



**US Department  
Of Transportation  
Federal Motor Carrier  
Safety Administration**

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Eastern Service Center

May 30, 2012

**OPERATIONS OUT-OF-SERVICE**

**AND**

**RECORD CONSOLIDATION ORDER**

**IT IS ORDERED THAT 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, WAHOO TOUR AND CHARTER, INC., USDOT 2163686, RED EAGLE TOURS, INC., USDOT 2163652, AND EAGLE BUS, INC., USDOT 1889752, SHALL CEASE ALL OPERATION OF ANY COMMERCIAL MOTOR VEHICLE(S) IN INTERSTATE COMMERCE ON THE EFFECTIVE DATE OF THIS ORDER AND THAT THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) RECORDS CONCERNING EACH ENTITY SHALL BE CONSOLIDATED INTO ONE RECORD.**

**I. JURISDICTION**

FMCSA issues this Operations Out-of-Service and Record Consolidation Order ("Order"), pursuant to 49 C.F.R. § 386.73, to 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, WAHOO TOUR AND CHARTER, INC., USDOT 2163686, RED EAGLE TOURS, INC., USDOT 2163652, AND EAGLE BUS, INC., USDOT 1889752, (hereafter referred to by name or collectively, "you" or "affiliated carriers"), which are for-hire motor carriers subject to FMCSA jurisdiction that have operated or attempted to operate under a new identity or as affiliated entities to (i) avoid complying with an FMCSA order, (ii) avoid a statutory or regulatory requirement, (iii) avoid paying a civil penalty, (iv) avoid responding to an enforcement action, and/or (v) avoid being linked to a negative compliance history.

## II. BASIS FOR ORDER

FMCSA initiated a comprehensive investigation on or about June 20, 2011 to determine the operational scope and safety management controls of each carrier identified above. During the course of the investigation, FMCSA discovered anomalies in the motor carriers' management structure. FMCSA determined that New Century Travel is a reincarnation or continuation of Super Luxury Tours, Antai Tours and 2003 Coach. Further, the motor carriers identified in this order are in fact affiliated carriers operating with an organizational, management and safety control structure that functions to obscure the true nature of the motor carrier's identity and responsibility for regulatory compliance. The investigation also revealed widespread violations of the Federal Motor Carrier Safety Regulations (FMCSR) demonstrating a continuing and flagrant disregard for regulatory compliance. Facts supporting this determination include, but are not limited to the following:

1. On March 31, 2011, FMCSA served Super Luxury Tours with an Imminent Hazard Out-of-Service Order and revoked its operating authority registration. The order was based on FMCSA's determination that Super Luxury Tours' operations pose an imminent hazard to the public because Super Luxury Tours fails, among other things, to ensure it is complying with Federal controlled substances and alcohol testing requirements, drivers' qualification requirements, drivers' hours of service requirements, and vehicle inspection, repair and maintenance requirements. This determination was based on findings made during an investigation and Compliance Review of Super Luxury Tours' operations initiated after Super Luxury Tours was involved in a crash on the New Jersey Turnpike in which the driver and a passenger were killed. The investigation and Compliance Review revealed numerous critical and other violations of the FMCSRs. The order remains in effect.
2. On April 5, 2011, FMCSA served Super Luxury Tours with notice of a proposed Unsatisfactory safety rating based on a Compliance Review completed on March 30, 2011. The Compliance Review had resulted in FMCSA finding that Super Luxury Tours, failed to comply with 49 C.F.R. Part 391, driver qualification requirements; 49 C.F.R. Part 396, vehicle inspection, repair and maintenance requirements; 49 C.F.R. Part 382, controlled substance and alcohol use testing requirements; and 49 C.F.R. Part 395, driver hours of service requirements. The proposed rating became final on May 21, 2011, and FMCSA revoked Super Luxury Tours' registration pursuant to 49 U.S.C. 13905(f)(1)(B). The final Unsatisfactory safety rating remains in effect.
3. On April 5, 2011, FMCSA served Super Luxury Tours with a notice of claim seeking a civil penalty in the amount of \$17,610.00 for the violations FMCSA identified during the March 30, 2011 compliance review. Super Luxury Tours did not respond to the notice of claim or pay the civil penalty. Accordingly, FMCSA entered a Notice of Default and Final Agency Order on June 10, 2011. The civil penalty remains unpaid.
4. At all times material to this Order, Mei Ying Gao, Qi Sheng Zhang a/k/a Sammy, Qiao Zhen Liu a/k/a Jenny, and Amy Li a/k/a Amy Mei Fang, Amy Chenli, Amy Chen Li and

Amy Peterson, served as Super Luxury Tours' owners, officers, or managers and maintained controlling influence over Super Luxury Tours' operations and safety management practices.

5. On April 14, 2011, FMCSA served 2003 Coach with notice of a proposed Unsatisfactory safety rating based on a Compliance Review completed on April 11, 2011. The Compliance Review had resulted in FMCSA finding that 2003 Coach failed to comply with 49 C.F.R. Part 391, driver qualification requirements, 49 C.F.R. Part 392, motor vehicle driving requirements, 49 C.F.R. Part 396, vehicle inspection, repair and maintenance requirements, 49 C.F.R. Part 382, controlled substance and alcohol use testing requirements, and 49 C.F.R. Part 395, driver hours of service requirements. The proposed rating became final on May 30, 2011 and FMCSA revoked 2003 Coach's registration pursuant to 49 U.S.C. 13905(f)(1)(B). The final Unsatisfactory safety rating remains in effect.
6. On April 25, 2011, FMCSA served 2003 Coach with a Notice of Claim seeking a civil penalty in the amount of \$ 10,090.00 for the violations FMCSA identified during the April 11, 2011 Compliance Review. 2003 Coach did not respond to the notice of claim or pay the civil penalty. Accordingly, FMCSA entered a Notice of Default and Final Agency Order on May 31, 2011. The civil penalty was not paid within 90 days and remains unpaid today. On August 15, 2011, FMCSA issued to 2003 an Order to Cease Interstate Operations and Suspension of Operating Authority Coach pursuant to 49 U.S.C. 521(b)(8), 49 C.F.R. 386.83(a)(1) and 49 C.F.R. 386.84(a)(1). The Order to Cease and Suspension of Operating Authority became effective on September 6, 2011, and remains in effect today.
7. At all times material to this Order, Mei Ying Gao, Qi Sheng Zhang and Amy Li served as 2003 Coach's owners, officers, or managers and maintained controlling influence over 2003 Coach's operations and safety management practices.
8. On May 5, 2011, FMCSA served Antai Tours with notice of a proposed Unsatisfactory safety rating based on a Compliance Review completed on April 29, 2011. That Compliance Review resulted in FMCSA finding that Antai Tours, failed to comply with 49 C.F.R. Part 391, driver qualification requirements; 49 C.F.R. Part 396, vehicle inspection, repair and maintenance requirements; 49 C.F.R. Part 382, controlled substance and alcohol use testing requirements; and 49 C.F.R. Part 395, driver hours of service requirements. The proposed rating became final on June 20, 2011 and FMCSA consequently ordered Antai Tours to cease operations and revoked the carrier's registration. The final Unsatisfactory safety rating remains in effect.
9. As of May 29, 2012, Antai Tours continued to sell tickets online at <http://www.ntbus.com/> under the name "New Century Travel Bus (Antai Tours, Inc.)." On this website, Antai Tours identifies its place of business as 55 N. 11<sup>th</sup> Street, Philadelphia, PA 19107. These continued operations are in violation of FMCSA's orders.

10. At all times material to this Order, Mei Ying Gao, Qi Sheng Zhang, Qiao Zhen Liu, and Amy Li served as Antai Tours' owners, officers, or managers and maintained controlling influence over Antai Tours' operations and safety management practices.
11. Between about April 2004 and about July 12, 2010, New Century maintained operating authority registration and operated as a for-hire passenger motor carrier. On July 12, 2010, FMCSA revoked New Century's operating authority registration for failure to maintain evidence of adequate financial responsibility. Between July 2010 and December 2011, New Century represented itself to FMCSA as an inactive motor carrier. Then, in December 2011, after FMCSA ordered Super Luxury, 2003 Coach and Antai Tours to cease operations, Mei Ying Gao filed an application (Form MCS-150) to reactivate New Century's USDOT number and resume operations as a for-hire passenger motor carrier. New Century's operating authority registration, however, was not reinstated. Nevertheless, New Century engaged in motor carrier operations subject to FMCSA jurisdiction. In fact, FMCSA's investigation revealed that New Century engaged in commercial motor vehicle transportation during the entire time it represented itself as an inactive motor carrier and did not have operating authority registration.
12. Between about April 2004 and the date of this Order, New Century's operations included a ticket sales function which sold tickets for New Century and other carriers. New Century's ticket sales operation and motor carrier operation are indistinguishable. At all times material to this Order, New Century, whether as a motor carrier or ticket seller, has engaged in commercial motor vehicle operations subject to FMCSA jurisdiction. Additionally, New Century's operations were primarily conducted from one location: 55 N 11<sup>th</sup> Street, Philadelphia, PA 19107.
13. At all times material to this Order, Mei Ying Gao, Qi Sheng Zhang, Qiao Zhen Liu, and Amy Li served as the owners, officers, or managers and maintained controlling influence over the operations and safety management practices of New Century.
14. As of the date of this Order, Fujian Tourism and Black Leopard Travel have active operating authority registrations.
15. At all times material to this Order, Mei Ying Gao, Qi Sheng Zhang, Qiao Zhen Liu, and Amy Li served as the owners, officers, or managers and maintained controlling influence over the operations and safety management practices of Fujian Tourism and Black and Leopard Travel.
16. At all times material to this Order, New Century, Fujian Tourism, Black Leopard Travel, Eagle Bus, Super Luxury Tours, Inc., Antai Tours, Inc., and 2003 Coach, Inc., had substantial commonality of ownership, officers or management.
17. At various times material to this Order, the carriers subject to this Order shared financial responsibilities by paying the employee salaries, fuel expenses, maintenance expenses,

and/or toll receipts of other carriers. Additionally, the carriers subject to this Order frequently shared drivers and vehicles.

18. At various times material to this Order, one carrier in the affiliated network would maintain responsibility for dispatching another carrier's drivers. That carrier directed the passenger routes and controlled passenger transportation.
19. On June 14, 2011, after FMCSA ordered Super Luxury, 2003 Coach and Antai Tours to cease operations, Ami Li, as president, filed a Form MCS-150, Motor Carrier Identification Report (Application for U.S. DOT Number) and Form OP-1(P), Application for Motor Passenger Carrier Authority, on behalf of Wahoo Tour and Charter, Inc., USDOT 2163686.
20. Section VIII of the Form OP-1(P) requires applicants to identify any relationship with other FMCSA licensed entities that existed within the 3 years prior to their application. The application describes reportable relationships as including, but not limited to, those formed by "percentage of stock ownership, a loan, or a management position." Amy Li denied having any relationship with any other FMCSA licensed entity within the past 3 years. The investigation initiated on June 20, 2011, however, has revealed that Amy Li has had an ownership interest and/or management position in the affiliated carriers subject to this Order.
21. FMCSA subsequently granted Wahoo Tour and Charter USDOT registration as a New Entrant. Between June 2011 and February 2012, FMCSA contacted Wahoo Tour three times to schedule a required New Entrant safety audit, but Wahoo Tour did not respond to FMCSA's attempted contact. Accordingly, on February 17, 2012, FMCSA revoked Wahoo Tour's New Entrant registration. Additionally, on October 28, 2011, FMCSA rejected Wahoo Tour and Charter's application for operating authority registration. The orders remain in effect.
22. On June 14, 2011, Qi Sheng Zhang, as president, filed a Form MCS-150, Motor Carrier Identification Report (Application for U.S. DOT Number) and Form OP-1(P), Application for Motor Passenger Carrier Authority, on behalf of Red Eagle Tours, Inc. Over the course of FMCSA's investigation initiated on June 20, 2011, FMCSA determined that Red Eagle Tours is likely an attempted reincarnation of Super Luxury Tours, Antai Tours and 2003 Coach and/or affiliate of all the carriers subject to this Order and created to avoid an FMCSA order, a statutory or regulatory requirement, a civil penalty, an enforcement action, and/or a negative compliance history.
23. In addition to the violations noted above, the investigation initiated on or about June 20, 2011, revealed that the affiliated carriers do not adequately monitor drivers' hours of service (HOS) to ensure that they do not violate the hours-of-service regulations. The affiliated carriers do not require drivers to prepare and submit records of duty status. The affiliated carriers' negligent oversight of drivers results in violations of the HOS regulations. For example, the affiliated carriers engage in a practice of permitting drivers to operate more than one bus in a given duty period and fail to adequately document which

buses the drivers operate, resulting in drivers transporting passengers when they may be driving in excess of the maximum driving time, driving after the maximum on-duty time, and/or failing to comply with other HOS regulations.

24. The results of the investigation also disclosed that the affiliated carriers have not properly implemented an alcohol or controlled substances testing program. The affiliated carriers do not consistently require pre-employment or random testing of employees to ensure that drivers are able to safely operate commercial motor vehicles. The affiliated carriers do not adequately maintain records of alcohol misuse and controlled substances use prevention programs thereby thwarting FMCSA's ability to determine the affiliated carriers' collective compliance.
25. In addition, the affiliated carriers do not follow FMCSA driver qualification requirements. The affiliated carriers do not consistently maintain driver qualification files for all drivers operating commercial motor vehicles in affiliated carriers' operation. The affiliated carriers do not consistently require that employees operating commercial motor vehicles possess a valid commercial driver's license. As a consequence, the affiliated carriers are unable to ensure that 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.
26. The affiliated carriers do not have an adequate vehicle maintenance monitoring program. In fact, the affiliated carriers do not routinely require drivers to complete driver vehicle inspection reports on commercial motor vehicles. Permitting operation of unsafe commercial motor vehicles creates an unacceptable risk and potentially deadly situation for the driver, the affiliated carriers' passengers, and the motoring public.
27. The affiliated carriers have attempted to shield the true nature of their operations by failing to designate a qualifying principal place of business. Indeed, the affiliated carriers have designated multiple locations as their principal places of business where in fact no motor carrier operations are conducted. Further, the affiliated carriers do not maintain records required by the FMCSRs at a properly designated principal place of business. The affiliated carriers' failure to designate a qualifying principal place of business has resulted in FMCSA being unable to monitor the affiliated carriers' commercial motor vehicle operations and to ensure compliance with the FMCSRs.
28. The affiliated carriers' have used their operational and management structure to mask their true identities in order to (i) avoid complying with an FMCSA order, (ii) avoid a statutory or regulatory requirement, (iii) avoid paying a civil penalty, (iv) avoid responding to an enforcement action, and/or (v) avoid being linked to a negative compliance history. Moreover, the affiliated carriers' operational structure and inadequate safety management controls demonstrate flagrant disregard of the FMCSRs and pose a safety risk to the public that warrants imposition of an out-of-service order.

## **EFFECTIVE DATE AND ADMINISTRATIVE REVIEW**

This Order shall become a Final Agency Order and be effective on the 21<sup>st</sup> day after it is served unless you request administrative review within 15 days of the date the Order is served to you.

Your petition for administrative review must be in writing and served on the Assistant Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001, Attention: Adjudications Counsel. You may also serve your petition for administrative review by electronic mail to "FMCSA.Adjudication@dot.gov". You must also serve a copy of your petition for administrative review to the Eastern Service Center Field Administrator at 801 Cromwell Park Drive, Suite N, Glen Burnie, MD 21061.

Your request for administrative review must include a copy of this Order and a statement of all factual and procedural issues in dispute. If you serve the petition for administrative review within 15 days of the date the Order was served to you, you may supplement your petition by serving the Assistant Administrator and Field Administrator with documentary evidence and/or written argument that supports your position regarding the procedural or factual issues in dispute, no later than 30 days from the date the Order was served to you.

Failure to timely serve a petition for administrative review, and supplementary evidence and argument, if any, constitutes a waiver of your right to do so and will result in the Order becoming a Final Agency Order 21 days after the Order was served.

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Robert W. Miller  
Eastern Service Center Field Administrator