



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

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SERVICE DATE: April 18, 2014

MAURICIO GARCIA, VICE-PRESIDENT
TRAN-MEX INC SA DE CV
CARR LIB MEX II KM 16 ½ PTE
NUEVO LAREDO, TAMAULIPAS
88000
MEXICO

USDOT Number 710381Z
MX Number 324695

Mailing Address:
1101 CARRIERS DRIVE
LAREDO, TX 78045

**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 Trans-Mex Inc 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:

1. Trans-Mex Inc 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. Trans-Mex Inc SA de CV submitted an application in December 2013 for OP-1MX operating authority to participate in the Pilot Program.
2. On December 20, 2013, FMCSA conducted a compliance review on Trans-Mex Inc 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 vehicle inspection, repair and maintenance, controlled substance and alcohol use testing, and hours of service of drivers. The December 20, 2013 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 February 22, 2014.
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 Trans-Mex Inc 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

Trans-Mex Inc 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:

Office Director Research and Information Technology [MC-R]
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 Trans-Mex Inc 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, Trans-Mex Inc 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." Trans-Mex Inc SA de CV must also satisfactorily complete a pre-authorization safety audit.

Sincerely,



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