


# Attachment A

## WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

	<b>US DOT #</b>	<b>Legal:</b> MILLER SCHMER INC <b>Operating (DBA):</b> SEATTLE EXPRESS	
<b>MC/MX #:</b>	<b>State #:</b> CH460	<b>Federal Tax ID:</b> 65-1217761 (EIN)	
<b>Review Type:</b> Compliance Review (CR)			
<b>Scope:</b>	Principal Office	<b>Location of Review/Audit:</b> Company facility in the U. S.	<b>Territory:</b>
<b>Operation Types</b>	<b>Interstate</b>	<b>Intrastate</b>	
<b>Carrier:</b> N/A	N/A	Non-HM	<b>Business:</b> Corporation
<b>Shipper:</b> N/A	N/A	N/A	<b>Gross Revenue:</b> \$161,283.00
<b>Cargo Tank:</b> N/A	N/A		<b>for year ending:</b> 12/31/2004
<b>Company Physical Address:</b>			
7207 180 Street SE Snohomish, WA 98296			
<b>Contact Name:</b>	Matt Schmer		
<b>Phone numbers:</b>	(1) 206 793-8430	(2)	Fax 360 668-1037
<b>E-Mail Address:</b>			
<b>Company Mailing Address:</b>			
7207 180 Street SE Snohomish, WA 98296			
<b>Carrier Classification</b>			
Private Passenger, Business			
<b>Cargo Classification</b>			
Passengers			
<b>Does carrier transport placardable quantities of HM?</b> No			
<b>Is an HM Permit required?</b> N/A			
<b>Driver Information</b>			
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0
<b>&lt; 100 Miles:</b>		5	<b>Total Drivers:</b> 5
<b>&gt;= 100 Miles:</b>			<b>CDL Drivers:</b> 4
<b>Equipment</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Minibus, 16+	3	0	0
Van, 9-15	2	0	0
QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to: WUTC			
ATTN: John Foster, PO Box 47250, Olympia, WA 98504-7250 Ph. (360) 664-1238, Fax #360) 586-1150, email: jfoster@wutc.wa.gov			
<b>This report will be used to assess your safety compliance.</b>			
<b>Person(s) Interviewed</b>			
<b>Name:</b> Matt Schmer	<b>Title:</b> Vice President		
<b>Name:</b> Fred Miller	<b>Title:</b> President		
<b>Reported By:</b>	<b>Title:</b>	<b>Code:</b> W/A0518	<b>Date:</b> 3/1/2005
<b>Received By:</b> <i>Matthew E. Miller</i>	<b>Title:</b> Vice President		



SEATTLE EXPRESS (MILWAUKEE) SCHMER INC dba

U.S. DOT #:

State #: CH460

Review Date:

03/01/2005

Part B Violations

1 STATE	Primary: 382.103(b) CFR Equivalent: 382.103(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to implement a random program that includes more than the driver/employer in the random testing selection pool. <b>Example</b> Matt Schmer, Trip date 2-28-2005 No random program is in place.					
2 STATE CRITICAL	Primary: 382.301(a) CFR Equivalent: 382.301(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. <b>Example</b> Matt Schmer, Trip date 2-28-2005 No preemployment test have been conducted					
3 STATE	Primary: 382.603 CFR Equivalent: 382.603	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. <b>Example</b> Matt Schmer, Trip date 2-28-2005 No supervisor has received training.					
4 STATE	Primary: 383.35(b) CFR Equivalent: 383.35(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to request employment history information for the 10 years preceding the date of the application for employment. <b>Example</b> Matt Schmer, Trip date 2-28-2005					
5 STATE	Primary: 391.11(b)(6) Secondary: 391.11(a) CFR Equivalent: 391.11(b)(6)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to require driver to furnish list of motor vehicle traffic violations each 12 months. <b>Example</b> Matt Schmer, Trip date 2-28-2005					

Received by Matt Schmer

Title Vice President

Date 3-1-05



SEATTLE EXPRESS (MIL) SCHMER INC dba

U.S. DOT #:

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03/01/2005

## Part B Violations

6 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Using a driver who has not completed and furnished an employment application. Matt Schmer, Trip date 2-28-2005					
7 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to investigate driver's background. <b>Example</b> Matt Schmer, Trip date 2-28-2005					
8 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
<b>Description</b> Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. <b>Example</b> Matt Schmer, Trip date 2-28-2005					
9 STATE	Primary: 391.25(b) CFR Equivalent: 391.25(b)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
<b>Description</b> Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive. <b>Example</b> Matt Schmer, Trip date 2-28-2005					
10 STATE CRITICAL	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Using a driver not medically examined and certified. <b>Example</b> Matt Schmer, Trip date 2-28-2005					
11 STATE	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to maintain inquiries into driver's employment record in driver's qualification file. <b>Example</b> Matt Schmer, Trip date 2-28-2005					

Received by

Title

Vice President

Date

5-1-05



SEATTLE EXPRESS (MIL) SCHMER INC dba

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03/01/2005

## Part B Violations

12 STATE CRITICAL	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 150	Checked 150	Drivers/Vehicles In Violation 5	Checked 5
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## Description

Failing to require driver to make a record of duty status.

## Example

Matt Schmer, Trip mdate 2-28-2005

Carrier does not keep records of duty status that require all required information.

13 STATE	Primary: 396.3(b)(2) CFR Equivalent: 396.3(b)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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## Description

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

## Example

Carrier does not maintain a written maintenance program

14 STATE	Primary: 396.3(b)(4) CFR Equivalent: 396.3(b)(4)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
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## Description

Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.

## Example

Carrier does not conduct push out window test

15 STATE	Primary: 396.13(c)	Discovered 150	Checked 150	Drivers/Vehicles In Violation 5	Checked 5
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## Description

Failing to require reviewing driver to sign vehicle inspection report when defects or deficiencies were noted and maintain certification of the driver's review.

## Example

Carrier uses a Driver Vehicle Inspection Report that does not contain signature blocks for a reviewing driver OR for a mechanic's certification.

## Safety Fitness Rating Information:

Total Miles Operated 115,222  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.000

OOS Vehicle (CR): 0  
Number of Vehicle Inspected (CR): 0  
OOS Vehicle (MCMIS): 0  
Number of Vehicles Inspected (MCMIS): 4

Received by

Title

Vice President

Date

5-1-05



SEATTLE EXPRESS (MILWAUKEE) SCHMER INC dba

U.S. DOT #:

State #: CH460

Review Date:

03/01/2005

**Part B Violations**

Your proposed safety rating is :

**UNSATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	U	0	2
Factor 3:	U	0	2
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Matthew E. Scher  
Received by

Vice President  
Title

5-1-05  
Date

**ATTACHMENT B**

105071

**SEATTLE EXPRESS**  
**206-793-8430**

**RECEIVED**  
MAR 07 2005  
WASH. UT. & TP. COMM


**RESPONSE REPORT**

**RECEIVED**  
MAR 07 2005

I, Matt Schmer will take action in response to the following violations with the Federal Motor Carrier Safety Regulations.

CONSUMER AFFAIRS

1. Set up a random program testing pool with American Diagnostic.
2. All drivers will go in for a pre-employment drug test to American Diagnostic.
3. I will go in for training for reasonable suspicion testing.
4. Request employment history for past ten years for each employee.
5. Get a 3 year motor traffic violations report from DMV.
6. Get complete employment application for each employee.
7. Investigate driver's background.
8. Request driving record for each employee from DMV.
9. Do a review with driver to ensure driver meets minimum requirements.
10. Get medical reports for each driver.
11. Check driver employment history by contacting former employers.
12. Have driver maintain daily duty status.
13. Set up a preventive maintenance program.
14. Record tests for push out windows and emergency doors.
15. Have driver fill out a daily inspection report signed and if defects occur have it noted and when fixed signed by supervisor and next day driver of the vehicle.

 3-3-05

Matt Schmer  
Seattle Express  
206-793-8430

CC: John Foster

## ATTACHMENT C

### PART I

#### NORTH AMERICAN STANDARD DRIVER OUT-OF-SERVICE CRITERIA

##### POLICY STATEMENT

The purpose of this part is to identify violations that render the commercial motor vehicle operator unqualified to drive or out-of-service. The necessity for all enforcement personnel to implement and adhere to these standards is: (1) a matter of law; (2) perceived as necessary by the society we are charged with protecting, and (3) a professional obligation if substantial enhancement in the safety of commercial motor vehicle operators is to be achieved.

Except where state, provincial, territorial, or federal laws preclude enforcement of a named item, motor carrier safety enforcement personnel and their jurisdictions shall comply with these out-of-service violation standards.

**OUT-OF-SERVICE VIOLATION:** Violations under this category preclude further operation of a commercial motor vehicle by its driver for a specified period of time or for some violations until a required condition is met. An example of the former standard is hours of service violations.

FMCSR code references in the *North American Standard Out-of-Service Criteria* are simply recommendations to help inspectors find an appropriate citation. Other violation codes may be more suitable for a specific condition.

## 1. DRIVER'S AGE

Is not at least 21 years of age. (391.11(b)(1), see exemptions 390.3(f) and 391.2) **Declare driver out-of-service.**

## 2. OPERATOR'S/CHAUFFEUR'S LICENSE OR PERMIT (NON-CDL)

- a. Vehicle 26,000 lbs. or less GVWR not designed to transport 16 or more passengers or placarded loads of hazardous materials. Is not licensed for the type of vehicle being operated. (391.11(b)(5)) **Declare driver out-of-service.** (*Out-of-service action to be initiated only upon home jurisdiction license verification.*)

NOTE: "Is not licensed" includes, but is not limited to: improper class, expired, cancelled, revoked, disqualified, suspended, or withdrawn.

b. **Endorsements and Restrictions**

Operating a commercial vehicle without proper endorsement or in violation of restrictions. (391.11(b)(5)) **Declare driver out-of-service.**

NOTE: Canadian operator's license endorsements are included in the class. Transporting dangerous goods requires a training certificate. **Declare driver out-of-service if not in possession.**

NOTE: Mexican drivers must have a Category E license to transport hazardous materials. All other endorsements are included in the class. **Declare driver out-of-service if not in possession.**

## 3. CDL

a. **License**

Does not possess a valid CDL issued by his/her state or jurisdiction of domicile. (383.23(a)(2)) **Declare driver out-of-service.** (*Out-of-service action to be initiated only upon home jurisdiction license verification.*)

NOTE: "Does not possess a valid CDL" includes, but is not limited to: improper class, expired, cancelled, revoked, disqualified, suspended, or withdrawn.



NOTE: Canadian operators not possessing a valid Provincial or Territorial license of the correct class. **Declare driver out-of-service.**

NOTE: Mexican operators who do not possess a valid Licencia Federal. (Can be recognized by the medallion in the upper left hand corner containing the Mexican national symbol of an eagle with a serpent. The words Licencia Federal de Conductor and logo SCT are also on the front of the license.) **Declare driver out-of-service.**

**b. Learner's Permit**

- (1) Is not accompanied by the holder of a valid CDL. (383.23(c)(1)) **Declare driver out-of-service.**
- (2) Does not hold a valid automobile drivers license or have a valid operator's status allowed by licensing jurisdiction. (383.23(c)(2)) **Declare driver out-of-service.**
- (3) Operating a commercial motor vehicle transporting hazardous materials as defined in 383.5. (383.23(c)(3)) **Declare driver out-of-service.**

**c. Endorsements and Restrictions**

Operating a commercial vehicle without proper endorsements or in violation of restrictions. (383.23(a)(2)) **Declare driver out-of-service.**

NOTE: Canadian operator's license endorsements are included in the class. Transporting dangerous goods requires a training certificate. **Declare driver out-of-service if not in possession of training certificate.**

NOTE: Mexican drivers must have a Category E license to transport hazardous materials. All other endorsements are included in the class.

**d. Classification**

Does not possess proper class of license for vehicle being operated. (383.91(a)) **Declare driver out-of-service.**

#### \*4. DRIVER MEDICAL/PHYSICAL REQUIREMENTS

##### a. Skill Performance Evaluation Certificate

No skill performance evaluation in possession, when required.  
(391.49(j)) **Declare driver out-of-service.**

##### \*b. Medical Certificate

(1) Operating a commercial vehicle without corrective lenses or hearing aid as indicated on the driver's medical certificate.  
(391.11(b)(4)) **Declare driver out-of-service.**

(2) When an inspector has knowledge and/or evidence that a driver is/is not in possession of a valid medical certificate, and is not in possession of any and all required exemptions for the following conditions: vision, hearing, insulin-using diabetes, epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle. (391.41(a)(1)) **Declare driver out-of-service.**

(3) Operating a passenger-carrying vehicle without a valid medical certificate in possession. (391.41(a)) **Declare driver out-of-service.**

*Inspection Bulletin 2010-07 - Enforcement of Medical Certificate on Passenger Carrying Vehicle Drivers*

\* (4) Operating a property-carrying vehicle without a valid medical certificate in possession. If the driver fails to produce a medical certificate or has an expired medical certificate and has a previous history of failing to produce a medical certificate, or having an expired medical certificate, the driver shall be placed out-of-service. (391.41(a)) **Declare driver out-of-service.**

NOTE: Canadian operators possessing a valid Provincial or Territorial license of the proper class includes a valid Medical Certificate.

NOTE: Mexican operators possessing a valid Licencia Federal de Conductor of the proper class includes a valid Medical Certificate.