

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

**ALLEN QUANDAHL, LLC  
USDOT 1964143**

) **Order No.: IA-2014-5000-IMH**  
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)  
) **Service**  
) **Date:** \_\_\_\_\_  
)  
) **Time:** \_\_\_\_\_  
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**IMMINENT HAZARD  
OPERATIONS OUT-OF-SERVICE ORDER**

This is an Imminent Hazard Operations Out-of-Service Order (“Order”) issued by the Secretary of Transportation pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1) & (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Midwestern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (USDOT), Matteson, Illinois. This Order applies to Allen Quandahl, LLC, USDOT No. 1964143 (also referred to herein as “you,” “your,” and /or “Allen Quandahl”) and to all vehicles owned or operated by Allen Quandahl, LLC, including without limitation the commercial motor vehicles identified in Schedule A, attached hereto.

The Secretary and FMCSA find Allen Quandahl, LLC’s operations and continued operation of any commercial motor vehicle (including without limitation those identified in Schedule A), referred to herein as “commercial motor vehicles” and/or “vehicles,” constitutes an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle(s) poses an **imminent hazard** to public safety.

**EFFECTIVE IMMEDIATELY, YOU MUST CEASE OPERATING ANY COMMERCIAL MOTOR VEHICLE, INCLUDING BUT NOT LIMITED TO THE COMMERCIAL MOTOR VEHICLES LISTED IN SCHEDULE A.**

“Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. Allen Quandahl’s commercial motor vehicle(s), including but not limited to the commercial motor vehicles listed in Schedule A, may not be operated in interstate or intrastate commerce by any other motor carrier or any driver. Any movement of Allen Quandahl’s commercial motor vehicles, specifically including the commercial motor vehicles identified in Schedule A, to any storage, repair, or other location for the purposes of repair, sale, storage, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated. Allen Quandahl’s commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA’s Midwestern Service Center.

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 cargo can be safely secured. (See 49 C.F.R. § 386.72(b)(4) and (5)).

**ALLEN QUANDAHL MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL CARGO, NOR MAY ALLEN QUANDAHL OPERATE ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.**

**Within eight (8) hours of the service of this Order, Allen Quandahl, LLC must submit to the Field Administrator in writing by facsimile the location of each of its commercial motor vehicles, including without limitation the vehicles identified in Schedule A hereto. The submission must be sent to:**

Darin G. Jones  
Field Administrator  
708-283-3579 (facsimile)

## **I. JURISDICTION**

Allen Quandahl is a property motor carrier engaged in interstate commerce using commercial motor vehicles 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, 5121, 13501, 31133 and 31136, and 31144). Allen Quandahl 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 has the force and effect of any other Order issued by FMCSA and is binding upon Allen Quandahl, as well as any and all of its officers, members, directors, successors, assigns and closely affiliated companies. This Order applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by Allen Quandahl, including but not limited to the vehicles identified in Schedule A hereto.

## **II. BASIS FOR ORDER**

The basis for determining that Allen Quandahl’s motor carrier operations pose an imminent hazard to the public is Allen Quandahl’s widespread and serious noncompliance with Federal safety regulations. Allen Quandahl’s roadside vehicle out-of-service rate is 21%. Allen Quandahl uses vehicles that are not periodically inspected effectively, and fails to keep

minimum records of inspection and vehicle maintenance. Allen Quandahl's grossly inadequate maintenance program substantially increases the risk of serious injury or death and is an imminently hazardous and potentially deadly condition, substantially increasing the likelihood of serious injury or death for Allen Quandahl's drivers and the motoring public.

Allen Quandahl does not have safety management practices in place to ensure its drivers are preparing and submitting accurate records of duty status and that they comply with the hours of service driving limitations. Allen Quandahl requires or permits its drivers to falsify their records of duty status, requires or permits its drivers to drive more than eight hours without the required 30-minute break, and fails to require its drivers to turn in all of their records of duty status. Allen Quandahl's severe hours of service violations substantially increase the likelihood of serious injury or death to Allen Quandahl's drivers and the motoring public.

Allen Quandahl's compliance with FMCSA-mandated controlled substances and alcohol use and testing requirements is also egregiously deficient. Allen Quandahl allows drivers to operate its vehicles when the drivers are not subject to random testing for controlled substances or alcohol. Allen Quandahl also allows drivers to operate commercial motor vehicles before receiving a negative pre-employment controlled substances test result, and fails to conduct post-accident alcohol and controlled substances testing after crashes.

Allen Quandahl also allowed a driver without a valid commercial driver's license to operate its commercial motor vehicles, and fails to maintain inquiries into a driver's driving record in the driver's qualification file.

Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to Allen Quandahl's drivers and the public.

### III. BACKGROUND

On or around February 13, 2014, FMCSA completed an investigation of Allen Quandahl. FMCSA chose to investigate Allen Quandahl based on its elevated BASIC (Behavior Analysis and Safety Improvement Category) scores for Hours-of-Service Compliance (96.7%) and Vehicle Maintenance (81.3%). In addition, a complainant alleged that Allen Quandahl's officials were changing drivers' records of duty status to conceal hours-of-service violations. As part of its investigation, FMCSA completed a compliance review of Allen Quandahl. The findings of the compliance review resulted in FMCSA assigning a proposed safety rating of "Unsatisfactory" to Allen Quandahl.

FMCSA's investigation revealed that Allen Quandahl does not have a systematic vehicle inspection, repair, and maintenance program in place to prevent the operation of unsafe motor vehicles<sup>1</sup> and was unable to produce most of the required vehicle records of routine maintenance or repairs of deficiencies noted on roadside inspections.<sup>2</sup> FMCSA's Safety Management System reveals that Allen Quandahl has a vehicle out-of-service rate of 21% for roadside inspections. In the last five months, Allen Quandahl's trailers have lost three sets of wheels and tires while travelling on the nation's highways, demonstrating a systemic lack of maintenance. Allen Quandahl has not demonstrated that this problem has been fixed. Allen Quandahl conducts maintenance of its vehicles in an unheated metal shed. On two occasions,

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<sup>1</sup> See 49 C.F.R. § 396.3(a) ("Every motor carrier . . . must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicle . . . equipment subject to its control.")

<sup>2</sup> See 49 C.F.R. § 396.3(b) (Motor carriers must maintain records for each motor vehicle they control for 30 consecutive days. The required records include: (1) an identification of the vehicle including company number, if so marked, make serial number, year, and tire size; (2) a means to indicate the nature and due date of the various inspection and maintenance operations to be performed; and (3) a record of inspection, repairs, and maintenance indicating their date and nature.)

when FMCSA investigators were present in the maintenance shed, Allen Quandahl's mechanic stated that he could not grease the vehicles because it was too cold in the shed. Allen Quandahl's mechanics claimed they repair deficiencies that are cited on roadside inspections, but they could not produce records of these repairs. The only records of repairs that Allen Quandahl could produce were records created by third parties.

FMCSA's investigation also found that Allen Quandahl used an unqualified inspector to periodically inspect its vehicles. When FMCSA's investigator asked the inspector questions regarding how he conducted the inspections, the inspector expressed that he was not aware of the requirements of 49 C.F.R. Parts 393 and 396, Appendix G. An inspector cannot perform an inspection that is compliant with the FMCSRs without having knowledge of 49 C.F.R. Parts 393 and 396, Appendix G.

Allen Quandahl does not have safety management practices in place to ensure its drivers are preparing and submitting records of duty status, that they comply with the hours of service driving limitations, and that they do not falsify their record of duty status. FMCSA checked 430 records for compliance with 49 C.F.R. § 395.8(i), and found that Allen Quandahl failed to require its drivers to submit records of duty status (logs) at a rate of 25% (110 missing logs out of 430 records checked). For those drivers' logs that FMCSA checked for compliance with 49 C.F.R. § 395.8(e), FMCSA found a 70% falsification rate (74 falsifications out of 106 records checked). Moreover, Allen Quandahl regularly requires or permits its drivers to drive more than eight hours since the end of the driver's last off-duty or sleeper berth period of at least 30 minutes; FMCSA's investigation revealed a violation rate of 55% (26 violations out of 47 records checked) when reviewing Allen Quandahl's compliance with 49 C.F.R. § 395.3(a)(3)(ii). Allen Quandahl's hours of service violations are numerous. Allen Quandahl's

tolerance of excess driving and failure to prevent log falsification substantially increase the likelihood of serious injury or death to Allen Quandahl's drivers and the public.

FMCSA's investigation found that Allen Quandahl's compliance with FMCSA mandated controlled substances and alcohol use and testing requirements is also woefully deficient. Allen Quandahl used five drivers to drive commercial motor vehicles before it received negative controlled substance test results for those drivers, in violation of 49 C.F.R. § 382.301(a). On five occasions, Allen Quandahl also failed to update its selection pool when drivers were hired or were no longer employed by the carrier, in violation of 49 C.F.R. § 382.305(i)(2). Allen Quandahl also failed to conduct a post-accident alcohol and controlled substances test on a driver after he had a recordable crash, in violation of 49 C.F.R. § 382.303(a) and (b).

Finally, Allen Quandahl also allowed a driver without a valid commercial driver's license to operate its commercial motor vehicles, in violation of 49 C.F.R. § 383.23(a), and failed to maintain inquiries into a driver's driving record in the driver's qualification file on two occasions, in violation of 49 C.F.R. § 391.51(b)(2).

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

To eliminate this imminent hazard, and before Allen Quandahl will be permitted to resume operations placed out of service by this ORDER, Allen Quandahl must take specific steps to ensure and demonstrate compliance with the FMCSRs. Allen Quandahl must comply with all Orders issued by FMCSA and must submit to the Field Administrator a plan detailing how Allen Quandahl will:

- 1. 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 by a qualified person, as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repairs are obtained and maintained as required.**

**2. Ensure and demonstrate that its vehicles are in a safe operating condition and are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance).**

**3. Establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of its commercial motor vehicles or reported by drivers are repaired prior to the vehicle being operated.**

**4. Train all mechanics and inspectors on the tools, methods, requirements for vehicle maintenance and periodic inspections found at 49 C.F.R. §§ 393, 396, and 396 (Appendix G). Allen Quandahl must provide the curriculum for the training course, and this course must include a written assessment that tests the mechanic's or inspector's knowledge of the applicable regulations.**

**5. Take aggressive and progressive steps to control drivers' hours of service.**

**6. Ensure that all drivers accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. Allen Quandahl must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to Allen Quandahl within 13 days of their completion. Allen Quandahl must maintain drivers' records of duty status for a minimum of six months, and demonstrate a system showing that the company can**



**and will maintain all supporting documents. Further, Allen Quandahl must ensure that all records of duty status are accurate by using all means available to Allen Quandahl and by comparing the records with all supporting documentation.**

**7. Ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. § 395.3. Allen Quandahl must implement a dispatch system that ensures that no driver will be dispatched on any trip unless the driver has the necessary available hours of service to complete the trip in accordance with 49 C.F.R. Part 395. Allen Quandahl must implement a disciplinary policy that effectively discourages hours of service violations by its drivers and dispatch personnel. Allen Quandahl must ensure that all management officials, safety management employees, drivers and dispatch personnel are adequately trained on the hours of service rules and that they are able to conduct motor carrier operations in compliance with those regulations.**

**8. Ensure that it complies with the drug and alcohol testing requirements of 49 C.F.R. Parts 382 and Part 40.**

**9. Ensure that each driver selected for random controlled substances or alcohol testing has an equal chance of being selected each time selections are made. Allen Quandahl must ensure that it has received a negative pre-employment controlled substances test for each driver before using that driver to perform safety-sensitive functions. Allen Quandahl must conduct post-accident alcohol and controlled substances testing on all drivers following any recordable crashes.**

**10. Ensure that it does not allow a driver who does not have a valid commercial driver's license to drive a commercial motor vehicle. .**

**11. Ensure that it makes and maintains inquiries into all drivers' driving records in the driver's qualification file, in a manner consistent with 49 C.F.R. Part 391.**

**12. Allen Quandahl must contact FMCSA's Iowa Division 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**

Allen Quandahl is subject to this Order unless and until this Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and until such time as Allen Quandahl has a valid and active USDOT number and operating authority registration, Allen Quandahl is prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. This Order will not be rescinded until the Field Administrator for FMCSA's Midwestern 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 resuming motor carrier operations Allen Quandahl must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations pose, and adequately demonstrate to the Field Administrator's satisfaction the actions taken to eliminate the safety problems. Allen Quandahl cannot avoid this Order by continuing operations under the name of another person or company. Any sale, lease, or other agreements for service by Allen Quandahl requires the written approval of the Midwestern Service Center

Field Administrator. Any such action taken in anticipation of this Order must cease immediately.

**Prior to rescission of the Order, Allen Quandahl 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 noncompliance, and a time table for these steps.**
- 3. Certify in writing the commitment of Allen Quandahl 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 Field Administrator, Midwestern Service Center with a copy to the Division Administrator, Iowa Division, at the following addresses:

Field Administrator, Midwestern Service Center  
Federal Motor Carrier Safety Administration  
4749 Lincoln Mall Drive, Suite 300A  
Matteson, Illinois 60443

Division Administrator, Iowa Division  
Federal Motor Carrier Safety Administration  
105 6<sup>th</sup> Street  
Ames, Iowa 50010-6337

Rescission of this Order does not constitute a reinstatement of Allen Quandahl's Federal operating authority registration or its USDOT Number. In order for Allen Quandahl to resume motor carrier operations in the United States, Allen Quandahl will be required to apply to reactivate its USDOT Number registration, and reapply for and receive operating authority registration, and demonstrate that it is fit, willing and able to comply with: 1) the statutory and

regulatory registration requirements; 2) applicable safety regulations including the Federal Motor Carrier Safety Regulations; 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 WITH THIS ORDER**

Failure to comply with the provisions of this Order may subject Allen Quandahl to an action in the United States District Court for equitable relief and punitive damages. Allen Quandahl may be assessed civil penalties of up to \$25,000 for each 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. 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 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 an administrative review in accordance with 5 U.S.C. § 554 and 49 C.F.R. § 386.72(b)(4). An administrative review, if requested, must 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 the FMCSA's Adjudications Counsel and the Field Administrator, Midwestern Service Center at the following addresses:

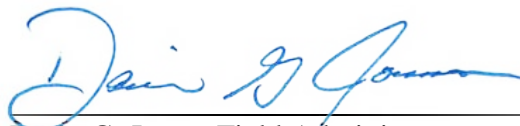
Assistant Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

Federal Motor Carrier Safety Administration  
Office of the Chief Counsel – Adjudications  
1200 New Jersey Avenue S.E., W61-323  
Washington, DC 20590

Field Administrator, Midwestern Service Center  
Federal Motor Carrier Safety Administration  
4749 Lincoln Mall Drive, Suite 300A  
Matteson, IL 60443

The request must state the material facts at issue which you believe dispute or contradict the finding that Allen Quandahl'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.** This Order is separate and independent from all other orders or actions that be issues by FMCSA, and does not amend or modify any other such orders or actions. Any request for administrative review of this Order does not attach to or apply to any other order or action.

Date: February 25, 2014



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Darin G. Jones, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration