

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

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| <b>ILLINI TOURS INC.</b> | ) | <b>Order No.: IL-2013-5002-IMH</b> |
|                          | ) |                                    |
| <b>USDOT 1759981</b>     | ) |                                    |
| <b>MC 648154</b>         | ) | <b>Service</b>                     |
|                          | ) | <b>Date:</b> _____                 |
| <b>ROBERT L. FRAZIER</b> | ) |                                    |
|                          | ) |                                    |
|                          | ) | <b>Time:</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 Field Administrator, Midwestern Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Matteson, Illinois. This ORDER applies to ILLINI TOURS, INC. (USDOT #1759981) and ROBERT L. FRAZIER, individually (referred to collectively herein as “you,” “your”, and/or ILLINI TOURS) and to all vehicles owned or operated by ILLINI TOURS.

The Secretary and FMCSA find your continued operation of any commercial motor vehicle (herein “commercial motor vehicles,” “motor vehicles,” and/or “motor coaches.”) constitutes an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle(s) poses an **imminent hazard** to public safety.

**EFFECTIVE IMMEDIATELY, YOU MUST CEASE OPERATING ANY COMMERCIAL MOTOR VEHICLES, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, THE COMMERCIAL MOTOR VEHICLES LISTED IN APPENDIX A TO THIS ORDER.**

“Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. ILLINI TOURS’ commercial motor vehicles may not be operated in interstate or intrastate commerce by any other motor carrier or any driver; such commercial motor vehicles may not be operated – even without passengers. Any movement of ILLINI TOURS’ commercial motor vehicles 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. ILLINI TOURS’ commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA’s Midwestern Service Center.

Your 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)).

You may not load or transport additional passengers, nor may you 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, you must submit to the Field Administrator in writing by facsimile the location of each of the commercial motor vehicles operated by ILLINI TOURS. Your submission must be sent to:**

Field Administrator  
(708) 238-2319 (facsimile)

## **I. JURISDICTION**

ILLINI TOURS 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 and 31136 and 31144). ILLINI TOURS is required to comply with, and to ensure its drivers comply with, the FMCSRs and Orders of the USDOT and FMCSA. (*See* 49 C.F.R. § 390.11). ROBERT L. FRAZIER is the President and owner of ILLINI TOURS and is the individual directly responsible for management, control, direction, and oversight of the operations of ILLINI TOURS. This Order has the force and effect of any other Order issued by FMCSA and is binding upon ILLINI TOURS, 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 ILLINI TOURS.

## **II. BASIS FOR ORDER**

The basis for determining that ILLINI TOURS’ motor carrier operations pose an imminent hazard to the public is that ILLINI TOURS fails to ensure that its commercial motor vehicles are properly and regularly inspected repaired and maintained. These violations substantially increased the likelihood of serious injury or death to ILLINI TOURS’ drivers and the motoring public. ROBERT L. FRAZIER, ILLINI TOURS’ President, is the individual responsible for the oversight and management of the motor carrier’s safety operations.

### **III. BACKGROUND**

Around March 12, 2013, FMCSA began a compliance review of ILLINI TOURS.

ILLINI TOURS operates motor coaches, and is primarily engaged in transporting passengers in the Midwestern United States. FMCSA's compliance review revealed egregious regulatory violations demonstrating ILLINI TOURS' blatant disregard for motor coach passenger safety.<sup>1</sup>

ILLINI TOURS does not have a systematic vehicle inspection, repair, and maintenance program in place to prevent the operation of unsafe motor coaches.<sup>2</sup> FMCSA's investigators inspected four of ILLINI TOURS' five motor coaches during the compliance review. As a result of the inspections, FMCSA removed all four motor coaches from service. The out-of-service conditions included various brake deficiencies, air suspension pressure losses, and a wiring problem that caused a two-foot spark when the motor coach was started during the inspection.

ILLINI TOURS also fails to correct safety-related defects listed on vehicle inspection reports.<sup>3</sup> ILLINI TOURS allowed drivers to operate a motor coach for several days despite the fact that ILLINI TOURS' drivers repeatedly listed a problem with the anti-lock braking system INDICATOR light on their vehicle inspection reports.

FMCSA issues this ORDER against ROBERT L. FRAZIER because of his history of operating motor carriers in an unsafe manner. ILLINI TOURS' President, ROBERT L. FRAZIER, is also the President and owner of Lex Express, Inc. ("Lex Express"), USDOT NO. 824116. FMCSA conducted a compliance review of LEX EXPRESS in October 2012 and

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<sup>1</sup> The compliance review resulted in a proposed rating of "Unsatisfactory."

<sup>2</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.)

<sup>3</sup> See 49 C.F.R. § 396.11(c) (Prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.)

determined that LEX EXPRESS' operations warranted a proposed rating of "unsatisfactory."<sup>4</sup> Under ROBERT L. FRAZIER'S direction and control, Lex Express also had severe problems with vehicle maintenance. In the October 2012 compliance review, FMCSA investigators cited Lex Express for, among other things, fraudulently or intentionally making false entries on inspection and vehicle maintenance records (49 C.F.R. § 390.35) operating a motor vehicle in such a condition as to likely cause an accident or breakdown (49 C.F.R. § 396.7(a)), failing to correct safety-related defects listed on vehicle inspection reports (49 C.F.R. § 396.11(c)), and using a commercial motor vehicle not periodically inspected (49 C.F.R. § 396.17(a)).

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

To eliminate this imminent hazard, and before ILLINI TOURS will be permitted to resume operations placed out of service by this Order, ILLINI TOURS must take specific steps to ensure and demonstrate compliance with the FMCSRs.

#### **YOU MUST COMPLY WITH ALL PROVISIONS OF THIS ORDER**

**1. ILLINI TOURS and ROBERT L. FRAZIER must drastically change its company and management philosophy regarding vehicle maintenance. ILLINI TOURS and ROBERT L. FRAZIER must comply with all Orders issued by FMCSA and must submit to the Field Administrator a plan detailing how ILLINI TOURS will:**

**(i) Implement an effective commercial motor vehicle maintenance program that specifically references how it will improve the areas of inspection, maintenance and repair of its motor coaches. ILLINI TOURS must ensure and demonstrate that vehicle maintenance and safety is a company priority and must ensure and demonstrate that inspection records are accurately completed.**

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<sup>4</sup> An unsatisfactory rating for Lex Express was effective on December 7, 2012.

**(ii) Ensure that all safety defects and/or deficiencies are repaired immediately and before the commercial motor vehicle is operated again.**

**(iii) Ensure that all maintenance employees are adequately trained in the inspection, repair, and maintenance of commercial motor vehicles and the requirements of the Federal Motor Carrier Safety Regulations.**

**2. ILLINI TOURS must ensure and demonstrate that its commercial motor 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).**

**3. ILLINI TOURS 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.**

**4. ILLINI TOURS 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. ILLINI TOURS 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.**

**5. ILLINI TOURS 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.**

## **V. RESCISSION OF ORDER**

Before this ORDER will be rescinded, ILLINI TOURS AND ROBERT L. FRAZIER 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 Field Administrator, Midwestern Service Center, Federal Motor Carrier Safety Administration, United States Department of Transportation, the actions taken to eliminate the safety problems. ILLINI TOURS and ROBERT L. FRAZIER are 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 ILLINI TOURS has a valid and active USDOT number and operating authority registration, ILLINI TOURS and ROBERT L. FRAZIER are prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. ILLINI TOURS AND/OR ROBERT L. FRAZIER cannot avoid this 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 ILLINI TOURS AND/OR ROBERT L. FRAZIER requires the written approval of the Midwestern Service Center Field Administrator. Any such action taken in anticipation of this ORDER must cease immediately. ILLINI TOURS AND ROBERT L. FRAZIER must have the ORDER rescinded by the Midwestern Service Center Field Administrator before it may continue interstate or intrastate operations.

Prior to rescission of the ORDER, ILLINI TOURS AND ROBERT L. FRAZIER 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. CERTIFY IN WRITING THE COMMITMENT OF ILLINI TOURS AND ROBERT L. FRAZIER 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 ILLINI TOURS, 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, Midwestern Service Center with a copy to the Division Administrator, Illinois Division, at the following addresses:

Field Administrator, Midwestern Service Center  
Federal Motor Carrier Safety Administration  
4749 Lincoln Mall Drive, Suite 300A  
Matteson, IL 60443

Division Administrator, Illinois Division  
Federal Motor Carrier Safety Administration  
3250 Executive Park Drive  
Springfield, IL 62703-4514

Rescission of this ORDER does not constitute a reinstatement of ILLINI TOURS' Federal operating authority registration or its USDOT Number. In order for ILLINI TOURS to resume motor coach operations transporting passengers in the United States, ILLINI TOURS will be required to apply to reactivate its USDOT number registration, reapply for operating authority registration, and demonstrate that it is fit, 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; and 5) the 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 ILLINI TOURS AND/OR ROBERT L. FRAZIER to an action in the United States District Court for equitable relief and punitive damages. ILLINI TOURS AND/OR ROBERT L. FRAZIER 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 or imprisonment for a term not to exceed one year, or both. (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, 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 a copy sent to FMCSA's Adjudications Counsel and the Field Administrator, Midwestern 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

Field Administrator, Midwestern Service Center  
Federal Motor Carrier Safety Administration  
4749 Lincoln Mall Drive, Suite 300A  
Matteson, IL 60443

The request must state the material facts at issue which you believe dispute or contradict the finding that ILLINI TOURS AND ROBERT L. FRAZIER'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.** This ORDER is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify 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 14, 2013



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Darin G. Jones, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration

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

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| <b>ILLINI TOURS, INC.</b> | ) | <b>Order No.: IL-2013-5002-IMH</b> |
|                           | ) |                                    |
| <b>USDOT 1759981</b>      | ) | <b>Service</b>                     |
| <b>MC 648154</b>          | ) | <b>Date: _____</b>                 |
|                           | ) |                                    |

**NOTICE OF REVOCATION OF OPERATING AUTHORITY REGISTRATION  
AND SUSPENSION OF USDOT NUMBER**

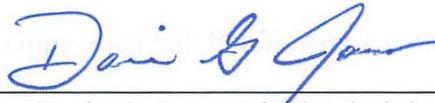
By Order dated and served May 14, 2013, the Secretary of the United States Department of Transportation (the Secretary) found that the commercial motor vehicle operations of ILLINI TOURS, INC. (USDOT# 1759981), (“ILLINI TOURS”) constitute an imminent hazard to public safety. 49 U.S.C. § 13905(f)(2) requires the Federal Motor Carrier Safety Administration (FMCSA) to revoke the operating authority registration of a motor carrier of property if the FMCSA finds that such carrier is or has been conducting unsafe operations which are an imminent hazard to public health or property. Additionally, in accordance with 49 U.S.C. § 31134(c)(1), the Secretary is required to suspend the USDOT number registration of a motor carrier if the Secretary determines that the motor carrier’s operating authority registration is subject to revocation as a result of such imminent hazard finding.

Accordingly, as a result of the issuance of the May 14, 2013 Imminent Hazard Out-of-Service Order, and pursuant to 49 U.S.C. § 13905(f)(2), ILLINI TOURS’ Federal operating authority registration is revoked. Further, in accordance with 49 U.S.C. § 31134(c)(1) ILLINI TOURS’ USDOT number is suspended.

If FMCSA rescinds the Imminent Hazard Out-of-Service Order, ILLINI TOURS may reapply for operating authority registration as a passenger carrier in accordance with the provisions of 49 C.F.R. Part 365 by submitting form OP-1(P) to the FMCSA. ILLINI TOURS

may apply to reactivate its USDOT number registration by submitting a Motor Carrier Identification Report, form MCS-150. The form may be obtained by calling FMCSA's technical support at 1-800-832-5660 or via FMCSA's website (<http://safer.fmcsa.dot.gov>). At the time of application, FMCSA will assess whether ILLINI TOURS is fit, willing and able to operate safely and in compliance with all regulatory and statutory requirements. In accordance with 49 U.S.C. 13902(a)(4), FMCSA will withhold registration if it determines that the carrier, broker or freight forwarder does not meet, or is unable to meet, any of these requirements.

Date: May 14, 2013



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Darin G. Jones, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration