

**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**HECTOR GARZA dba  
TRINITY TRANSPORTS,**

**USDOT# 2131513**

**Petitioner.**

**Docket No. FMCSA-2013-0371  
(Office of Enforcement and  
Compliance)**

**INTERIM ORDER ON PETITION FOR ADMINISTRATIVE REVIEW**

**I. Procedural History**

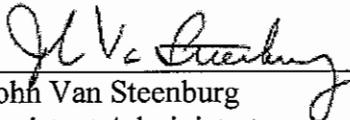
On September 13, 2013, Hector Garza dba Trinity Transports (Petitioner) served a Petition for Administrative Review of a Notice to Suspend the Temporary Hazardous Materials Safety Permit (HMSP), issued by the Federal Motor Carrier Safety Administration's (FMCSA) Office of Enforcement and Compliance (OEC) on August 20, 2013. The Notice to Suspend stated that Petitioner failed to implement corrective actions or submit a written request for an administrative review within 30 days after receiving Notice of the Intent to Suspend its Temporary HMSP. The Notice to Suspend informed Petitioner that it remains noncompliant with the requirement to have a Satisfactory safety rating under 49 CFR 385.407.

On October 1, 2013, I issued an Order denying Petitioner's Emergency Motion for Stay.

**II. Decision**

In addition to its petition for administrative review, Petitioner requested

administrative review of its Conditional safety rating on September 13, 2013.<sup>1</sup> A Notice of Claim (NOC) was also served on Petitioner on July 2, 2013. Today I issued an Order Appointing an Administrative Law Judge in Docket No. FMCSA-2013-0356, the NOC matter, which arose from the same compliance review that served as the basis for Petitioner's safety rating. I also issued an Order in Docket No. FMCSA-2013-0379, stating that because the same factual and legal issues must be resolved in both matters, and because there will be a full hearing of the facts on the record in the NOC matter, Petitioner's petition for administrative review of its Conditional safety rating will be decided after the final order is issued in Docket No. FMCSA-2013-0356. Accordingly, because the suspension of the HMSP was based in part on Petitioner's Conditional safety rating, the petition for review of the HMSP suspension will be decided after the final order is issued in the safety rating matter.

  
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John Van Steenburg  
Assistant Administrator  
Federal Motor Carrier Safety Administration

2/24/14  
Date

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<sup>1</sup> Petitioner's safety rating is being adjudicated in Docket No. FMCSA-2013-0379.

**CERTIFICATE OF SERVICE**

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

James A. Perkins, Esq. One Copy  
Larson Berg & Perkins PLLC U.S. Mail  
Counsel for Petitioner Hector Garza dba Trinity Transports  
105 North Third Street  
P.O. Box 550  
Yakima, WA 98907

Debra Straus, Esq. One Copy  
Office of Chief Counsel (MC-CCE) Personal Delivery  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

U.S. Department of Transportation Original  
Docket Operations, M-30 Personal Delivery  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590

  
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