

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

CRYSTAL TRANSPORT, INC.) **Order No.: MA-2014-9001-OAR**
USDOT No. 334608)
MC No. 175190)
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ORDER REVOKING OPERATING AUTHORITY REGISTRATION

United States Code, Title 49 section 13905 authorizes the United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA), to suspend or revoke the operating authority registration of a motor carrier for willfully failing to comply with United States Code, Title 49, subtitle IV, part B, an applicable regulation, or an order of the Secretary of Transportation. By an Order to Show Cause issued February 7, 2014, FMCSA found that Crystal Transport, Inc., (“Crystal”) is willfully failing to comply with FMCSA statutes, regulations and FMCSA Orders, including but not limited to 49 U.S.C. §§ 524 and 14906. Through the Show Cause Order, Crystal was provided an opportunity to provide evidence, within thirty calendar days, demonstrating its compliance with the Order to Show Cause and showing that its operating authority registration should not be revoked. Crystal failed to respond to the Order to Show Cause. Moreover, even if Crystal’s request for change in its safety rating was to be viewed as its response to the Order to Show Cause,¹ the request for change in safety rating failed to present evidence demonstrating compliance with the Order to Show Cause.

¹ Crystal’s request for change in safety rating made no mention of the Order to Show Cause, and I find that it was not intended to be a response to the Order to Show Cause.

Accordingly, FMCSA finds:

1. Crystal Transportation, Inc. is a motor carrier engaged in interstate transportation of passengers for compensation and, accordingly, is subject to the jurisdiction of the Secretary of Transportation as delegated to the Federal Motor Carrier Safety Administration pursuant to 49 U.S.C. § 13501 and 49 C.F.R. § 1.87.
2. Crystal's motor carrier operations reveal a willful failure to comply with 49 C.F.R Part 382. FMCSA took enforcement action against Crystal in 2009 for violations of 49 C.F.R. §§ 391.45(b)(1) (allowing a driver who has not been medically examiner and certified during the previous 24 months to operate a commercial motor vehicle) and 382.305(b)(2) (failing to conduct random controlled substances testing at the minimum percentage).
3. In 2011, FMCSA issued to Crystal a letter informing it that its safety data showed a lack of compliance with motor carrier safety regulations.
4. A 2014 Compliance Review revealed continuing violations of 49 C.F.R. Part 382. Crystal's random testing program included in its pool employees who were not subject to DOT testing, including office clerks and dispatchers. Including such employees in the pool of employees subject to testing diluted the pool, and evidenced a failure by Crystal to ensure that each driver had an equal chance of being selected for a random test.
5. Crystal failed to conduct pre-employment controlled substances testing for two drivers it hired in the year preceding the Compliance Review.
6. In December 2012, three of Crystal's drivers tested positive for controlled substances, and Crystal was notified of these positive tests by the Medical Review

Officer. Despite its knowledge of these positive tests, Crystal did not remove these drivers from safety sensitive positions until they were evaluated by a Substance Abuse Professional and passed a return to duty test. Instead, with full knowledge of the positive tests, Crystal continued to dispatch these drivers in passenger-carrying commercial motor vehicles for most of 2013.

7. Crystal's motor carrier operations also reveal a willful disregard of its driver oversight responsibilities under the Federal Motor Carrier Safety Regulations. The 2014 Compliance Review revealed that Crystal's driver qualification files were inadequate; it failed to retain a medical examiner's certificate for two drivers. Moreover, a review of records maintained by Crystal in the regular course of its business revealed 49 speeding violations out of 149 records checked. In addition, Crystal fails to adequately monitor its drivers' records of duty status or hours of service. Of the 332 records of duty status checked during the Compliance Review, 42 were false. Crystal also required or permitted its drivers to drive after having been on duty 70 hours in eight consecutive days on 22 occasions out of 124 records checked.

8. The 2014 Compliance Review resulted in a proposed safety rating of Unsatisfactory, demonstrating that Crystal continues to operate without adequate safety management controls, despite knowledge of applicable statutory and regulatory requirements and previous interventions and enforcement measures. Crystal submitted a request to change the proposed safety rating; however, Crystal failed to provide sufficient evidence that the violations cited in the compliance review had been corrected and that its current operation meets the safety fitness standard specified in 49

C.F.R. § 385.5. Crystal's request for change in its safety rating was therefore denied on March 13, 2014.

Accordingly, as a result of willful non-compliance with the February 7, 2014 Order to Show Cause, pursuant to 49 U.S.C. §§ 13905(d)(2) and (e) FMCSA hereby orders all operating authority registration of Crystal Transport, Inc. revoked effective at 12:01 a.m. on March 19, 2014.

Crystal Transport, Inc. may reapply to FMCSA for operating authority registration in accordance with the provisions of 49 C.F.R. Part 365 and subpart B of 49 C.F.R. Part 385 by submitting Form OP-1 to FMCSA. Forms may be obtained by calling FMCSA's Technical Support at 1-800-832-5660 or via FMCSA's Website (<http://safer.fmcsa.dot.gov>). At the time of application, FMCSA will assess whether Crystal Transport, Inc. is fit, and willing and able to operate safely, and in compliance with all applicable regulatory and statutory requirements, and may require Crystal Transport, Inc. to enter into a consent agreement before accepting its application for registration. In accordance with 49 U.S.C. § 13902, FMCSA will withhold registration if it determines that Crystal Transport, Inc. does not meet, or is unable to meet, any of these requirements.

Crystal Transport, Inc. is prohibited from conducting any transportation in the United States during any period in which it is not registered with FMCSA. Pursuant to 49 U.S.C. § 14901(a), if a person provides transportation of property in interstate commerce without having valid and active registration to provide such transportation such person may be liable for penalties of not less than \$25,000 for each violation.

This Order of Revocation is in addition to, and does not modify, amend, or supersede any other Order to which Crystal Transport, Inc. is or becomes subject.

Issued this 13th day of March 2014



Curtis L. Thomas
Regional Field Administrator
Eastern Service Center
Department of Transportation
Federal Motor Carrier Safety Administration