

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

JPL LOGISTICS, LLC)
Order No.: TX-2022-5004-IMH)
USDOT NO. 3466122)
MC NO. 1133021) Service Date: May³¹, 2022)
Service Time: 10:24 AM)

IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER

This is an Imminent Hazard Operations Out-of-Service Order (“ORDER”) issued by the Secretary of the United States Department of Transportation (the “Secretary”) pursuant to 49 U.S.C. §§ 521(b)(5)(A), 13905(f), 31132(3), 31133(a)(10), 31134, 31144(c)(1), and 49 CFR § 386.72(b)(1), and pursuant to a delegation of authority to the Regional Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), and the United States Department of Transportation (“USDOT”). This ORDER applies to PURAV SHAH individually and any other business or name under which PURAV SHAH conducts motor carrier operations including but not limited to JPL LOGISTICS, LLC (USDOT No. 3466122) (collectively referred to as “you,” “your,” or “Shah”). Additionally, this ORDER applies to all your officers, agents, and employees and to all commercial motor vehicles owned or operated on your behalf.

The Secretary and the FMCSA find your continued operation of any commercial motor vehicle (“CMV”)¹ in interstate or intrastate commerce constitutes an **imminent hazard**. This

¹ Under 49 CFR § 390.5T, a commercial motor vehicle includes “any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—(1) [h]as a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or (2) [i]s designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) [i]s designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.”

finding means that based upon your present state of unacceptable safety compliance, your operation of any CMV substantially increases the likelihood of serious injury or death if not discontinued immediately.

EFFECTIVE IMMEDIATELY YOU MUST
CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS IN
INTERSTATE AND INTRASTATE TRANSPORTATION.

Your vehicle(s) and driver(s) now in interstate or intrastate commerce may proceed to the next scheduled stop where the cargo on board can be safely secured. *See* 49 CFR § 386.72(b)(4) and (5).

YOU MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL CARGO OR
OPERATE ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE OR
INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.

“Operate” or “operating” includes without limitation all interstate and intrastate transportation by your drivers from all dispatching locations or terminals.

Commercial motor vehicles may not be operated in interstate or intrastate commerce by you or on your behalf.

Within eight (8) hours of the service of this ORDER, you must submit to the Regional Field Administrator in writing by electronic mail the location of each CMV under your control. You must identify the vehicle by year, make, model, and vehicle identification number (VIN). You must include a copy of the current registration. You must also identify the street address, city, and state of the location of each vehicle, and you must identify the driver last operating the vehicle. Your submission must be sent to:

Regional Field Administrator
WSCENF@dot.gov (electronic mail)

Any sale, lease, or other transfer of equipment under your control and/or direct assignment of contracts or other agreements for service by you requires written approval by the Regional Field Administrator.

You cannot avoid this ORDER by continuing operations under the name of another person or company. *See* 49 U.S.C. § 31135(b); 49 CFR §§ 385.1005 and 386.73.

I. JURISDICTION

You conduct motor vehicle operations in interstate commerce using a combination of motor vehicles with a gross vehicle weight rating (“GVWR”) of 26,001 pounds or more. You are therefore subject to Federal motor carrier safety statutes and regulations, including the Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 CFR Parts 350-399, and the alcohol and controlled substances regulations at 49 CFR Part 40, as well as Orders of the USDOT and FMCSA. *See* 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, 31144, and 31306. You are required to comply, and to ensure your drivers comply, with the FMCSRs, alcohol and controlled substances regulations, and Orders of the USDOT and FMCSA. *See* 49 U.S.C. § 31135(a); 49 CFR § 390.11.

This ORDER has the force and effect of any other Order issued by FMCSA and is binding on you, and all owners, officers, members, directors, successors, assigns, and closely affiliated companies. This ORDER applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by you.

II. BACKGROUND AND BASIS FOR ORDER

The basis for determining that your motor vehicle operations pose an imminent hazard to the public is your use of common ownership, common management, common control and/or common familial relationship to enable motor carriers, employers, and/or persons to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance,

with regulations prescribed under 49 U.S.C. Chapter 311, Subchapter III and an Order of the Secretary issued under 49 U.S.C. Chapter 311, Subchapter III. *See* 49 U.S.C. § 31135(b). Additionally, you have failed to demonstrate compliance with the FMCSRs, including regulations in 49 CFR Part 382, (Controlled Substances and Alcohol Use and Testing), 49 CFR Part 383 (Commercial Driver’s License Standards), 49 CFR Part 391 (Qualifications of Drivers), 49 CFR Part 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR Part 395 (Hours of Service of Drivers), and 49 CFR Part 396 (Vehicle Inspection, Repair, and Maintenance).

A. Avoidance of Compliance with the FMCSRs and an Imminent Hazard Operations Out-of-Service Order

On May 7, 2022, FMCSA served Jaypur Logistics LLC (USDOT 3150073) (hereinafter “Jaypur”) an Imminent Hazard Operations Out-of-Service Order (“Jaypur IH Order”) based on its continued widespread noncompliance with the FMCSRs. The Jaypur IH Order, attached to this Order and incorporated herein by reference, details Jaypur’s specific deficiencies that substantially increase the likelihood of serious injury or death if not discontinued immediately. These deficiencies include violations of regulations in 49 CFR Part 382, (Controlled Substances and Alcohol Use and Testing), 49 CFR Part 383 (Commercial Driver’s License Standards), 49 CFR Part 391 (Qualifications of Drivers), 49 CFR Part 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR Part 395 (Hours of Service of Drivers), and 49 CFR Part 396 (Vehicle Inspection, Repair, and Maintenance). The Jaypur IH Order specifically states, in underlined font, “You cannot avoid this ORDER by continuing operations under the name of another person or company.”

Approximately four hours after service of the Jaypur IH Order, the Montana Department of Transportation inspected a Jaypur CMV and driver at a scale station in Cascade

County, Montana. The roadside officer cited Jaypur with two out-of-service violations: (1) operating in violation of an imminent hazard out-of-service order in violation of 49 CFR § 386.72(b)(4), and (2) driving beyond the 11-hour driving limit in violation of 49 CFR § 395.3(a)(3)(i). During the roadside inspection, Jaypur's driver communicated with Jaypur's owner, Purav Shah. Mr. Shah told the driver to change the USDOT number on the side of the truck from Jaypur's DOT number to JPL Logistics LLC's USDOT number. According to a Motor Carrier Identification Report ("MCS-150") that Purav Shah filed with FMCSA on March 16, 2021, Narendra Shah, a relative of Purav Shah, and Purav Shah are the owners of JPL Logistics LLC.

On May 11, 2022, Mr. Shah spoke to both the Federal Programs Manager for FMCSA's Texas Division and the Service Center Director for FMCSA's Western Service Center. The Federal Programs Manager and the Service Center Director reiterated to Mr. Shah that he could not reincarnate or operate under an affiliated company or USDOT number.

Despite the language in the Jaypur IH Order and direction from FMCSA personnel, on or about May 26, 2022, during an investigation of JPL Logistics LLC, Purav Shah admitted to two of FMCSA's safety investigators that he reopened JPL Logistics LLC on May 13, 2022 to allow his motor carrier operations to continue.

B. Use of Common Ownership, Common Management, Common Control and/or Common Familial Relationship

Additional evidence that Purav Shah used common ownership, common management, common control and/or a common familial relationship to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under 49 U.S.C. Chapter 311, Subchapter III and an Order of the Secretary issued under 49 U.S.C. Chapter 311, Subchapter III includes the following:

1. Purav Shah is an owner of both Jaypur and JPL Logistics LLC.
2. Purav Shah obtained a USDOT number on behalf of JPL Logistics LLC in August 2020. However, after August 2020, Mr. Shah stopped using JPL Logistics LLC until May 2022 when Jaypur was served with the Jaypur IH Order.
3. On or about May 11, 2022, JPL Logistics LLC requested a PIN for access to FMCSA systems.
4. Jaypur and JPL Logistics LLC have used the same phone number and address.
5. Nine of JPL Logistics LLC's twelve drivers were also drivers for Jaypur.
6. Eight of eleven vehicles listed on JPL Logistics LLC's vehicle list were also vehicles for Jaypur.
7. Jaypur and JPL Logistics LLC use the same insurance policy and provider.
8. At least two vehicles display both Jaypur Logistics LLC and JPL on the side of the vehicle.²

C. Effect of Violations

Your avoidance of compliance with the FMCSRs and the Jaypur IH Order substantially increases the likelihood of serious injury or death for your drivers and the motoring public if your operations are not discontinued immediately. Your entire operations constitute an imminent hazard to safety which warrants the complete cessation of your operations.

III. REMEDIAL ACTION

To eliminate this imminent hazard, and before you will be permitted to resume your motor carrier operations placed out of service by this Order, you must take specific steps to

² On May 24, 2022, FMCSA personally served an Operations Out-of-Service and Record Consolidation Order ("RCO") on Jaypur and JPL Logistics LLC. The RCO becomes a Final Agency Order and is effective on June 14, 2022 unless a request for administrative review is served and filed in accordance with the requirements of 49 CFR § 386.73(g).

ensure and demonstrate compliance with the FMCSRs including the following specific actions as outlined in the Jaypur IH Order:

1. You must implement and maintain a controlled substance and alcohol testing program in accordance with 49 CFR Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing).
2. You must establish safety management controls and procedures to ensure that drivers that operate commercial motor vehicles, as defined in 49 CFR § 382.107, in interstate and intrastate commerce comply with the prohibitions and limitations on the use of alcohol and controlled substances in accordance with 49 CFR Part 382.
3. You must access FMCSA's Drug and Alcohol Clearinghouse as required and establish safety management controls and procedures to ensure that you perform all required employer functions, including conducting pre-employment queries as required by 49 CFR § 382.701. You must immediately cease using any drivers currently prohibited in the Drug and Alcohol Clearinghouse.
4. In accordance with 49 CFR Part 383, you must establish safety management controls and procedures to ensure that each and every driver that operates a commercial motor vehicle, as defined in 49 CFR § 383.5, in interstate or intrastate commerce has the necessary driver's license, including any required endorsements, for the motor vehicles the driver operates.
5. In accordance with 49 CFR part 391, you must qualify each driver that operates on your behalf and maintain complete driver qualification files. In accordance with 49 CFR § 391.51(b)(2), you must obtain and maintain motor vehicle records for all drivers.
6. You must demonstrate that your drivers will operate CMVs in accordance with the laws, ordinances, and regulations of the jurisdiction(s) in which you are operating.
7. You must establish safety management controls and procedures to ensure that your drivers comply with the hours of service requirements as set forth in 49 CFR Part 395 including ensuring that your drivers: (1) prepare and submit records of duty status using the appropriate method, (2) retain and submit supporting documents, (3) do not exceed maximum driving times, and (4) do not falsify records of duty status. Your safety management controls must also ensure that you maintain drivers' records of duty status and supporting documents for 6 months in accordance with 49 CFR § 395.8(k)(1).

8. You must establish safety management controls and procedures that ensure that each and every CMV you operate or intend to operate, whether owned, rented, leased or otherwise used, is safe and is systematically and properly inspected, maintained, and repaired as required by 49 CFR Part 396, and that documentation of inspections, maintenance and repair are obtained and maintained as required. Your safety management controls must ensure that your drivers complete Driver Vehicle Inspection Reports when required in accordance with 49 CFR § 396.11.
9. You must contact FMCSA's Texas Division and arrange for inspection of each of your CMVs by an FMCSA inspector or an inspector designated by FMCSA.
10. In accordance with 49 CFR § 390.3T(e), you must be knowledgeable of and comply with the federal motor carrier statutes and regulations. You must ensure that your compliance and safety management controls apply to both company drivers and owner-operators driving on your behalf.
11. You must comply with all Orders issued by FMCSA.

IV. RESCISSION OF ORDER

You are subject to this ORDER unless and until this ORDER is rescinded in writing by FMCSA. Until this ORDER is rescinded and you have a valid and active USDOT number and, as applicable, operating authority registration, you are prohibited from operating any commercial motor vehicle, as defined by 49 CFR § 390.5T, in interstate and/or intrastate commerce. This ORDER will not be rescinded until the Regional Field Administrator for FMCSA's Western Service Center has determined that the Remedial Action requirements, specified in Paragraph III of this ORDER, have been fully satisfied and acceptable documentation submitted.

Before this ORDER may be rescinded, you must comply with the provisions of this ORDER, eliminate the deficiencies constituting the imminent hazard that your CMV operations pose, and provide evidence to the Regional Field Administrator for FMCSA's Western Service Center of the actions taken to eliminate the associated safety problems.

Any request to rescind this ORDER and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Regional Field Administrator, Western Service Center, with a copy to the Division Administrator, Texas Division, at the following addresses:

Regional Field Administrator, Western Service Center
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
wscenf@dot.gov

Division Administrator, Texas Division
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd., Suite 1100
Austin, TX 78701
mctxoff@dot.gov

In order for you to resume motor carrier operations in interstate or intrastate commerce, you will be required to apply for any required operating authority registration and demonstrate that you are fit and willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle 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 5) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31139.

To be eligible for registration, you must not be subject to any other order prohibiting you from operating in interstate commerce.

V. ENFORCEMENT OF ORDER

This ORDER, issued pursuant to 49 U.S.C. §§ 521(b)(5)(A), 13905(f), 31144(c)(1) and (5), 31132(3), 31133, and 31134 and 49 CFR § 386.72(b)(1), is an Order of, and enforceable by, the Secretary. Violations of this ORDER may subject you to civil penalties and may also result in an action in the United States District Court for equitable relief and punitive

damages. You may be assessed civil penalties of up to \$29,893 for each violation of this ORDER. *See* 49 U.S.C. §§ 507, 521(b)(2)(F) and 521(b)(4) and 49 CFR Part 386 App. A. § IV(g)). You may also be assessed civil penalties of not less than \$11,956 for providing transportation requiring registration, including operating a CMV in interstate commerce, without operating authority registration, and up to \$16,864 for operating a CMV in interstate commerce without USDOT number registration. *See* 49 U.S.C. §§ 14901, 14702-03, 507, 521(b)(2)(F) and 31134. If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. 49 U.S.C. § 521(b)(6)(A).

VI. PENALTIES FOR VIOLATIONS OF FEDERAL REQUIREMENTS

Any person, including any CMV operator, employer, and/or motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statute and regulations are separate and distinct from this ORDER. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this ORDER, and/or discovered during subsequent investigations.

VII. RIGHT TO REVIEW

You have the right to administrative review under 5 U.S.C. § 554 and 49 CFR § 386.72(b)(4). If requested, administrative review must commence within ten days after the petition for review is filed and must be concluded as expeditiously as practicable but may run longer than ten days from the date of issuance of such Order or the filing of the petition for review. *See* 49 U.S.C. § 521(b)(5) and 49 CFR § 386.72(b)(4). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal

Motor Carrier Safety Administration, with a copy sent to Adjudications Counsel and the Regional Field Administrator, Western Service Center, via electronic mail or at the following addresses:

Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Adjudications Counsel (MC-CCA)
Federal Motor Carrier Safety Administration
Office of the Chief Counsel
1200 New Jersey Avenue, S.E.
Washington, DC 20590
FMCSA.Adjudication@dot.gov

Regional Field Administrator, Western Service Center
Federal Motor Carrier Safety Administration
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215
wscenf@dot.gov

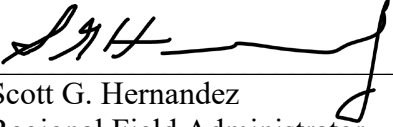
The request must state the material facts at issue which you believe dispute or contradict the finding that your CMV operations in interstate or intrastate commerce constitute an imminent hazard to the public.

A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY. *See* 49

CFR § 386.72(b)(4). This ORDER does not amend or modify any other orders or actions.

Any request for administrative review of this ORDER does not attach to or apply to any other order or action.

Date: May 27, 2022



Scott G. Hernandez
Regional Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration