



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

February 4, 2011

David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Yelm Adult Community Center*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TN-110087

Dear Mr. Danner:

On January 18, 2011, the Washington Utilities and Transportation Commission (commission) assessed a \$100 penalty against Yelm Adult Community Center for violations of WAC 480-30-221, Operation of motor vehicles, which requires private, non-profit transportation providers to comply with Title 49, Code of Federal Regulations (CFR), including Part 391, which governs qualification of drivers. The company was penalized for one violation of WAC 480-31-130, which adopts by reference Title 49, CFR Part 391.45(b)(1), Using a driver not medically examined and certified during the preceding 24 months. Commission staff found that driver Robert Mann drove with an expired medical card on 9/10/10.

On February 1, 2011, Yelm Adult Community Center filed an Application for Mitigation of Penalties (Mitigation Request), waiving a hearing and asking for an administrative decision on the information it presented. For the reasons below, staff supports a full mitigation of the penalty.

In its Mitigation Request, Yelm Adult Community Center does not dispute that the violation occurred. The company states that the expired medical card was an oversight and that the driver went for a medical examination the day after commission staff's inspection and obtained valid medical certification. The company has had no previous medical card violations and has taken measures to ensure future compliance by instituting specific internal procedures related to medical card verification.

It is the policy of the Transportation Safety section to recommend penalties for any violations related to keeping the public safe from unqualified drivers, such as drivers without medical



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certification. However, staff supports a full mitigation of the penalty against Yelm Adult Community Center because the violation appears to be inadvertent, and because the company has no history of such violations and took immediate proactive steps to correct the violations identified in the penalty assessment and its internal processes.

Sincerely,

A handwritten signature in cursive script that reads "David Pratt". The signature is written in black ink and is positioned above the printed name and title.

David Pratt

Assistant Director, Transportation Safety