



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

July 28, 2022

Amanda Maxwell, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. People for People*
Commission Staff's Response to Contest of Violation
Docket TN-220487

Dear Ms. Maxwell:

On July 14, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against People for People (People for People or Company) in the amount of \$400 for violations of Washington Administrative Code (WAC) 480-31-100, Equipment Safety, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 396 – Inspection, Repair and Maintenance, and WAC 480-31-130, Operations of Motor Vehicles, which adopts 49 C.F.R. Part 391 – Qualification of Drivers and 49 C.F.R. Part 395 – Hours of Service of Drivers, as follows:

- **Four violations of 49 C.F.R. § 391.21(b) – Using a driver who has not completed and furnished an employment application as required per regulation.** People for People failed to provide complete applications for employees Jonathan Knebusch, Terry Cox, Justin Warren, and Richard Laphorn. The Commission assessed a \$100 “per category” penalty for these repeat violations.
- **Sixty violations of 49 C.F.R. § 395.8(a)(1) – Failing to require driver to prepare a record of duty status.** The Company failed to require Terry Cox and Jonathan Knebusch to complete a record of duty status on 60 occasions between April 1 and April 30, 2022. The Commission assessed a \$100 “per category” penalty for these critical violations.
- **Two violations of 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle (CMV) not periodically inspected.** People for People failed to have an annual inspection performed on two CMVs. The Commission assessed a \$100 penalty for each occurrence of this repeat critical violation, for a total of \$200.

Amanda Maxwell

July 28, 2022

Page 2

On July 22, 2022, People for People filed with the Commission its contest of violations in response to the penalty assessment. Specifically, the Company contests the four violations of 49 C.F.R. § 391.21(b) associated with missing requirements on the Company's employment applications. In the contest letter, the Company states that following its 2016 safety investigation, People for People submitted a response to this violation detailing how the Company's policy does not allow them to "collect sensitive information, such as social security numbers on our online application." The Company states it would collect the sensitive information upon offering employment and attach a form with the required information to the driver application. People for People claims, "We had no further comment from the UTC, so we took that to mean that our response was appropriate and therefore we can continue as documented." People for People submitted a safety management plan in support of their contest to the violations. The Company does not contest the other violations and requests the Commission decide the matter based on the information provided.

In response to the Company contesting the violations of 49 C.F.R. § 391.21(b), People for People failed to provide evidence that Commission staff (Staff) erred in its finding of violations. The Company instead interpreted a lack of response to its compliance follow-up letter in 2016 as affirmation that the corrective action satisfied the requirements of 49 C.F.R. § 391.21(b). In addition, when Staff reviewed People for People's driver applications, the Company did not provide the referenced attachment that was said to contain the sensitive information outlined in the 2016 corrective action letter. During this safety investigation, Staff identified other required fields that were missing from the applications, including the employers address, the applicant's preceding three-year residency (10 years for CDL drivers), whether the driver was previously subject to the Federal Motor Carrier Safety Regulations while employed with a previous employer, and one application did not contain a field for accident history.

Staff recommends the Commission deny the contest of violation and impose the penalty as assessed, consistent with the enforcement policy.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at jason.sharp@utc.wa.gov.

Sincerely,

Mathew Perkinson
Assistant Director, Transportation Safety