

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

	)	<b>Order No.: GA-2014-5001-IMH</b>
	)	
<b>Woodburn’s Tour and Travel, LLC dba</b>	)	
<b>Woodburn’s Motor Coach</b>	)	<b>Service</b>
<b>USDOT# 2181163</b>	)	<b>Date: _____</b>
	)	
<b>Howard Woodburn</b>	)	<b>Service</b>
	)	<b>Date: _____</b>
	)	

**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), (2), and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (“USDOT”), Atlanta, Georgia. This Order applies to Woodburn’s Tour and Travel, LLC dba Woodburn’s Motor Coach (USDOT# 2181163) and Howard Woodburn, individually (referred to collectively herein as “Woodburn Motor Coach”) and to all vehicles owned or operated by Woodburn Motor Coach, including without limitation the commercial motor vehicles identified in Schedule A, attached hereto.

The Secretary and FMCSA find Woodburn Motor Coach’s operations and the continued operation of any commercial motor vehicle (including without limitation those identified in Schedule A), referred to herein as “commercial motor vehicles,” “motor coaches,” and/or “vehicles” constitutes an imminent hazard. This finding means that based upon Woodburn Motor Coach’s present state of unacceptable safety compliance, its operation of any commercial

motor vehicle poses an imminent hazard to public safety.

**Effective immediately, Woodburn Motor Coach 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. Woodburn Motor Coach’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; such commercial motor vehicle may not be operated – even without passengers. Any movement of Woodburn Motor Coach’s commercial motor vehicles, specifically including the commercial motor vehicles identified in Schedule A, to any storage or 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. Woodburn Motor Coach’s commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA’s Southern 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 passengers can be safely accommodated. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

**WOODBURN MOTOR COACH MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL PASSENGERS, NOR MAY WOODBURN MOTOR COACH 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, Woodburn Motor Coach 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:**

Field Administrator

404-327-7349 (facsimile)

## **I. JURISDICTION**

Woodburn Motor Coach is a passenger motor carrier engaged in interstate commerce using commercial motor vehicles and employing drivers 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, 31136, and 31144). Howard Woodburn is an individual who owns, manages, controls, directs and/or otherwise oversees the operations of Woodburn Motor Coach. Woodburn Motor Coach is required to comply with, and to ensure that 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 the FMCSA and is binding upon Woodburn Motor Coach and any and all of its officers, members, directors, successors, assigns and closely affiliated companies, and Howard Woodburn. This Order applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by Woodburn Motor Coach, including but not limited to the vehicles identified in Schedule A hereto.

## **II. BASIS FOR ORDER**

The basis for determining that Woodburn Motor Coach's motor carrier operations pose

an imminent hazard to the public is Woodburn Motor Coach's widespread and serious noncompliance with Federal safety regulations.<sup>1</sup> Howard Woodburn, as the owner of Woodburn Motor Coach, is responsible for ensuring Woodburn Motor Coach's compliance with the FMCRs. Mr. Woodburn is personally aware of Woodburn Motor Coach's non-compliance with the FMCSRs.

Woodburn Motor Coach 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 maximum hours of service limitations. FMCSA safety investigators discovered significant falsification of nearly 20% of the records of duty status reviewed. Further, Woodburn's reckless business practice of structuring trips that require its drivers to speed, exceed hours-of-service regulations, and/or falsify records of duty status - in an attempt to conceal hours-of-service violations - while transporting passengers in its motor coaches between Atlanta, Georgia and New York City poses an ongoing and continuing imminent hazard.

Woodburn Motor Coach fails to ensure that its motor coaches are systematically and properly inspected, repaired and maintained and meet minimum safety standards. During the investigation, FMCSA safety investigators inspected six of nine motor coaches currently being operated by Woodburn Motor Coach and placed all six motor coaches out-of-service. All six motor coaches had a loose sway bar, which is a leading contributing factor resulting in motor coach rollovers, and two motor coaches had metal on metal brakes, which is a leading cause of motor coach fires. Woodburn Motor Coach does not possess valid annual inspections for its motor coaches and does not require its drivers to prepare driver vehicle inspection reports on all

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<sup>1</sup> Howard Woodburn is the individual who owns, manages, controls, directs and/or otherwise oversees the operations of Woodburn Motor Coach and he is responsible for ensuring Woodburn Motor Coach's compliance with the FMCSRs.

motor coaches. Woodburn Motor Coach is also operating motor coaches in such a condition as to likely cause an accident or breakdown. Woodburn Motor Coach's inadequate maintenance program substantially increases the risk of serious injury or death and is an imminently hazardous and potentially deadly condition for Woodburn Motor Coach's drivers and the motoring public.

Also, Woodburn Motor Coach is not complying with FMCSA-mandated controlled substances and alcohol testing requirements. Woodburn Motor Coach is using drivers to operate motor coaches before receiving a negative pre-employment controlled substance test result. Woodburn Motor Coach is allowing drivers to operate its motor coaches when the drivers are not subject to random testing for alcohol. Woodburn Motor Coach's irresponsible actions in allowing unqualified drivers to operate its motor coaches substantially increase the likelihood of serious injury or death to Woodburn Motor Coach's drivers and the motoring public.

Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to Woodburn Motor Coach's drivers and the motoring public.

### **III. BACKGROUND**

On or around February 14, 2014, FMCSA completed an investigation of Woodburn Motor Coach initiated because the carrier had three elevated safety BASICS: Unsafe Driving (84.8%), Hours of Service Compliance (80.3%), and Vehicle Maintenance (67.4%).<sup>2</sup>

Woodburn Motor Coach operates a curbside service transporting passengers on a fixed route

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<sup>2</sup> The SMS is a tool for assessing available roadside performance data and ranking an entity's relative performance in any of the six Behavior Analysis and Safety Improvement Categories (BASICS). The SMS quantifies the on-road safety performance of individual entities to identify entities with significant safety problems, determine the specific safety problems an entity exhibits, and monitor safety problems through the Intervention Process. The SMS computes a percentile for each BASIC on a 0-100 scale and assigns a percentile rank to each BASIC, with 100 indicating the worst performance.

between Atlanta, Georgia and New York City and a charter service transporting school children, churches and civic groups to various destinations in and outside the state of Georgia. FMCSA's investigation of Woodburn Motor Coach uncovered widespread regulatory violations demonstrating the carrier's continuing, repeated and egregious non-compliance with the FMCSRs and a management philosophy indifferent to motor carrier safety. As part of its investigation, FMCSA completed a compliance review of Woodburn Motor Coach, resulting in a proposed safety rating of "Unsatisfactory."

Woodburn Motor Coach is flagrantly operating in violation of FMCSA's hours of service requirements. Woodburn Motor Coach admitted that its curbside trips from Atlanta, Georgia to New York City cannot be accomplished within allowable time, requiring the drivers to speed, exceed the hours-of-service regulations, and/or falsify records of duty status in order to complete the route as dispatched. The trips are arranged by Golden Horse and often require less than a two hour turnaround time. The typical route involves the first driver driving the motor coach 463 miles from Atlanta, Georgia to Rawlings, Virginia and the second driver driving the remaining 406 miles from Rawlings, Virginia to New York City. Both drivers ride on the motor coach for the entire trip and log "off duty" instead of "on duty/not driving."<sup>3</sup> After dropping the passengers off in New York City, the drivers travel to a hotel located in Jersey City, New Jersey before returning to New York City for the trip back to Atlanta, Georgia. The drivers do not record the approximate 30 minute travel time to and from the hotel and do not receive a full 8 hour break while in the hotel before returning to the pick-up location in New York City. The drivers' rest period varies from 4 to 7.5 hours.

During the investigation, FMCSA safety investigators discovered significant

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<sup>3</sup> See C.F.R. § 395.2.

falsification of nearly 20% of the records of duty status reviewed, more than double the 10% violation rate that FMCSA deems to be a critical pattern of non-compliance.<sup>4</sup> FMCSA safety investigators also discovered a note initialed by Howard Woodburn and attached to a driver's records of duty status instructing the driver to remove the co-driver and reduce mileage to 600 miles on his records of duty status. Mr. Woodburn admitted that the driver was being instructed to falsify his records of duty status in order to conceal hours-of-service violations.

Woodburn Motor Coach also does not have a systematic vehicle inspection, repair, and maintenance program in place to prevent the operation of unsafe motor vehicles.<sup>5</sup> For the past 18 months, Woodburn Motor Coach's BASIC alert in Vehicle Maintenance has ranged from 53.3% to 88.8%. During the investigation, FMCSA safety investigators inspected six of nine motor coaches currently being operated by Woodburn Motor Coach. A total of 22 out-of-service vehicle defects were discovered, and all six motor coaches were placed out-of-service. All six motor coaches had a loose sway bar, which is a leading contributing factor resulting in overturned motor coaches, and two motor coaches had metal on metal brakes, which is a leading cause of motor coach fires. Woodburn Motor Coach's other three motor coaches were not available for inspection because the vehicles' transmission, engine, and/or turbo were being repaired and/or rebuilt. Woodburn Motor Coach had three additional motor coaches on its premises that were being used for parts to keep its nine motor coaches operational.<sup>6</sup>

Woodburn Motor Coach does not possess valid annual inspections for its nine motor

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<sup>4</sup> See 49 C.F.R. Part 385 App. B § II(g).

<sup>5</sup> 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>6</sup> During the investigation, Howard Woodburn admitted to FMCSA safety investigators that the curbside demands from Golden Horse Tours prevented necessary time for proper repair and maintenance needs.

coaches showing that the vehicles have been properly inspected during the preceding 12 months.<sup>7</sup> Further, Woodburn Motor Coach's mechanic is not qualified to perform annual inspections on motor coaches. Woodburn Motor Coach did not have an Inspector's Qualification Certificate for the mechanic and the mechanic was not knowledgeable of FMCSA inspection criteria for motor coaches.<sup>8</sup> Indeed, FMCSA had cited Woodburn Motor Coach with this same violation in a prior Compliance Review.

Woodburn Motor Coach is also operating motor coaches in such a condition as to likely cause an accident or breakdown.<sup>9</sup> On February 7, 2014, a Woodburn Motor Coach driver drove motor coach unit # 6936 in interstate commerce from DeKalb County, Georgia to Gatlinburg, Tennessee and back to DeKalb County, Georgia. The motor coach was subsequently placed out-of-service for a loose sway bar, dripping fuel leak at the fuel filter, and a worn steering system component. On December 30, 2013, a Woodburn Motor Coach driver drove motor coach unit # 6922 from Atlanta, Georgia to New York City and back. The motor coach was subsequently placed out-of-service for a loose sway bar, a hole in front of the muffler, and a defective tie rod. On December 21, 2013, a Woodburn Motor Coach driver drove motor coach unit # 6933 from Atlanta, Georgia to New York City and back. The motor coach was subsequently placed out-of-service for a loose sway bar, metal to metal brakes, a defective stop lamp, and defective brakes. On December 17, 2013, a Woodburn Motor Coach

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<sup>7</sup> 49 C.F.R. § 396.17(a) ("Every commercial motor vehicle shall be inspected as required by this section. The inspection must include, at a minimum, the parts and accessories set forth in appendix G of this subchapter.")

<sup>8</sup> 49 C.F.R. § 396.19 (Motor carriers must ensure that the individuals performing annual inspections are qualified and must retain evidence of that individual's qualification.)

<sup>9</sup> *See* 49 C.F.R. § 396.7(a) ("A motor vehicle shall not be operated in such a condition as to likely cause an accident or breakdown of the vehicle.")



driver drove motor coach unit # 6915 from Atlanta, Georgia to New York City and back. The motor coach was subsequently placed out-of-service for a loose sway bar, a muffler exhaust leak, and insufficient tire tread depth. On December 3, 2013, a Woodburn Motor Coach driver drove motor coach unit # 6931 from Atlanta, Georgia to New York City and back. The motor coach was subsequently placed out-of-service for metal to metal brakes, a loose sway bar, brake reserve system pressure loss, a fuel leak at the control valve, and oil leaking from the bottom of the alternator. On December 2, 2013, a Woodburn Motor Coach driver drove motor coach unit # 6918 from Atlanta, Georgia to New York City and back. The motor coach was subsequently placed out-of-service for a loose sway bar, an oil leak under the alternator, and brake hose chafing.

Woodburn Motor Coach is also not requiring its drivers to prepare driver vehicle inspection reports (DVIRs) that identify vehicle defects on all motor coaches.<sup>10</sup> During the investigation, FMCSA safety investigators discovered that Woodburn Motor Coach drivers failed to complete 72 DVIRs out of a sample size of 210 DVIRs.

Further, Woodburn Motor Coach fails to have safety management controls in place to ensure that its drivers are subject to, and comply with, controlled substances and alcohol testing

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<sup>10</sup> 49 C.F.R. § 396.11(a) states: Every motor carrier must require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated.... The report shall cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheel and rims
- Emergency equipment)

requirements. FMCSA safety investigators sampled five drivers and discovered that Woodburn Motor Coach used three of those drivers to operate motor coaches before receiving negative pre-employment controlled substance test results. Woodburn Motor Coach also failed to conduct any random alcohol testing of its drivers during 2013.

In sum, Woodburn Motor Coach's continued and blatant disregard for the FMCSRs substantially increases the likelihood of serious injury or death, and its operations pose an imminently hazardous and potentially deadly risk for its drivers and the motoring public if not discontinued immediately.

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

To eliminate this imminent hazard, and before Woodburn Motor Coach will be permitted to resume operations placed out-of-service by this Order, Woodburn Motor Coach must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Woodburn Motor Coach must take aggressive and progressive steps to control drivers' hours of service.
2. Woodburn Motor Coach 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.
3. Woodburn Motor Coach must ensure that each of its drivers records his or her duty status for each 24-hour period in accordance with 49 C.F.R. § 395.8. Woodburn Motor Coach must ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. § 395.5. Woodburn Motor Coach must maintain each record of duty status for a minimum of six months in accordance with 49 C.F.R. § 395.8.
4. Woodburn Motor Coach must implement a system to ensure that all drivers

accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. Woodburn Motor Coach must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to Woodburn Motor Coach within 13 days of their completion. Woodburn Motor Coach must maintain drivers' records of duty status and demonstrate a system showing that the company can and will maintain all supporting documents. Further, Woodburn Motor Coach must ensure that all records of duty status are accurate by using all means available to Woodburn Motor Coach and by comparing each record with all supporting documentation.

5. Woodburn Motor Coach 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.

6. Woodburn Motor Coach must submit to the Field Administrator a plan detailing how it will (i) train all drivers used on compliance with the HOS regulations, (ii) monitor the compliance of all drivers with the HOS regulations, and (iii) ensure that all drivers are dispatched in such a way that scheduled routes may be completed within the maximum driving and on-duty hours, as provided in 49 C.F.R. § 395.5.

7. Woodburn Motor Coach must 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 as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair are obtained and maintained as required.

8. Woodburn Motor Coach must demonstrate that it has an effective commercial motor vehicle maintenance program in place to inspect, maintain, and repairs its fleet and ensure

compliance with the FMCSRs. Woodburn Motor Coach must ensure and demonstrate that vehicle maintenance and safety is a company priority and must ensure and demonstrate that inspection records are accurately completed.

9. Woodburn Motor Coach must 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).

10. Woodburn Motor Coach 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 and abide by procedures to ensure that reported safety defects and/or deficiencies are repaired immediately before the commercial motor vehicle is operated again. Woodburn Motor Coach must train its drivers and ensure all drivers understand the meaning of a roadside out-of-service order and comply with roadside out-of-service orders.

11. Woodburn Motor Coach must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of its commercial motor vehicles are repaired prior to the vehicle being operated. Woodburn Motor Coach must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is operated prior to necessary repairs being made and the vehicle passing an appropriate safety inspection.

12. Woodburn Motor Coach must contact FMCSA's Georgia Division and arrange for inspection of each of its commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

13. Woodburn Motor Coach 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 Southern Service Center Field Administrator. Woodburn Motor Coach must use only those laboratories certified by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration for the analysis of urine specimens. Woodburn Motor Coach must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). Woodburn Motor Coach must ensure that driver supervisors undergo at least 60 minutes of training on alcohol misuse as well as an additional 60 minutes of training on controlled substance use that conforms to 49 C.F.R. § 382.603.

14. Woodburn Motor Coach must ensure that each driver selected for random controlled substances or alcohol testing has an equal chance of being selected each time selections are made. Woodburn Motor Coach 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. Woodburn Motor Coach must establish policies and procedures to ensure that it does not dispatch a driver who has tested positive for controlled substances or alcohol until that driver has completed the return-to-duty process in 49 C.F.R. Part 40.

15. Woodburn Motor Coach must comply with all Orders issued by FMCSA.

## **V. RESCISSION OF ORDER**

Woodburn Motor Coach is subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and until such time as Woodburn Motor Coach has a valid and active USDOT number and operating authority registration, Woodburn Motor Coach 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 Southern 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 this Order will be rescinded, Woodburn Motor Coach must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations and motor vehicles pose, and adequately demonstrate to the Field Administrator's satisfaction the actions taken to eliminate the safety problems. Woodburn Motor Coach cannot avoid this Order by continuing operations under the name of another person or company. Any sale, lease, or other transfer of commercial motor vehicle(s) and/or direct assignment of contract(s) or other agreement(s) for service by Woodburn Motor Coach requires the written approval of the Southern Service Center Field Administrator. Any such action taken in anticipation of this Order must cease immediately.

**Prior to rescission of this Order, Woodburn Motor Coach 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 non-compliance, and a time table for these steps.**
- 3. Certify in writing the commitment of Woodburn Motor Coach 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, Southern Service Center, with a copy to the Division Administrator, Georgia Division, at the following addresses:

Field Administrator, Southern Service Center  
Federal Motor Carrier Safety Administration  
1800 Century Blvd., NE, Suite 1700  
Atlanta, Georgia 30345

Division Administrator, Georgia Division  
Federal Motor Carrier Safety Administration  
Two Crown Center  
1745 Phoenix Boulevard, Suite 380  
Atlanta, Georgia 30349

Rescission of this Order does not constitute a reinstatement of Woodburn Motor Coach's Federal operating authority registration or its USDOT Number. In order for Woodburn Motor Coach to resume motor carrier operations in the United States, Woodburn Motor Coach will be required to apply to reactivate its USDOT number registration, reapply for and receive operating authority registration, and demonstrate that Woodburn Motor Coach is fit and willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 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 Woodburn Motor Coach to an action in the United States District Court for equitable relief and punitive damages.

Woodburn Motor Coach may also 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. PENALTIES FOR 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 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 FMCSA's Adjudications Counsel and the Field Administrator, Southern 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, Southern Service Center  
Federal Motor Carrier Safety Administration  
1800 Century Blvd., NE, Suite 1700  
Atlanta, GA 30345



The request must state the material facts at issue which you believe dispute or contradict the finding that Woodburn Motor Coach's operations constitute an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY  
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

**IMMEDIATELY.** This Order is separate and independent from all other orders or actions that may be issued 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: March 7, 2014



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Darrell Ruban, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration

## Schedule A

<b>Year</b>	<b>Make</b>	<b>VIN</b>
1998	MCI	1M8TRMPA7WP060240
2000	MCI	1M8TRMPA2YP060987
1998	MCI	1M8TRMPA9XP060659
1999	MCI	1M8TRMPA6YP060975
2000	MCI	1M8TRMPA7YP061021
1999	MCI	1M8TRMPA7XP060658
1999	MCI	1M8TRMPA2YP060650
1999	MCI	1M8TRMPA7XP060448
1999	MCI	1M8TRMPA5XP060660
2006	Minibus	1FDXE453X6HA53778
2002	Minibus	IHYBEABM62H500291