



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

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Lakewood, CO 80215

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March 20, 2020

Clussie Bagby, President
Blessed Limousine, Inc.
15 S Grady Way, Suite 634
Renton, WA 98057

USDOT: 2822783

Email: info@blessedlimo.net

RE: Request for Change in Safety Rating under 49 C.F.R. § 385.17

Dear Mr. Bagby:

On October 31, 2019, a compliance review was conducted on Blessed Limousine Inc. (hereinafter “you” or “your”). The review resulted in a proposed safety fitness rating of “Unsatisfactory”. On November 29, 2019, the Federal Motor Carrier Safety Administration (FMCSA) received a request to upgrade your safety rating based on corrective action that you took to come into compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and/or Hazardous Materials Regulations (HMRs). Your request was denied on December 27, 2019. On January 8, 2020, the FMCSA received your second request to upgrade your safety rating. Your request was denied on February 7, 2020. On February 20, 2020, the FMCSA received your third request to upgrade your safety rating.

After reviewing your upgrade requests, the FMCSA determines that you took the required action to correct the following acute and/or critical violations that resulted in the “Unsatisfactory” safety rating:

- 49 C.F.R. § 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file (**critical**),
- 49 C.F.R. § 396.9(c)(2) – Requiring or permitting the operation of a motor vehicle declared “out-of-service” before repairs were made (**acute**),

FMCSA determines that you failed to take the required action to correct the following critical violations that resulted in the “Unsatisfactory” safety rating:

- 49 C.F.R. § 383.37(a) – Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL (**acute**),
- 49 C.F.R. § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status using appropriate method (**critical**), and
- 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle not periodically inspected (**critical**).

Additionally, you failed to take the required action to correct your unsatisfactory vehicle out-of-service rate which was discovered to be 60% during the compliance review.

Your request for an upgrade and/or evidence of corrective action received on February 20, 2020 (“upgrade request”) was reviewed by FMCSA in conjunction with your two previous upgrade requests and it is not sufficient to justify an upgrade to your safety rating, and it failed to demonstrate that adequate corrective actions have been taken to address the violations cited during the compliance review. As required by 49 C.F.R. § 385.17(c) a motor carrier must base its request upon evidence that it has taken corrective actions and that its operations currently meet the safety standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7 and must include a written description of corrective actions taken and other documentation that may be relied upon as a basis for the requested change to the proposed rating.

Your “Unsatisfactory” safety rating became effective January 4, 2020 and remains in effect. Therefore, you were ordered to cease all transportation in interstate and intrastate commerce and your operating authority registration was revoked effective on that date.

The upgrade requests you have submitted to address the violations of 49 C.F.R. § 383.37(a) were inadequate. Your previous upgrade request received on January 8, 2020 included a draft policy that states that you will obtain a driver abstract every 90 days, that your driver list now includes expiration dates of CDL and medical cards, and that drivers will not be allowed to operate when their required credentials expire. Additionally, in your third upgrade request received on February 20, 2020, you explained that at the time of the compliance review you did not understand that your drivers were operating interstate and that you were not aware that your license had been suspended because you moved without notifying the state licensing agency of your new address. Your third upgrade request also included driving records for Clussie Bagby and Deryl Roberts. However, the new driving record for Clussie Bagby that was not available during the compliance review was undated and from an unidentified source. Additionally, the policy you provided fails to describe how obtaining abstracts every 90 days will prevent future violations of 49 C.F.R. § 383.37(a). For example, during the compliance review you were cited for permitting Gary Miller to operate a passenger-carrying vehicle on September 22, 2019 in violation of a restriction on his CDL. This violation occurred despite the fact that you had an MVR in Mr. Miller’s driver qualification file indicating that he did not have a passenger endorsement. You also failed to describe how you will monitor due dates to obtain MVRs and conduct annual reviews in accordance with your safety management plan.

The upgrade requests you have submitted to address the violations of 49 C.F.R. § 395.8(a)(1) were inadequate. Your previous upgrade request received on January 8, 2020, included timesheets and “7 Day Sheets.” Your third upgrade request explains that you will have drivers complete a 7 Day Sheet or provide RODS after being elsewhere for seven days or, alternatively, you might use a weekly form. Your third upgrade request also states that each day a driver is dispatched, you will check to be sure you have either a daily log or the information required for the 100 air-mile radius exemption. However, your upgrade request again failed to indicate what specific information you will verify to ensure that drivers qualify for and properly use the 100 air-mile short-haul exception. Additionally, you failed to describe how you will ensure that you obtain signed statements giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty, or “7 Day Sheets,” every time an intermittent driver is used. Finally, your upgrade request again failed to address how you will review supporting documents to ensure you require drivers to prepare a record of duty status using an appropriate method. For example, during the compliance review you stated that Mattie Raiford did not have RODS because she did not work, but the investigator discovered supporting documents that showed trips where she should have recorded hours.

The upgrade requests you have submitted to address the violations of 49 C.F.R. § 396.17(a) were inadequate. In your upgrade request received on January 8, 2020, you explained that you will conduct annual inspections every 8-10 months, annual inspection stickers will be placed on the vehicles, and drivers will report on their DVIRs when the due date is within 30 days. Your third upgrade request provided two new annual inspections and stated that annual inspection stickers have been placed in the vehicles' windows. However, the annual inspection you submitted for vehicle # 9785, dated January 25, 2020, has several defective components noted including exterior lights, defective tires with inadequate tread depth noted as an OOS condition, exhaust leaks, fluid leaks and an OOS cracked and leaking muffler. Accordingly, under 49 CFR Appendix G to Subchapter B of Chapter III, this vehicle did not pass the inspection. Further, your upgrade requests have not included copies of current annual inspections for the vehicles cited during the compliance review, vehicles with VIN numbers ending in 6594 and 7229, or evidence that these vehicles have been sold. Additionally, you failed to describe the roles of your management staff or officials and the process they will follow to ensure you do not use a commercial motor vehicle that has not been periodically inspected.

The upgrade request you submitted to address your unsatisfactory vehicle out-of-service rate was inadequate. In your upgrade request received on January 8, 2020, you stated that you will provide training on how to conduct daily inspections, have revised your scheduled maintenance intervals, and Clussie Bagby will check DVIRs daily. Your scheduled inspections are to be conducted every 60-90 days and you submitted a chart that includes a column for service due dates. Your third upgrade request included an explanation that you plan to take each vehicle to the mechanic every 90 days but that you are still working on the details of what will be done. You included sheets from maintenance folders for vehicles #181 and #9785 indicating you will have an inspection program that includes A and B inspections. An "A" inspection will be conducted every 90 days and a "B" inspection, which includes an annual DOT inspection, will be conducted every 6 months. However, your upgrade request did not identify due dates for the new A and B inspections you plan to conduct as stated in your third upgrade request. You included copies of A and B inspections for vehicle #9785 but not for vehicles #181 or #777. The A inspection for #9785 includes extensive defects and no evidence that they have been corrected. You also failed to describe why your previous maintenance procedures were ineffective, how your new procedures are different from the previous procedures, and how they will prevent defects and improve your out-of-service rate. You also failed to provide evidence that you have provided training on daily vehicle inspections as reflected in the safety management plan you previously provided.

After reviewing your upgrade request, the Federal Motor Carrier Safety Administration (FMCSA) is DENYING your request. You have failed to provide sufficient evidence that the violations cited in the compliance review have been corrected and that your current operation meets the safety fitness standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7.

To change a safety rating under the provisions of 49 C.F.R. § 385.17, the Field Administrator must be assured that corrective action has been taken and that the motor carrier's current operations meet the safety fitness standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7. You may submit another request for a change to the proposed or final safety rating under 49 C.F.R. § 385.17. If you believe FMCSA made an error in this denial of request for rating change, you may also request administrative review of this denial under the procedures of 49 C.F.R. § 385.15 (see 49 C.F.R. § 385.17(j)) within 90 days of this denial. If you choose to request administrative review of this denial under the procedures of 49 C.F.R. § 385.15, your request for review must be submitted in writing to the Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, W60-312, Washington, D.C. 20590.

In order to avoid the potential confusion that may accompany a fourth supplement to your safety management plan, should you elect to submit another upgrade request under 49 CFR 385.17, please submit one new comprehensive safety management plan that encompasses all of your corrective action even if previously submitted. Further, if you elect to submit another request for a safety rating upgrade under 49 C.F.R. § 385.17, you must address the deficiencies discussed above, include evidence of corrective action that demonstrates that you have remedied your safety management deficiencies and are in compliance with the safety factors and standards in 49 C.F.R. §§ 385.5 and 385.7, and should include:

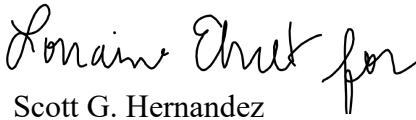
1. A detailed description of the procedures you have implemented to ensure that your drivers' commercial driver license (CDL) and corresponding endorsements are valid, active and appropriate for the type of vehicle operated, particularly after a driver obtains a new medical certificate. Identify the person(s) and title(s) responsible, with specific roles and duties described, for ensuring your drivers are and remain licensed, including proper endorsements for the type of commercial motor vehicles (CMV) to be driven and monitoring expiration dates. Provide evidence that you are now in compliance with 49 CFR 383.73 such as a driver list with evidence that all drivers have a valid CDL with proper endorsements, including a current driver driving history abstract from the issuing State of domicile.
2. A detailed description of the safety management system you have implemented to verify that drivers complete and timely submit RODS and/or local time records. Describe how you will utilize supporting documents to ensure that drivers are preparing RODS using an appropriate method. If your drivers will be using the 100 air-mile short-haul exception, please explain how you will verify that they qualify for and properly use this exception. If you will be using intermittent drivers, describe how you will ensure that you obtain, from all intermittent drivers, signed statements giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty. Your description should also include procedures for verifying the accuracy of RODS and/or local time records; the frequency of RODS and/or local time record checks; and a description and frequency of RODS and/or local time records audit summaries. Identify the person(s) and title(s) responsible for implementing and enforcing these procedures.
3. Evidence that you are checking RODS/local time records for accuracy and completeness, such as a RODS audit summary of all drivers for the month of December 2019.
4. A detailed description of the process you will follow to ensure you do not use a commercial motor vehicle that has not been periodically inspected. Provide a list of vehicles you intend to use and current annual inspections meeting the requirements of 49 CFR Appendix G to Subchapter B of Chapter III for each vehicle. If you do not intend to use vehicles cited during the compliance review, please explain why and, if applicable, provide evidence of sale.
5. Provide an explanation of how your current safety management plan concerning your vehicle out-of-service rate is different from your previous procedures, and how it will prevent defects and improve your out-of-service rate. Also, explain how you will identify due dates for the various inspections you intend to conduct and what will be done during each inspection. Provide evidence that you have provided training on daily vehicle inspections as reflected in the safety management plan you provided.

6. Provide evidence of repairs performed for all vehicle out-of-service defects and deficiencies noted on federal and state vehicle inspections since the October 31, 2019 compliance review.

In order to avoid the potential confusion that may accompany a fourth supplement to your safety management plan, should you elect to submit another upgrade request under 49 CFR 385.17, please submit one new comprehensive safety management plan that encompasses all of your corrective action even if previously submitted.

Should you have any questions, please feel free to contact an Enforcement Program Specialist or the Enforcement Program Manager by telephone at (303) 407-2350.

Sincerely,



Scott G. Hernandez
Regional Field Administrator

cc: Jeffrey A. James, Division Administrator

Clussie Bagby, President
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