

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

FIRST TRANSIT, INC.,

Respondent.

**Docket No. FMCSA-2013-0435¹
(Midwestern Service Center)**

ORDER GRANTING EXTENSION OF TIME

On March 20, 2013, the Minnesota Division Administrator, Federal Motor Carrier Safety Administration (FMCSA), issued a Notice of Claim for \$5,850 to Respondent, First Transit, Inc., charging it with three counts of having violated 49 CFR 383.37(a), for knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license that is suspended, revoked, or canceled by a state, or who is disqualified, to operate a commercial motor vehicle; the Notice of Claim proposed a per-count civil penalty of \$1,950.² On April 10, 2013, Respondent replied to the Notice of Claim, denying the alleged violation and requesting a formal hearing. It asked for a copy of the documentary evidence relied upon by the Division Administrator to support his Statement of Charges. Respondent provided its defenses and stated that it would provide the material issues of fact in dispute as well as additional affirmative defenses after it received the requested documentary evidence.³

On October 31, 2013, Claimant, the Field Administrator for FMCSA's

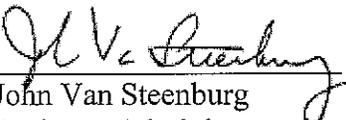
¹ The prior case number in this matter was MN-2013-0098-MN0675.

² See Exhibit A to "Field Administrator's Motion for Final Order, Argument and Evidence in Support, and Objection to Request for Formal Hearing," October 31, 2013 (Claimant's Motion for Final Order).

³ See Exhibit B to Claimant's Motion for Final Order.

Midwestern Service Center, moved for a final agency order, submitting his evidence and objecting to Respondent's request for hearing.⁴ On December 18, Respondent moved to extend the deadline to respond to Claimant's Motion for Final Order for 20 days, "up to and including January 9, 2014." On January 7, 2014, Respondent, having not received a ruling on its motion, requested that the deadline be extended by an additional 30 days, "up to and including February 10, 2014."⁵ Respondent stated that it continued to work diligently to respond to the Motion for Final Order, but it needs additional time to finalize its response. Counsel for Respondent stated that he was unable to reach counsel for Claimant to obtain his consent or to discuss a possible settlement. Nevertheless, for good cause shown, the Second Motion to Extend the Deadline, until February 10, 2014, is granted.

It Is So Ordered.


John Van Steenburg
Assistant Administrator
Federal Motor Carrier Safety Administration

1/22/14
Date

⁴ Prior to Claimant's Motion for Final Order, the parties had agreed to four 30-day extensions in an attempt to settle the matter; their efforts proved unsuccessful.

⁵ Thirty days from January 9, 2014 is February 8, 2014. Because that date falls on a Saturday, Respondent requested the extension until the following Monday, February 10, 2014, in accordance with 49 CFR 386.8(a).

CERTIFICATE OF SERVICE

This is to certify that on this 24 day of January, 2014, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Timothy W. Wiseman, Esq.
Scopelitis, Garvin, Light, Hanson & Feary
10 W. Market Street, Suite 1500
Indianapolis, IN 46204

One Copy
U.S. Mail

Peter W. Snyder, Esq.
Trial Attorney
Office of Chief Counsel (MC-CCE)
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

One Copy
U.S. Mail

U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

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