

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

<b>BAR D BAR TRUCKING, LLC</b>	)	<b>Order No.: WY-2016-5000-IMH</b>
	)	
<b>US DOT: 1701437</b>	)	<b>Service Date: March ____, 2016</b>
	)	<b>Service Time: _____</b>
	)	
	)	

**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), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1), and (5), and 49 C.F.R. § 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”), Lakewood, Colorado. This ORDER applies to BAR D BAR Trucking LLC, US DOT No. 1701437 (hereinafter “you”, “your”, and/or “BAR D BAR”).

The Secretary and the FMCSA find your continued operation of any commercial motor vehicle (herein “commercial motor vehicles,” “vehicles”, and/or “motor vehicles”) constitutes an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle substantially increases the likelihood of serious injury or death if not discontinued immediately.

**EFFECTIVE IMMEDIATELY YOU MUST CEASE ALL COMMERCIAL  
MOTOR VEHICLE OPERATIONS INCLUDING ALL INTERSTATE AND**

## **INTRASTATE TRANSPORTATION OF PROPERTY FOR ALL DISPATCHING**

### **LOCATIONS OR TERMINALS**

Effective immediately, you must cease operating any commercial motor vehicles. “Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. Any movement of BAR D BAR’s commercial motor vehicles to any storage or repair or other location for the purposes of repair, sale, storage, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated; BAR D BAR’s commercial motor vehicles may be moved only upon the written approval of the Regional Field Administrator for FMCSA’s Western Service Center.

Commercial motor vehicles and their drivers now in interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the cargo can be safely secured. (See 49 C.F.R. § 386.72(b)(4) and (5)).

**NO ADDITIONAL PROPERTY MAY BE LOADED OR TRANSPORTED, NOR MAY ANY COMMERCIAL MOTOR VEHICLE(S) BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS EFFECT**

**Within eight (8) hours of the service of this ORDER, you must submit to the Regional Field Administrator in writing by facsimile and/or electronic mail (email) the location of each of your commercial motor vehicles. Your submission must be sent to:**

Regional Field Administrator  
(303) 407-2339 (fax)  
[WSCENF@dot.gov](mailto:WSCENF@dot.gov) (electronic mail)

#### **I. JURISDICTION**

BAR D BAR operates as a for-hire motor carrier as defined in 49 U.S.C. § 13102

conducting motor vehicle operations in interstate commerce using commercial motor vehicles and employing drivers in connection with those operations and is subject to and required to comply with Federal motor carrier safety statutes and regulations, including Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (*See* 49 U.S.C. § § 506, 507, 13501, 31133, 31136, and 31144). BAR D BAR is required to comply with, and to ensure its 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 C.F.R. § § 390.3 and 390.11).

## **II. BASIS FOR ORDER**

The basis for determining that BAR D BAR’s motor carrier operations pose an imminent hazard to the public is serious ongoing widespread noncompliance with Federal safety regulations and statutes, including the FMCSRs.

BAR D BAR does not maintain any safety management controls and procedures to ensure that that its drivers comply with hours of service requirements, and has no safety management controls in place to ensure that its drivers do not exceed maximum driving times and hours of service limitations.<sup>1</sup>

BAR D BAR has engaged in and continues to engage in an inherently irresponsible, unsafe, and dangerous practice of operating commercial vehicles that have serious safety violations.<sup>2</sup> BAR D BAR does not have a vehicle maintenance program in place to prevent the operation of unsafe commercial motor vehicles.<sup>3</sup> BAR D BAR fails to promptly repair safety defects and fails to ensure that its vehicles are inspected, repaired, and maintained for safe

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<sup>1</sup> 49 C.F.R. § 395.3

<sup>2</sup> 49 C.F.R. § 396.7

<sup>3</sup> 49 C.F.R. § 396.3

operation.<sup>4</sup>

BAR D BAR fails to ensure that its drivers comply with drivers' qualification requirements. Specifically, you allow drivers that have tested positive for controlled substances and/or refused testing for alcohol and controlled substances to operate commercial motor vehicles;<sup>5</sup> fail to ensure that drivers prohibited from operating commercial motor vehicles as a result of alcohol or controlled substances use or testing successfully complete mandated return to duty requirements;<sup>6</sup> and fail to ensure drivers undergo alcohol and controlled substances testing.<sup>7</sup> Further, you fail to ensure your drivers are qualified to operate commercial motor vehicles;<sup>8</sup> and you allow drivers to operate commercial motor vehicles without a valid commercial driver's license.<sup>9</sup>

Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to BAR D BAR's drivers and the motoring public.

### **III. BACKGROUND**

On March 8, 2016, FMCSA initiated an investigation, to determine BAR D BAR's compliance with the FMCSRs. During the investigation, serious violations of the FMCSRs were discovered. The investigation documented that BAR D BAR has no program for safety management or safety compliance. Further, the investigation uncovered violations of FMCSRs that had been cited in a previous investigation in January 2014.

The March 2016 investigation identified a complete breakdown of safety management controls and oversight to ensure that drivers were qualified to operate commercial motor

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<sup>4</sup> 49 C.F.R. § § 396.1(a), 396.3, 396.7, 396.11, 396.13, 396.17, and 396.19

<sup>5</sup> 49 C.F.R. § § 382.211, 382.213, and 328.215

<sup>6</sup> 49 C.F.R. § § 382.501, 382.503, 382.605, and 49 C.F.R. Part 40, subpart O

<sup>7</sup> 49 C.F.R. § § 382.105, 382.115, 382.211, 382.301, 382.305, and 382.307.

<sup>8</sup> 49 C.F.R. § § 383.23(a)(2), 383.37, 383.51, 391.11, 391.15, 391.23, 391.25, 391.41, 391.43, 391.45, and 391.15.

<sup>9</sup> 49 C.F.R. § § 383.23(a)(2), 383.37, 383.51, 391.11, and 391.15.

vehicles. BAR D BAR fails to ensure that its drivers comply with hours of service and records of duty status requirements, and has no safety management to monitor compliance. During the investigation, BAR D BAR was cited for failing to require a driver to make accurate and complete record of duty status. Most significantly, BAR D BAR uses drivers intermittently and fails to require those drivers to provide a statement giving the total time on duty during their preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for BAR D BAR.<sup>10</sup> Failure to make inquiries into drivers' other hours of employment or maintain records of their on-duty time with other employers shows a systematic lack of basic safety management controls in place. As a result, BAR D BAR has no information to determine whether drivers have available hours to complete transportation and whether they are exceeding maximum driving times and hours of service limitations. BAR D BAR does not maintain a system for checking drivers' records of duty status or time cards to ensure its drivers do not exceed the hours of service limits. During the March 2016 investigation, Investigators cited BAR D BAR for failing to list driver's total hours on the time cards. BAR D BAR's negligent oversight of its drivers could result in drivers operating its commercial motor vehicles at a time when the drivers may be fatigued because of driving in excess of hours of service regulations. This is indicative of BAR D BAR's systematic lack of safety management controls.

BAR D BAR does not have a vehicle maintenance program in place to ensure that its commercial motor vehicles are systematically inspected, maintained and repaired, and that the commercial motor vehicles it operates meet minimum safety standards. During the investigation, BAR D BAR had no systematic maintenance files and had only few and sporadic records of maintenance. Moreover, BAR D BAR does not inspect its vehicles as

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<sup>10</sup> 49 C.F.R. § 395.8(J)(2)  
WY-2016-5000-IMH

required.

BAR D BAR's owner and operator Gregory Davis ("Davis") completed annual inspections for all 7 BAR D BAR vehicles on February 15, 2016. However, even after Davis inspected the vehicles less than 1 month earlier and had the vehicles loaded and ready to be operated, FMCSA's Investigators discovered the vehicles were in poor condition with many safety defects and violations. Of the 5 commercial motor vehicles inspected during the March 8, 2016 investigation, both tractor trailer combinations inspected were placed out-of-service with multiple safety violations. The violations found during the inspections included serious deficiencies in the tires, brakes, and steering systems, demonstrating a long-term lack of regular inspection maintenance and repair. Specifically, company unit # 01 was found to have 4 out-of-service violations on the braking system, including insufficient brake linings and inability to maintain pressure when brakes are applied, as well as 5 additional serious safety defects. Company unit# 99 was found to have 2 out of service violations for brakes out-of-service and a flat tire, as well as 4 additional safety defects.<sup>11</sup> 23 days previously, Davis had

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<sup>11</sup> BAR D BAR Equipment ID 01 (WY A17713) – 393.40, Inadequate brake system on a CMV, no tail, turn, brake, fourway on right and left; 393.9(a), inoperable required lamp - left ID lamp inoperative; 393.47(d), insufficient brake linings: brake linings on right and left less than ¼" on axle 1 (OOS); 393.47(e), clamp or roto type brake out-of-adjustment; 393.53(b), CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear; 393.3(a)(1), brakes out of service: the number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination (OOS); 393.3(a)(1), brake system pressure loss: cannot maintain air pressure when brakes are applied (OOS); 393.46(d), brake connections with leaks or constrictions: air leak on axle three left side at brake chamber (OOS); 393.47(a), inadequate brakes for safe stopping: axle 2 left side loose brake chamber. BAR D BAR Equipment ID BD-94 (WY 17U16361) – 393.75(a)(1), tire-ply or belt material exposed: axle 6 left outside tire belt exposed 14" diameter (OOS). BAR D BAR Equipment ID 83 (WY 17COM3888) – 393.9(a), Inoperable head lamps, right high beam lamp inoperative; 393.25(f), stop lamp violations: left brake lamp inoperative; 393.60(c), damaged or discolored windshield: right side cracks in windshield; 393.83(g), exhaust leak under truck cab and/or sleeper: left side of engine behind turbo; 393.95(a), no/discharged/unsecured fire extinguisher, laying loose; 393.47(a), inadequate brakes for safe stopping: one half brake out of adjustment. BAR D BAR Equipment ID 99 (WY A12134), 393.205(c), wheel fasteners loose and/or missing: axle 3 left side one loose; 393.76(a)(3), tire-flat and/or audible air leak: axle 3 right side outside dual flat (OOS); 393.48(a) inoperative/defective brakes: axle 3 right and left missing pins to the slack adjusters; 393.3(a)(1), brakes out of service: the number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination (OOS); 393.47(e), clamp or roto type brake out-of-adjustment; WY-2016-5000-IMH

certified that each of these vehicles had passed annual inspection. The serious nature, extent, and number of the safety defects found on each of the vehicles inspected by the Investigators shows a reckless disregard for safety of its drivers and the motoring public. During the investigation, Davis told the Investigators that he knew the braking system on one of the vehicles was in bad condition and that he didn't want to bring the truck in for repairs and replace the brakes if the truck wasn't generating income. BAR D BAR's lack of safety compliance and ongoing serious safety violations demonstrate a continuing and flagrant disregard for compliance with the FMCSRs and indifference to motor carrier safety. During an August 6, 2015 inspection of one of BAR D BAR's tractor-trailer combinations, which placed the combination out-of-service, numerous violations of a similar nature were discovered, including leaking break connections, defective tires, insufficient brake linings, and brakes out of adjustment. BAR D BAR was aware of the poor condition of its vehicles and operated them despite the fact that the vehicles were likely to cause a breakdown or accident.

BAR D BAR is also operating in blatant disregard of FMCSA's driver qualification and alcohol and controlled substances testing requirements. BAR D BAR is conducting operations without ensuring drivers are qualified to operate commercial motor vehicles. In January of 2014, BAR D BAR was cited for failing to maintain driver qualification files. As of March 8, 2016 BAR D BAR has still failed to complete driver qualification files for its drivers and has failed to check and maintain inquiries into its drivers' driving records and medical examiners certificates for its drivers.

Additionally, in January of 2014, FMCSA's Wyoming Division conducted a

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393.53(b), CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear. BAR D BAR Equipment ID 29 – (WY TEMP54129) 393.207(a), axle positioning parts defective/missing shock on right side above axle 4 ripped in half.

compliance review of BAR D BAR that resulted in a “Conditional” safety rating as a result of violations involving three of its drivers including Davis, the owner and operator of BAR D BAR. In 2014, BAR D BAR was cited in the compliance review for using one driver who had refused to submit to an alcohol or controlled substance test required under Part 382; and using another driver before receiving a negative pre-employment controlled substance test result. Moreover BAR D BAR was cited for using its owner, Davis to drive a commercial motor vehicle after his commercial driver’s license (CDL) was disqualified.

During the March 2016 investigation, the Investigators discovered that BAR D BAR continues to use drivers before receiving a negative pre-employment controlled substance test result. Moreover, the Investigators discovered that BAR D BAR has continued to allow Davis to operate commercial motor vehicles despite being subject to a lifetime disqualification and not having a valid commercial driver’s license.

BAR D BAR is operating in a continuing and flagrant disregard for compliance with the FMCSRs by continuing to use these drivers without bringing them into compliance or remedying the violations that were previously cited. BAR D BAR’s irresponsible actions in allowing unqualified drivers to operate commercial motor vehicles substantially increases the likelihood of serious injury or death to BAR D BAR drivers and the motoring public.

#### **IV. REVOCATION OF OPERATING AUTHORITY REGISTRATION AND SUSPENSION OF USDOT NUMBER REGISTRATION**

49 U.S.C. § 13905(f)(2) requires FMCSA to revoke the operating authority registration of a motor carrier if the FMCSA finds that such carrier has been conducting unsafe operation which are an imminent hazard to public health or property. Additionally, in accordance with 49 U.S.C. § 311334(c)(1), the Secretary is required to suspend the USDOT number



registration of a motor carrier if the Secretary determines that the motor carrier's operating authority registration is subject to revocation as a result of such imminent hazard finding. Accordingly, pursuant to 49 U.S.C. § 13905(f)(2), BAR D BAR's United States Federal operating authority registration is revoked, and in accordance with 49 U.S.C. § 31134(c)(1), BAR D BAR's USDOT number registration is suspended.

## **V. REMEDIAL ACTION**

To eliminate this imminent hazard, and before BAR D BAR will be permitted to resume operations of commercial motor vehicles, BAR D BAR must take specific steps to ensure and demonstrate compliance with the FMCSRs:

1. BAR D BAR must establish safety management controls and procedures to ensure that its drivers comply with hours of service requirements as set forth in C.F.R. Part 395. BAR D BAR's safety management system must ensure that its drivers comply with hour of service and record of duty requirements and do not exceed maximum driving times and must specifically address how BAR D BAR will use and monitor intermittently employed drivers. BAR D BAR must establish safety management controls and procedures to require drivers to correctly prepare and submit time records and/or records of duty status as required and obtain and maintain statements from intermittently used drivers.
2. BAR D BAR must ensure and demonstrate that its vehicles are in a safe operating condition, the vehicles are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations), Part 396 (Vehicle Maintenance), and that all defects and deficiencies have been corrected and repaired.
3. BAR D BAR must establish safety management controls and procedures that ensure that each and every commercial motor vehicle it operates or intends to

- operate is systematically and properly inspected, maintained and repaired as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair are obtained and maintained as required.
4. BAR D BAR must ensure that each commercial motor vehicle it operates or intends to operate in interstate or intrastate commerce, has been and is periodically inspected as required by, and in accordance with, 49 C.F.R. Part 396 and Appendix G to Subchapter B of Chapter III, and that such periodic inspections are conducted by qualified inspectors. BAR D BAR must include documentation of such inspections and the qualifications of the inspectors.
  5. BAR D BAR must provide documentation that it has established safety management controls and taken steps to ensure that it does not use any driver that has tested positive or has refused required testing, specifically including the drivers cited in the 2014 and 2016 compliance reviews, to operate a commercial motor vehicle unless and until they comply with the return to duty process set forth in 49 C.F.R. Part 40, subpart O.
  6. BAR D BAR must provide documentation that all drivers that have tested positive or refused required testing, have been referred to and evaluated by a substance abuse professional (SAP), completed the required substance abuse education and treatment program, passed return-to-duty testing, and otherwise satisfied all requirements set forth in 49 C.F.R. §§ 382.503, 382.605, and 49 C.F.R. Part 40, subpart O.
  7. BAR D BAR must establish safety management controls and take steps to ensure that it does not use any driver to operate a commercial motor vehicle until it has received a negative pre-employment controlled substance test result.

8. BAR D BAR must establish safety management controls and take steps to ensure that it does not use any driver, specifically including its owner Davis, to operate a commercial motor vehicle at any time that the driver does not possess a current valid commercial driver's license, including necessary endorsements, for the vehicle to be operated.
9. BAR D BAR must provide documentation that Davis has a current valid commercial driver's license and that the lifetime disqualification has been rescinded or modified if it intends to use Davis to drive its commercial motor vehicles.
10. BAR D BAR must provide documentation that all of its drivers have valid commercial driver's licenses and valid medical examiner's certificates.
11. BAR D BAR must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391. BAR D BAR must ensure that every driver it uses has completed and furnished an employment application. BAR D BAR must investigate each driver's background within 30 days of employment, and must maintain a copy of the response from each State agency in the driver's qualification file. BAR D BAR must ensure that an annual list of traffic violations is obtained from each driver, an annual Motor Vehicle Record is obtained, and that an annual review is performed on each driver's driving record. BAR D BAR must ensure that a three-year previous employment check is performed on its drivers prior to their operating a commercial motor vehicle, in accordance with 49 C.F.R. § 391.23. BAR D BAR must ensure each driver possesses a DOT medical examiner's certificate as well as ensure that a copy of each driver's medical examiner's certificate is maintained in the driver's

qualification file.

## **VI. RESCISSION OF ORDER**

You are subject to this ORDER unless and until the ORDER is rescinded by the FMCSA. Unless and until this ORDER is rescinded, and until such time as BAR D BAR has a valid and active USDOT number and operating authority registration, you are prohibited from operating any commercial motor vehicle, as defined by 49 C.F.R. § 390.5, in interstate 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 V 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 commercial motor vehicle operations pose, and adequately demonstrate to the Regional Field Administrator for FMCSA's Western Service Center the actions taken to eliminate safety problems.

Prior to rescission of this ORDER, you will be required to:

1. Identify the breakdowns in safety management controls that resulted in non-compliance.
2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps you intend to take to overcome your non-compliance, and a time table for these steps.
3. Execute the Safety Management Plan and provide certification by you and all owners, officers, and managers of your commercial motor vehicle operations.

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, Wyoming 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

Division Administrator, Wyoming Division  
Federal Motor Carrier Safety Administration  
2617 East Lincolnway, Suite F  
Cheyenne, WY 82001

Rescission of this Order does not constitute a reinstatement of BAR D BAR's Federal operating authority registration or its USDOT Number. In order for BAR D BAR to resume motor carrier operations transporting property in interstate or intrastate commerce, BAR D BAR will be required to apply to reactivate its USDOT number registration, and if its operations require Federal operating authority, apply for new operating authority registration and demonstrate that it is 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 31138.

## **VII. ENFORCEMENT OF ORDER**

This ORDER, issued pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1) and (5), § 31133, and § 31134 and 49 C.F.R. § 386.72(b)(1), is an Order of, and enforceable by, the Secretary. Violation 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 \$25,000 for each violation

of this ORDER. 49 U.S.C. §§ 507, 521(b)(2)(F) and 521(b)(4) and 49 C.F.R. Part 386 App. A. § IV(g)). You may also be assessed civil penalties of not less than \$10,000 for providing transportation requiring registration, including operating a commercial motor vehicle in interstate commerce, without operating authority registration and up to \$16,000 for operating a commercial motor vehicle 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).

### **VIII. PENALTIES FOR VIOLATIONS OF FEDERAL REQUIREMENTS**

Any person, including any commercial motor vehicle 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.

### **IX. RIGHT TO REVIEW**

You have the right to administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). Subsequent to the issuance of the ORDER, opportunity for review will be provided in accordance with section 554 of title 5. If a petition for review is filed, a 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. 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, at the following addresses:

By Fax  
Adjudications Counsel (MC-CCA):  
(202) 366-3602

Or electronic (email) mail:  
[FMCSA.Adjudication@dot.gov](mailto:FMCSA.Adjudication@dot.gov)

With a copy mailed or sent by commercial delivery service to the Assistant Administrator and Adjudications Counsel at the following address:

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

A copy of any request for administrative review should also be sent to the Regional Field Administrator by facsimile as follows:

By Fax:  
Regional Field Administrator, Western Service Center  
(303)407-2339

With a copy mailed or sent by commercial delivery service to the Regional Field Administrator at the following address:

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

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

A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY. (*See* 49 C.F.R. § 386.72(b)(4)). This ORDER is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions. Any request for administrative review of this ORDER does not attach to or apply to any other order or action.

Date: March 11, 2016

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William R. Paden  
Regional Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration