

motor vehicles identified in this Order pose an **imminent hazard** to public safety.

EFFECTIVE IMMEDIATELY, YOU MUST CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS, INCLUDING ALL INTERSTATE OR INTRASTATE TRANSPORTATION OF PASSENGERS BY DRIVERS FROM ALL DISPATCHING LOCATIONS OR TERMINALS.

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 passengers can be safely accommodated. (See 49 C.F.R. § 386.72(b)(4) and (5)).

NO ADDITIONAL PASSENGERS MAY BE LOADED OR TRANSPORTED, NOR MAY THE MOTOR COACHES BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT. A MOTOR COACH MAY BE MOVED TO A LOCATION TO BE REPAIRED ONLY UPON APPROVAL FROM THE FIELD ADMINISTRATOR, FMCSA SOUTHERN SERVICE CENTER.

YOU ARE FURTHER NOTIFIED THAT, AS A RESULT OF THE ISSUANCE OF THIS ORDER, AND PURSUANT TO 49 U.S.C. § 13905(f)(2), YOUR FEDERAL OPERATING AUTHORITY REGISTRATION IS HEREBY REVOKED.

I. JURISDICTION

UNITED TOURS is a motor carrier engaged in interstate commerce and is therefore subject to the Federal Motor Carrier Safety Regulations ("FMCSRs"), 49 C.F.R. Parts 350-399, as well as the Orders of the USDOT and FMCSA. (See 49 U.S.C. §§ 506, 507, 13501, 31133 and 31136.)

UNITED TOURS is required to comply, and to ensure its drivers comply, with the FMCSRs. 49 C.F.R. § 390.11. **THE PROHIBITIONS ON OPERATION IN THIS ORDER APPLY TO UNITED TOURS, AS WELL AS ANY AND ALL OF ITS OFFICERS, DIRECTORS, MANAGERS, SUCCESSORS, ASSIGNS AND CLOSELY AFFILIATED COMPANIES. EXCEPT AS PROVIDED BELOW UNITED TOURS MAY NOT USE VAN SERVICES, SHUTTLES OR OTHER VEHICLES TO SUPPLEMENT ANY CONTINUED OPERATIONS.**

II. BASIS FOR ORDER

The basis for determining that UNITED TOURS's motor carrier operations and the continued operation of the vehicles identified in this ORDER pose an imminent hazard to the public is that UNITED TOURS fails to monitor and ensure that its drivers comply with drivers' hours of service requirements, drivers' records of duty requirements, and drivers' qualification requirements, thereby posing a continuing imminent hazard. Further, UNITED TOURS' reckless business practice of utilizing multi-employer drivers and concealing these drivers' hours of on-duty and/or driving time poses a continuing and imminent hazard to public safety. In addition, UNITED TOURS' dangerous business practice of scheduling two or more drivers to operate motor coaches and allowing these drivers to switch from driving to riding and vice-versa, in disregard for the requirements of without the required off-duty rest period poses a continuing imminent hazard. Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to UNITED TOUR drivers, passengers and the motoring public.

III. BACKGROUND

On May 19, 2011, FMCSA conducted a Compliance Review of UNITED TOURS, uncovering violations of the FMCSRs so widespread as to demonstrate a continuing and flagrant general disregard for compliance with the FMCSRs and a management philosophy indifferent to motor carrier safety. The Compliance Review proposed a safety fitness of “Unsatisfactory” and provided notification to UNITED TOURS that its passenger carrier operations were deficient and needed immediate correction. UNITED TOURS, however, failed to correct its deficient operations, and instead, continued to engage in reckless business practices, thereby posing an imminent threat to public safety. UNITED TOURS is using nonqualified drivers who do not possess a passenger carrier CDL and/or who are not medically examined and certified. UNITED TOURS also continues to utilize multi-employer drivers, whose records of duty status omit the carrier’s name and hours on-duty, thereby concealing these drivers’ and UNITED TOURS’ non-compliance with the FMCSRs. UNITED TOURS continues to demonstrate an ongoing failure to ensure its drivers are preparing and submitting accurate records of duty status, and that they comply with the maximum hours of service (HOS) limitations. These actions result in drivers transporting passengers at a time when they may be fatigued because of driving in excess of the maximum driving time, driving after the maximum on-duty time, and/or other HOS regulations. Such occurrences establish an imminently hazardous and potentially deadly situation for the driver, UNITED TOURS’s passengers, and the motoring public.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before UNITED TOURS will be permitted to resume

operations placed out of service by this Order, or to operate vehicles identified in this Order, UNITED TOURS must take specific steps to ensure and demonstrate compliance with the FMCSRs.

YOU MUST COMPLY WITH ALL PROVISIONS OF THIS ORDER

- 1. UNITED TOURS must require its driver to prepare Driver Vehicle Inspection Reports at the end of each day, implement a procedure so that its drivers can report safety defects and/or deficiencies and establish procedures to ensure that reported safety defects and/or deficiencies are repaired immediately.**
- 2. UNITED TOURS must ensure its drivers accurately and fully complete their daily records of duty status and submit them to the carrier within 13 days of their completion. UNITED TOURS must maintain drivers' records of duty status and all supporting documents for a minimum period of 6 months. Further, UNITED TOURS must ensure that all records of duty status are accurate by using all means available to it and by comparing each with all supporting documentation.**
- 3. UNITED TOURS must comply with all Orders issued by FMCSA and must submit to the Field Administrator a plan detailing how UNITED TOURS will (i) train all drivers used by UNITED TOURS or its successors or assigns, on compliance with the HOS regulations, (ii) monitor the compliance of all drivers used by UNITED TOURS or its successors or assigns with the HOS regulations, and (iii) ensure that all drivers used by UNITED TOURS or its successors or assigns are dispatched in such a way that scheduled routes may be completed within the maximum driving and on-duty hours, as provided in 49 CFR 395.5.**
- 4. The vehicles identified in this ORDER (VIN 2PCX3349311027585, VIN 2PCX3349911027607, VIN YE2CC18B062047063, VIN YE2TC12B3Y2043889, VIN YE2CC13B512045129, and VIN YE2TC12B7Y2043927) may not be operated in interstate**

and/or intrastate commerce by any entity or by any individual until you have fully complied with the Remedial Actions set forth in this section.

5. UNITED TOURS 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).

6. UNITED TOURS must use only those laboratories certified by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration for the analysis of urine specimens.

7. UNITED TOURS must ensure that driver supervisors undergo at least 60 minutes of training on alcohol misuse as well as an additional 60 minutes of training on controlled substance use.

8. UNITED TOURS must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b).

9. UNITED TOURS must ensure that it maintains driver qualification files, as required by 49 C.F.R. part 391.

10. UNITED TOURS 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.

11. UNITED TOURS must take aggressive and progressive steps to control drivers' hours of service.

12. UNITED TOURS must implement a dispatch system that ensures that no driver will be dispatched on any trip unless the driver has the necessary available hours of service to complete the trip in accordance with 49 C.F.R. Part 395.

13. UNITED TOURS must implement a system to ensure that all its drivers accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. UNITED TOURS must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to UNITED TOURS within 13 days of their completion. UNITED TOURS must maintain drivers' records of duty status and demonstrate a system demonstrating that the company can and will maintain all supporting documents. Further, UNITED TOURS must ensure that all records of duty status are accurate by using all means available to you and by comparing each record with all supporting documentation.

14. UNITED TOURS must ensure that all drivers are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations consistent with those regulations.

15. UNITED TOURS 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.

16. In accordance with 49 C.F.R. § 396.11, UNITED TOURS must require all its drivers to prepare Driver Vehicle Inspections Reports at the end of each day, and must implement procedures so that drivers can report safety defects or deficiencies and that such defects or deficiencies are repaired before the vehicle is operated again.

17. UNITED TOURS must mark, in accordance with 49 CFR 390.21, any vans or other

vehicles owned by UNITED TOURS or transporting passengers as part of a transportation initiated or continued by UNITED TOURS. This requirement applies to vehicles designed to carry 9 or more passengers, including passenger vans owned, operated, or affiliated with UNITED TOURS. UNITED TOURS must ensure that drivers operating such vans or other vehicles comply with the FMCSRs, including the HOS regulations.

V. RESCISSION OF ORDER

Before resuming motor carrier operations UNITED TOURS must comply with the provisions of this Order, eliminate the problems constituting the **imminent hazard** that its operations and vehicles pose and adequately demonstrate to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration, United States Department of Transportation, the actions taken to eliminate the safety problems. UNITED TOURS cannot avoid this Operations Out-of-Service Order by continuing operations under the name of another person or company. Any lease of equipment and/or direct assignment of contracts or other arrangements by UNITED TOURS requires the written approval of the Southern Service Center Field Administrator. Any such action taken in anticipation of this Operations Out-of-Service Order must cease immediately. UNITED TOURS must have the Order rescinded by the Southern Service Center Field Administrator before it may continue interstate or intrastate operations. Prior to rescission of the Order, UNITED TOURS will be required to:

- 1. IDENTIFY THE CAUSE FOR ITS NONCOMPLIANCE.**
- 2. DEVELOP A DETAILED PLAN OF ACTION THAT ADDRESSES EACH AREA OF NON-COMPLIANCE, THE STEPS IT INTENDS TO TAKE TO OVERCOME**

ITS NON-COMPLIANCE AND A TIME TABLE FOR THESE STEPS (THE SAFETY MANAGEMENT PLAN).

3. DEVELOP AND CERTIFY THE COMMITMENT OF UNITED TOURS TO COMPLY WITH THE FMCSRs.

4. EXECUTE THE SAFETY MANAGEMENT PLAN AND PROVIDE CERTIFICATION BY ALL OWNERS AND COMPANY OFFICIALS.

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

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

Division Administrator, North Carolina Division
Federal Motor Carrier Safety Administration
310 New Bern Avenue, Suite 468
Raleigh, North Carolina 27601

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Operations Out-of-Service Order may subject UNITED TOURS to an action by the United States Attorney in the United States District Court for equitable relief and punitive damages. UNITED TOURS may be assessed civil penalties of up to \$16,000 per day for each day it continues the proscribed interstate or intrastate operations after the effective date and time of this Order. (49 C.F.R. Part 386 App. A. § IV(g)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of

up to \$25,000 or imprisonment for a term not to exceed one year, or both. (49 U.S.C. § 521(b)(6)(A)).

VII. ADDITIONAL PENALTIES FOR OTHER VIOLATIONS

Any 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 statutes and regulations are separate and distinct from this ORDER. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs, previously discovered, discovered after the service of this ORDER, and/or discovered during subsequent investigations.

VIII. RIGHT TO REVIEW

You have the right to an administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). If requested, administrative review shall occur within 10 working days of the issuance of this ORDER. (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, with a copy sent to the Field Administrator, Southern Service Center at the following addresses:

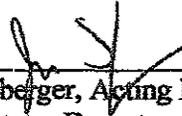
Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

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

The request must state the material facts at issue which you believe dispute or contradict the finding that UNITED TOURS' operation and the operation of the six identified motor coaches constitute an "imminent hazard" to the public.

A REQUEST FOR REVIEW DOES NOT IN ANY WAY DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY. UNITED TOURS' RESPONSE TO THIS OPERATIONS OUT-OF-SERVICE ORDER WILL NOT ALTER THE PROPOSED "UNSATISFACTORY" SAFETY FITNESS RATING THAT RESULTED FROM THE MAY 19, 2011 COMPLIANCE REVIEW.

Date: JUNE 11, 2011



Jon Dierberger, Acting Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration