

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

DOUBLE HAPPYNESS TRAVEL, INC.) **Order No.: PA-2011-0004-IMH**
)
USDOT 1198260)
)
) **Service**
) **Date:** 12-23-11
) **Time:** 1:10 pm
)
)

IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER

This notice is an Imminent Hazard Operations Out-of-Service Order (“ORDER”) by the United States pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1) and (2), 49 U.S.C. § 31144(c)(5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Eastern Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Glen Burnie, Maryland. This ORDER applies to DOUBLE HAPPYNESS TRAVEL, INC., USDOT number 1198260, (referred to herein as “you,” “your,” and /or “DOUBLE HAPPYNESS TRAVEL, INC.”).

The United States finds your commercial motor vehicle operations constitute an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicles poses 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.

Commercial motor 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 COMMERCIAL MOTOR VEHICLES BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT. A COMMERCIAL MOTOR VEHICLE MAY BE MOVED TO A LOCATION TO BE REPAIRED ONLY UPON APPROVAL FROM THE FIELD ADMINISTRATOR, FMCSA EASTERN 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

DOUBLE HAPPYNESS TRAVEL, INC. 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). DOUBLE HAPPYNESS TRAVEL, INC. 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 DOUBLE HAPPYNESS TRAVEL, INC., AS WELL AS ANY AND ALL OF ITS OFFICERS, DIRECTORS, MANAGERS, SUCCESSORS, ASSIGNS AND CLOSELY AFFILIATED COMPANIES. EXCEPT AS EXPRESSLY PROVIDED HEREIN, DOUBLE HAPPYNESS TRAVEL, INC. MAY NOT USE VAN SERVICES, SHUTTLES, OR OTHER COMMERCIAL MOTOR VEHICLES TO SUPPLEMENT ANY CONTINUED OPERATIONS.

II. BASIS FOR ORDER

The basis for determining that DOUBLE HAPPYNESS TRAVEL, INC.'s motor carrier operations pose an imminent hazard to the public is that DOUBLE HAPPYNESS TRAVEL, INC. currently fails to monitor and ensure that its drivers comply with drivers' hours of service (HOS) requirements, drivers' records of duty status requirements, drivers' qualification requirements, drivers' controlled substances and alcohol use and testing requirements, and vehicle inspection and maintenance requirements, thereby posing an ongoing and continuing imminent hazard. The FMCSA's Safety Measurement System ("SMS") also indicates that DOUBLE HAPPYNESS TRAVEL, INC. significantly exceeds the intervention threshold for the Unsafe Driving, Fatigue Driving, and Driver Fitness Behavior Analysis and Safety Improvement Categories ("BASICS") with a score of 92.6% or higher in all three BASICS.¹

¹ The SMS is a tool for assessing available roadside performance data and ranking an entity's relative performance in any of the six Behavior Analysis and Safety Improvement Categories (BASICS). The SMS quantifies the on-road safety performance of individual entities to identify entities with significant safety problems, determine the specific safety problems an entity exhibits, and monitor safety problems through the Intervention Process. The SMS computes a percentile for each BASIC on a 0-100 scale and assigns a percentile rank to each BASIC, with 100 indicating the worst performance. DOUBLE HAPPYNESS TRAVEL, INC.'s score was near the worst safety performance in all three of these BASICS.

DOUBLE HAPPYNESS TRAVEL, INC.'s most recent Compliance Review resulted in a proposed safety rating of "UNSATISFACTORY." As a result of the Compliance Review, DOUBLE HAPPYNESS TRAVEL, INC. was found to have committed violations of four separate controlled substances and alcohol use and testing regulations (Parts 40 and 382), including using two drivers before having received a negative pre-employment controlled substances test result. DOUBLE HAPPYNESS TRAVEL, INC. was also found to have committed violations of 7 separate commercial driver's license and driver qualification regulations (Parts 383 and 391), including failing to maintain inquiries into its drivers' driving records. Further, DOUBLE HAPPYNESS TRAVEL, INC. was found to have committed violations of 5 separate hours of service regulations (Part 395), including making 49 false reports of driver duty activities. Lastly, DOUBLE HAPPYNESS TRAVEL, INC. was found to have committed violations of 5 separate vehicle inspection and maintenance regulations (Part 396), thereby failing to ensure its commercial motor vehicles are properly and regularly inspected, repaired and maintained.

Individually and cumulatively, these violations and these conditions of commercial motor vehicle operation substantially increase the likelihood of serious injury or death to DOUBLE HAPPYNESS TRAVEL, INC. drivers, passengers, and the motoring public.

III. BACKGROUND

Based on roadside inspections and other data compiled by FMCSA, DOUBLE HAPPYNESS TRAVEL, INC. has an SMS score of 92.8% in the Unsafe Driving BASIC, 92.6% in the Fatigued Driving (Hours of Service) BASIC, and 95.0% in the Driver Fitness BASIC. Each of these SMS scores indicates that DOUBLE HAPPYNESS TRAVEL, INC. significantly exceeds the FMCSA intervention threshold and that the motor carrier may be

therefore prioritized for further monitoring. On or about December 22, 2011, FMCSA conducted a Compliance Review of DOUBLE HAPPYNESS TRAVEL, INC., 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.”

DOUBLE HAPPYNESS TRAVEL, INC. does not adequately monitor its drivers’ hours of service to ensure that they do not violate the HOS regulations; indeed over 20% of the records of duty status reviewed by FMCSA were false – a violation rate nearly double the rate deemed “critical” under FMCSA regulations. 49 C.F.R. Part 385 App. B. § II(g) DOUBLE HAPPYNESS TRAVEL, INC.’s negligent oversight of its drivers results 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 violating other HOS regulations. DOUBLE HAPPYNESS TRAVEL, INC. also permitted drivers to drive before having received a negative pre-employment controlled substances test result.

In addition, DOUBLE HAPPYNESS TRAVEL, INC. fails to follow FMCSA driver qualification requirements to ensure that its drivers are qualified to transport passengers in its commercial motor vehicles. DOUBLE HAPPYNESS TRAVEL, INC. also failed to ensure that its commercial motor vehicles were properly inspected, maintained, and tested in accordance with the commercial motor vehicle inspection and maintenance requirements.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before DOUBLE HAPPYNESS TRAVEL, INC. will be permitted to resume operations placed out of service by this Order, DOUBLE HAPPYNESS TRAVEL, INC. must take specific steps to ensure and demonstrate compliance with the FMCSRs. In addition, before resuming interstate operations, DOUBLE HAPPYNESS TRAVEL, INC. must

apply for and receive new operating authority registration from FMCSA pursuant to 49 U.S.C. § 13902 and 49 C.F.R. § 365.

YOU MUST COMPLY WITH ALL PROVISIONS OF THIS ORDER

- 1. DOUBLE HAPPYNESS TRAVEL, INC. must comply with all Orders issued by FMCSA and must submit to the Field Administrator a plan detailing how DOUBLE HAPPYNESS TRAVEL, INC. will: (i) train all drivers used by DOUBLE HAPPYNESS TRAVEL, INC. or its successors, assigns or closely related affiliates, on compliance with the HOS regulations; (ii) monitor the compliance of all drivers used by DOUBLE HAPPYNESS TRAVEL, INC. or its successors, assigns or closely related affiliates with the HOS regulations; and (iii) ensure that all drivers used by DOUBLE HAPPYNESS TRAVEL, INC. or its successors, assigns or closely related affiliates are dispatched in such a way that scheduled routes may be completed within the maximum driving and on-duty hours, as provided in 49 C.F.R. § 395.5.**
- 2. DOUBLE HAPPYNESS TRAVEL, INC. must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). Further, DOUBLE HAPPYNESS TRAVEL, INC. must ensure that each driver selected for random controlled substances or alcohol testing has an equal chance of being selected each time selections are made. DOUBLE HAPPYNESS TRAVEL, INC. must ensure that it has received a negative pre-employment controlled substances test for each driver before using that driver.**
- 3. DOUBLE HAPPYNESS TRAVEL, INC. must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391. DOUBLE HAPPYNESS TRAVEL, INC. must ensure that every driver it uses has completed and furnished an employment**

application. DOUBLE HAPPYNESS TRAVEL, INC. must investigate each driver's background within 30 days of employment, and must maintain a copy of the response from each State agency in the driver's qualification file. DOUBLE HAPPYNESS TRAVEL, INC. must ensure that it obtains from each driver an annual list of traffic violations, that it obtains an annual Motor Vehicle Record, and that it performs an annual review on each driver's driving record.

4. DOUBLE HAPPYNESS TRAVEL, INC. must implement a system to ensure that all its drivers comply with the hours of service regulations, and accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. DOUBLE HAPPYNESS TRAVEL, INC. must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to DOUBLE HAPPYNESS TRAVEL, INC. within 13 days of their completion. Further, DOUBLE HAPPYNESS TRAVEL, INC. must demonstrate a system to 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.

5. DOUBLE HAPPYNESS TRAVEL, INC. 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.

6. DOUBLE HAPPYNESS TRAVEL, INC. must require all its drivers to prepare accurate and complete 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 commercial vehicle is operated again.

7. DOUBLE HAPPYNESS TRAVEL, INC. must maintain records of inspections, repairs, and maintenance indicating the date and nature of the work performed. DOUBLE

HAPPYNESS TRAVEL, INC. must keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on all buses. DOUBLE HAPPYNESS TRAVEL, INC. must maintain completed inspection forms for 12 months from the date of inspection at DOUBLE HAPPYNESS TRAVEL, INC.'s principal place of business. DOUBLE HAPPYNESS TRAVEL, INC. must maintain evidence of brake inspectors' qualifications.

V. RESCISSION OF ORDER

Before resuming motor carrier operations DOUBLE HAPPYNESS TRAVEL, INC. must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations pose, and adequately demonstrate to the Field Administrator, Eastern Service Center, Federal Motor Carrier Safety Administration, United States Department of Transportation, the actions taken to eliminate the safety problems. DOUBLE HAPPYNESS TRAVEL, INC. cannot avoid this Operations Out-of-Service Order by continuing operations under the name of another person or company. Any sale, lease, or other transfer of equipment and/or direct assignment of contracts or other agreements for service by DOUBLE HAPPYNESS TRAVEL, INC. requires the written approval of the Eastern Service Center Field Administrator. Any such action taken in anticipation of this Operations Out-of-Service Order must cease immediately. DOUBLE HAPPYNESS TRAVEL, INC. must have the Order rescinded by the Eastern Service Center Field Administrator before it may continue interstate or intrastate operations.

Prior to rescission of the Order, DOUBLE HAPPYNESS TRAVEL, INC. 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 DOUBLE HAPPYNESS TRAVEL, INC. TO COMPLY WITH THE FMCSRs.**
- 4. EXECUTE THE SAFETY MANAGEMENT PLAN AND PROVIDE CERTIFICATION BY ALL OWNERS AND COMPANY OFFICIALS. FOR PURPOSE OF THIS PARAGRAPH, "OWNERS AND COMPANY OFFICIALS" MEANS ANY PERSON OWNING MORE THAN A 10 PERCENT SHARE IN DOUBLE HAPPYNESS TRAVEL, INC., ALL REGISTERED CORPORATE OFFICERS AND ANY INDIVIDUAL RESPONSIBLE FOR OR PERFORMING HIRING, QUALIFYING, OR SCHEDULING OF DRIVERS OR SCHEDULING OR DIRECTING VEHICLE INSPECTION, REPAIR AND/OR MAINTENANCE.**

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

Field Administrator, Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

Division Administrator, Pennsylvania Division
Federal Motor Carrier Safety Administration
215 Limekiln Road, Suite 200
New Cumberland, PA 17070

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Operations Out-of-Service Order may subject DOUBLE HAPPYNESS TRAVEL, INC. to an action by the United States Attorney in the United States District Court for equitable relief and punitive damages. DOUBLE HAPPYNESS TRAVEL, INC. 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, Eastern Service Center at the following addresses:

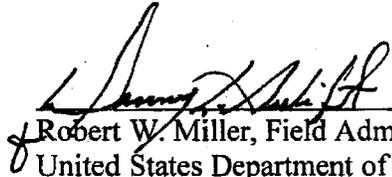
Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Field Administrator, Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

The request must state the material facts at issue which you believe dispute or contradict the finding that DOUBLE HAPPYNESS TRAVEL, INC.'s operation constitutes an "imminent hazard" to the public.

A REQUEST FOR REVIEW DOES NOT IN ANY WAY DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY. DOUBLE HAPPYNESS TRAVEL, INC.'S RESPONSE TO THIS OPERATIONS OUT-OF-SERVICE ORDER WILL NOT ALTER THE PROPOSED "UNSATISFACTORY" SAFETY FITNESS RATING THAT RESULTED FROM THE DECEMBER 22, 2011 COMPLIANCE REVIEW.

Date: 12/23/2011


Robert W. Miller, Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration



U.S. Department
Of Transportation

Federal Motor Carrier
Safety Administration

Pennsylvania Division
215 Limekiln Road, Suite 200
New Cumberland, PA 17070
(717) 614-4060

CERTIFICATE OF SERVICE

I, FRANCIS T. ROSS, certify that the **OPERATIONS
OUT-OF-SERVICE ORDER** (Number: PA-2011-0004-IMH) issued by the United States
Department of Transportation, Federal Motor Carrier Safety Administration to **DOUBLE
HAPPYNESS TRAVEL, INC.** (USDOT number 1198260) was served this 23RD
day of December 2011 at 1:10 o'clock P.m. by personally handing it to:

LUN BING CHEN (name)
PRESIDENT (title)

at the location of:

CHINA BOWL RESTAURANT
906 Henrietta Ave. Huntingdon Valley, PA 19006

Francis T. Ross
(signature)

FRANCIS T. ROSS
(name)

FEDERAL Program Specialist
(title)

1150 FIRST Ave. STE 380A
(business address)

King of Prussia, PA 19406

610 992-8689
(office telephone number)