

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

ANGEL DE LA TORRE.
1505 Telephone Road
Houston, TX 77023

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Order OOSO-2008-02
Service Date: 8/9/08
Time: 1250
Person Served: R. GREYLINK

OPERATIONS OUT-OF-SERVICE ORDER

This notice constitutes an **Operations Out-of-Service Order** by the United States Department of Transportation (DOT) pursuant to 49 U.S.C. § 521(b)(5)(A), Public Law 105-59, § 4114, 119 Stat. 1144 (Aug. 10, 2005), and 49 C.F.R. § 386.72(b)(1), and pursuant to delegation of authority to the Field Administrator, Federal Motor Carrier Safety Administration ("FMCSA"), United States Department of Transportation, Atlanta, Georgia. The Order applies to Angel De La Torre (referred to collectively herein as "you," "your" or "Angel De La Torre").

The United States finds your activities in motor coach operations constitute an "imminent hazard." This finding means that based upon your present state of unacceptable safety compliance your continued involvement with motor carrier operations pose an "imminent hazard" to public safety.

EFFECTIVE IMMEDIATELY, YOU MUST CEASE ALL ACTIVITY INVOLVING COMMERCIAL MOTOR VEHICLE OPERATIONS, INCLUDING ANY AND ALL ACTIVITIES AS EMPLOYER AND/OR EMPLOYEE AS DEFINED BY 49 CFR §390.5.

JURISDICTION

Angel De La Torre is an employer and /or employee of motor carriers engaged in interstate commerce, as defined in 49 CFR §390.5, 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 DOT and FMCSA. (See 49 U.S.C. §§ 506, 507, 13501 and 31133.)

This Order shall have the force and effect of any other Order issued by the FMCSA and shall be binding upon Angel De LA Torre, and is applicable to all commercial motor vehicle operations.

BASIS FOR THE OUT-OF-SERVICE ORDER

The basis for determining that Angel De La Torre's activities in connection with motor carrier operations pose an "imminent hazard" to the public is that his direct involvement managing and controlling the motor vehicle operations of Angel Tours, Inc. and Iguala Busmex, Inc. has resulted in the companies operation of vehicles in a mechanically unsafe operating condition which, pose an imminent hazard to the public. Under De La Torre's control, Angel Tours, Inc. and Iguala Busmex, Inc. failed to ensure their vehicles are properly and regularly inspected, repaired and maintained, thereby posing a continuing imminent hazard to the public. Mr. De La Torre's direct action and inaction have demonstrated that they lead to violations and conditions of operation that substantially increase the likelihood of serious injury or death to the motoring public if he continues to be involved in motor carrier activities.

BACKGROUND

On August 8, 2008, a bus operated by Angel Tours and/or Iguala, Inc. transporting passengers from Houston, Texas to Carthage, Missouri crashed on Highway 75 traveling

Northbound near Sherman, Texas. Both Angel Tours, Inc. and Iguala Busmex, Inc. are motor carriers substantially controlled by Angel De La Torre. The initial investigation of the crash by the Sherman, Texas Police Department determined a contributing factor to the crash was that the right front tire blew out causing the driver to lose control of the bus. The bus hit a guard rail, ran off a bridge and struck an embankment. There are currently 14 fatalities and more than 40 injuries. A number of the injuries are critical. The National Transportation Safety Board ("NTSB") is investigating the incident.

As a result of this multi-fatality accident, FMCSA initiated an accident investigation on August 8, 2008. The initial investigation revealed that Angel Tours was the subject of a Compliance Review (CR) initiated on May 1, 2008. Angel De La Torre is identified as the President and owner of Angel Tours, Inc. The result of the CR was a proposed safety fitness rating of "Unsatisfactory," finding that Angel Tours has a grossly ineffective or nonexistent inspection, repair and maintenance program. The CR also uncovered violations of other 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. Moreover, the CR identified a total and complete breakdown of management controls and oversight to ensure safe operation of their commercial motor vehicles. On June 12, 2008, Angel Tours was served an Operations Out-of-Service Order. The Order was served upon its President, Angel De La Torre. The Operations Out-of-Service Order became effective on June 23, 2008, and remains in effect.

Iguala Busmex, Inc. constitutes a mere continuity of Angel Tours' operations. On or about June 27, 2008, immediately following the issuance of the Unsatisfactory safety fitness

determination against Angel Tours, Iguala Busmex registered with FMCSA, and Angel Tours began to operate under the name of Iguala Busmex, Inc. A review of the motor carrier operations of Angel Tours and Iguala demonstrates that both are motor carriers transporting passengers with identical routes and the same customer base. Angel Tours and Iguala utilize the same equipment and same drivers. Angel Tours and Iguala operate from the same physical location and motor carrier operations and both are controlled by Angel De La Torre. A review of the operations of Angel Tours and Iguala demonstrate that Iguala is the continued operation of Angel Tours. Angel Tours' continuity of operation through Iguala demonstrates a blatant disregard for FMCSA Orders, which was issued based upon the company's substandard safety record. The operations of Angel Tours and Iguala have now reached the point where they constitute an imminent hazard to the public.

The most immediate and severe hazard to the public stems from Mr. De La Torre's gross inability to conduct motor carrier operations in any capacity which is compliant with the safety requirements. Angel Tours, Inc and Iguala Busmex both had grossly deficient vehicle maintenance performance under the management and control of Angel De La Torre. Mr. De La Torre's actions leading to the continued operation of Angel Tours, through Iguala Busmex, Inc., despite the Operations Out-of-Service Order issued based upon the unsatisfactory safety rating demonstrate a complete lack of regard for the safety of the motoring public.

**ANGEL DE LA TORRE'S INEFFECTIVE MANAGEMENT AND BLATANT
DISREGARD FOR COMPLIANCE WITH THE
FEDERAL MOTOR CARRIER SAFETY REGULATIONS POSE AN IMMINENT
HAZARD TO THE PUBLIC**

As of August 8, 2008, Angel De La Torre's deficient control over Angel Tours and Iguala has resulted in an ongoing failure to ensure their vehicles are adequately maintained and in safe operating condition. Mr. De La Torre's lack of control and disregard for safety has also led to violations of the controlled substances and alcohol use and testing requirements, drivers' qualifications requirements, and drivers' hours of service requirements. This failure resulted in the FMCSA issuing an Operations Out-of-Service Order to Angel Tours, Inc. based upon the unsatisfactory safety rating. Angel Tours and Iguala's substandard safety compliance, under the control of Angel De La Torre, and the flagrant operation in violation of the FMCSA's Order show their operations pose an **imminent hazard**. Angel De La Torre's direct actions in ineffectively controlling the operations of Angel Tours, Inc. and Iguala Busmex, Inc. resulted in an environment that allowed and accepted the type of maintenance failures which resulted in the multi-fatalty crash of August 8, 2008.

REMEDIAL ACTION

To eliminate this "**imminent hazard**," and before Angel De LA Torre will be permitted to resume activities with any motor carrier operations, he must undertake positive steps which will ensure and demonstrate ability to comply with the FMCSRs.

RESCISSION OF THIS ORDER

Before resuming motor carrier operations Angel De La Torre must comply with the provisions of this Order, eliminate the problems constituting the "**imminent hazard**" which your activities pose and adequately demonstrate to the Southern Field Administrator, Federal Motor Carrier Safety Administration, United States Department of Transportation, the actions

taken to eliminate the safety problems. You cannot avoid this Operations Out-of-Service Order by continuing operations under the name of another person or through another company. Any lease of equipment and/or direct assignment of contracts or other arrangements require the written approval of the Southern Field Administrator. Any such action taken in anticipation of this Operations Out-of-Service Order must cease immediately. You must have the Order rescinded by the Southern Field Administrator before you may continue interstate or intrastate operations. Prior to rescission of the Order, you will be required to:

- 1. IDENTIFY THE CAUSE FOR YOUR NONCOMPLIANCE.**
- 2. DEVELOP A DETAILED PLAN OF ACTION THAT ADDRESSES EACH AREA OF NON-COMPLIANCE, THE STEPS YOU INTEND TO TAKE TO OVERCOME YOUR NON-COMPLIANCE AND A TIME TABLE FOR THESE STEPS (THE SAFETY MANAGEMENT PLAN).**
- 3. DEVELOP AND CERTIFY YOUR COMMITMENT TO COMPLY WITH THE FMCSRS.**

Your request to rescind this Operations Out-of-Service Order must be directed to the Southern Field Administrator, Federal Motor Carrier Safety Administrator, with a copy to Joanne Cisneros, Texas Division Administrator, Federal Motor Carrier Safety Administration, United States Department of Transportation, 903 San Jacinto Boulevard, Suite 101, Austin, Texas.

The request for rescission must be in written form, include the Safety Management Plan, and include certification that the provisions of the Order have been complied with, and that the imminently hazardous conditions have been eliminated.

FAILURE TO COMPLY

Failure to comply with the provisions of this Operations Out-of-Service Order may subject Angel De La Torre to an action by the United States Attorney in the United States District Court for equitable relief and punitive damages. Angel Tours and Iguala may be assessed civil penalties of up to \$16,000 per day for each day you continue the proscribed interstate or intrastate operations after the effective date and time of this Order. (49 C.F.R. Part 386 App. A. § IV(b)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and a prison term of one year. (49 U.S.C. § 521(b)(6)(A)).

RIGHT TO REVIEW

You have the right to an administrative review pursuant to 49 C.F.R. § 386.72(b)(2), in accordance with 5 U.S.C. § 554. The administrative review, if requested, must be provided within 10 days of issuance of the Out-of-Service Order. The Request for Review must be addressed to Ms. Rose McMurray, Associate Administrator and Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, Washington DC 20590. The request must state the material facts at issue which you believe dispute or contradict the finding that your company'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.



Darrell L. Ruban
Federal Motor Carrier Safety Administration
Field Administrator
Southern Service Center
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