

Service Date: January 8, 2020

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STATE OF WASH.
UTIL. & TRANSP. COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TE-191058
PENALTY AMOUNT: \$1,700

Assure Ride Non Emergency Medical Transportation Company, LLC,
d/b/a Assure Ride
720 N 10th St. A #227
Renton, WA 98057

The Washington Utilities and Transportation Commission (Commission) believes Assure Ride Non Emergency Medical Transportation Company, LLC, d/b/a Assure Ride, (Assure Ride or Company) violated Washington Administrative Code (WAC) 480-30-191, Bodily Injury and Property Damage Liability Insurance, and WAC 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 382 – Controlled Substances and Alcohol Use and Testing and 49 CFR Part 383 – Commercial Driver's License Standards; Requirements and Penalties.

Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation. RCW 81.04.530 allows penalties of \$500 for each motor vehicle driver not in compliance with the motor vehicle driver controlled substance and alcohol testing requirements.

On December 18, 2019, Commission Motor Carrier Investigator Wayne Gilbert completed a routine safety investigation of Assure Ride and documented the following violations:

- **Six violations of WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.** Assure Ride operated a 16 passenger bus on six occasions between September 24 and October 29, 2019, without having the required minimum levels of insurance.
- **Six violations of 49 CFR § 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee to operate a commercial motor vehicle (CMV) during any period in which the driver does not have a current commercial learner's permit (CLP) or commercial driver's license (CDL) or does not have a CLP or CDL with the proper class or endorsements.** The Company allowed drivers Alexandros Angous and Jordan Babineaux to operate a CMV designed for 16 passengers without a valid CDL.
- **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.** Assure Ride allowed driver Alexandros Angous to operate a commercial motor vehicle before the Company received a negative pre-employment controlled substance test result.

7. **The number of customers affected.** The Company employs seven drivers and operated five commercial motor vehicles. Assure Ride traveled 82,733 miles in 2018. These safety violations presented a public safety risk.
8. **The likelihood of recurrence.** Staff provided technical assistance with specific remedies to help the Company assess how well its safety management controls support safe operations and how to begin improving its safety performance. The Company was cooperative with Staff and took immediate action to correct the violations. In light of these factors, Staff believes the likelihood of recurrence is low.
9. **The Company's past performance regarding compliance, violations, and penalties.** On November 29, 2018, the Company's certificate was cancelled due to insufficient proof of insurance. On December 18, 2018, the Company's certificate was reinstated. Assure Ride has no history of penalties for safety violations.
10. **The Company's existing compliance program.** Jordan Babineaux is responsible for the Company's safety compliance program.
11. **The size of the Company.** Assure Ride currently operates four commercial motor vehicles and employs seven drivers. The Company reported \$350,000 in gross revenue for 2018.

The Commission's Enforcement Policy provides that some Commission requirements are so fundamental to safe operations that the Commission will issue mandatory penalties for each occurrence of a first-time violation.¹ The Commission generally will assess penalties per type of violation, rather than per occurrence, for first-time violations of those critical regulations that do not meet the requirements for mandatory penalties. The Commission will assess penalties for any equipment violation meeting the Federal Motor Carrier Safety Administration's "out-of-service" criteria and also for repeat violations of critical regulations, including each occurrence of a repeat violation.

The Commission has considered these factors and determined that it should penalize Assure Ride \$1,700, calculated as follows:

- Six violations of WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage. The Commission assesses a penalty of \$100 for each occurrence of this acute violation, for a total of \$600.
- Six violations of 49 CFR § 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. The Commission assesses a penalty of \$100 for each occurrence of this acute violation, for a total of \$600.

¹ Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TE-191058

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 and enclose \$1,700 in payment of the penalty.

2. **Contest the violation(s).** I believe that the alleged violation(s) did not occur for the reasons I describe below (if you do not include reasons supporting your contest here, your request will be denied):

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.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below (if you do not include reasons supporting your application here, your request will be denied):

- EVIDENCE OF PROOF OF SALE SUBMITTED TO AUDITOR.
- NEW PRACTICES OF W-UTC GUIDELINES PUT INTO CORRECTIVE ACTION, SUBMITTED

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: 1/30/2020 [month/day/year], at RENTON WA [city, state]

JORDAN BABINEAUX, ASSURE RIDE
Name of Respondent (company) - please print

Juda Feliciano
Signature of Applicant