

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

	)	<b>Order No.: PA-2013-5000-IMH</b>
	)	
<b>Bus Go Bus, Inc.</b>	)	<b>Service</b>
<b>USDOT 1956734</b>	)	<b>Date:</b> _____
	)	
<b>Qi Sheng "Sammy" Zhang</b>	)	<b>Service</b>
	)	<b>Date:</b> _____

**IMMINENT HAZARD**  
**OPERATIONS OUT-OF-SERVICE ORDER**

This is an Imminent Hazard Operations Out-of-Service Order ("Order") issued by the Secretary of Transportation pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1), (2), and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Regional Field Administrator, Eastern Service Center, Federal Motor Carrier Safety Administration ("FMCSA"), United States Department of Transportation ("USDOT"), Glen Burnie, Maryland. This Order applies to Bus Go Bus, Inc. (USDOT# 1956734) and Qi Sheng "Sammy" Zhang, individually (referred to collectively herein as "Carrier" and/or "it") and to all vehicles owned or operated by Bus Go Bus, Inc., including without limitation the commercial motor vehicles identified in Schedule A, attached hereto.

The Secretary and FMCSA find the Carrier's operations and the continued operation of any commercial motor vehicle (including without limitation those identified in Schedule A), referred to herein as "motor coaches" and/or "vehicles," constitutes an imminent hazard. This finding means that based upon the Carrier's present state of unacceptable safety compliance, its operation of any commercial motor vehicle poses an imminent hazard to public safety.

**Effective immediately, the Carrier must cease operating any commercial motor vehicle, including but not limited to the commercial motor vehicles listed in Schedule A.** “Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. The Carrier’s commercial motor vehicle(s), including but not limited to the commercial motor vehicles listed in Schedule A, may not be operated in interstate or intrastate commerce by any other motor carrier or any driver; such commercial motor vehicle may not be operated – even without passengers. Any movement of the Carrier’s commercial motor vehicles, specifically including the commercial motor vehicles identified in Schedule A, to any storage or repair or other location for the purposes of repair, sale, storage, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated. The Carrier’s commercial motor vehicles may be moved only upon the written approval of the Regional Field Administrator for FMCSA’s Eastern Service Center.

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)).

**THE CARRIER MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL PASSENGERS, NOR MAY THE CARRIER OPERATE ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.**

**Within eight (8) hours of the service of this Order, the Carrier must submit to the Regional Field Administrator in writing by facsimile the location of each of the commercial motor vehicles operated by the Carrier, including the vehicles identified in this Order.** The submission must be sent to:

Regional Field Administrator

443-703-2253 (facsimile)

## **I. JURISDICTION**

The Carrier is a passenger motor carrier engaged in interstate commerce using commercial motor vehicles and employing drivers and is therefore subject to the Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (*See* 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, and 31144). Qi Sheng “Sammy” Zhang is the individual who owns, manages, controls, directs or otherwise oversees the operations of the Carrier. The Carrier is required to comply with, and to ensure that its drivers comply with, the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This Order has the force and effect of any other Order issued by the FMCSA and is binding upon the Carrier and Qi Sheng “Sammy” Zhang, as well as any and all of its officers, members, directors, successors, assigns and closely affiliated companies. This Order applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by the Carrier, including but not limited to the vehicles identified in Schedule A hereto.

## **II. BASIS FOR ORDER**

The basis for determining that the Carrier’s motor carrier operations pose an imminent hazard to the public is the Carrier’s widespread and serious noncompliance

with Federal safety regulations.<sup>1</sup> The Carrier fails to ensure that its motor coaches are systematically and properly inspected, repaired and maintained and meet minimum safety standards. The Carrier essentially has no maintenance and repair program and no systemic ability to determine if its vehicles are safe. The Carrier has no routine method or system to inspect its vehicles, no routine method or system to repair its vehicles, and no routine method or system to oversee inspections and repairs. Further, the Carrier is not inspecting pushout windows, emergency doors, and emergency marking lights on its motor coaches. The Carrier is not requiring its drivers to properly prepare driver vehicle inspection reports which identify any vehicle defects. The Carrier's nonexistent and inadequate maintenance program substantially increases the risk of serious injury or death and is an imminently hazardous and potentially deadly situation for the Carrier's drivers and passengers and the motoring public.

The Carrier's compliance with FMCSA mandated controlled substances and alcohol use and testing requirements is also egregiously deficient. The Carrier is using drivers to transport passengers in its vehicles when the drivers are not subject to

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<sup>1</sup> Qi Sheng "Sammy" Zhang, as the President and sole owner of Bus Go Bus, Inc., is responsible for ensuring the Carrier's compliance with the FMCSRs. Qi Sheng Zhang was previously prohibited from operating commercial motor vehicles in interstate or intrastate commerce in a May 30, 2012 Imminent Hazard Operations Out-of-Service Order issued to a motor carrier operation now known as Black Leopard Travel, Inc. (USDOT # 2046152). Despite being subject to the May 30, 2012 Order, Mr. Zhang operated and continues to operate Bus Go Bus, Inc. In fact, Mr. Zhang affirmatively misrepresented to FMCSA his involvement in a motor carrier operation other than Black Leopard Travel, Inc., asserting that he was not involved in motor carrier operations other than Black Leopard Travel, Inc. Based in substantial part on Mr. Zhang's misrepresentations, on or about June 14, 2013, FMCSA rescinded the May 30, 2012 Order issued against Black Leopard Travel, Inc. By Notice dated October 15, 2013, however, FMCSA voided the rescission of the May 30, 2012 Order as it applied to Mr. Zhang, and the May 30, 2012 Order continues to apply to Mr. Zhang as if it were never rescinded.

random testing for controlled substances. The Carrier also uses drivers to operate passenger-carrying commercial motor vehicles before receiving negative pre-employment controlled substance test results. The Carrier's irresponsible actions in allowing unqualified drivers to operate its motor coaches substantially increases the likelihood of serious injury or death to the Carrier's drivers and passengers and the motoring public.

The Carrier also fails to oversee and monitor its drivers. The Carrier is not following FMCSA driver qualification requirements to ensure that its drivers are qualified to operate its passenger-carrying vehicles. The Carrier does not have safety management practices in place to ensure its drivers are preparing and submitting accurate records of duty status and that they comply with the maximum hours of service limitations. The Carrier is not requiring its drivers to turn in all records of duty status and supporting documents related to the records of duty status. The Carrier is not requiring its drivers to obey the posted speed limit. The Carrier's continued and blatant disregard for the FMCSRs substantially increases the likelihood of serious injury or death and is an imminently hazardous and potentially deadly risk for its drivers and passengers and for the motoring public.

Further, the carrier is owned and operated by Qi Sheng "Sammy" Zhang. Mr. Zhang is currently prohibited from operating in interstate or intrastate motor carrier commerce pursuant to the May 30, 2012 Imminent Hazard Order issued to him.

### **III. BACKGROUND**

On or around September 27, 2013, FMCSA completed an investigation of the Carrier as part of its 2013 passenger carrier safety initiative. FMCSA's investigation uncovered egregious regulatory violations demonstrating the Carrier's flagrant

disregard for motor vehicle passenger safety.<sup>2</sup> The Carrier does not have a systematic vehicle inspection, repair, and maintenance program in place to prevent the operation of unsafe motor vehicles<sup>3</sup> and was unable to produce the required vehicle records containing the date and nature of inspections, repairs, and maintenance conducted on its motor coaches. The Carrier is not inspecting push-out windows, emergency doors, and emergency marking lights on its motor coaches. Further, the Carrier is not requiring its drivers to prepare driver vehicle inspection reports that identify vehicle defects.

The Carrier's compliance with FMCSA mandated controlled substances and alcohol use and testing requirements is also egregiously deficient. The Carrier does not random controlled substances testing to ensure that its drivers are able to safely operate its commercial motor vehicles. The Carrier also allows drivers to operate motor coaches before the Carrier has received negative pre-employment controlled substance test results. The Carrier's irresponsible actions in allowing unqualified drivers to operate its motor coaches substantially increases the likelihood of serious injury or death to the Carrier's drivers and passengers and the motoring public.

The Carrier fails to follow FMCSA driver qualification requirements to ensure that its drivers are qualified to operate its commercial motor vehicles. The Carrier's driver qualification files were missing evidence of annual driver record inquiries and medical examiner's certificates.

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<sup>2</sup> As part of its investigation, FMCSA completed a compliance review of the Carrier. The Carrier received a proposed safety rating of "Unsatisfactory."

<sup>3</sup> See 49 C.F.R. § 396.3(a) ("Every motor carrier...must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicle...equipment subject to its control.")

The Carrier also fails to properly oversee its drivers. The Carrier does not have safety management practices in place to ensure its drivers are preparing and submitting records of duty status and that they comply with the maximum hours of service limitations. FMCSA investigators uncovered false records of duty status in addition to missing records of duty status and missing supporting documents related to the records of duty status. FMCSA investigators also uncovered widespread instances of the Carrier's drivers' operating commercial motor vehicles at speeds in excess of the posted speed limit.

Individually and cumulatively, these violations and conditions of dispatch and operation substantially increase the likelihood of serious injury or death to the Carrier's drivers and passengers and the motoring public.

#### **IV. REMEDIAL ACTION**

To eliminate this imminent hazard, and before the Carrier will be permitted to resume operations placed out-of-service by this Order, the Carrier must take specific steps to ensure and demonstrate compliance with the FMCSRs. The Carrier must drastically change its company and management philosophy regarding driver oversight and vehicle maintenance. Specifically:

1. The Carrier 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) and provide evidence of this program to the Eastern Service Center Regional Field Administrator. The Carrier 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. The Carrier

must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). The Carrier 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 that conforms to 49 C.F.R. § 382.603.

2. The Carrier 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. The Carrier must ensure that it has received a negative pre-employment controlled substances test for each driver before using that driver to perform safety-sensitive functions. The Carrier must establish policies and procedures to ensure that it does not dispatch a driver who has tested positive for controlled substances or alcohol until that driver has completed the return-to-duty process in 49 C.F.R. Part 40.

3. The Carrier must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391. The Carrier must ensure that every driver it uses has completed and furnished an employment application. The Carrier 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. The Carrier must ensure that it obtains from each driver an annual list of traffic violations and an annual Motor Vehicle Record, and that it performs an annual review on each driver's driving record. The Carrier must ensure that it performs a three-year previous employment check on its drivers prior to their operating a commercial motor vehicle, in accordance with 49 C.F.R. § 391.23. The Carrier must ensure each driver possesses a DOT medical examiner's certificate as well as ensure that a copy of each driver's medical examiner's certificate is maintained in the driver's qualification file.

4. The Carrier must take aggressive and progressive steps to control drivers'

hours of service.

5. The Carrier 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.

6. The Carrier must ensure that each of its drivers records his or her duty status for each 24-hour period in accordance with 49 C.F.R. § 395.8. The Carrier must ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. § 395.8. The Carrier must maintain each record of duty status for a minimum of six months in accordance with 49 C.F.R. § 395.8.

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

8. The Carrier 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.

9. The Carrier must submit to the Regional Field Administrator a plan detailing how it will: (i) train all drivers used on compliance with the HOS regulations; (ii) monitor the compliance of all drivers with the HOS regulations; and (iii) ensure that all drivers 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.

10. The Carrier must establish safety management controls and procedures that ensure that each and every commercial motor vehicle it operates is systematically and properly inspected, maintained and repaired as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair are obtained and maintained as required.

11. The Carrier must demonstrate that it has an effective commercial motor vehicle maintenance program in place to inspect, maintain, and repairs its fleet and ensure compliance with the FMCSRs. The Carrier must ensure and demonstrate that vehicle maintenance and safety is a company priority and must ensure and demonstrate that inspection records are accurately completed.

12. The Carrier must ensure and demonstrate that its vehicles are in a safe operating condition and are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance).

13. The Carrier must require its drivers 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 and abide by procedures to ensure that reported safety defects and/or deficiencies are repaired before the commercial motor vehicle is operated again. The Carrier must train its drivers and ensure all drivers understand the meaning of a roadside out-of-service order and comply with roadside out-of-service orders.

14. The Carrier must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of its commercial

motor vehicles are repaired prior to the vehicle being operated. The Carrier must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is used for the transportation of passengers prior to necessary repairs being made and the vehicle passing an appropriate safety inspection.

15. The Carrier must contact FMCSA's Pennsylvania Division and arrange for inspection of each of its commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

16. The Carrier must comply with all Orders issued by FMCSA.

## **V. RESCISSION OF ORDER**

The Carrier is subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and until such time as the Carrier has a valid and active USDOT number and operating authority registration, the Carrier is prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. This Order will not be rescinded until the Regional Field Administrator for FMCSA's Eastern Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this Order have been fully satisfied and acceptable documentation submitted.

Before this Order will be rescinded, the Carrier must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations and motor vehicles pose, and adequately demonstrate to the Regional Field Administrator's satisfaction the actions taken to eliminate the safety problems. The Carrier cannot avoid this Order by continuing operations under the name of another person or company. Any sale, lease, or other transfer of commercial motor vehicle(s) and/or direct assignment of contract(s) or other agreement(s) for service by the Carrier

requires the written approval of the Eastern Service Center Regional Field Administrator. Any such action taken in anticipation of this Order must cease immediately.

**Prior to rescission of this Order, the Carrier will be required to:**

- 1. Identify the cause for its noncompliance.**
- 2. Develop a detailed Safety Management 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.**
- 3. Certify in writing the commitment of the Carrier to comply with the FMCSRs.**
- 4. Execute the Safety Management Plan and provide certification by all owners and officers.**

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

Regional 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

Rescission of this Order does not constitute a reinstatement of the Carrier's Federal operating authority registration or its USDOT Number. In order for the Carrier to

resume motor carrier operations in the United States, the Carrier will be required to apply to reactivate its USDOT number registration, reapply for and receive operating authority registration, and demonstrate that the Carrier is fit and willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; 5) the accessibility requirements set forth in 49 U.S.C. Part 37 or the regulations promulgated pursuant to that Part for transportation provided by an over-the-road bus; and 6) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

## **VI. FAILURE TO COMPLY**

Failure to comply with the provisions of this Order may subject the Carrier to an action in the United States District Court for equitable relief and punitive damages. The Carrier may be assessed civil penalties of up to \$25,000 for a violation of this Order. (49 U.S.C. § 521(b)(2)(F) and 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 and imprisonment for a term not to exceed one year. (49 U.S.C. § 521 (b)(6)(A)).

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 and Orders of the FMCSA, previously discovered, discovered after the service of this Order, and/or discovered

during subsequent investigations.

## **VII. RIGHT TO REVIEW**

The Carrier has the right to administrative review in accordance with 5 U.S.C. § 554 and 49 C.F.R. § 386.72(b)(4). An administrative review, if requested, must occur within 10 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 FMCSA's Adjudications Counsel and the Regional Field Administrator, Eastern Service Center at the following addresses:

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

Federal Motor Carrier Safety Administration  
Office of the Chief Counsel - Adjudications  
1200 New Jersey Avenue S.E., W61-323  
Washington, DC 20590

Regional 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 the Carrier believes dispute or contradict the finding that the Carrier's operations constitute an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY SUSPEND OR DELAY THE CARRIER'S DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY.** This Order is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify

any other such orders or actions. Any request for administrative review of this Order does not attach to or apply to any other order or action.

Date: October 16, 2013



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Curtis L. Thomas  
Regional Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration

## SCHEDULE A

<u>Vehicle ID</u>	<u>Registration Number</u>	<u>Make &amp; Year</u>	<u>VIN</u>
881	MA 85141	2002 Van Hool	YE2CC13B422035396
882	MA 85142	2002 Van Hool	YE2CC13B222045395
883	MA 87366	2000 MCI	1M8PDMPAXYP05
885	MA 87367	2000 MCI	1M8PDMPA6YP052472
886	MA 87368	2000 MCI	1M8PDMPA6YP052469
887	MA 87434	2000 MCI	1M8PDMPA1YP052475
888	MA 86664	1999 Van Hool	YE2TC63B6X2043346
889	MA 87496	1998 Van Hool	YE2TC62B3W2043675
8810	MA 87506	2000 Van Hool	YE2TC12B142043874
8811	MA 87507	1999 Van Hool	YE2TC63BXX2043351
8812	MA 87509	1999 Van Hool	YE2TC62BX2043744
8813	MA 89804	1999 Van Hool	YE2TC61B3X2043243
8815	MA 89803	2000 Van Hool	YE2TC13BXY2044004
8816	MA 89802	2000 Van Hool	YE2TC13B7Y2043473