

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**Gurpreet Singh,
Driver**

**New Jersey Commercial Driver's
License**

)
) **Order No.: NJ-2024-5000-IMH**
)
) **Service Date: April 19, 2024**
)
) **Service Time: 8:54pm**
)

IMMINENT HAZARD OUT-OF-SERVICE ORDER

This is an Imminent Hazard 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), 49 U.S.C. § 31310(f), 49 CFR § 383.52, and 49 CFR § 386.72(b)(1), and pursuant to a delegation of authority to the Regional Field Administrator, Eastern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (“USDOT”), Baltimore, Maryland. This ORDER applies to Gurpreet Singh, a commercial motor vehicle driver (also referred to as “you,” “your,” and/or “Singh”).

The Secretary and the FMCSA find that your continued operation of any commercial motor vehicle (“CMV”), as defined in 49 CFR § 390.5T,¹ in interstate commerce constitutes an **imminent hazard** to public safety. This 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.

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.”

In addition, pursuant to 49 CFR § 383.52, the determination that your operation of CMVs constitutes an imminent hazard results in you being disqualified from operating any CMV for which a commercial driver's license is required. The initial period of disqualification is for 30 days from the service date of this ORDER and is effective immediately. The Regional Field Administrator proposes a disqualification of one year from the service date of this ORDER, the maximum duration of disqualification under 49 CFR § 383.52(c). This one-year period of disqualification will take effect in 30 days unless you submit a request for administrative review, or the Regional Field Administrator rescinds this ORDER pursuant to Section IV below. This disqualification is separate from any other disqualification to which you may have been, or will be, subject. This disqualification will be transmitted to the jurisdiction where you are licensed and will become a part of your driving record maintained by that jurisdiction.

**EFFECTIVE IMMEDIATELY YOU MUST CEASE OPERATING ANY
COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE.**

**YOU ARE PROHIBITED FROM OPERATING ANY COMMERCIAL MOTOR
VEHICLE IN INTERSTATE COMMERCE AT ANY TIME DURING WHICH
THIS ORDER IS IN EFFECT.**

If you are served this ORDER while operating a CMV in intrastate or interstate commerce, you must immediately park such vehicle and arrange for a fully qualified driver to take over operation of the vehicle. You may not continue to operate the CMV.

I. JURISDICTION

You are a driver of CMVs in interstate commerce. You are subject to the Federal Motor Carrier Safety Regulations ("FMCSRs") in 49 CFR parts 350-399 as well as Orders of the USDOT and FMCSA. See 49 U.S.C. §§ 506, 507, 13501, 31133, 31136 and 31306. You are required to comply with federal statutes and regulations including those pertaining to controlled substance and alcohol use and testing and driving of CMVs. (49 CFR parts 382, 383, and 392).

II. BASIS FOR ORDER

The basis for determining that your operation of a CMV poses an imminent hazard to the public is that you have failed to exercise an appropriate duty of care to the motoring public while operating a CMV. Specifically, you ignored FMCSRs relating to alcohol use and possession, hours of service, compliance with FMCSA orders, and the safe operation of a CMV. These violations and the blatant disregard for the safety of the motoring public demonstrated by these actions substantially increases the likelihood of serious injury or death to you and the motoring public if not discontinued immediately.

The specific deficiencies that substantially increase the likelihood of serious injury or death are as follows:

1. On March 28, 2024, you were operating a CMV, a white 2019 Freightliner, New Jersey plate [REDACTED] with a VIN ending in 4152, in interstate commerce from Hillsboro, OR to Monkton, MD (USDOT No. 3724751) to deliver nursery plants when you rear-ended a passenger vehicle on Highway 10 in Hillsboro, OR at approximately 7:36 a.m.

2. Deputy James Rue of the Washington County, OR Sheriff's Office was dispatched to the scene of the accident where he located the driver of the passenger vehicle in question. The passenger vehicle was parked on the side of the road near the intersection of River Road and Farmington Road. Deputy Rue observed that there were no other vehicles present. He observed damage to the rear bumper of the passenger vehicle and coffee stains on sweatshirt of the driver of the passenger vehicle. The driver of the passenger vehicle provided Deputy Rue with a photograph she had taken of the truck tractor as it left the scene of the accident. Deputy Rue recognized the decal as being that of Eshragi Nursery which was located just west of the scene of the accident.

3. Deputy Rue proceeded to Eshragi Nursery. There, he observed the trailer from the photograph bearing the decal of the nursery parked at a loading dock. Moments later, Deputy Rue observed a white 2019 Freightliner with New Jersey plate [REDACTED] pull into the parking lot at Eshragi Nursery and connect to the trailer at the loading dock.

4. Deputy Rue spoke to you in the parking lot at Eshragi Nursery. During this conversation, you admitted to rear-ending a vehicle and leaving the scene of an accident.

5. At approximately 8:40 a.m. on March 28, 2024, you underwent a Level II truck inspection. During the inspection, it was confirmed that you are the owner/operator of 1Noor Trucking with USDOT 3724751. The inspection further revealed that you did not have a logbook or electronic records of duty status. Further, a bottle marked “vodka” was found in the cab of the truck tractor, a violation of 49 CFR § 392.5(a)(3). As a result of the inspection, Deputy Rue cited you with several violations. Relevant to this proceeding, you were cited for (1) Following Too Close, a violation of 49 CFR § 392.2; (2) possession of alcohol while on-duty, or operating, or in physical control of a CMV, a violation of 49 CFR § 392.5(a)(3); and (3) having no electronic logging device (“ELD”) or Record of Duty Status (“RODS”) of any kind, a violation of 49 CFR § 395.8(a)(1). Deputy Rue placed you out-of-service for 24 hours for the violation of 49 CFR § 392.5(a)(3). See 49 CFR § 392.5(c).

6. At approximately 12:07 p.m. on March 28, 2024, Deputy Tyler Van Wormer with the Clackamas County, OR Sheriff’s Office received a telephone call from Deputy Rue. During the telephone call, Deputy Rue told Deputy Van Wormer that Deputy Rue had performed an inspection of you earlier in the day and that you had been placed out-of-service for 24 hours, but you had nonetheless left the location in your CMV in violation of the out-of-service order. Deputy Rue provided Deputy Van Wormer with a photograph of your truck.

7. At approximately 3:22 p.m., Deputy Van Wormer located you at SE 98th Avenue and SE Violet in Clackamas, OR when you committed a traffic violation. After stopping your commercial motor vehicle and speaking with you, Deputy Van Wormer observed that your eyes were glassy and red/bloodshot. Deputy Van Wormer also detected an odor of alcohol about your person. After Deputy Van Wormer advised you of your Miranda rights, you advised Deputy Wormer that you knew the police were looking for you. You admitted to Deputy Van Wormer that you had attempted to evade him. You also admitted to Deputy Van Wormer that you did not have a logbook or an ELD, but that you did have paper logs and were not using them, in violation of 49 CFR § 395.8(a)(1). Further, you admitted to Deputy Van Wormer that you knew you had been placed out-of-service for 24 hours earlier in the morning and that you knew you were not allowed to drive during that time but did so anyway, in violation of 49 CFR § 392.5(c). Field sobriety tests administered to you by Deputy Van Wormer confirmed his belief that you were impaired to a noticeable and perceptible degree.

8. At approximately 3:55 p.m. on March 28, 2024, Deputy Van Wormer placed you under arrest and transported you to the Clackamas County Sheriff's Office. At the Sheriff's Office, Deputy Van Wormer administered you a breath test, which revealed a Blood Alcohol Content ("BAC") of 0.07%, in violation of 49 CFR §§ 382.201, 382.205 and/or 382.207, 49 CFR § 392.5(a)(1), and 49 CFR § 392.5(a)(2).

9. Deputy Wormer cited you for: (1) using alcohol, or being under the influence of alcohol, within 4 hours before going on duty or operating, or having physical control of, a commercial motor vehicle, a violation of 49 CFR § 392.5(a)(1); (2) using alcohol, being under the influence of alcohol, or having any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle, a violation of 49 CFR § 392.5(a)(2); (3) having no electronic logging device ("ELD") or Record of Duty Status

(“RODS”) of any kind, a violation of 49 CFR § 395.8(a)(1); (4) violating an out-of-service order pursuant to 49 CFR § 392.5(a), a violation of 49 CFR § 392.5(c)(2); and (5) driving a CMV after being declared out-of-service, a violation of 49 CFR § 395.13(d)(1). Deputy Van Wormer placed you out-of-service for 24 hours.

10. Moreover, this is not your first alcohol-related violation while operating an CMV. Records maintained by the FMCSA show that on August 31, 2023, you were operating a CMV with a gross vehicle weight rating (“GVWR”) over 26,001 pounds when you became subject to a roadside inspection on State Route 347 in Pinal, Arizona. During the August 31, 2023 roadside inspection, you underwent a Preliminary Breath Test (“PBT”) that revealed a quick capture of .111%. You were cited for driving a CMV while using alcohol, being under the influence of alcohol, or having any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle, a violation of 49 CFR § 392.5(a)(2). Pursuant to Arizona state law, you were arrested for driving under the influence while in physical control of a vehicle, (ARS 28-1381(A)(1)) and operating a CMV with a BAC of .04 or more (ARS 28-1381(A)(4)).

III. REMEDIAL ACTION

To abate the imminent hazard, and before you may operate a CMV in interstate commerce, you must provide evidence to demonstrate compliance with the FMCSRs to the FMCSA Eastern Service Center Regional Field Administrator. **You may not operate a commercial motor vehicle in interstate commerce until you have fully complied with the Remedial Actions outlined in this section.**

1. You must demonstrate that you will not report for duty, remain on duty, or operate CMVs while using or under the influence of alcohol as identified in 49 CFR §§ 382.201 and 392.5.

2. You must complete the return-to-duty process under 49 CFR § 382.503 and 49 CFR Part 40, Subpart O. You must be evaluated by a substance abuse professional (SAP). You must provide an accurate account of your alcohol and controlled substances use history for the last five years and a copy of this ORDER at the initial SAP consultation. You must successfully complete the substance abuse education and/or treatment program as recommended by the SAP, pass return-to-duty testing, and otherwise satisfy all requirements set forth in 49 CFR §§ 382.503 and 382.605 and 49 CFR Part 40, subpart O. The SAP evaluation, program completion, and return-to-duty testing must occur after the service date of this ORDER. You must demonstrate full compliance with all SAP assessments and evaluation recommendations and return-to-duty testing. You must provide documentation satisfactory to the Regional Field Administrator that you have completed the SAP evaluation, required education, and return-to-duty process and otherwise complied with 49 CFR Part 40, subpart O.
3. You must be evaluated by a qualified medical examiner who is familiar with USDOT regulations and be issued a valid medical examiner's certificate after you have fully and truthfully completed the Medical Examination Report Form. You must provide a copy of the Medical Examination Report Form and medical examiner's certificate. If not evident on the Medical Examination Report Form, you must submit evidence that you disclosed your use of alcohol to the medical examiner.
4. You must provide documentation that you possess a valid commercial driver's license and a valid medical certificate issued after the service date of this ORDER.
5. You must provide evidence that you are physically qualified to operate a CMV in accordance with 49 CFR §§ 391.11, 391.41, and 391.45, including evidence that you do not have a current clinical diagnosis of alcoholism in conformity with 49 CFR § 391.41(b)(13).
6. You must provide information regarding your current employment status, indicating whether you are currently employed as a driver or in any other safety-sensitive position regulated by FMCSA. This documentation must include the name, address and USDOT number of your current motor carrier employer(s), if any.
7. You must establish safety management controls and procedures to ensure that you comply with the hours of service requirements as set forth in 49 CFR Part 395 including ensuring that you (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. Safety management controls must ensure that drivers' records of duty status and supporting documents are retained for 6 months in accordance with 49 CFR § 395.8(k).

8. You must satisfactorily demonstrate that you have:
 - a. Completed a training course on the Federal Motor Carrier Safety Regulations (FMCSRs), specifically, training focused on Alcohol Use and Testing (49 CFR Part 382), Driver Qualification (49 CFR Parts 383 and 391), and Hours of Service (49 CFR Part 395); and
 - b. Completed a training course specific to the use, monitoring and compliance with the Electronic Logging Devices (ELDs); and
 - c. Acquired the requisite knowledge of the rules and safety practices to operate a commercial motor vehicle in accordance with the FMCSRs.
9. In accordance with 49 CFR §§ 382.201 and 207, you must demonstrate that you will not report for duty or remain on duty requiring the performance of safety-sensitive functions with an alcohol concentration of 0.04 or greater or within four hours of consuming alcohol.
10. You must demonstrate that you will operate CMVs in accordance with the laws, ordinances, and regulations of the jurisdiction(s) in which you are operating in accordance with 49 CFR § 392.2.
11. You must comply with all Orders of FMCSA.

IV. RESCISSION OF ORDER

You are subject to this ORDER until the Order is rescinded in writing by the FMCSA. **Until the ORDER is rescinded, you are prohibited from operating any CMV, as defined by 49 CFR § 390.5T, in interstate commerce.** This ORDER will not be rescinded until the Regional Field Administrator for FMCSA's Eastern Service Center determines the remedial action requirements specified in Section III of this ORDER are fully satisfied and acceptable documentation is submitted.

Any request to rescind this ORDER and documentation demonstrating satisfactory completion of the remedial action requirements must be sent to the Regional Field Administrator, Eastern Service Center, with a copy to the Division Administrator, New Jersey Division, via

electronic mail or to the following below addresses. To ensure your request is received and reviewed in an expedited manner, electronic mail is recommended.

Regional Field Administrator, Eastern Service Center
Federal Motor Carrier Safety Administration
31 Hopkins Plaza, Suite 800
Baltimore, MD 21201
Email: ESCEnforcement@dot.gov

Division Administrator, New Jersey Division
Federal Motor Carrier Safety Administration
215 Limekiln Road, Suite 200
New Cumberland, PA 17070
Email: mcnjoff@dot.gov

V. FAILURE TO COMPLY

Failure to comply with the provisions of this ORDER will subject you to an action by the United States Attorney in the United States District Court for equitable and/or declaratory relief and civil penalties. You may be assessed civil penalties of up to \$2,304 for violations of this ORDER. Each day you operate in violation of this ORDER will constitute a separate violation and subject you to a separate penalty. *See* 49 U.S.C. §§ 521(b)(2)(A) and 49 CFR §§ 386.72(b)(6) and 386.82(a)(4)). Knowing and/or willful violation of the provisions of this ORDER may also subject you to criminal penalties. *See* 49 U.S.C. § 521(b)(6).

VI. ADDITIONAL PENALTIES FOR VIOLATIONS

Any driver who violates Federal requirements, including the FMCSRs, is subject to civil and/or criminal penalty provisions. Penalty provisions are separate and distinct from this ORDER. Penalties may be assessed for violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after service of this ORDER, and discovered during subsequent investigations.

VII. RIGHT TO REVIEW

You have the right to administrative review pursuant to 5 U.S.C. § 554 and 49 CFR §§ 383.52(c) and 386.72(b)(4). If requested, administrative review must be commenced 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, Eastern Service Center, via electronic mail or at the following addresses. To ensure your request is received and reviewed in an expedited manner, electronic mail is recommended.

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
Email: FMCSA.Adjudication@dot.gov

Regional Field Administrator, Eastern Service Center
Federal Motor Carrier Safety Administration
31 Hopkins Plaza, Suite 800
Baltimore, MD 21201
Email: ESCEnforcement@dot.gov

The request for review must state the material facts that you believe dispute or contradict the finding that your operation of a commercial motor vehicle constitutes 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 is separate and independent from all other Orders or actions that may be issued by FMCSA or other jurisdiction and 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.

Note that a copy of this ORDER will be posted on the FMCSA website.

Date: April 19, 2024

**TAFT DARRYL
KELLY**

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DARRYL KELLY
Date: 2024.04.19 16:04:05
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Taft Kelly, Regional Field Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center