



Motor Carrier Attachment – FMCSA Out of Service Warning and

Order to Revoke and Cease Letters

Louisville, NY

HWY23FH005

(4 pages)



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

April 15, 2022

In reply refer to:
USDOT Number: **3773075**

**LBFNY LLC
PO BOX 123
CATO, NY 13033-0123**

Action Required: Out of Service/Revocation Warning Letter Planned Revocation Date April 26, 2022.

On December 1, 2021 the Federal Motor Carrier Safety Administration (FMCSA) informed you that your application seeking registration to operate in interstate commerce within the United States was approved. That letter also informed you that the FMCSA would continue to evaluate your safety management practices through a Safety Audit. FMCSA regulations require that all records and documents required for the safety audit shall be made available for inspection upon request. Failure to do so could be considered failure to permit a safety audit whereby your registration will be revoked under 49 CFR Section 385.337 and the applicable penalty provisions in 49 USC Section 521(b)(2)(A). Our records indicate that you either failed to attend your safety audit or failed to submit the documents required to confirm that your company has basic safety management controls in place for a safety audit.

If you failed to attend your audit, in accordance with 49 CFR 385.337(b), you are hereby advised that your USDOT New Entrant registration will be revoked on April 26, 2022 and your operation placed out of service unless you **agree in writing**, within 10 calendar days from the service date of this notice, to permit a safety auditor to conduct the Safety Audit required under Part 385. Your correspondence should be directed to the contact information listed below.

Questions concerning your failure to attend your scheduled audit, please contact your local State MCSAP Office at the address below:

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
NYSDOT MOTOR CARRIER INVESTIGATIONS UNIT
50 WOLF ROAD POD #53
ALBANY, NY 12232
Telephone No.: 518-485-1010

If you failed to provide the necessary documentation requested by the Safety Auditor to perform the safety audit, in accordance with 49 CFR 385.337(b), you are hereby advised that your USDOT New Entrant registration will be revoked on April 26, 2022 and your operation placed out of service unless you submit the necessary documentation or provide a written explanation for your failure to submit the documentation to <http://ai.fmcsa.dot.gov/newentrant> or via mail. FMCSA must **RECEIVE** the requested information within 10 calendar days from the service date of this notice, to permit the safety auditor to conduct the Safety Audit required under Part 385.

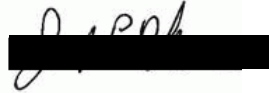
An inability to produce an essential document may lead to a safety audit determination that your company's basic safety management controls are inadequate, and that your company's USDOT new entrant registration will be revoked and your operations placed out of service unless your company takes specified actions to remedy your safety management practices.

Questions concerning submission of requested documentation, please contact your local State MCSAP Office at the address below:

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
NYSDOT MOTOR CARRIER INVESTIGATIONS UNIT
50 WOLF ROAD POD #53
ALBANY, NY 12232
Telephone No.: 518-485-1010

If your USDOT New Entrant registration is revoked, you may reapply no sooner than 30 days after the date of the revocation. Should that occur, you would need to initiate the USDOT New Entrant registration process again by completing an updated Motor Carrier Identification Report (MCS-150).

Sincerely,

A handwritten signature in black ink, appearing to read "J. DeLorenzo", is written over a solid black rectangular redaction box.

Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

April 26, 2022

In reply refer to:
USDOT Number: **3773075**

**LBFNY LLC
PO BOX 123
CATO, NY 13033-0123**

**ORDER TO REVOKE "NEW ENTRANT" REGISTRATION AND CEASE
ALL INTERSTATE TRANSPORTATION U.S. DOT Number: 3773075**

This Order is issued pursuant to 49 CFR 385.337(b). In a letter dated April 15, 2022 LBFNY LLC was notified that its New Entrant Registration would be revoked unless it agreed in writing within 10 days of April 15, 2022 to permit a Safety Audit to be performed. Because LBFNY LLC has failed to agree to the safety audit its New Entrant Registration is hereby revoked and LBFNY LLC's operations are placed out of service effective immediately. LBFNY LLC must immediately cease all Interstate motor carrier operations in the United States.

Failure to comply with this order may subject the carrier to a penalty in accordance with 49 USC 521 (b)(2)(a) and the minimum/maximum penalty schedule in 49 CFR Part 386 Appendix A and B.

Under section 385.329, LBFNY LLC may reapply for new entrant registration no earlier than 30 days from the date of this Order. In accordance with 49 CFR 385.329, in order to reapply LBFNY LLC must submit an updated MCS-150 (Motor Carrier Identification Report), submit to a safety audit, and restart the 18-month new entrant monitoring period. Reapplication may be made via the FMCSA web site (<http://safer.fmcsa.dot.gov>) or by submitting a MCS-150 form. The form may be obtained by calling FMCSA support services at 1-800-832-5660 or via the FMCSA web site.

Sincerely,

Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance