



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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November 14, 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. Rocket Transportation LLC,
d/b/a Rocket Transportation*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TC-190879

Dear Mr. Johnson:

On October 28, 2019, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against Rocket Transportation LLC d/b/a Rocket Transportation (Rocket Transportation or company) in the amount of \$1,300 for violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 391 – Qualifications of Drivers, and 49 CFR Part 396 – Inspection, Repair, and Maintenance, as follows:

- **Eleven violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** Rocket Transportation allowed driver Christopher Stone to drive without being medically certified on 11 occasions between March 10 and September 10, 2019.
- **Two violations of 49 CFR § 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file.** The company failed to maintain driving record inquiries in the qualification files of drivers Pauline Cheng and Steve Fiamengo.
- **Three violations of 49 CFR § 396.17(a) – Using a commercial motor vehicle not periodically inspected.** Rocket Transportation failed to have an annual inspection performed on three commercial motor vehicles.

On October 30, 2019, Kathy Roman, CEO of Rocket Transportation, submitted to staff a corrective action safety plan in which the company acknowledges the violations and outlines the corrections made to prevent future occurrences of the violations.

On November 8, 2019, Rocket Transportation filed with the commission its application for mitigation of penalties. In the request for mitigation, Kathy Roman admits the violations and believes the penalties should be reduced. Staff's response to the mitigation request is as follows:

- **Mitigation Request: 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** Rocket Transportation states it believed the driver had valid medical certification, and the oversight by the company was due to the departure of its operations manager, office manager, and dispatcher. Rocket Transportation states that the expiration dates of its drivers' medical certificates are now reviewed weekly by the dispatcher and monthly by the owner.
- **Staff response:** The company corrected these violations; however, these are repeat violations from the October 12, 2017, safety investigation. The assessed penalty is \$1,100 for 11 occurrences of this violation. Staff recommends no mitigation of this penalty.
- **Mitigation Request: 49 CFR § 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file.** Rocket Transportation states it modified the process for how the company obtains drivers' driving records, and states that it now has an online account through Department of Licensing to instantly obtain driving records. Rocket Transportation states it has also updated its new hire procedures to include retaining driver release forms for future inquiries into drivers' driving records.
- **Staff response:** The company corrected this violation and modified its procedures to prevent future occurrences of this violation. Because the commission assessed a "per category" penalty of \$100 for two occurrences of this first-time violation, staff recommends no mitigation of this penalty.
- **Mitigation Request: 49 CFR § 396.17(a) – Using a commercial motor vehicle not periodically inspected.** Rocket Transportation states it now has a vehicle maintenance coordinator to ensure that annual inspections are performed on its commercial motor vehicles. The company also states that it uses different maintenance shops to have the vehicles inspected, as the previous maintenance shop was overwhelmed by the size of Rocket Transportation's fleet.
- **Staff response:** The company corrected this violation and demonstrates a commitment to prioritize safe operations in the future; however, because the commission assessed a "per category" penalty of \$100 for three occurrences of this first-time violation, staff recommends no mitigation of this penalty.

Rocket Transportation is a small company that operates 10 commercial motor vehicles and employs 17 drivers. The company reported \$889,500 in gross revenue for 2018. Staff recommends no mitigation of the \$1,300 penalty.

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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