termination.
- All drivers must fully cooperate with law enforcement officials when stopped for a vehicle inspection.
- Drivers and their property are subject to search while on duty and on company property.
- Drivers will report all accidents to dispatch and to law enforcement officials in that jurisdiction as soon as possible regardless of how minor the incident without exception.
- Drivers are responsible for load count while loading or unloading. Drivers must also ensure that cargo is not damaged while being loaded or unloaded. Drivers will be required to pay for shortages or damage to cargo.
- Drivers will be held responsible and will have to pay for all damage to equipment owned or leased by Transportes Unimex resulting from driver error, negligence or carelessness.
- Drivers must call in every day before 10:00 a.m., regardless if they are on a trip or on their home time. Failure to comply with this requirement will result in disciplinary action.
- Drivers who abandon their trucks during a trip will have their pay garnished to cover expenses incurred by Transportes Unimex to recover abandoned vehicle and load.
- All drivers must deliver their loads on time. Late deliveries will not be tolerated. In the event that the driver or vehicle is detained. The driver must notify dispatch immediately. Vehicles breakdowns are expected and anticipated, however the driver must notify dispatch immediately, so operations may make arrangements for a later delivery time. Unexcused late deliveries will result in disciplinary action.
- Company vehicles are not to be used for personal use at any time or under any circumstances.

- All drivers are required to leave company vehicles at the terminal upon return from dispatch. Bobtailing vehicles to your residence or any other location will not be tolerated.
- Last, but not least, you are a professional truck driver so be professional, safe, courteous and responsible. Remember, you are a representative of the Company. We only look good when you look good.

I hereby certify that I have read and understand the safety policy listed above. I understand that I must comply with all of the information listed in this policy; I also understand that non-compliance with the safety policy will subject me to disciplinary action.

Printed Name

Date

Driver Signature

Yo, _____ estoy de acuerdo que la politica anterior se me ha explicado en español por _____. Yo, _____ comprendo la politica anterior y certifico que voy a cumplir con todas las politicas establecidas por _____.

Firma de chofer

Fecha



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

SERVICE DATE: APR 25 2013

Adalberto Campero Martinez, Owner
Transportes Unimex SA de CV
Lib Luis Donaldo Colosio
Reynosa, Tamaulipas 88786
MEXICO

USDOT Number 1739863
MX Number 637271

Mailing Address:
9600 International Boulevard
Pharr, TX 78577

ORDER REJECTING APPLICATION FOR
AUTHORITY TO OPERATE IN THE U.S.-MEXICO CROSS-BORDER
LONG-HAUL PILOT PROGRAM

BASIS FOR ORDER

This Order rejecting the application for motor carrier operating authority in the Cross-Border Long-Haul Pilot Program (Pilot Program) is issued by the U.S. Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA). This Order is based upon FMCSA's determination that Transportes Unimex SA de CV has not made a *prima facie* showing that its application is materially complete and that it is fit, willing, and able to comply with applicable Federal requirements.

The standards by which FMCSA grants applications for operating authority are established by statute and regulations. In accordance with 49 U.S.C. § 13902(a)(1), FMCSA will grant a request for authority to operate in the Pilot Program if FMCSA finds that the applicant is fit, willing, and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the Federal Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 399); 3) the commercial motor vehicle (CMV) safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

By this Order FMCSA finds that:

I. Transportes Unimex SA de CV is a Mexico-domiciled motor carrier with OP-2 registration that permits it to operate commercial motor vehicles in the United States in the commercial zones along the U.S.-Mexico border. Transportes Unimex SA de CV

submitted an application in September 2011 for OP-1 MX operating authority to participate in the Pilot Program.

2. On January 17, 2013, FMCSA conducted a compliance review on Transportes Unimex SA de CV. During the compliance review FMCSA discovered serious violations of the Federal Motor Carrier Safety Regulations (FMCSRs), including patterns of non-compliance with critical regulations related to controlled substances and alcohol testing of drivers. The compliance review resulted in a proposed "Conditional" safety rating. A "Conditional" safety rating means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard. The "Conditional" safety rating became a final rating and went into effect on April 2, 2013.

3. Mexico-domiciled motor carriers applying to participate in the Pilot Program are subject to the oversight program set forth in subpart B of 49 C.F.R. part 385, and are not permitted to hold provisional operating authority if the motor carrier has a less than "Satisfactory" safety rating. Accordingly, FMCSA will not grant provisional operating authority registration to participate in the Pilot Program to a Mexico-domiciled motor carrier that has a "Conditional" safety rating.

ORDER

It is therefore ORDERED that Transportes Unimex SA de CV's application for operating authority to transport property in the United States beyond the commercial zones along the U.S.-Mexico border in the Pilot Program is rejected.

RIGHT TO APPEAL

Transportes Unimex SA de CV has the right to appeal this rejection of its application for authority under the Pilot Program to conduct long-haul transportation of property in the United States beyond the municipalities and commercial zones along the U.S.-Mexico border. In accordance with 49 C.F.R. § 365.111 (a) a written appeal of this ORDER of rejection must be filed with FMCSA no later than 10 calendar days of the date of this ORDER. Any written appeal must be filed with FMCSA at the following address:

Director, Office of Registration and Safety Information [MC-RS]
1200 New Jersey Avenue, SE
Washington, DC 20590

The request may be faxed to (202) 366-7908.

Pursuant to 49 C.F.R. § 365.111(b), if an appeal is successful and the filing is found to be proper, the application shall be deemed to have been properly filed as of the decision date of the appeal.

SUBMISSION OF NEW APPLICATION

A motor carrier whose application for authority to operate in the Pilot Program has been rejected by FMCSA may reapply to participate in the pilot program. If Transportes Unimex SA de CV elects to submit a new application for participation in the Pilot Program, it must submit evidence (1) to make an initial showing that it has corrected the deficiencies that resulted in FMCSA rejecting its application, and (2) to show that it is fit, willing and able to comply with applicable Federal requirements.

To participate in the Pilot Program, Transportes Unimex SA de CV must submit a new Form OP-1(MX) "Application to Register Mexican Carriers for Motor Carrier Authority to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border", and a Form MCS-150, the "Motor Carrier Identification Report." Transportes Unimex SA de CV must also satisfactorily complete a pre-authorization safety audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dr. G. Kelly Leone". The signature is fluid and cursive, with a long horizontal flourish at the end.

Dr. G. Kelly Leone
Associate Administrator for Research and
Information Technology/Chief Information
Officer

CERTIFICATE OF SERVICE

This is to certify that on the 25th day of April 2013, the undersigned served, as specified, the designated number of copies of the foregoing document to each of the parties listed below:

Adalberto Campero Martinez, Owner Transportes Unimex SA de CV Lib Luis Donaldo Colosio Reynosa, Tamaulipas 88786 MEXICO	One Copy United Parcel Service Tracking#
Juan Jauregui, Process Agent 858 West Price Road Brownsville, TX 78520	One Copy US Postal Service Mail
Joanne Cisneros, Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto, Suite 101 Austin, TX 78701	One Copy Internal Mail
Terry D. Wolf, Field Administrator U.S. Department of Transportation Federal Motor Carrier Safety Administration Western Service Center 1325 J Street, Suite 1540 Sacramento, CA 95814	One Copy Internal Mail



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