



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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March 23, 2018

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. Wickkiser International Companies, Inc.*  
Commission Staff's Response to Request for Mitigation  
Docket TC-180199

Dear Mr. King:

On February 2, 2018, Motor Carrier Safety Investigator Wayne Gilbert conducted a vehicle inspection of Wickkiser International Companies, Inc. (Wickkiser International), vehicle number 391, during a destination check at SeaTac International Airport. During the inspection, staff discovered that the emergency exit window did not properly close, as required by Title 49 Code of Federal Regulations (CFR) Part 393.62. Upon discovery, staff placed the vehicle out-of-service per the North American Standard Out-of-Service Criteria handbook.<sup>1</sup>

The Washington Utilities and Transportation Commission's (Commission) Enforcement Policy provides that some Commission requirements are so critical to safe operations that it may issue penalties for a first-time violation, even if staff has not previously provided technical assistance on specific issues. The Commission also will assess penalties for any repeat violations of critical regulations, including for each occurrence of a repeat violation.<sup>2</sup>

On March 15, 2018, under docket TC-180199, the Commission issued a penalty against Wickkiser International in the amount of \$100 for one violation of WAC 480-30-221 Vehicle and Driver Safety Requirements, which requires charter and excursion carriers to comply with Title 49 CFR Part 393 – Parts and Accessories Necessary for Safe Operation, as follows:

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<sup>1</sup> North American Standard Out-of-Service Criteria, Part II, 15a. Emergency Exits

<sup>2</sup> Docket A-120061 – Enforcement Policy of the Washington Utilities and Transportation Commission, Section V.

- **One violation of Title 49 CFR Part 393.62 – Emergency exits cannot be missing, inoperative, or obstructed.** Staff discovered a defective emergency exit that would not close.

On March 20, 2018, Wickkiser International filed with the Commission its application for mitigation of penalties (Mitigation Request). Richard Johnson, president of Wickkiser International, admitted to the violation and asked that the penalty be reduced for the reasons set forth in the application. Staff provides its response below:

- **Mitigation Request: Title 49 CFR Part 393.62** Mr. Johnson, writing on behalf of Wickkiser International, stated that the window became defective when the inspector opened it because a pin on the window hinge dropped out. Mr. Johnson stated that the pin inside the latch may have been broken, but not visible, which prevented his employees from being aware of the defect. Mr. Johnson stated that the vehicle was not placed out-of-service, and that Commission staff suggested his employees place tape over the emergency exit sticker.

**Staff response:** Staff respectfully disagrees with many of the details as presented by Wickkiser International. These disputed details, however, are immaterial to the issue of mitigation. When providing a recommendation to the Commission on a request for mitigation, staff considers whether the company has admitted, and has taken steps to correct the violation. In this case, both conditions have been met.

The Commission assessed a penalty of \$100 for a single violation of this out-of-service regulation. Wickkiser International reported \$5,269,730 in gross revenue and 1,200,000 miles traveled in 2016. Staff believes that the penalty amount of \$100 is appropriate and recommends no mitigation of the penalty.

If you have any questions, please contact Justin Raub, Compliance Investigations, Consumer Protection, at (360) 664-1108 or by email at [justin.raub@utc.wa.gov](mailto:justin.raub@utc.wa.gov).

Sincerely,



Bridgit Feeser  
Assistant Director, Consumer Protection