

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SOUTHERN TRANSPORTATION, INC. )  
USDOT 1502096 )  
NENG REN REN, )  
Individually )

) Order No.: GA-2013-5003-IMH  
) for: Kim Bunnell *Safety Consultant*  
) Service )  
) Date: 3/29/13  
)  
) Service *and 10 min fpm*  
) Date: 3/29/13  
) 12:45 pm  
)

**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. § 31144(c)(1) 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 Southern Transportation, Inc. (USDOT# 1502096) and Neng Ren Ren, individually (referred to collectively herein as “you,” “your,” “Southern Transportation” and /or “Southern Transportation, Inc.”) and to any and all commercial motor vehicles owned, leased, or otherwise operated by Southern Transportation.

The Secretary and FMCSA find your operations and the continued operation of your commercial motor vehicles (herein “commercial motor vehicles,” “motor vehicles,” and/or “vehicles”) constitute an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle poses an imminent hazard to public safety.

**EFFECTIVE IMMEDIATELY, YOU MUST CEASE OPERATING ANY COMMERCIAL MOTOR VEHICLES, SPECIFICALLY INCLUDING THE COMMERCIAL MOTOR VEHICLES LISTED IN ATTACHMENT A TO THIS ORDER. "OPERATE" OR "OPERATING" INCLUDES WITHOUT LIMITATION ALL INTERSTATE AND INTRASTATE TRANSPORTATION BY DRIVERS FROM ALL DISPATCHING LOCATIONS OR TERMINALS.** Southern Transportation's commercial motor vehicles, specifically including the commercial motor vehicles listed in Attachment A to this Order, may not be operated in interstate or intrastate commerce by any other motor carrier or driver under Southern Transportation's control. Any movement of Southern Transportation's commercial motor vehicles, specifically including the commercial motor vehicles identified in Attachment A of this Order, 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; Southern Transportation'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 cargo can be safely secured. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

**Within eight (8) hours of the service of this Order, you must submit to the Field Administrator in writing by facsimile the location of each of the commercial motor vehicles identified in Attachment A of this Order. Your submission must be sent to:**

**Field Administrator**

(404) 327-7389 (facsimile)

**I. JURISDICTION**

Southern Transportation, Inc. operates as a for-hire motor carrier as defined in 49 U.S.C. § 13102, and an employer as defined in 49 U.S.C. 31101, transporting property 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, 13501, 31133, 31136, and 31144). Neng Ren Ren is an individual who owns, manages, controls, directs or otherwise oversees the operations of Southern Transportation, Inc. Southern Transportation, Inc. 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 shall have the force and effect of any other Order issued by the FMCSA and is binding upon Southern Transportation, Inc. and Neng Ren Ren, 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 Southern Transportation, Inc., including but not limited to those identified in the accompanying attachment.

**II. BASIS FOR ORDER**

The basis for determining that Southern Transportation’s motor carrier operations and the continued operation of the vehicles under Southern Transportation’s ownership or control pose an imminent hazard to the public is that Southern Transportation fails to monitor and ensure that its drivers comply with drivers’ qualification requirements, drivers’ hours of service

requirements, drivers' records of duty requirements and drivers' controlled substances and alcohol use and testing requirements. Southern Transportation also fails to ensure its commercial motor vehicles are properly and regularly inspected, repaired and maintained. Further, Southern Transportation has engaged in and continues to engage in an inherently irresponsible, unsafe, and dangerous business practice of dispatching commercial motor vehicles to receive loads grossly exceeding the manufacturer's Gross Vehicle Weight Rating (GVWR) limit and of actually operating those vehicles on public roads and highways with loads far exceeding the manufacturers' GVWR limit. Individually and cumulatively, these violations and conditions of dispatch and operation substantially increase the likelihood of serious injury or death to Southern Transportation drivers and the motoring public.

### **III. BACKGROUND**

On March 25, 2013, FMCSA initiated an investigation, which remains open, to determine Southern Transportation's compliance with the FMCSRs. The investigation uncovered violations of the FMCSRs so widespread as to demonstrate a continuing and flagrant general disregard for compliance with the FMCSRs and a management philosophy indifferent to motor carrier safety.

The investigation identified a complete breakdown of management controls and oversight to ensure that drivers were qualified to operate and were operating the motor coaches safely. Southern Transportation does not monitor its drivers' hours of service to ensure that they do not violate the hours-of-service regulations. Southern Transportation does not require its drivers to prepare and submit records of duty status. In fact, Southern Transportation could not produce any drivers' records of duty status or supporting documents during the investigation. Southern Transportation's negligent oversight of its drivers results in drivers

operating its commercial motor vehicles at a time when the drivers may be fatigued because of driving in excess of the maximum driving time, driving after the maximum on-duty time, and/or violations of other HOS regulations.

Southern Transportation fails to meet FMCSA driver qualification requirements to ensure that its drivers are qualified to operate its motor vehicles. At the time of the investigation, Southern Transportation could not produce any driver qualification files, including proof of Commercial Drivers Licenses (CDL), employment applications, annual inquiries and reviews of driving records, and medical certificates. Southern Transportation also has not implemented an alcohol or controlled substances testing program to ensure that its drivers are able to safely operate its vehicles.

Southern Transportation does not have a vehicle maintenance program in place to prevent the operation of unsafe commercial motor vehicles. During the investigation, Southern Transportation could not produce any records pertaining to its vehicles or its maintenance program. Southern Transportation does not prepare or maintain vehicle inspection, repair and maintenance records, and it does not require its drivers to complete driver vehicle inspection reports. Further, Southern Transportation, Inc. is operating in flagrant violation of FMCSA safety regulations by dispatching and operating commercial motor vehicles grossly exceeding the manufacturers' GVWR.

These actions by Southern Transportation, Inc., individually and cumulatively, establish an imminently hazardous and potentially deadly risk, substantially increasing the likelihood of death or serious injury to its own drivers and the motoring public.

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

To eliminate this imminent hazard, and before Southern Transportation, Inc. will be

permitted to resume operations placed out-of-service by this Order, Southern Transportation, Inc. must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Southern Transportation, Inc. must implement a plan detailing how Southern Transportation, Inc. will not dispatch overweight commercial motor vehicles.

2. Southern Transportation, Inc. must implement a policy to ensure that prior to the dispatch of any motor vehicles in interstate commerce, the weight of the loaded vehicle is checked to determine whether the vehicle meets or does not meet the definition of commercial motor vehicle in 49 C.F.R. § 383.5. Further, Southern Transportation, Inc. must implement a policy to ensure that all drivers of commercial motor vehicles meeting the definition in 49 C.F.R. § 383.5 possess valid commercial driver's licenses.

3. Southern Transportation, Inc. must implement a policy to ensure that prior to the dispatch of any commercial motor vehicle in interstate commerce, the weight of the loaded vehicle is checked to determine whether the vehicle complies with Federal and local laws and regulations covering the maximum weight of commercial motor vehicles, as required by 49 C.F.R. §392.2.

4. Southern Transportation, Inc. must ensure and demonstrate that its vehicles are in a safe operating condition, they are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance), and there is an adequate maintenance program in place to ensure compliance with the FMCSRs.

5. Southern Transportation, Inc. must require its driver 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 to ensure that reported safety defects and/or deficiencies are repaired immediately.

6. Southern Transportation, Inc. must take aggressive and progressive steps to control drivers' hours of service.
7. Southern Transportation, Inc. 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.
8. Southern Transportation, Inc. must ensure that each of its drivers records his or her duty status for each 24-day period in accordance with 49 C.F.R. § 395.8. Southern Transportation, Inc. must ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. § 395.8. Southern Transportation, Inc. must maintain each record of duty status for a minimum of six months in accordance with 49 C.F.R. § 395.8.
9. Southern Transportation, Inc. must implement a system to ensure that all its drivers accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. Southern Transportation, Inc. must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to Southern Transportation, Inc. within 13 days of their completion. Southern Transportation, Inc. must maintain drivers' records of duty status and demonstrate a system showing that the company can and will maintain all supporting documents. Further, Southern Transportation, Inc. must ensure that all records of duty status are accurate by using all means available to Southern Transportation, Inc. and by comparing each record with all supporting documentation.
10. Southern Transportation, Inc. 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.

11. Southern Transportation, Inc. must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391. Southern Transportation, Inc. must ensure that every driver it uses has completed and furnished an employment application. Southern Transportation, Inc. must investigate each driver's background within 30 days of employment, and must maintain a copy of the response from each State agency in the driver's qualification file. Southern Transportation, Inc. 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. Southern Transportation, Inc. 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. Southern Transportation, Inc. must ensure each driver possesses a DOT medical examiner's certificate as well as ensure that a copy of each driver's medical examiner's certificate is maintained in the driver's qualification file.

12. Southern Transportation, Inc. 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. Southern Transportation, Inc. 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. Southern Transportation, Inc. must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). Southern Transportation, Inc. 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.



13. Southern Transportation, Inc. 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. Southern Transportation, Inc. 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.

14. Southern Transportation, Inc. must ensure that its motor vehicles are not operated in such a condition as to likely cause an accident or a breakdown of the vehicle.

15. Southern Transportation, Inc. must comply with all Orders issued by FMCSA.

#### **V. RESCISSION OF ORDER**

Southern Transportation, Inc. is subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and Southern Transportation, Inc. has obtained valid and active USDOT number and operating authority registration, Southern Transportation, Inc. is prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. This Order will not be rescinded until acceptable documentation has been submitted and 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.

Before this Order may be rescinded, Southern Transportation, Inc. 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 for FMCSA's Southern Service Center the actions taken to eliminate the safety problems. *Southern Transportation, Inc. cannot avoid this Order by continuing operations under the name of another person or company.* Any sale, lease, or other transfer of commercial motor vehicles

and/or direct assignment of contracts or other agreements for service by Southern Transportation, Inc. 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, Southern Transportation, Inc. 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. Develop and certify the commitment of Southern Transportation, Inc. 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  
1745 Phoenix Boulevard, Suite 380  
Atlanta, Georgia 30349

Rescission of this Order does not constitute a reinstatement of Southern Transportation, Inc.'s Federal operating authority registration or its USDOT Number. In order for Southern Transportation, Inc. to resume motor carrier operations in the United States, Southern

Transportation, Inc. will be required to apply to reactivate its USDOT number registration, reapply for operating authority registration, and demonstrate that it 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**

Failure to comply with the provisions of this Order may subject Southern Transportation, Inc. to an action in the United States District Court for equitable relief and punitive damages. Southern Transportation, Inc. may be assessed civil penalties of up to \$25,000 for a 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 pursuant

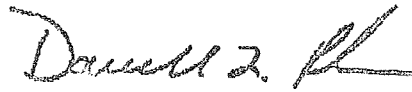
to 49 C.F.R. § 386.72(b)(4). If requested, administrative review shall occur within 10 days of the issuance of this Order. (49 U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with a copy sent to the Field Administrator, Southern Service Center, at the following addresses:

Assistant Administrator  
Attention: Adjudications Counsel, Rm W61-323  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

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

The request must state the material facts at issue which you believe dispute or contradict the finding that Southern Transportation, Inc.'s operation of its commercial motor vehicle(s) constitutes 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. A request for administrative review of this Order does not attach to or apply to any other order or action.



Date: March 29, 2013

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