

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TE-160824

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred. I have:

Enclosed \$ _____ in payment of the penalty

Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

Violations were not intentional

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR

b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: Aug 17th 2016 [month/day/year], at SeaTac WA [city, state]

Pam Green AAA Party Bus
Name of Respondent (company) - please print

[Signature]
Signature of Applicant

Seattle Party Bus Rentals

16 AUG 16 PM 4:51

AAA PARTY BUS
DBA

SEATTLE PARTY BUS RENTALS

PAID
10/16/16

2016 AUG 16 PM 4:32

STATE OF WASHINGTON
OFFICE OF THE
TREASURER

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To: The Washington Utilities and & Transportation Commission

Request for Safety Rating to be up graded from Unsatisfactory to Conditional

After conducting an extensive review of the violations found, we have addressed each of these and put numerous practices in place to ensure we are compliant with all of the requirements set by the Washington Utilities and Transportation Commission. We did not find them to be unreasonable, nor would they pose an undue hardship on our business so we are confident that with our clear understanding all of the expectations we will meet these standards in all categories. We are requesting that our Safety Rating be graded from Unsatisfactory to Conditional.

Respectfully,


Pam Green
Member

Seattle Party Bus Rentals

Roles and Responsibilities

Driver Wellness

Travis – Ensure driver obtains Medical Certification
Provide driver with Drug and Alcohol Policy
Review Wellness Policy with drivers
Review and evaluate any all driver-fitness related customer complaints,
Including taking appropriate measures to ensure customer safety

Pam - Ensure drivers receive a copy of the Wellness Policy

Employee Safety Training

Pam – Write schedule for safety topics to be reviewed
Maintain Safety training employee records

Travis – Conduct Safety training sessions on a monthly basis

Employee Expectations

Travis – Review driver performance expectations and responsibilities
Review driver hour expectations and legal limitations

Employee Performance Review

Travis – Review employee performance with each employee on 6 month basis.
Deliver any verbal or written warnings demeaned in a timely manner

Driver training

Travis – Review Drive Safety policies, accompany driver for observation and training
Review Pre trip and post trip inspection process
Review with drivers

Employee Records

Pam – maintain employee file, including hours work, driving record, W-2 form,
Copy of medical certificate, payroll

Financial and Business Records

Pam – Maintain all financial records for revenues received and company expenses.
Ensure company obligations are met in a timely manner, insurance premiums,
Payroll etc.
File all reports required, (DOL, FMCS, etc.)

Travis – Maintain maintenance records for all vehicles

Maintenance

- Travis – Establish and schedule maintenance for vehicles including but not limited to Annual Vehicle Inspection
- Review driver submitted DVI forms, take immediate action on necessary maintenance

Seattle Party Bus Rentals

Violation Discoveries and Remedies

The violations listed below are a result of being noncompliant with a portion of the requirements set forth by the WUTC. The reason for these violations is the failing of due diligence to ensure there was a comprehensive understanding of the requirements for the following violations.

Violation 1

Making or causing to make fraudulent or intentionally false entry on a required medical examiner's certificate.

Reason for violation: There was not an intentional false entry on the medical examiners certificate. We were not diligent in proof reading the medical card resulting in the error not being rectified.

Remedy

Having verification of a driver's good health is extremely important. A new medical certificate has been issued and copies are in employee file and on file with the Medical office. We understand the importance of verifying the drivers health, each employee is noted with the date the next medical certificate is due.

Violation 2

Using a driver not medically examined and certified during the preceding 24 months

Reason for violation:

We had erroneously believed that a medical certificate was required if driver was driving a vehicle with required a CDL. Our vehicles do not so we did not request the medical certificate.

Remedy

All drivers will be required to provide a medical certificate. Each employee will have a Driver Qualification File which includes the following:

- Application for employment, (49 CFR, 391.21)
- Driver Investigative History (49 CFR, 391.53) Inquiry to state agencies, employee's driving record (49 CFR, 391.21 (a, 1 &b)
- Annual Driving Record Review (49 CFR, 391.25)
- Annual Driver's Certification of Violations (49 CRG, 391.27)
- Drivers Road Test and Certificate (49 CRF, 391.31 & 33)
- Medical Certificate, (49 CFR, 391.45)

Violation 3

Failing to maintain driver qualification file on each drier employed

Reason for violation:

At the time of hiring part time employees we did not research the research the driver file requirements.

Remedy

This has been addressed by the implementation of the Driver Qualification File set up for each driver which includes the requirements listed above.

Violation 4

Failing to require drivers to make a record of duty status

Reason for the violation

We did keep track of hours worked, however the process we had in place did ensure that our part time drivers were paid for hours worked. We were not utilizing the Driver Time Record, rather we were using a different form.

Remedy

The Driver Time Record is now being utilized for all drivers. Entering their start time and end time is included as part of the employees shift responsibilities. The running log is maintained as part of the employees file.

Violation 5

Failing to require driver to prepare driver vehicle inspection report

Reason for violation

As we had not read the requirements for vehicle inspections, we did not realize we were out of compliance.

Remedy

Pre-trip -Our practice is to now give the pre-trip inspection form (49 CFR,396.13) to the driver before the trip, to be signed noting no defects or listing any repairs needed. The driver is to review and sign the DVIR from the previous trip that the repairs shown have been made.

Post trip – DVIR is completed and either noting no defects and signed by the driver or all defects listed and signed. Original copies to be held for 3 months

Violation 6

Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C)

Reason for violation

The mailing address was not updated so the request for form was returned to sender. We did not realize we were out of compliance.

Remedy

We have contacted the FMCSA and given them the correct mailing address.

We will keep a calendar to ensure the date for resubmitting the form is not missed in the future should we not receive notice via mail or email.

Violation 7

Failing to keep a maintenance record which identifies the vehicle including make, serial number, year and tire size.

Reason for the violation

The WUTC identification requirements were not referenced when setting the maintenance file resulting in proper identification not being documented.

Remedy

The identification of the vehicle, make, serial number, year and tire size are now documented on vehicle maintenance forms/

Violation 8

Failing to retain periodic inspection report of 14 months from date of inspection

Reason for the violation

We did not reference the Washington Guide for Motor Carriers. As a result we did not realize we were out of compliance.

Remedy

A maintenance file is now set up for all vehicles in service. This includes a copy of the record maintenance expectations for reference.

Pre-trip Inspection Report

DVIR Reports, (including Identification of the vehicle, make, serial number, year and tire size

Vehicle Service Due Status Report

Bus Emergency Exits Inspection

Annual Vehicle Inspection Report, including Inspector Qualifications, (49 CFR – Part 396.19)

Brake Inspection Qualifications (49 CFR-Part 396.25

Seattle Party Bus Rentals

Safety Plan overview

Drivers – Upon employment

- Drivers Must have Medical Certification
- We will request from the Department of Motor Vehicles the driving abstract, showing no accidents or moving violations for the last 5 years before an offer for employment is made
- Drivers will receive monthly safety training and performance evaluations, training for vehicle safety inspections, DVI reports, road side inspection reports
- Review Employee Expectations Doc.
- Documentation of employee training to be maintained in employee file.

Vehicle Maintenance

- All vehicles will comply with the Mandatory State Inspection, by qualified inspectors, including brake inspections, 90 day push out window
- DVI inspections ensure completed and records maintained
- Take action on noted defects
- Maintenance files to be complete

Driver Hours of Service

- Ensure Drivers are aware of maximum hours of service requirements,
- Ensure Drivers are compliant with time worked documentation
- First time Drivers complete and sign the Hours-Of -Service Record. To be held on file

Violations

- Any driver found to be out of compliance of any the Employee Expectations will receive up to and or including the following:
 1. Documented verbal warning, (first offense)
 2. Written Warning of termination for 2nd offense
 3. 3rd offense will result in termination

Violations resulting in immediate termination

- **Driver found to be under the influence**
- **Receiving a moving violation**
- **Customer complaint citing unsafe driving practices.**

Pre-Hire Check list

Name:

D.O.B:

DL#.

Address:

Pre-hire check list:

Employment application complete:

Application, 49 CFR,391.21 Yes _____ No _____

Driver Investigative History Yes _____ No _____

Inquiry to state agencies Yes _____ No _____

Annual Drivers Cert. of Violations Yes _____ No _____

Drivers Road test and Cert. Yes _____ No _____

Medical Examiners Cert Yes _____ No _____

New Hire Check List

Name:

Date of Hire:

DL#

Address:

D.O.B.

Medical Certificate to be renewed on _____.

Employee Expectations reviewed on _____.

Time Documentation and hours allowed reviewed on _____.

Safety Walk Around and completion of DVL reviewed on _____.

Alcohol and Drug abuse policy reviewed on _____.

Addition information review:

I have reviewed the above reviewed the above expectations.

Applicant _____ Supervisor _____

Date _____

Seattle Party Bus Rentals

Driver expectations

It is the policy of Seattle Party Bus Rentals that drivers adhere to the Washington State Driving Laws. At no time are these to be violated. All drivers will act with their passenger's safety to be their first and for most consideration. It is an expectation that the driver inform customers if they find they are acting a manner which may impede their safety or the other passengers on the vehicle, that they must cease their current conduct.

In addition all drivers must comply with the following guidelines:

Drivers are to comply with the Hours of Service rules:

- May drive a maximum of 11 hours after 10 consecutive hours off duty.
- May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty.
- May not drive after 60/70 hours on duty in 7/8 consecutive days.
- Motor Carrier must retain all supporting documents

Vehicle Inspections:

Pre trip

- The Driver must complete a pre-trip walk-around safety inspection to determine the vehicle is in a safe operating condition. The Driver must review the previous DVI for form for noted repairs needed and insure they have been completed before the trip begins. If there are no needed repairs on the DVI report, no further action is required by the driver. Any repairs not completed must be noted on the DVI form, the form is to be signed and the form management before the trip begins.

Post trip

- The Driver must do a post trip inspection and complete and DVI form. Should the vehicle have no defects, the driver is to indicate "no defects" on the form. It must be signed by the driver and given to management at the end of their shift.

While Driving:

- In the event the driver is not feeling well enough to drive safely, due to illness or fatigue, they must notify management immediately so a replacement driver may take over the ride.
- Stop driving immediately and notify management should a maintenance issue arise during trip.

- **The Driver must collect the Banquet permit if it is required. Ensure it is signed and turn the permit into management.**
- **The Driver is to accurately record all hours worked.**
- **In the event of an accident, the driver must first check all passengers for injuries, and contact authorities and management immediately**

Seattle Party Bus Rentals

Driver Wellness Policy

Drivers must pass a physical examination and obtain a medical certification to ensure they meet the physical requirements determined by the WUTC. This certificate will be renewed every two years or sooner if so instructed by the medical examiner.

Alcohol and Drug Abuse Policy

Seattle Party Bus Rentals is a drug-free workplace. The purpose of this policy is to ensure the safety of all employees. This policy applies to all employees. Substances covered under this policy include alcohol, illegal drugs, inhalants, and prescription and over the counter drugs.

We reserve the right to inspect our premises and property for these substances. We reserve the right to conduct alcohol and drug tests at any time. We may terminate your employment if you violate this policy.

Definitions under this policy

A "substance" includes alcohol, illegal drugs, inhalants, and prescription and over the counter drugs.

An "illegal drug" is any substance that is illegal to use, possess, sell, or transfer.

"Drug paraphernalia" are any items used or intended for use in making, packaging, concealing, injection, inhaling, or consuming illegal drugs or inhalants.

You are "under the influence" if any substance:

- Impairs your behavior or your ability to work safely
- Results in a physical or mental condition that creates a risk to your own safety, the safety of others, or company property
- Is shown to be present in your body, by laboratory evidence in more than an identifiable trace.

"Company premises" include our buildings, grounds, parking lot, and vehicles.

Company Rules

You must follow these rules while you are on company premises and while you conduct company business. This includes while operating company vehicles.

1. You may not use, possess, or be under the influence of alcohol, or illegal drugs either on the company premises or while operating a company vehicle.
2. You may not sell, buy transfer, or distribute any drugs. It is against the law to do so and we will report such actions to the authorities.
3. You may not use, possess, sell, by transfer, or distribute drug paraphernalia.
4. You may not use or be under the influence of inhalants.
5. You must follow these rules if you take prescription or over-the-counter drugs on the job.
 - You may use a prescription drug only if a licensed health care provider prescribed it for you within the last year.
 - You may use prescription or over-the-counter drugs only if they do not generally affect your ability to work safely.
 - You must follow directions, including dosage limits and usage cautions.
 - You must keep these drugs in their original containers or bring only a single-day supply.

The company may consult with a doctor to determine if a prescription or over-the-counter drug may create a risk if you use it on the job. The company may change your work duties or restrict you from working while you are using a prescription or over-the-counter drug that creates such a risk.

You may not operate company vehicles while taking prescription or over-the-counter drugs that impair your ability to work.

You must cooperate with any investigation into substance abuse. An investigation may include test to detect the use of alcohol, drugs, or inhalants

Wellness Recommendations

Settle Party Bus rentals endorses and encourages drivers to review the following website www.drivinghealthy.org for tips on:

- Smoking Cessation
- Obstructive Sleep Apnea, getting enough sleep
- Drinking Moderation
- Mental Health
- Other Conditions
- Eating Healthy on the road, Serving Sizes and Dining out

Employee Safety Training Schedule

Effective July 2016

(to be conducted the first Saturday of each month)

All employees to receive training on DVI reporting, Hours reporting, Accident procedures, employee expectations before first trip. In addition new drivers will be accompanied by management on their first trip for observation and safety tips. Management will review guidelines for maximum hours to be worked

July – Mobile Phone Restrictions Fact Sheet
www.fmcsa.dot.gov/driver-safety/distracted-driving/mobile-phone-restrictionsfact-sheet

August – Rollover Prevention
www.fmcsa.dot.gov/rolloverprevention

September – Unsafe driving
CSA.fmcsa.dot.gov/Documents/FMC_/csa_12_008_Basicfactsheet

October – Wa State Depart of Licensing, Road Rage
www.dol.wa.gov/driverslicense/roadrage.html

November – Wa State Drivers guide, safe driving tips
www.dol.wa.gov/driverslicense/docs/driversduide-en.pdf

December – Wa State Drivers guide, frequently asked questions
[www.dol.wa.gov/frequently asked questions](http://www.dol.wa.gov/frequently%20asked%20questions)

Customer Complaint Investigation

Date of incident:

Date complaint was received:

Customer name:

Phone number:

Driver:

Complaint:

Time of day;

Location:

Weather conditions:

Drivers comment:

Action to be taken: