



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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October 19, 2016

Steven V. King, 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. People for People*
Commission Staff's Response to Contest of Penalty
Docket TE-161100

Dear Mr. King:

On October 5, 2016, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment TE-161100 against People for People in the amount of \$700 for seven violations of WAC 480-30-221 Vehicle and Driver Safety Requirements. This rule requires charter and excursion carriers to comply with CFR Part 396 – Inspection, Repair and Maintenance. People for People believes that it was in compliance and contests the violation.

In August 2016, Commission Motor Carrier Investigator Wayne Gilbert conducted a compliance review of People for People. During the review, the company failed to provide documentation of periodic inspections for seven of its vehicles, as required by CFR Part 396.17(a).

In its contest of the penalty, the company provided a letter from the Central Washington Regional Transportation Co-op, a school district cooperative which performs maintenance and inspections on People for People's vehicles. The letter states in very general terms that the company vehicles are inspected periodically as required and meet all safety standards. The company also provided recent maintenance and inspection records for the seven vehicles. The company does not suggest that these documents were provided to Mr. Gilbert during the compliance review.

Staff reviewed the documents provided by the company. Although it appears regular maintenance is occurring, staff believes the assessed penalty is appropriate for two reasons.

1. The documents provided were not made available to Mr. Gilbert during the compliance review as required by CFR 396.21(b)(1) and (2). The documents were located only at the maintenance facility and the only employee that knew of the documents was on extended leave. CFR 396.21(b)(1) and (2) require an original or copy of the inspection report to be retained by the motor carrier for 14 months, and be made available to an authorized federal, state or local official upon demand. If the carrier is unable to provide proof of a periodic inspection, staff considers that the vehicle is not periodically inspected.
2. Staff also found a number of deficiencies in the documents that would have resulted in additional critical-type violations, if the documents had been produced during the compliance review. The service documents provided by the company did not meet the requirements of CFR 396.17 because they lacked the name and address of the motor carrier, and a certification that the vehicle has passed an inspection in accordance with CFR 396.17. Five of the service documents were not signed as required by CFR 396.21(a)(6)

Violations of critical safety regulations are generally indicative of breakdowns in, or lack of management controls. Staff believes that the penalty assessment is appropriate, and because the company did not admit and does not appear to have corrected the violations, staff does not recommend mitigation of the penalty amount.

Sincerely,



David Pratt
Assistant Director, Transportation Safety