



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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November 6, 2019

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Sound Disposal, Inc.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TG-190830

Dear Mr. Johnson:

On October 23, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Sound Disposal, Inc., (Sound Disposal or Company), in the amount of \$500 for a violation of Washington Administrative Code (WAC) 480-70-201, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 382 – Controlled Substance and Alcohol Use and Testing, as follows:

- **One violation of 49 CFR § 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.** Sound Disposal allowed driver Kayla Alstad to operate a commercial motor vehicle before the Company received a negative drug test result.

On October 30, 2019, Sound Disposal filed with the Commission its application for mitigation of penalties. In the request for mitigation, Norman Nicholson, Operations Manager of Sound Disposal, admits the violations and believes the penalties should be reduced for reasons set out in the response.

Sound Disposal states driver Kayla Alstad received a DOT physical, and the Company assumed that a pre-employment controlled substance test was performed during that visit. The Company states it has received a negative controlled substance test result for Kayla Alstad and has implemented new procedures to prevent future occurrences of this violation.

Staff response: Sound Disposal has received a negative controlled substance test result for its driver and has implemented new procedures to prevent future occurrences of this violation. Staff

Mark L. Johnson
November 6, 2019
Page 2

acknowledges that this first-time violation is not consistent with the Company's past performance related to controlled substance and alcohol testing requirements. The assessed penalty is \$500 for one occurrence of this first-time violation. Staff recommends the penalty be reduced to \$250.

Sound Disposal is a small company that operates seven commercial motor vehicles and employs five drivers. The Company reported \$1,512,377 in gross revenue for 2018. Staff recommends the penalty of \$500 be reduced to \$250.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

/s/ Jason Sharp
Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety