

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**HECTOR GARZA dba
TRINITY TRANSPORTS,**

USDOT# 2131513

Petitioner.

**Docket No. FMCSA-2013-0379
(Western Service Center)**

**SECOND INTERIM ORDER ON PETITION FOR REVIEW
OF CONDITIONAL SAFETY RATING**

I. Procedural History

On September 13, 2013, Hector Garza dba Trinity Transports (Petitioner) served a Petition for Administrative Review of its final Conditional Safety Rating under 49 CFR 385.15 (Petition).¹ Petitioner's Conditional safety rating became final on August 20, 2013.² The Conditional safety rating arose from a compliance review (CR) conducted on or about July 2, 2013 by the Federal Motor Carrier Safety Administration (FMCSA).

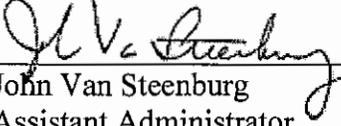
In an Interim Order served October 1, 2013, I directed the Regional Field Administrator (RFA) for FMCSA's Western Service Center to respond to the Petition. The RFA submitted his Response to Request for Administrative Review on October 25, 2013.

¹ Petitioner also has a civil penalty proceeding arising from the same compliance review conducted July 2, 2013, which is adjudicated in Docket No. FMCSA-2013-0356.

² <http://safer.fmcsa.dot.gov>.

II. Decision

Today I issued an Order Appointing an Administrative Law Judge in Docket No. FMCSA-2013-0356. Because the same factual and legal issues must be resolved in both the Notice of Claim (NOC) and the safety rating, and because the NOC matter will involve a full hearing of the facts on the record, Respondent's petition for administrative review of its Conditional safety rating will be decided after the final order is issued in the NOC matter.



John Van Steenburg
Assistant Administrator
Federal Motor Carrier Safety Administration

2/24/14

Date

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.

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