

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

)	Order No.: GA-2013-5005-IMH
)	
GCL ACQUISITION, LLC,)	Service
dba GREENE CLASSIC LIMOUSINES)	Date: <u>May 17, 2013</u>
)	<u>Time 2:40 pm</u>
USDOT 945428)	
)	
)	

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. § 31144(c)(1) and (5), and 49 C.F.R. § 386.72(b)(1). This Order applies to the commercial motor vehicles described herein operated by GCL Acquisition, LLC dba Greene Classic Limousines (USDOT# 945428) (referred to herein as “Greene Classic Limousines”).

The Secretary and Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (“USDOT”) find your continued operation of the commercial motor vehicles (herein “commercial motor vehicles,” “motor vehicles,” and/or “buses”) listed on Schedule A hereto constitutes an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of these commercial motor vehicles poses an imminent hazard to public safety.

EFFECTIVE IMMEDIATELY, YOU MUST CEASE OPERATING THOSE
COMMERCIAL MOTOR VEHICLES LISTED ON SCHEDULE A. “OPERATE” OR
“OPERATING” INCLUDES WITHOUT LIMITATION ALL INTERSTATE AND

INTRASTATE TRANSPORTATION BY DRIVERS FROM ALL DISPATCHING LOCATIONS OR TERMINALS. FURTHER, THE COMMERCIAL MOTOR VEHICLES IDENTIFIED IN THIS ORDER MAY NOT BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE BY ANY OTHER MOTOR CARRIER OR ANY DRIVER. THE COMMERCIAL MOTOR VEHICLES IDENTIFIED IN THIS ORDER MAY NOT BE OPERATED – EVEN WITHOUT PASSENGERS – AND MUST BE TOWED TO ANY STORAGE OR REPAIR FACILITY OR OTHER LOCATION FOR PURPOSES OF REPAIR, SALE, OR FINAL DISPOSITION; YOUR COMMERCIAL MOTOR VEHICLES MAY BE MOVED ONLY UPON THE WRITTEN APPROVAL OF THE FIELD ADMINISTRATOR FOR FMCSA’S SOUTHERN SERVICE CENTER.

The identified 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 secured. (*See* 49 C.F.R. § 386.72(b)(4) and (5)). You may not load or transport any additional passengers while this Order is in effect.

YOU MAY NOT OPERATE ANY COMMERCIAL MOTOR VEHICLE LISTED ON SCHEDULE A IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.

Within eight (8) hours of the service of this Order, you must submit to the Field Administrator in writing by facsimile the location of each of the commercial motor vehicles subject to this Order. Your submission must be faxed to:

(404) 327-7349

and addressed to:

Mr. Darrell Ruban
Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd., NE, Suite 1700
Atlanta, Georgia 30345

I. JURISDICTION

Greene Classic Limousines 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.) Greene Classic Limousines 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 Greene Classic Limousines, as well as any and all of its officers, members, directors, successors, assigns, and closely affiliated companies. This Order applies to only those commercial motor vehicles listed on Schedule A of this Order.

II. BASIS FOR ORDER

The basis for determining that Greene Classic Limousines’ operation of the listed commercial motor vehicles poses an imminent hazard to the public is that Greene Classic Limousines is operating the subject buses under dangerous conditions that exceed the manufacturer’s Gross Vehicle Weight Rating (GVWR) limit. The design and operation of these buses result in routine passenger capacity exceeding the buses’ GVWR. FMCSA has identified significant structural damage to these buses such that their continued operation substantially

increases the likelihood of vehicle rollover and crashes. Greene Classic Limousines also fails to ensure that these buses are properly and regularly inspected, repaired and maintained. Further, Greene Classic Limousines fails to repair vehicle deficiencies identified by its drivers on required daily inspection reports for these buses. Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to Greene Classic Limousines' drivers and passengers and the motoring public.

III. BACKGROUND

On May 13, 2013, FMCSA began a comprehensive review of Greene Classic Limousines' operations as part of FMCSA's Motorcoach Quick Strike Initiative. During the review, FMCSA investigators placed three of the subject buses out-of-service after discovering the buses had a broken control arm (axle positioning part), completely detached from the rear driver side axle.¹ FMCSA investigators also discovered two other buses with the identical structural defect.² Subsequent investigation revealed that Greene Classic Limousines operates these buses at full passenger capacity and in excess of weight design capacity. The subject buses, identified in Schedule A, have a manufacturer's GVWR of 19,000 lbs. However, the buses are being operated at full passenger capacity with an approximate weight of 22,400 lbs., resulting in the buses being continually operated at 3,400 lbs. above the GVWR. It appears that the consistent operation of these buses above the GVWR has caused repeated fracturing of the control arm, in some instances resulting in complete detachment of the control arm from the rear driver-side axle, causing an imminently hazardous and dangerous condition of operation.

Greene Classic Limousines' vehicle maintenance program does not effectively prevent the

¹ The control arm component is designed to support the passenger and upper compartment of the bus and prevent excessive swaying which may lead to vehicle rollover.

² The buses are comprised of a passenger compartment on a truck chassis and are intended to transport 32 occupants.

operation of these unsafe buses. Greene Classic Limousines does not maintain the subject buses in a safe and proper operating condition and its mechanics do not follow federal requirements for inspection, repair and maintenance of the subject buses. Greene Classic Limousines also does not consistently check drivers' vehicle inspection reports for these buses. As a result of these deficiencies in its maintenance program, Greene Classic Limousines has allowed the buses listed in Schedule A to deteriorate to the point that their operation significantly increases the likelihood of serious injury or death if not discontinued immediately.

In sum, the noncompliant, unsafe, and dangerous condition of these buses and Greene Classic Limousines' failure to adequately maintain and repair these buses substantially increases the likelihood of serious injury or death and is an imminently hazardous and potentially deadly risk for its own drivers, passengers, and for the motoring public.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before Greene Classic Limousines will be permitted to resume operation of the listed commercial motor vehicles placed out-of-service by this Order, Greene Classic Limousines must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Greene Classic Limousines must implement a plan detailing how Greene Classic Limousines will not dispatch overweight buses.
2. Greene Classic Limousines must implement a policy to ensure that prior to the dispatch of any commercial motor vehicle in interstate or intrastate commerce, the weight of the loaded vehicle and its tires are checked to determine whether the vehicle complies with Federal and local laws and regulations covering the maximum weight of commercial motor vehicles, as required by 49 C.F.R. § 383.5.

3. Greene Classic Limousines must ensure and demonstrate that its buses 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), and there is an adequate maintenance program in place to ensure compliance with the FMCSRs. Greene Classic Limousines must train its mechanics and ensure that all mechanics comply with federal vehicle inspection, repair and maintenance requirements.

4. Greene Classic Limousines must not operate any commercial motor vehicle listed on Schedule A until an FMCSA employee or authorized representative has completed a Level 5 inspection for that vehicle and found the vehicle to have no Out-of-Service defects. Any such vehicle taken to a repair facility or brought for inspection must be towed and not driven before this Order is rescinded as to the vehicle.

5. Greene Classic Limousines 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 immediately before the commercial motor vehicle is operated again. Greene Classic Limousines 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.

6. Greene Classic Limousines must comply with all Orders issued by FMCSA.

V. RESCISSION OF ORDER

Greene Classic Limousines is subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, Greene Classic Limousines is prohibited from operating the commercial motor vehicles listed in Schedule A in interstate

and/or intrastate commerce. This Order will not be rescinded until the Field Administrator for FMCSA's Southern 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, Greene Classic Limousines must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations of these motor vehicles poses, and adequately demonstrate to the Field Administrator for FMCSA's Southern Service Center the actions taken to eliminate the cited safety problems. Greene Classic Limousines cannot avoid this Order by continuing operations of the out-of-service motor vehicles under the name of another person or company. Any sale, lease, or other transfer of commercial motor vehicles and/or direct assignment of contracts or other agreements for service by Greene Classic Limousines requires the written approval of the Southern Service Center Field Administrator. Any such action taken in anticipation of this Order must cease immediately.

Prior to rescission of the Order, Greene Classic Limousines 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 timetable for these steps.**
- 3. Develop and certify the commitment of Greene Classic Limousines 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 Field Administrator, Southern Service Center, with a copy to the Division Administrator, Georgia Division, at the following addresses:

Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd., NE, Suite 1700
Atlanta, Georgia 30345

Division Administrator, Georgia Division
Federal Motor Carrier Safety Administration
1745 Phoenix Boulevard, Suite 380
Atlanta, Georgia 30349

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Order may subject Greene Classic Limousines to an action in the United States District Court for equitable relief and punitive damages. Greene Classic Limousines 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)).

VII. PENALTIES FOR 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 and Orders of the FMCSA, previously discovered, discovered after the service of this Order, and/or discovered during subsequent investigations.

VIII. RIGHT TO REVIEW

You have the right to administrative review in accordance with 5 U.S.C. § 554 pursuant to 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 copies sent to the FMCSA's Adjudications Counsel and Field Administrator, Southern Service Center at the following addresses:

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

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

Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd., NE, Suite 1700
Atlanta, Georgia 30345

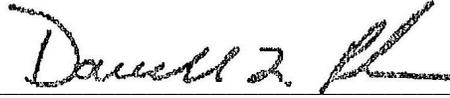
The request must state the material facts at issue which you believe dispute or contradict the finding that Greene Classic Limousines' operation of the listed commercial motor vehicle(s) constitutes an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY
SUSPEND OR DELAY YOUR 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, and any request for administrative review of this Order does not attach to or apply to any other order

or action.

Date: May 17, 2013

A handwritten signature in black ink, appearing to read "Darrell Ruban", written over a horizontal line.

Darrell Ruban, Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration

SCHEDULE A

	YEAR	VIN	BUS #
1	2008	1FDAF56R28EB95549	24
2	2008	1FDAF56R78EA80185	31
3	2008	1FDAF56R48EB95553	48
4	2008	1FDAF56R28EB95552	47
5	2008	1FDAF56R98EB86864	57



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

GCL ACQUISITION, LLC
USDOT 945428

)
)
)
)
)
)
)

Order No.: GA-2013-5005-IMH

CERTIFICATE OF SERVICE

This is to certify that on the 17th day of May, 2013 the undersigned hand delivered one copy of the above-styled IMMIDENT HAZARD OPERATIONS OUT-OF-SERVICE ORDER by serving in hand the individual listed below at the address shown below:

Jeff Greene
Individual Served for GCL Acquisition, LLC

Time 2:40 pm

Address: 1359-B Ellsworth Ind Blvd
Atlanta, GA 30318

[Signature]
Safety Investigator
Federal Motor Carrier Safety Administration