

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

INDUSTRIAL TRANSIT, INC. USDOT NO. 814459)) Order No.: GA-2016-5001-IMH)) Service Date: _____)) Service Time: _____)
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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), 49 U.S.C. § 31133(a)(10), 49 U.S.C. § 31134, and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Regional Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (“USDOT”). This Order applies to **Industrial Transit, Inc. (USDOT No. 814459), a motor carrier, and its officers, agents, and employees** (hereinafter collectively referred to as “you,” “your,” “it,” and/or “Industrial Transit”), and to all commercial motor vehicles owned or operated by or on behalf of Industrial Transit, including those commercial motor vehicles identified in Appendix A attached hereto.

The Secretary and the FMCSA find your operations and continued operation of any commercial motor vehicle (hereinafter referred to as “commercial motor vehicles,” “vehicles,” and/or “CMVs”) in the United States constitute an **imminent hazard**. This

finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle poses an **imminent hazard** to public safety.

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

Your vehicles and their drivers now in interstate or intrastate commerce may proceed to their next immediate destination. *See* 49 C.F.R. § 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 drivers from all dispatching locations or terminals. Industrial Transit’s commercial motor vehicles may not be operated in interstate or intrastate commerce by any other motor carrier or any driver, even without freight. Any movement of Industrial Transit’s commercial motor vehicles, including its trailers, to any storage, repair, or other location for repair, sale, storage, or final destination must be accomplished only by towing, such that the truck tractor is not driven or operated. Your commercial motor vehicles may be moved, including by tow, only upon the prior written approval of the Regional Field Administrator for FMCSA’s Southern Service Center.

Within eight hours of your receipt of this Order, you must submit to the Regional Field Administrator in writing by facsimile the location of each commercial motor vehicle under your control. You must identify the vehicle, including tractor, power unit, and/or trailer, 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 faxed to the Regional Field Administrator at 404-327-7349.

You cannot avoid this Order by continuing operations under the name of another person or company. If you intend to sell, lease, loan or otherwise transfer or allow the use of any commercial motor vehicle, including any trailer, to any other person, motor carrier, or business, you must provide written notice to the Regional Field Administrator no less than five business days before any such sale, lease, loan, transfer or use.

I. JURISDICTION

Industrial Transit is a motor carrier engaged in interstate commerce using commercial motor vehicles and is, therefore, subject to the 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 and 31136, and 31144. You are required to comply, and to ensure your drivers comply, with the FMCSRs and Orders of the USDOT and FMCSA. 49 C.F.R. § 390.11.

This Order has the force and effect of any other Order issued by FMCSA and is binding upon Industrial Transit as well as any and all of its 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. BASIS FOR ORDER

The basis for determining that Industrial Transit's motor carrier operations pose an imminent hazard to the public is Industrial Transit's widespread and serious noncompliance with Federal safety regulations, including the FMCSRs, while transporting hazardous material ("HM") including Class 1.1 and 1.3 explosives. Industrial Transit does not have any safety management controls in place to ensure drivers are qualified to operate its CMVs and does not maintain complete driver qualification files essential to ensuring its use of qualified drivers. Moreover, Industrial Transit does not have safety management controls in place to ensure impaired drivers do not operate its CMVs. Indeed, Industrial Transit has an almost non-existent drug and alcohol testing program. Industrial Transit also does not monitor the dispatch of its drivers to ensure its drivers comply with maximum hours of service ("HOS") limitations and do not falsify records of duty status ("RODS") in an attempt to conceal operating over HOS limitations. Industrial Transit's failure to monitor the dispatch of its drivers includes a failure to ensure its drivers operate CMVs safely.

Industrial Transit does not have a systematic vehicle inspection, repair, and maintenance program to prevent the operation of unsafe motor vehicles. Industrial Transit's lack of a preventive maintenance program has resulted in all of the carrier's vehicles being placed out-of-service or cited for vehicle violations in the last ten vehicle roadside inspections. Industrial Transit also does not correct vehicle defects discovered during roadside inspections before the vehicle is dispatched again.

Individually and cumulatively, these violations and conditions of operation substantially increased the likelihood of serious injury or death to Industrial Transit's drivers and/or the motoring public. The specific identified deficiencies, which

substantially increase the likelihood of serious injury or death, are outlined in the Background portion of this Order, which is incorporated by reference herein.

III. BACKGROUND

On August 22, 2016, an Industrial Transit vehicle traveling south on US Highway 277 in Maverick County, Texas approached a curve at an unsafe speed, traveled off the roadway striking a culvert, and rolled over. The Industrial Transit vehicle was transporting Takata air bag components, volatile Class 1.1 and 1.3 Explosive hazardous materials (HM), from Moss Lake, Washington to Eagle Pass, Texas. After rolling, the Industrial Transit vehicle caught fire and the Takata air bag components being transported in the vehicle exploded, leveling a nearby house and garage and damaging multiple houses in the area. The explosion left a huge crater in the ground and scattered packages across the road and fields. The Industrial Transit team drivers and a couple in a nearby car were injured in this crash and catastrophic explosion. The occupant of the leveled house was killed.

The Industrial Transit team drivers operating the vehicle had not received function-specific HM training¹ or in-depth security training.² In fact, Industrial Transit had not provided any of its HM employees with this training. Such training covers the particular knowledge, skills, and abilities each driver needs to perform HM transport tasks properly and safely. The HM shipping paper on the Industrial Transit vehicle contained inaccurate and missing information. The shipping paper did not list the quantity, weight, and net explosive weight of the HM, and it did not identify the Class 1.1 Explosive HM as a HM product. In fact, the Industrial Transit vehicle was estimated to

¹ 49 C.F.R. § 172.704(a)(2)(i).

² 49 C.F.R. § 172.704(a)(5).

be transporting 15,214 lbs. of explosive with an estimated net explosive weight of 6900 kilograms. The shipping paper also did not list the emergency response telephone number and information that emergency responders need in the event of an accident or incident.³ Nor did Industrial Transit within 12 hours of the accident notify the National Response Center about the accident.⁴

Because it was transporting Class 1.1 and 1.3 Explosive HM, Industrial Transit was required to have an adequate security plan in place that addressed measures to confirm information provided by applicants hired for HM positions and measures to address assessed risks that unauthorized persons may gain access to HM. The security plan was also required to address the assessed security risks of HM shipments from origin to destination.⁵ In fact, Industrial Transit did not have an adequate security plan in place. Industrial Transit was using a 2012 security plan that had not been updated and did not include the required components of an adequate security plan.

Because it was transporting more than 55 lbs. of Class 1.1 and 1.3 Explosive HM, Industrial Transit was required to obtain a HM safety permit from FMCSA. The HM safety permit required Industrial Transit to maintain a higher level of compliance with the FMCSRs and HMs. As a condition of receiving a HM safety permit, Industrial Transit certified that it had a satisfactory security plan meeting the requirements of 49 C.F.R. Part 172, Subpart 1. Industrial Transit also certified that it had a communication plan in place for periodic contact between Industrial Transit and its team drivers and

³ 49 C.F.R. § 177.817(a).

⁴ 49 C.F.R. § 171.5.

⁵ 49 C.F.R. § 172.803.

that all HM employees had successfully completed security training.⁶ In fact, Industrial Transit did not have a satisfactory HM security plan or a communication plan and its HM employees had not completed HM training. Industrial Transit falsely certified on its MCS-150 it had a satisfactory security program that included a HM security plan, a communications plan, and successful completion of employee HM training. Industrial Transit had not satisfied the conditions for receiving a HM safety permit, and it should not have been transporting Class 1.1 and 1.3 Explosive HM.

Because it was transporting Class 1.1 and 1.3 Explosive HM, Industrial Transit was also required to have a written route plan its drivers were required to follow. In fact, the Industrial Transit team drivers traveled 120 miles off the written route plan. Industrial Transit should have been tracking its vehicles to ensure the drivers did not travel off the designated written route into densely populated areas.

Following the crash and subsequent explosion, FMCSA initiated an investigation into the motor carrier operations of Industrial Transit. Industrial Transit transports air bags components and air bags for TK Holdings, Inc., a subsidiary of Takawa Corporation, with dedicated runs between the states of Georgia, Washington, and Utah to Eagle Pass, Texas. Industrial Transit is a property and HM carrier, transporting HM⁷ Class 1.1, 1.3, and 9 products. Class 1.1 HM is explosives with a mass explosion hazard.⁸

⁶ 49 C.F.R. § 385.407(b)(2).

⁷ Hazardous material is a substance or material that the Secretary has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under Federal hazardous materials transportation law. 49 C.F.R. § 171.8.

⁸ 49 C.F.R. § 173.50(b)(1).

Class 1.3 HM is explosives with predominately a fire hazard.⁹ Class 9 HM is material that presents a hazard during transport but does not meet other hazard class definitions.¹⁰

John F. Talley is the CEO, sole owner, and sole manager of Industrial Transit and is the individual responsible for ensuring Industrial Transit's compliance with the FMCSRs and the Hazardous Materials Regulations (HMRs). Mr. Talley's responsibilities include hiring and qualifying drivers, overseeing Industrial Transit's alcohol and controlled substances testing program, dispatching and monitoring drivers operating CMVs in interstate commerce, and overseeing the inspection, repair, and maintenance of Industrial Transit's CMVs. During the investigation, Mr. Talley admitted in numerous interviews with FMCSA investigators that he does not understand and is not familiar with the FMCSRs or HMRs.¹¹ Mr. Talley stated he acquired Industrial Transit from his parents and just followed their business operations, assuming the company was in compliance with federal law and regulations.

The investigation found that Industrial Transit does not have safety management controls in place to ensure drivers are qualified to operate its CMVs, drivers operate its CMVs safely, and CMVs are properly inspected, repaired and maintained. Industrial Transit's transport of HM, without knowledge, familiarity, and compliance with the FMCSRs, creates a continuing imminent hazard to the public.

Industrial Transit does not have any safety management controls in place to

⁹ 49 C.F.R. § 173.50(b)(3).

¹⁰ 49 C.F.R. § 173.140.

¹¹ 49 C.F.R. § 390.3(e).

ensure that the drivers it hires are qualified to operate its CMVs and, in particular, the CMVs transporting HM Class 1.1 or 1.3 explosives, and Class 9 products. Industrial Transit fails to investigate drivers' backgrounds within 30 days of employment,¹² fails to inquire into its drivers' driving records every 12 months,¹³ and fails to review its drivers' driving records to ensure its drivers are qualified and can safely drive CMVs.¹⁴

Industrial Transit does not maintain complete driver qualification files essential to ensuring its drivers are qualified. Because it does not have any procedures in place to ensure that only qualified drivers operate its CMVs, Industrial Transit allowed two drivers, within the last two and a half months, to drive its CMVs when the drivers did not have valid CDLs.¹⁵ On July 19, 2016, an Industrial Transit driver operated a CMV from Del Rio, Texas to Cottdale, Alabama without a valid CDL or a valid medical certificate.¹⁶ The driver was not eligible for a CDL because of physical health problems. On August 2, 2016, a second Industrial Transit driver operated a CMV from Eagle Pass, Texas to Moses Lake, Washington without a valid CDL. The driver had not filed a current medical examiner's certificate with the State of Georgia.

Industrial Transit does not have any safety management controls in place to ensure impaired drivers do not operate its CMVs. In 2015, Industrial Transit did not

¹² 49 C.F.R. § 391.23(c).

¹³ 49 C.F.R. § 391.25(a).

¹⁴ 49 C.F.R. § 391.25(b).

¹⁵ 49 C.F.R. § 383.23(a).

¹⁶ 49 C.F.R. § 391.45(b)(1).

conduct any random alcohol tests¹⁷ and conducted random controlled substances tests¹⁸ on only four drivers when it should have tested seven drivers. Further, Industrial Transit does not use a scientifically valid method to select drivers for random controlled substances tests.¹⁹ John F. Talley stated he was not aware of the regulatory requirements for randomly testing drivers for alcohol and controlled substances, and believed he only needed to randomly test drivers for alcohol when he thought they had been drinking. In fact, Industrial Transit's lack of safety management controls resulted in it allowing a driver who refused to submit to a random controlled substances test to continue to drive CMVs.²⁰ That driver told Industrial Transit staff that he could not pass a controlled substances test, and despite this admission, Industrial Transit continued to use this driver to operate its CMVs. Industrial Transit also used a driver before it received a negative pre-employment controlled substance test result.²¹ Industrial Transit does not have a written alcohol and controlled substances policy²² and uses drivers even though it fails to conduct inquiries to prior employees on background drug and alcohol information.²³

Moreover, Industrial Transit does not monitor the dispatch of its drivers to ensure drivers who are operating its CMVs comply with maximum HOS limitations and

¹⁷ 49 C.F.R. § 382.305(b)(1).

¹⁸ 49 C.F.R. § 382.305(b)(1).

¹⁹ 49 C.F.R. § 382.305(i)(1).

²⁰ 49 C.F.R. § 382.211.

²¹ 49 C.F.R. § 382.301(a).

²² 49 C.F.R. § 382.601(a).

²³ 49 C.F.R. § 40.25(d).

do not falsify their RODS in an attempt to conceal operating over HOS limitations. Industrial Transit does not use any documents to review RODS for falsification and does not review RODS for completeness, accuracy, or violations of maximum HOS regulations.²⁴ FMCSA found a 13% violation rate of drivers submitting false RODs and a 10% violation rate of drivers submitting inaccurate false RODS for a combined violation rate of 23% on sampled RODS.²⁵ FMCSA also found drivers with missing RODs²⁶ and incomplete RODs.²⁷

Industrial Transit's failure to monitor the dispatch of its drivers includes a failure to ensure its drivers operate CMVs safely. Industrial Transit does not have any policies or procedures in place addressing unsafe driving, including drivers transporting HM and driving at speeds in excess of the posted speed limit. FMCSA's review of two team drivers' July 2016 GPS records found the drivers driving 10 mph and greater over the posted speed limit on 36 separate occasions in Georgia, Alabama, Mississippi, Louisiana, and Texas. One driver drove at 85 to 89 mph in a posted 70 or 75 mph zone on 15 separate occasions and at 90-92 mph in a posted 70 mph zone on two separate occasions.²⁸

Industrial Transit does not have a systematic vehicle inspection, repair, and

²⁴ 49 C.F.R. § 395.3.

²⁵ 49 C.F.R. § 395.8(e)(1).

²⁶ 49 C.F.R. § 395.8(k)(1).

²⁷ 49 C.F.R. § 395.8(f).

²⁸ 49 C.F.R. § 392.2.

maintenance program in place to prevent the operation of unsafe motor vehicles.²⁹ Industrial Transit's lack of a preventive maintenance program has resulted in all of the carrier's vehicles being placed out-of-service or cited for vehicle violations in the last ten vehicle roadside inspections. During the investigation, the FMCSA investigator conducted three vehicle inspections and discovered that two of the three vehicles had numerous major mechanical defects, including out-of-adjustment brakes, contaminated brakes, oil leaks, loose steering system components, inadequately working slack adjusters, and an unsecured fire extinguisher. The third vehicle inspected had evidence that significant repairs were made after notice of the investigation. Before FMCSA's investigation, Industrial Transit had already removed three vehicles from service for major maintenance problems, and currently, Industrial Transit is leasing three Penske trucks. Industrial Transit fails to require drivers to complete driver vehicle inspection reports³⁰ and fails to correct violations affecting safety on motor vehicle inspection reports before dispatching that vehicle again.³¹ On May 8, 2016, Industrial Transit was cited on a roadside inspection for using a vehicle with brake violations on the trailer. This was the same trailer involved in the HM crash. These violations include insufficient brake linings and an air leak from the brake chamber. Despite this citation, Industrial Transit dispatched that vehicle on a May 10, 2016, trip from Eagle Pass, Texas to Moses Lake, Washington, on a May 12, 2016, trip from Moses Lake, Washington to Eagle Pass, Texas, and on a May 13, 2016, trip from Eagle Pass, Texas to LaGrange, Georgia without repairing the unsafe defect on the vehicle. On June 9, 2016, Industrial Transit was cited

²⁹ 49 C.F.R. § 396.3(a).

³⁰ 49 C.F.R. § 396.11(a).

³¹ 49 C.F.R. § 396.9(d)(2).

on a roadside inspection for using a vehicle with chafing brake system air hoses, loose mounting bolts on the air reservoir tank, and missing spring guards on the brake tubing and hose. Despite this citation, Industrial Transit dispatched that vehicle on a June 11, 2016, trip from Moses Lake, Washington to Eagle Pass, Texas without repairing the unsafe defects on the vehicle. This trailer was involved in the crash and catastrophic explosion that occurred on August 22, 2016.

Industrial Transit's complete and utter lack of compliance with the FMCSRs, as set forth above, substantially increases the likelihood of serious injury or death for its drivers and the motoring public if the operations of Industrial Transit are not discontinued immediately. This risk is heightened further when Industrial Transit transports Class 1.1 or 1.3 explosives and Class 9 HM. Industrial Transit's entire operations therefore constitute an imminent hazard to safety which may only be abated by the cessation of Industrial Transit's entire operations.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before Industrial Transit will be permitted to resume operations placed out of service by this Order, you must take specific steps to ensure and demonstrate compliance with the FMCSRs, including the following:

1. You must establish safety management controls and procedures that ensure that your drivers operate vehicles safely and in accordance with 49 C.F.R. Part 392.
2. You must establish a DOT controlled substance and alcohol testing program in compliance with 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing) and provide evidence of this program to the Southern Service Center Regional Field Administrator.
3. You must establish safety management controls and procedures to ensure

that your drivers comply with HOS requirements as set forth in 49 C.F.R. Part 395. Your safety management system must ensure that your drivers comply with HOS requirements and do not exceed maximum driving times. You must establish safety management controls and procedures to require drivers to prepare and submit records of duty status and associated supporting documents as required, ensure that drivers' records of duty status are checked, ensure that your drivers are not violating HOS requirements, ensure drivers do not falsify records of duty status, and ensure that each driver accurately completes his or her records of duty status in the form and manner required under 49 C.F.R. Part 395.

4. You must ensure that you maintain driver qualification files, as required by 49 C.F.R. Part 391. You must ensure that every driver you use has completed and furnished an employment application. You 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. You must ensure that you obtain from each driver an annual list of traffic violations and an annual Motor Vehicle Record, and that you perform an annual review of each driver's driving record. You must ensure that you perform a three-year previous employment check on your drivers before operating a commercial motor vehicle, in accordance with 49 C.F.R. § 391.23. You must ensure each driver possesses the requisite driver's license and DOT medical examiner's certificate as well as ensure that a copy of each driver's license and medical examiner's certificate is maintained in the driver's qualification file.

5. You must ensure and demonstrate that each and every commercial motor vehicle you operate or intend to operate, whether owned, rented, leased or otherwise used, is in a safe operating condition and full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operation) and Part 396 (Inspection, Repair and Maintenance), and that all defects and deficiencies are corrected and repaired.

6. You must establish safety management controls and procedures that ensure that each and every commercial motor vehicle you operate or intend to operate, whether owned, rented, leased or otherwise used, 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.

7. You must ensure that each commercial motor vehicle you operate or intend to operate, whether owned, rented, leased or otherwise used, has been and is periodically inspected as required by 49 C.F.R. Part 396 and Appendix G to Subchapter B of Chapter III, and that qualified inspectors conduct such periodic inspections.

8. You must ensure that employees, contractors and/or agents used to inspect and maintain each commercial motor vehicle you operate and/or intend to operate are trained and qualified to conduct such inspections, maintenance, and repairs, and documentation of training and qualifications is maintained in accordance with 49 C.F.R. Part 396.

9. You must require drivers to conduct pre-trip and post-trip commercial motor vehicle inspections, and must require drivers to prepare Driver Vehicle Inspection Reports in accordance with 49 C.F.R. § 396.11 at the end of each day and establish procedures to ensure that reported safety defects and/or discrepancies are corrected before the vehicle is again operated as required by 49 C.F.R. Part 396.

10. You must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of your commercial motor vehicles are repaired before the vehicle being operated. You must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is used before necessary repairs being made and the vehicle passing an appropriate safety inspection.

11. You must contact FMCSA's Georgia Division and arrange for inspection of each of your commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

12. You must ensure that all drivers are adequately trained in the requirements of the FMCSRs and that they can conduct motor carrier operations consistent with those regulations.

V. RESCISSION OF ORDER

Industrial Transit's motor carrier operations are subject to this Order unless and until this Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and until such time as you have a valid and active USDOT number and operating authority registration (if applicable), you are prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. This Order will not be rescinded until the Regional Field Administrator for FMCSA's Southern Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this Order have been fully satisfied and acceptable documentation submitted.

Before this Order will be rescinded, you must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that your operations pose, and adequately demonstrate to the Regional Field Administrator for the FMCSA's Southern Service Center the actions taken to eliminate the safety problems. You cannot

avoid this Order by continuing operations under the name of another person or company.

Any sale, lease, or other agreements involving your commercial motor vehicles or motor carrier operations require five business days written notice to the Regional Field Administrator. Any such action taken in anticipation of this Order must cease immediately.

Before rescission of the Order, Industrial Transit will be required to:

1. Identify the cause for its noncompliance.
2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps it intends to take to overcome its noncompliance and a timetable for these steps.
3. Execute the Safety Management Plan and provide certification by all owners and officers.

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

Regional Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd.
Suite 1700
Atlanta, GA 30345

Division Administrator, Georgia Division
Federal Motor Carrier Safety Administration
Two Crown Center
1745 Phoenix Blvd, Suite 380
Atlanta, GA 30349

Rescission of this Order does not constitute a reinstatement of your USDOT Number or operating authority registration. In order for Industrial Transit to resume

motor carrier operations transporting property in interstate or intrastate commerce, Industrial Transit 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.

VI. 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), 49 U.S.C. § 31133, 49 U.S.C. § § 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 Industrial Transit to civil penalties and may also result in an action in the United States District Court for equitable relief and punitive damages. Industrial Transit may be assessed civil penalties of up to \$25,705 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). Industrial Transit may also be assessed civil penalties of not less than \$10,282 for providing transportation requiring registration, including operating a commercial motor vehicle in interstate commerce, without operating authority registration and up to \$14,502 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).

VII. PENALTIES FOR VIOLATIONS OF FEDERAL REQUIREMENTS

Any motor carrier or driver 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 statutes 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.

VIII. RIGHT TO REVIEW

You have the right to administrative review under 5 U.S.C. § 554 and 49 C.F.R. § 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 C.F.R. § 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, and should be sent to the attention of Adjudications Counsel by facsimile or electronic mail as follows:

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

or electronic mail:
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 Chief Counsel
1200 New Jersey Avenue, S.E.
Washington, DC 20590

A copy of any request for administrative review must also be sent to the Regional Field Administrator by mail and/or facsimile as follows:

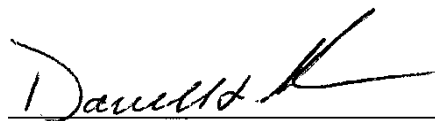
Regional Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd
Suite 1700
Atlanta, GA 30345
Fax: (404) 327-7349

The request must state the material facts at issue which you believe dispute or contradict the finding that your operations constitute an “**imminent hazard**” to the public.

A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY DELAY YOUR DUTY TO COMPLY WITH THIS ORDER

IMMEDIATELY. 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: October 4, 2016



Darrell L. Ruban
Regional Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration
Southern Service Center

APPENDIX A

YEAR	MAKE	CARRIER NUMBER	TAG NUMBER	VIN
2007	Peterbilt	#7 - truck/tractor	GA IC47EI	1XP7DB9X47D645282
1996	Volvo	#9 - truck/tractor	GA IC67NK	4V4WDBCH2TN728670
2006	Freightliner	#15 - truck/tractor	GA IC3Y64	1FUJAPAV16DX01046
2004	Freightliner	#18 - truck/tractor	GA IC86GT	1FUJAPAV24DM68694
2005	Freightliner	#20 - truck/tractor	GA IC41BQ	1FUJA6CK65LN62548
1995	Trailmobile	#152 - semi-trailer	GA LE35975	1PT01JAH9S9001685
2000	Stoughton	#1007 - semi-trailer	GA LE36007	1DW1A4324YS346901
2000	Monon	#1008 - semi-trailer	GA UBH728	1NNVA5328YM327944
1996	Hyundai	#1010 - semi-trailer	GA U6313	3H3V532C0ST001223
1999	Utility	#5309 - semi-trailer	GA LE4668F	1UYVS2530XP670908
2001	Lufkin	#5310 - semi-trailer	GA LE7163G	1L01A532411146040
1992	Pine	#255833 - semi-trailer	GA LE35989	1PNV532S6NGB72226
1998	Fruehauf	#839819 - semi-trailer	GA LE49702	1JJV532F7WF447383
1998	Great Dane	#14617- semi-trailer	GA UBD405	1GRAA0629WB055947