



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 21 2012

SERVICE DATE: December 21, 2012

Adriana de Leon Amaro, Owner
Transportes Impacto
Amado Nervo No. 110
Matamoros, Tamaulipas 87390
MEXICO

In reply, refer to:

USDOT Number: 2117609
MX Number: 738224

Mailing Address:
1443 East Jefferson Street, #235
Brownsville, TX 78520

**ORDER REJECTING APPLICATION FOR
AUTHORITY TO OPERATE IN THE U.S.-MEXICO CROSS-BORDER
LONG-HAUL PILOT PROGRAM**

BASIS FOR ORDER

This Order rejecting the application for motor carrier operating authority in the U.S.-Mexico Cross-border Long-Haul Pilot Program ("Pilot Program") is issued by the United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA). This Order is based upon FMCSA's determination that Adriana de Leon Amaro doing business as (DBA) Transportes Impacto has not made a *prima facie* showing that its application is materially complete and that it is fit, willing, and able to comply with applicable Federal requirements.

The standards by which FMCSA grants applications for operating authority are established by statute and regulations. In accordance with 49 U.S.C. § 13902(a)(1), FMCSA will grant a request for authority to operate in the Pilot Program if FMCSA finds that the applicant is willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs (49 C.F.R. parts 390 through 399); 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.

By this Order FMCSA finds that:

1. Adriana de Leon Amaro DBA Transportes Impacto is a Mexico-domiciled motor carrier with OP-2 registration that permits it to provide transportation of property within the municipalities and commercial along the U.S.-Mexico border. Adriana de Leon Amaro DBA Transportes Impacto has filed a Form OP-1(MX) "Application to Register Mexican Carriers for Motor Carrier Authority to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border".
2. Pursuant to 49 C.F.R. § 365.507(c), as a Mexico-domiciled motor carrier, Adriana de Leon Amaro DBA Transportes Impacto is required to successfully complete a Pre-Authorization Safety Audit (PASA) in accordance with Appendix A of Part 365 of Title 49 of the U.S. Code of Federal Regulations in order to operate beyond U.S. municipalities and their commercial zones on the U.S.-Mexico border.
3. Sec. 382.115(b) of Title 49 of the C.F.R. requires that "[A]ll foreign-domiciled employers must implement the requirements [for a testing program for alcohol and controlled substances] on the date the employer begins commercial motor vehicle operations in the United States."
4. On November 27, 2012, FMCSA began a PASA on Adriana de Leon Amaro DBA Transportes Impacto. During the PASA, FMCSA determined that Adriana de Leon Amaro DBA Transportes Impacto did not have, or was not able to provide, documentation allowing verification of a company controlled substance and alcohol testing program consistent with 49 C.F.R. Part 40 and supporting its contention of a company implementation of a controlled substance and alcohol testing program.

ORDER

It is therefore ORDERED that the above-captioned application for operating authority to transport property in the United States beyond the commercial zones along the United States-Mexico border in the U.S.-Mexico Cross-Border Long-Haul Pilot Program is rejected.

Adriana de Leon Amaro DBA Transportes Impacto has the right to appeal this rejection of its application for authority under the Pilot Program to conduct long-haul transportation of property in the U.S. beyond the municipalities and commercial zones along the U.S.-Mexico border. In accordance with 49 C.F.R. § 365.111(a), a written appeal of this ORDER of rejection must be filed with FMCSA no later than 10 calendar days of the date of this ORDER. Any written appeal must be filed with FMCSA at the following address:

Mr. William A. Quade
Associate Administrator for Enforcement
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

The request may be faxed to (202) 366-7908.

Pursuant to 49 C.F.R. § 365.111(b), if an appeal is successful and the filing is found to be proper, the application shall be deemed to have been properly filed as of the decision date of the appeal.

Absent a timely appeal of this dismissal notice under 49 C.F.R. § 365.111, your application for OP-1MX operating authority will be dismissed within 20 days of the date of this notice. If you have any questions, please contact the North American Borders Division at (202) 366-4553.

SUBMISSION OF NEW APPLICATION

A motor carrier whose application for authority to operate in Pilot Program has been rejected by FMCSA may reapply to participate in the Pilot Program. If Adriana de Leon Amaro DBA Transportes Impacto elects to submit a new application for participation in the Pilot Program, it must submit evidence to make an initial showing that it has corrected the deficiencies that resulted in FMCSA rejecting its application, and that it is fit and willing and able to comply with applicable Federal requirements. Such evidence must include documentation that confirms the company's implementation of a controlled substances and alcohol testing program.

To participate in the Pilot Program after reapplying, Adriana de Leon Amaro DBA Transportes Impacto must submit a new Form OP-1(MX) "Application to Register Mexican Carriers for Motor Carrier Authority to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border", and a Form MCS-150, the "Motor Carrier Identification Report." Adriana de Leon Amaro DBA Transportes Impacto must also satisfactorily complete a PASA.

Sincerely,

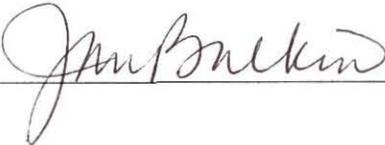


Dr. G. Kelly Leone
Associate Administrator for Research and
Information Technology/Chief Information
Officer

CERTIFICATE OF SERVICE

This is to certify that on the 28th day of December 2012, the undersigned served, as specified, the designated number of copies of the foregoing document to each of the parties listed below:

Adriana de Leon Amaro, Owner Transportes Impacto Amado Nervo No. 110 Matamoros, Tamaulipas 87390 MEXICO	One Copy United Parcel Service Tracking #
Adriana de Leon Amaro, Owner Transportes Impacto c/o Argelio Torres, Process Agent 1443 East Jefferson Street, #235 Brownsville, TX 78520	One Copy United Parcel Service Tracking #
Joanne Cisneros, Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto, Suite 101 Austin, TX 78701	One Copy Internal Mail
William R. Paden, Field Administrator U.S. Department of Transportation Federal Motor Carrier Safety Administration Western Service Center 12600 West Colfax Avenue, Suite B-300 Lakewood, CO 80215	One Copy Internal Mail



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Letter\Dismissal Orders\Adriana de Leon Amaro - Transportes Impacto\2012-12-17 Adriana de
Leon Amaro - dismissal order.doc