



U.S. Department  
Of Transportation  
Federal Motor Carrier  
Safety Administration

Montana Division  
2880 Skyway Drive  
Helena, MT 59602  
(406) 449-5304

**CERTIFICATE OF SERVICE**

I, Jesus A. JAN, certify that the **IMMINENT HAZARD OPERATIONS OUT-OF-SERVICE ORDER** issued by the United States Department of Transportation, Federal Motor Carrier Safety Administration was served this 22 day of March 2013 at 4:15 o'clock P.m. by personally handing it to:

THOM R. FORSETH (name)  
President (title)

at the location of:

5044 Midland RD  
Billings, MT 59101

[Signature] (signature)

Jesus A JAN (name)

Safety Investigator (title)

2880 Skyway Drive (business address)

Helena, MT 59602

406-449-5304 (office telephone number)

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

**RIMROCK STAGES, INC.  
DBA RIMROCK TRAILWAYS  
USDOT 30158**

)  
) **Order No.: MT-2013-5000-IMH**  
)  
) **Service**  
) **Date:** \_\_\_\_\_  
)  
) **Time:** \_\_\_\_\_  
)

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

This is an Imminent Hazard Operations Out-of-Service Order (“ORDER”) issued by the Secretary of the United States Department of Transportation (the “Secretary”) 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, Western Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Lakewood, Colorado. This ORDER applies to RIMROCK STAGES, INC. DBA RIMROCK TRAILWAYS (USDOT No. 30158) (referred to herein as “you,” “your”, and/or “RIMROCK STAGES”) operation of its commercial motor vehicles.

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

**EFFECTIVE IMMEDIATELY**

**YOU MUST CEASE OPERATING ALL COMMERCIAL MOTOR VEHICLES IN  
INTERSTATE AND INTRASTATE TRANSPORTATION**

Effective immediately, you must cease operating any commercial motor vehicles, specifically including 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. RIMROCK STAGES' commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this ORDER, 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 RIMROCK STAGES' commercial motor vehicles, specifically including the commercial motor vehicles identified in Appendix A of this ORDER, to any storage or repair or other location for the purposes of repair, sale, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated; RIMROCK STAGES' commercial motor vehicles may be moved only upon the written approval of the Regional Field Administrator for FMCSA's Western 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 any additional passengers.

**Within eight (8) hours of the service of this ORDER, you must submit to the Regional Field Administrator in writing by fax and/or electronic mail (email) the location of each of the commercial motor vehicles identified in Appendix A of this ORDER. Your submission must be sent to:**

Regional Field Administrator  
(303) 407-2339 (fax)  
WSCENF@dot.gov (electronic mail)

## **I. JURISDICTION**

RIMROCK STAGES is a passenger motor carrier engaged in interstate and intrastate commerce in the United States 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.)

RIMROCK STAGES is required to comply, and to ensure its drivers comply, with the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This ORDER shall have the force and effect of any other Order issued by the FMCSA and is binding upon RIMROCK STAGES, as well as any and all of its officers, members, directors, successors, assigns and closely affiliated companies.

## **II. BASIS FOR ORDER**

The basis for determining that RIMROCK STAGES' motor carrier operations and the continued operation of commercial motor vehicles pose an imminent hazard to the public is that RIMROCK STAGES fails to ensure that its commercial motor vehicles are systematically and properly inspected, repaired and maintained. RIMROCK STAGES fails to repair or cause to be repaired in a competent manner its commercial motor vehicles, and fails to ensure that its mechanics are knowledgeable and qualified. RIMROCK STAGES fails to ensure that the

commercial motor vehicles it operates meet minimum safety standards, and RIMROCK STAGES operates commercial motor vehicles with significant safety defects resulting in failed safety inspections.

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

### **III. BACKGROUND**

On March 19, 2013 FMCSA initiated a compliance review of the motor carrier operations of RIMROCK STAGES. During the compliance review FMCSA and its designated inspectors conducted inspections on 8 commercial motor vehicles under the control of, and operated by, RIMROCK STAGES. FMCSA inspected vehicles that were in the process of being dispatched by RIMROCK STAGES to transport passengers in interstate and intrastate commerce. Serious noncompliance and safety defects were discovered during every vehicle inspection. During the inspections of the 8 vehicles, FMCSA discovered 79 violations of Federal safety requirements; 33 of the 79 violations were out-of-service violations that individually required the vehicles be placed out of service. Each of the eight vehicles inspected was ordered out of service.

RIMROCK STAGES' vehicles that FMCSA has identified as currently in service have not returned to RIMROCK STAGES' facility preventing their inspection by FMCSA and/or State enforcement personnel.

RIMROCK STAGES does not have basic safety management controls to ensure that its commercial motor vehicles are systematically inspected, maintained and repaired, and that the commercial motor vehicles it operates meet minimum safety standards. RIMROCK STAGES personnel responsible for maintenance and repair at the company's internal maintenance

facility do not know how to perform basic vehicle inspection procedures essential to ensure safe operations. Additionally, RIMROCK STAGES knowingly dispatches vehicles before defects discovered during inspections have been corrected. Further, FMCSA determined that RIMROCK STAGES has failed to ensure its inspectors and mechanics are properly trained, qualified and certified.

The investigations of RIMROCK STAGES' commercial motor vehicles and operation disclose ongoing violations of the FMCSRs demonstrating a continuing general disregard for safety. The noncompliance, unsafe and dangerous condition of RIMROCK STAGES' commercial motor vehicles, and RIMROCK STAGES' failure to adequately maintain and repair its commercial motor vehicles, substantially increases the likelihood of serious injury or death. This condition of operations is an imminently hazardous and potentially deadly risk for RIMROCK STAGES' drivers and passengers, and for the motoring public.

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

To eliminate this imminent hazard, and before RIMROCK STAGES will be permitted to resume operation of commercial motor vehicles, RIMROCK STAGES must take specific steps to ensure and demonstrate compliance with the FMCSRs.

A. RIMROCK STAGES must ensure and demonstrate that each and every commercial motor vehicle it operates is in a safe operating condition and in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance), and that all defects and deficiencies have been corrected and repaired.

B. RIMROCK STAGES 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.

C. RIMROCK STAGES must ensure that its employees, contractors and/or agents used to inspect and maintain each and every commercial motor vehicle it operates are trained and qualified to conduct such inspections, maintenance and repairs, and documentation of training and qualifications is maintained in accordance with 49 C.F.R. Part 396.

D. RIMROCK STAGES must require its drivers to conduct pre- and post-trip commercial motor vehicle inspections, and must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day and establish procedures to ensure that reported safety defects and/or deficiencies are repaired immediately and before the vehicle is again operated as required by 49 C.F.R. Part 396.

E. RIMROCK STAGES must ensure that each and every commercial motor vehicle it operates is periodically inspected as required and in accordance with 49 C.F.R. Part 396 and Appendix G to Subchapter B of Chapter III, and that such periodic inspections are conducted by qualified inspectors.

F. RIMROCK STAGES 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. RIMROCK STAGES 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.

G. RIMROCK STAGES must contact FMCSA's Montana Division Administrator and arrange for inspection of each of its commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

## **V. RESCISSION OF ORDER**

You are subject to this ORDER unless and until the ORDER is rescinded in writing by FMCSA. Unless and until this ORDER is rescinded, RIMROCK STAGES is prohibited from operating any commercial motor vehicle, specifically including the vehicles listed in Appendix A of this ORDER in interstate and/or intrastate commerce. This ORDER will not be rescinded until the Regional Field Administrator for FMCSA's Western 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 may be rescinded RIMROCK STAGES must comply with the provisions of this ORDER, eliminate the problems constituting the imminent hazard that its operations and vehicles pose, and adequately demonstrate to the Regional Field Administrator for FMCSA's Western Service Center the actions taken to eliminate the safety problems. RIMROCK STAGES cannot avoid this ORDER by continuing operations under the name of another person or company. Any sale, lease or other transfer of any commercial motor vehicle by RIMROCK STAGES requires the written approval of the Western Service Center Regional Field Administrator. Any such action taken in anticipation of this ORDER must cease immediately.

Prior to rescission of this ORDER, RIMROCK STAGES 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. Develop and certify the commitment of RIMROCK STAGES 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, Western Service Center with a copy of the request and documentation to the Division Administrator, Montana Division, at the following addresses:

William R. Paden, Regional Field Administrator  
Western Service Center  
Federal Motor Carrier Safety Administration  
12600 West Colfax Avenue, Suite B-300  
Lakewood, Colorado 80215

Bruce D. Holmes, Division Administrator  
Montana Division  
Federal Motor Carrier Safety Administration  
2880 Skyway Drive  
Helena, Montana 59602

Rescission of this ORDER does not constitute a reinstatement of RIMROCK STAGES' Federal operating authority registration or its USDOT Number. In order for RIMROCK STAGES to resume motor carrier operations transporting passengers in interstate or intrastate commerce, RIMROCK STAGES will be required to apply to reactivate its USDOT number registration, reapply for operating authority registration, and demonstrate that it 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; and 5) 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 RIMROCK STAGES to an action in the United States District Court for equitable relief and punitive damages.

RIMROCK STAGES 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). If requested, administrative review shall 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 both Adjudications Counsel and the Regional Field Administrator, Western Service Center at the following addresses:

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

Adjudications Counsel (MC-CCA)  
Federal Motor Carrier Safety Administration  
Office of Chief Counsel  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

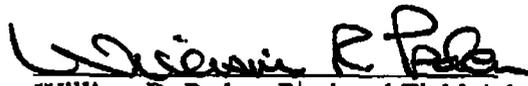
Regional Field Administrator, Western Service Center  
Federal Motor Carrier Safety Administration  
12600 West Colfax Avenue, Suite B-300  
Lakewood, Colorado 80215

The request must state the material facts at issue which you believe dispute or contradict the finding that RIMROCK STAGES' operation of its commercial motor vehicles in interstate or intrastate commerce 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: 3/22/2013

  
William R. Paden, Regional Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration

APPENDIX A

Bus #	Year	Make	VIN#	License Plate
2102	1999	PRE	2PCH33491X1012788	S07374
2103	1999	PRE	2PCH33491X1012791	S07375
2113	2000	PRE	2PCH3349XY1013309	S08409
2114	2000	VNH	YE2CC13B8Y2045037	S11091
2120	1999	PRE	2PCH3341XX1012850	S12033
2202	2001	VNH	YE2CC23B512045220	S11003
2203	1996	MCI	1M8PDMPA5TP048718	S13110
2205	2011	GLA	4UZACBBV67CY97975	S11675
2207	2011	GLA	4UZACBBV87CZ25436	S11699
2208	2005	MCI	2M93JMPA65W063132	S13318
2209	2002	PRE	2PCH3349621014321	S13320
2210	1998	MCI	1M8PDMPA5WP050953	S13328
2211	1999	PRE	2PCH33497X1012858	S13334
2212	2005	MCI	2M93JMPA85W063133	S13448
2213	2007	PRE	2PCH3349771010642	S13810