

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

In Re SKY EXPRESS, INC.  
USDOT # 1361588

) No.: FMCSA-2011-14701-1  
)  
) Service  
) Date: JUNE 3, 2011  
)  
) Time: 13:05 hrs  
)

**CEASE AND DESIST ORDER**

This notice constitutes a Cease and Desist Order ("ORDER") by the United States pursuant to 49 U.S.C. § 14701(a), and pursuant to delegation of authority to the Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT). This ORDER applies to Sky Express, Inc., USDOT # 1361588, MC # 521652 ("SKY EXPRESS") and SKY EXPRESS'S owners, officers, and agents.

**EFFECTIVE IMMEDIATELY SKY EXPRESS MUST CEASE ALL SALES OF INTERSTATE AND INTRASTATE MOTOR CARRIER TRANSPORTATION SERVICE, INCLUDING ALL SALES OF TICKETS OR VOUCHERS, WHETHER PERSONALLY OR THROUGH BROKERS, WEBSITES OR OTHER TRANSPORTATION INTERMEDIARIES, AND FURTHER MUST CEASE ALL SALES OF TRANSPORTATION SERVICE UNDER OTHER NAMES.**

**I. JURISDICTION**

SKY EXPRESS is a motor carrier of passengers and conducts or until recently conducted operations in interstate commerce pursuant to operating authority registration issued by FMCSA under 49 U.S.C. § 13902. SKY EXPRESS transports passengers for compensation "between a place in ... a State and a place in another State" and is subject to FMCSA's jurisdiction at 49 U.S.C. § 13501(1)(A).

## II. BASIS FOR ORDER

On April 7, 2011, FMCSA completed a compliance review of SKY EXPRESS's operations. The review uncovered serious violations of the Federal Motor Carrier Safety Regulations. On April 12, 2011, FMCSA issued a proposed safety rating to SKY EXPRESS of "unsatisfactory." In that letter, FMCSA advised SKY EXPRESS that it had 45 days to take corrective actions to improve its Safety Rating to Conditional or Satisfactory or it would be prohibited from operating in interstate and interstate commerce and face revocation of its FMCSA operating authority registration. On May 11, 2011, SKY EXPRESS availed itself of its opportunity to avoid revocation by submitting a request to FMCSA to upgrade its safety rating due to purported corrective action it had taken. On May 13, 2011, FMCSA denied the upgrade request because SKY EXPRESS had not demonstrated that adequate corrective actions had been taken to address the violations cited during the compliance review. On May 31, 2011, FMCSA issued SKY EXPRESS a final safety rating of "Unsatisfactory." Pursuant to 49 U.S.C. § 31144(c)(2), FMCSA issued SKY EXPRESS an order requiring it to cease all transportation in interstate and intrastate commerce. Pursuant to 49 U.S.C. § 13905(f)(1)(B), FMCSA revoked SKY EXPRESS's operating authority registration on May 31, 2011.

Title 49 U.S.C. § 14701(a) provides that if FMCSA finds that a carrier is violating 49 U.S.C. Chapters 131-149, the Agency "shall take appropriate action to compel compliance... after giving the carrier ... notice of the investigation and an opportunity for a proceeding. Through its April 12, 2011 letter to SKY EXPRESS, FMCSA put SKY EXPRESS on notice that it was investigating the carrier's operating authority registration and that to preserve its operating authority registration, the carrier needed to successfully petition FMCSA for an upgrade to its safety fitness rating. FMCSA informed SKY EXPRESS of the procedural mechanism to seek an upgrade, and SKY EXPRESS availed itself of those procedures by submitting an upgrade request

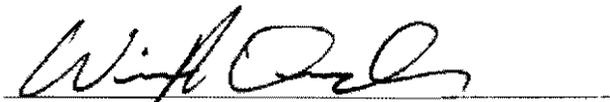
to FMCSA on May 11, 2011. After considering the purported corrective action that SKY EXPRESS filed during this proceeding FMCSA denied the upgrade request on May 13, 2011. On May 31, 2011, FMCSA revoked SKY EXPRESS's operating authority registration.

FMCSA has now learned that SKY EXPRESS is attempting to operate without operating authority registration. Such operations are unlawful. FMCSA has learned that tickets for SKY EXPRESS are being advertised for sale on the Internet. FMCSA has also learned that SKY EXPRESS is repainting, or has repainted, some or all of its vehicles and is unlawfully selling tickets for interstate transportation of passengers on SKY EXPRESS under other operating authority registrations. In order to compel compliance with 49 U.S.C. § 13901, FMCSA is ordering SKY EXPRESS to cease and desist from providing tickets for sale of its transportation service and from providing tickets for sale of its transportation service under other names. Any such sales would result in a violation of 49 U.S.C. § 13901, and hence any such sales must cease immediately.

### III. FAILURE TO COMPLY

Failure to comply with this ORDER will subject SKY EXPRESS to an action in United States District Court for equitable and/or declaratory relief.

Dated this third day of June, 2011.



William A. Quade  
Associate Administrator for Enforcement and  
Program Delivery  
Federal Motor Carrier Safety Administration

Certificate of Service

I certify that the foregoing Cease and Desist Order was personally delivered to the below-named representative of Sky Express on this 2nd day of June, 2011.

Served upon: SKY EXPRESS INC,

Bx: 