



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 15, 2020

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. NW Tours.net LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TE-200175

Dear Mr. Johnson:

On March 30, 2020, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against NW Tours.net LLC (NW Tours or Company) in the amount of \$800 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, 49 CFR Part 395 – Hours of Service of Drivers, and 49 CFR Part 396 – Inspection, Repair, and Maintenance, as follows:

- **Four violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** NW Tours allowed driver Joel Paone-Kiehn to operate a commercial motor vehicle without a valid medical certificate on four occasions between September 28 and December 7, 2019.
- **One violation of 49 CFR § 391.51(a) – Failing to maintain driver qualification file on each driver employed.** The Company failed to maintain a driver qualification file for Joel Paone-Kiehn.
- **Thirty violations of 49 CFR § 395.8(a) – Failing to require driver to make a record of duty status.** NW Tours failed to require driver Joel Paone-Kiehn to make a record of duty status on 30 occasions between December 1 and December 30, 2019.
- **One violation of 49 CFR § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance.** The Company failed to keep the minimum required vehicle maintenance records for its one commercial motor vehicle.

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- **One violation of 49 CFR § 396.17(a) – Using a commercial motor vehicle not periodically inspected.** NW Tours failed to have an annual inspection performed on its one commercial motor vehicle.

On March 21, 2020, NW Tours submitted to Commission staff (Staff) a corrective action safety plan in which the Company acknowledges the violations and describes steps it took to prevent future occurrences of each violation. In the corrective action safety plan, NW Tours states that it has ceased operations, and refers to its operations as a financial loss.

On April 13, 2020, NW Tours filed with the Commission its application for mitigation of penalties. In the request for mitigation, Madeson Olander, owner of NW Tours, admits the violations and asks that the penalties be reduced.

NW Tours operated one commercial motor vehicle, employed one driver, and reported \$1,800 in gross revenue for 2019. On April 1, 2020, NW Tours requested that the Commission cancel its certificate because the Company is no longer operating.

Based on statements included in the Company's corrective action safety plan, Staff recommends the penalty of \$800 be reduced to \$400. Staff is also sensitive to the Company's financial situation and further recommends that the entire reduced penalty of \$400 be suspended for a period of two years before being waived, on the conditions that: (1) NW Tours refrains permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission; and (2) should NW Tours apply to reinstate its operating authority from the Commission within two years, the Company will be responsible for paying the reduced penalty of \$400.

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