



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 23 2012

Maria Isabel Mendivil Velarde
dba/ Transportes Julian Villa
783 W. Silver Reef Apt. "A"
Nogales, AZ 85621

In reply refer to:
USDOT Number: 1548345
MX Number: 575502

NOTICE OF APPLICATION DISMISSAL

Dear Motor Carrier:

On September 28, 2011, you applied for provisional Operating Authority under the U.S.-Mexico Cross Border Trucking Pilot Program to provide interstate transportation of property within the United States beyond the municipalities and contiguous commercial zones along the United States-Mexico border. The Federal Motor Carrier Safety Administration (FMCSA) must review and act upon each application submitted in accordance with 49 CFR Part 365, Subpart E – Special Rules for Certain Mexico-domiciled Carriers. In reviewing an application pursuant to 49 CFR § 365.507 and the requirements of the pilot program, FMCSA must validate the accuracy of information and certifications provided in the application by checking databases of the governments of Mexico and the United States. The FMCSA must also ensure that the applicant has complied with all provisions of the safety monitoring system in subpart B of 49 CFR Part 385.

Based on a review of our records and your OP1 (MX) application, it appears that there are two motor carriers registered with FMCSA; Julian Villa Peralta dba/ Transportes Julian Villa Peralta (US DOT # 1435373 /MX 542503) and Maria Isabel Mendivil (US DOT# 1874824) that share the same name and mailing address¹ as the applicant motor carrier. These clearly- affiliated companies were not listed on your application.

In reviewing FMCSA records, we determined that the three motor carriers are owned or managed by you and members of your family, specifically Julian Villa Peralta and Mario Albert Villa Mendivil. Our records also show shared use of vehicles between all three motor carriers as well as common ownership and management. Section II of the OP-1(MX) application, Affiliation Information, has a field requesting disclosure of any relationship the applicant has, or has had, with any U.S. or foreign motor carrier, broker, or freight forwarder registered with the Federal Motor Carrier Safety Administration within the past 3 years. You failed to identify these motor carriers and DOT numbers.

Additionally, our review of the safety history for your operations and those of the affiliated motor carriers reflect a high number of serious safety violations noted during roadside inspections. These violations include:

- 51 citations, during 53 inspections, of 49 CFR §391.11(b)(2), "Except as provided in subpart G of this part, a person is qualified to drive a motor vehicle if he/she can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs

¹ The mailing address for all three companies is a 783 W. Silver Reef, Apt. A, Nogales, Arizona.

and signals in the English language, to respond to official inquiries, and to make entries on reports and records”; and

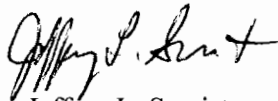
- A recent July 11, 2011 citation for violation of 49 CFR §392.9a(a)(2), “A motor vehicle providing transportation requiring operating authority must not be operated beyond the scope of the operating authority granted”.

The July 11, 2011, inspection was conducted outside the commercial zone of Nogales, Arizona, by the Arizona Department of Safety. The inspecting officer noted in the inspection report that your driver stated that the shipment was offloaded from a larger vehicle from Mexico into smaller parcels and he was instructed to transport one of the parcels to Tucson, Arizona. Regardless of vehicle size, this transportation exceeded the scope of your operating authority and violated FMCSA regulations. In 2008, Julian Villa Peralta, for which you served as General Manager, was cited for a similar violation.

Based on the records of your company and its affiliates, FMCSA has determined that your application should be dismissed in accordance with 49 CFR Part 365, Subpart E – Special Rules for Certain Mexico-domiciled Carriers, and the requirements for the Pilot Program. . This decision will be effective 15 days from the service date of this letter. You have the right to appeal the dismissal of your application pursuant to 49 CFR § 365.111. Any appeal must be filed at the FMCSA within 10 days from the service date of this letter.

A currently- existing and valid OP-2 Certificate of Registration to operate in the U.S. municipalities and commercial zones of such municipalities on the United States-Mexico border, is not impacted by the dismissal of your OP1 (MX) application for operating authority under the Pilot Program. Finally, once you determine your company has taken measures to correct the safety concerns listed in this letter, you may submit a new application to participate in the Pilot Program at any time prior to the Pilot Program’s termination.

Sincerely,



Jeffrey L. Secrist
Chief, Information Technology
Operations Division

cc: Process Agent