

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

) **Order No.:** PA-2012-5010-IMH
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)
NEW CENTURY TRAVEL, INC.,) **Service**
USDOT # 1648076) **Date:** _____
)
FUJIAN TOURISM, INC.,) **Service**
USDOT # 1858916) **Date:** _____
)
BLACK LEOPARD TRAVEL, INC.,) **Service**
USDOT # 2046152) **Date:** _____
)
EAGLE BUS INC.,) **Service**
USDOT # 1889752) **Date:** _____
)
SUPER LUXURY TOURS, INC.,) **Service**
USDOT # 1669914) **Date:** _____
)
ANTAI TOURS, INC.,) **Service**
USDOT # 1922290) **Date:** _____
)
2003 COACH, INC.,) **Service**
USDOT # 1305152) **Date:** _____
)
SAMMY TOURS, INC.,) **Service**
USDOT # 1471745) **Date:** _____
)
WAHOO TOUR AND CHARTER, INC.,) **Service**
USDOT # 2163686) **Date:** _____
)
RED EAGLE TOURS, INC.,) **Service**
USDOT # 2163652) **Date:** _____
)
)
MEI YING GAO) **Service**
) **Date:** _____
)
)
QI SHENG ZHANG A/K/A SAMMY) **Service**
) **Date:** _____
)
)
QIAO ZHEN LIU A/K/A JENNY) **Service**
) **Date:** _____
)

AMY LI A/K/A AMY MEI FANG, AMY) Service
CHENLI, AMY CHEN LI AND AMY) Date: _____
PETERSON)

IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER

This is an Imminent Hazard Operations Out-of-Service Order ("ORDER") by the Secretary of Transportation (the "Secretary") pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13102, 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1) and (2), 49 U.S.C. § 31144(c)(5), 49 C.F.R. § 386.2, 49 C.F.R. § 386.72(b)(1), 49 C.F.R. § 386.73, and 49 C.F.R. § 390.5 and pursuant to a delegation of authority to the Field Administrator, Eastern Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Glen Burnie, Maryland. This ORDER applies to Mei Ying Gao; Qi Sheng Zhang a/k/a Sammy; Qiao Zhen Liu a/k/a Jenny; Amy Li a/k/a Amy Mei Fang, Amy Chenli, Amy Chen Li and Amy Peterson; New Century Travel, Inc., USDOT # 911125, MC 367489 a/k/a New Century Travel Bus, New Century Travel Ticket Sales; Fujian Tourism, Inc., USDOT # 1858916, MC 672638; Black Leopard Travel, Inc., USDOT # 2046152, MC 717211; Eagle Bus Inc., USDOT # 1889752, MC 680536; Super Luxury Tours, Inc., USDOT # 1669914, MC 613823; Antai Tours, Inc., USDOT # 1922290, MC 687933; 2003 Coach, Inc., USDOT # 1305152, MC 506256; Sammy Tours, Inc., USDOT # 1471745, MC 555733; Red Eagle Tours, Inc., USDOT # 2163652, MC 751824; and Wahoo Tour and Charter, Inc., USDOT # 2163686, MC 751833; each in their individual capacity and collectively as one commercial motor vehicle operation (referred to collectively herein as "you," "your," and /or "NEW CENTURY") and to any motor vehicles owned, leased, or operated by NEW CENTURY, and used in the NEW CENTURY motor carrier operation.

The Secretary and the FMCSA find your operations constitute an **imminent hazard**.

This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicles poses an **imminent hazard** to public safety.

EFFECTIVE IMMEDIATELY, YOU MUST CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS, INCLUDING ALL INTERSTATE OR INTRASTATE TRANSPORTATION OF PASSENGERS BY DRIVERS FROM ALL DISPATCHING LOCATIONS OR TERMINALS.

THE PROHIBITIONS ON OPERATION IN THIS ORDER APPLY TO NEW CENTURY, AS WELL AS ANY AND ALL OF ITS OFFICERS, DIRECTORS, AND MANAGERS, SUCCESSORS, ASSIGNS AND AFFILIATED COMPANIES. EXCEPT AS PROVIDED BELOW, NEW CENTURY MAY NOT USE OWNED, LEASED, RENTED OR CHARTERED VANS, SHUTTLES, BUSES, OR OTHER MOTOR VEHICLES TO CONTINUE ANY COMMERCIAL MOTOR VEHICLE OPERATIONS. FURTHER, I95 COACH MAY NOT CONTINUE ANY COMMERCIAL MOTOR VEHICLE OPERATIONS THROUGH INTERLINE AGREEMENTS, SERVICE AGREEMENTS OR CHARTER AGREEMENTS.

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)).

NO ADDITIONAL PASSENGERS MAY BE LOADED OR TRANSPORTED, NOR MAY THE COMMERCIAL MOTOR VEHICLES BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.

**AN EMPTY COMMERCIAL MOTOR VEHICLE MAY BE MOVED TO A LOCATION
TO BE STORED OR REPAIRED ONLY UPON APPROVAL FROM THE FIELD
ADMINISTRATOR, FMCSA EASTERN SERVICE CENTER.**

**YOU ARE FURTHER NOTIFIED THAT, AS A RESULT OF THE ISSUANCE OF
THIS ORDER, AND PURSUANT TO 49 U.S.C. § 13905(f)(2), YOUR FEDERAL
OPERATING AUTHORITY REGISTRATION IS HEREBY REVOKED.**

I. JURISDICTION

NEW CENTURY is a motor carrier engaged in interstate commerce 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 USDOT and FMCSA. (*See* 49 U.S.C. §§ 506, 507, 13501, 31133 and 31136.) NEW CENTURY is required to comply, and to ensure its drivers and employees comply, with the FMCSRs. 49 C.F.R. § 390.11.

II. BASIS FOR ORDER

The basis for determining that NEW CENTURY'S motor carrier operations and the continued operation of commercial motor vehicles under NEW CENTURY'S ownership or control pose an imminent hazard to the public is that NEW CENTURY'S operational structure and deficient safety management controls substantially increase the likelihood of serious injury or death if not discontinued immediately. NEW CENTURY does not have adequate safety management controls in place to ensure acceptable compliance with applicable safety requirements. 49 C.F.R. § 385.5. NEW CENTURY does not, among other things, ensure that its drivers comply with hours of service and records of duty status requirements (49 C.F.R. Part 395), administer a drug and alcohol testing program (49 C.F.R. Parts 40 and 382), or ensure that its commercial motor vehicles are properly and regularly inspected, repaired and maintained (49

C.F.R. Part 396), nor does it have adequate means of determining whether drivers are qualified to operate a commercial motor vehicle (49 C.F.R. Parts 383 and 391). Moreover, NEW CENTURY has not designated a qualifying principal place of business (49 C.F.R. Part 390). Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to NEW CENTURY drivers, passengers and the motoring public.

III. BACKGROUND

On or about June 20, 2011, FMCSA initiated an investigation, which remains open, concerning the operations of NEW CENTURY, to determine the scope of the motor carrier operations and safety management controls. The investigation revealed widespread violations of the FMCSRs demonstrating a continuing and flagrant disregard for regulatory compliance and an organizational and safety management structure indifferent to motor carrier safety. During the course of the investigation, FMCSA discovered anomalies in the management structure of New Century Travel, Inc., USDOT # 911125; Fujian Tourism, Inc., USDOT # 1858916; Black Leopard Travel, Inc., USDOT # 2046152; Eagle Bus Inc., USDOT # 1889752; Super Luxury Tours, Inc., USDOT # 1669914; Antai Tours, Inc., USDOT # 1922290; 2003 Coach, Inc., USDOT # 1305152; Sammy Tours, Inc., USDOT # 1471745; Red Eagle Tours, Inc., USDOT # 2163652, and Wahoo Tour and Charter, Inc., USDOT # 2163686, tending to show affiliation among the entities. Upon closer inspection, FMCSA determined that the several entities are in fact under the common control and management of New Century Travel, Inc., USDOT # 911125, Mei Ying Gao, Qi Sheng Zhang, Qiao Zhen Liu and Amy Li, acting in both their individual and collective motor carrier capacity. For example, at various times material to this Order, the collective motor carrier operation shared financial responsibilities by engaging in

activities such as paying employee salaries, fuel expenses, maintenance expenses, and/or toll receipts among and between all of the affiliated carriers. The collective motor carrier operation also frequently shared drivers and vehicles.

At various times, FMCSA placed segments of the collective motor carrier operation, NEW CENTURY, out-of-service. On March 14, 2011 a Super Luxury Tours bus crashed on the New Jersey Turnpike, killing two people and injuring 40. On March 31, 2011, FMCSA served Super Luxury Tours with an Imminent Hazard Out-of-Service Order and subsequently revoked its operating authority registration. On April 5, 2011, FMCSA served Super Luxury Tours with notice of a proposed Unsatisfactory safety rating, which became final on May 21, 2011. The orders remain in effect.

On April 14, 2011, FMCSA served 2003 Coach with notice of a proposed Unsatisfactory safety rating, which became final on May 30, 2011. FMCSA accordingly revoked 2003 Coach's registration pursuant to 49 U.S.C. 13905(f)(1)(B). The orders remain in effect.

On May 5, 2011, FMCSA served Antai Tours with notice of a proposed Unsatisfactory safety rating, which became final on June 20, 2011. FMCSA accordingly revoked Antai Tours' registration pursuant to 49 U.S.C. 13905(f)(1)(B). The order remains in effect.

FMCSA issued these Orders only to individual components of the collective motor carrier operation because NEW CENTURY used its organizational and management structure, including obtaining multiple motor carrier registrations, to mask the true nature of its identity and operational scope. As a consequence, NEW CENTURY was able to continue motor carrier operations in flagrant violation of these Orders, unknown to FMCSA until much later, through reincarnated or affiliated motor carriers. FMCSA discovered the motor carrier's true identity, organizational structure and operational scope only through its subsequent investigation.

Results of the investigation revealed that NEW CENTURY does not monitor its drivers' hours of service (HOS) to ensure that they do not violate the hours-of-service regulations. NEW CENTURY does not require its drivers to prepare and submit records of duty status. NEW CENTURY's negligent oversight of its drivers results in violations of the HOS regulations. For example, NEW CENTURY'S practice of permitting drivers to operate more than one bus in a given duty period, and its failure to adequately document which buses drivers operate, result in drivers transporting passengers when they may be fatigued because of driving in excess of the maximum driving time, after the maximum on-duty time, and/or in violation of other HOS regulations.

The results of the investigation also disclosed that NEW CENTURY has not properly implemented an alcohol or controlled substances testing program. NEW CENTURY fails to consistently require pre-employment or random testing of employees to ensure that its drivers are able to safely operate commercial motor vehicles. NEW CENTURY fails to adequately maintain records of its alcohol misuse and controlled substances use prevention programs, thereby thwarting FMCSA's ability to determine NEW CENTURY'S regulatory compliance.

In addition, NEW CENTURY does not follow FMCSA driver qualification requirements. NEW CENTURY does not consistently maintain driver qualification files for all drivers operating commercial motor vehicles in NEW CENTURY'S operation. NEW CENTURY does not consistently require that employees operating commercial motor vehicles possess a valid commercial driver's license. As a consequence, NEW CENTURY is unable to ensure that its drivers are qualified to transport passengers in commercial motor vehicles, thereby substantially increasing the likelihood of injury or death to passengers and the motoring public.

NEW CENTURY does not have an adequate vehicle maintenance monitoring program. Nor does NEW CENTURY routinely require its drivers to complete driver vehicle inspection reports on its commercial motor vehicles. Such actions permit the operation of unsafe commercial motor vehicles and establish an imminently hazardous and potentially deadly situation for the driver, NEW CENTURY'S passengers, and the motoring public.

NEW CENTURY has attempted to shield the true nature of its operations by failing to designate a qualifying principal place of business. Further, NEW CENTURY does not maintain records required by the FMCSRs at a properly designated principal place of business. NEW CENTURY'S failure to designate a qualifying principal place of business and maintain records at that location has prevented FMCSA from monitoring NEW CENTURY'S commercial motor vehicle operations and ensuring compliance with the FMCSRs.

NEW CENTURY'S operational structure – continuing operations through reincarnated or affiliated carriers, and inadequate safety management controls – does not function to effectively ensure acceptable compliance with applicable safety requirements to reduce associated risks. By continuing to operate in this manner and in violation of previous FMCSA orders NEW CENTURY has evaded safety regulation and accountability. These safety management deficiencies resulted in violations which substantially increase the likelihood of serious injury or death to NEW CENTURY'S commercial motor vehicle drivers, passengers and the motoring public. FMCSA has therefore determined that NEW CENTURY'S continued operations constitute an imminent hazard under 49 U.S.C. § 521(b)(5)(A) and 49 C.F.R. § 386.72(b)(1). Accordingly, NEW CENTURY must cease all motor carrier operations immediately.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before this ORDER will be rescinded, NEW CENTURY must take specific steps to ensure and demonstrate compliance with the FMCSRs.

YOU MUST COMPLY WITH ALL PROVISIONS OF THIS ORDER

NEW CENTURY must comply with all Orders FMCSA issued to any segment of the motor carrier operation.

2. NEW CENTURY must consent to FMCSA permanently revoking all certificates of registration previously issued to NEW CENTURY pursuant to 49 U.S.C. § 13902, and must operate under one certificate of registration once all hazards are abated and the Secretary grants new registration.

3. NEW CENTURY must consent to conduct all motor carrier operations under one USDOT Number once all hazards are abated, the Secretary consolidates the records of all USDOT numbers currently held by NEW CENTURY and grants new registration pursuant to 49 U.S.C. § 13902.

4. NEW CENTURY must identify management officials responsible for safety oversight and compliance with the Federal Motor Carrier Safety Regulations.

5. NEW CENTURY 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 procedures so that reported safety defects and/or deficiencies are repaired before the commercial motor vehicle is operated again.

6. NEW CENTURY must ensure its drivers accurately and fully complete their daily records of duty status and submit them to the carrier within 13 days of their completion.

NEW CENTURY must maintain drivers' records of duty status and all supporting documents

for a minimum period of 6 months. Further, NEW CENTURY must ensure that all records of duty status are accurate by using all means available to it and by comparing each with all supporting documents.

7. NEW CENTURY must submit to the Field Administrator a plan detailing how NEW CENTURY will: (i) train all drivers used by NEW CENTURY or its successors or assigns, on compliance with the HOS regulations; (ii) monitor the compliance of all drivers used by NEW CENTURY or its successors or assigns with the HOS regulations; and (iii) ensure that all drivers used by NEW CENTURY or its successors or assigns are dispatched in such a way that scheduled routes may be completed within the maximum driving and on-duty hours, as provided in 49 CFR § 395.5.

8. NEW CENTURY must establish a DOT controlled substance and alcohol testing program in compliance with 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing) and provide evidence of this program to the Eastern Service Center Field Administrator.

9. NEW CENTURY must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391.

10. NEW CENTURY must ensure that a three-year previous employment check is performed on its drivers prior to their operating a commercial motor vehicle, in accordance with 49 C.F.R. § 391.23.

11. NEW CENTURY 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.

12. NEW CENTURY must ensure that an annual list of traffic violations is obtained from each driver, an annual Motor Vehicle Record is obtained, and that an annual review is performed on each driver's driving record.

13. NEW CENTURY must mark, in accordance with 49 CFR § 390.21, any vans or other commercial motor vehicles owned by NEW CENTURY or transporting passengers as part of a transportation initiated or continued by NEW CENTURYNEW CENTURY. This requirement applies to vehicles designed to carry 9 or more passengers, including passenger vans owned, operated, or affiliated with NEW CENTURYNEW CENTURY. NEW CENTURYNEW CENTURY must ensure that drivers operating such vans or other commercial motor vehicles comply with the FMCSRs, including the HOS regulations.

14. NEW CENTURYNEW CENTURY must identify a qualifying principal place of business and provide that location in writing to the FMCSA Field Administrator, Eastern Service Center.

V. RESCISSION OF ORDER

Before this ORDER will be rescinded NEW CENTURY 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 FMCSA Field Administrator, Eastern Service Center, the actions taken to eliminate the safety problems. NEW CENTURY cannot avoid this Operations Out-of-Service 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 NEW CENTURY requires the written approval of the Eastern Service Center Field Administrator. Any such sale, lease, transfer or assignment taken in anticipation of this Operations Out-of-Service Order must cease immediately. In addition, any

interline agreement, service agreement or charter agreement entered into in anticipation of this Operations Out-of-Service Order must cease immediately. NEW CENTURY must have the ORDER rescinded by the Eastern Service Center Field Administrator before it may continue interstate or intrastate operations.

Prior to rescission of the Order, NEW CENTURY 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. DEVELOP AND CERTIFY THE COMMITMENT OF NEW CENTURY TO COMPLY WITH THE FMCSRs.**
- 4. EXECUTE THE SAFETY MANAGEMENT PLAN AND PROVIDE CERTIFICATION BY ALL OWNERS AND COMPANY OFFICIALS.**

Any request to rescind this ORDER, and documentation demonstrating satisfaction of the Remedial Action requirements, must be directed to the Field Administrator, Eastern Service Center with a copy to the Division Administrator, New York Division, at the following addresses:

Field Administrator, Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Division Administrator, New York Division
Federal Motor Carrier Safety Administration
Leo W. O'Brien Federal Building
Room 815
Clinton Ave. & Pearl Street
Albany, NY 12207

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Operations Out-of-Service Order may subject NEW CENTURY to an action by the United States Attorney in United States District Court for equitable relief and punitive damages. NEW CENTURY may be assessed civil penalties of up to \$16,000 per day for each day it continues the proscribed interstate or intrastate operations after the effective date and time of this ORDER. (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. ADDITIONAL PENALTIES FOR OTHER 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 an 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 working 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 the Field Administrator, Eastern Service Center, at the following addresses:

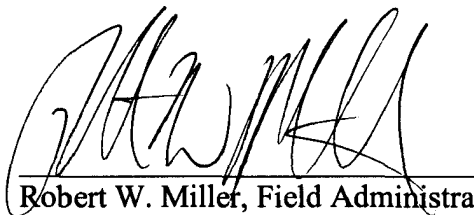
Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Field Administrator, Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

The request must state the material facts at issue which you believe dispute or contradict the finding that NEW CENTURY'S operations constitute an "imminent hazard" to the public.

A REQUEST FOR REVIEW DOES NOT IN ANY WAY DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY. NEW CENTURY'S RESPONSE TO THIS OPERATIONS OUT-OF-SERVICE ORDER WILL NOT ALTER ANY PROPOSED OR FINAL SAFETY FITNESS RATINGS.

Issued this 30th day of MAY, 2012.



Robert W. Miller, Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration