



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, 2013

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. Northwestern Stage Lines, Inc.*  
*d/b/a Northwestern Trailways*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TC-130090

Dear Mr. Danner:

On January 24, 2013, the Washington Utilities and Transportation Commission (commission) issued Penalty Assessment TC-130090 against Northwestern Stage Lines, Inc. d/b/a Northwestern Trailways (Northwestern Trailways) in the amount of \$800 for eight violations of Washington Administrative Code (WAC) 480-30-216(5), Operation of Motor Vehicles, General, which relates to standing passengers.

On January 31, 2013, Northwestern Trailways filed with the commission its request for mitigation (Mitigation Request). Northwestern Trailways admitted the alleged violations but asked that the penalty amount be reduced.

In the Mitigation Request, Northwestern Trailways President Cleto Achbal states that Northwestern Trailways refunded fares to passengers who contacted the company, including the passenger who filed the safety complaint with the commission.

While providing refunds to these passengers is an admirable gesture by Northwestern Trailways, it does not support mitigation of the assessed penalties. The commission's rules governing safety requirements for passenger transportation are clear and unambiguous in seeking to ensure the



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health and safety of the traveling public through specific limitations and requirements. In this instance, Northwestern Trailways placed its passengers at risk by knowingly violating WAC 480-30-216(5). It is the policy of the Transportation Safety section to recommend that the commission assess penalties for any violations related to keeping the traveling public safe.

As an auto transportation certificate holder, Northwestern Trailways is responsible for complying with all applicable laws and commission regulations. In addition to the requirements relating to standing passengers, WAC 480-30-216 also requires auto transportation companies to maintain sufficient reserve equipment to insure the reasonable operation of established routes and time schedules. On the trip where these violations occurred, the driver should have notified Northwestern Trailways that an unusually high number of passengers had boarded the bus so that another bus could have been dispatched. Northwestern Trailways is required to ensure that its buses are not overloaded and that its drivers are properly trained and empowered to adhere to safety regulations.

Staff recommends the Mitigation Request be denied. If you have any questions, please contact Betty Young, Compliance Investigator, Transportation Safety, at 360-664-1202, or by e-mail at [byoung@utc.wa.gov](mailto:byoung@utc.wa.gov).

Sincerely,



David Pratt

Assistant Director, Transportation Safety