

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against,

FLOAT SKAGIT LLC,

in the amount of \$100.

DOCKET TC-240866

ORDER 01

DENYING REQUEST FOR
MITIGATION

BACKGROUND

- 1 On December 5, 2024, the Washington Utilities and Transportation Commission (Commission) assessed a \$100 penalty (Penalty Assessment) against Float Skagit LLC (Float Skagit or Company) for violations of Washington Administrative Code (WAC) 480-30-221 Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 395 - Hours of Service of Drivers, as follows:
 - Nineteen violations of 49 C.F.R. § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status using appropriate method. The Company failed to require driver Kirk Knudsen to prepare a record of duty status on nineteen occasions between August 2, 2024, and August 31, 2024.
- 2 On December 6, 2024, Float Skagit filed with the Commission an application for mitigation of the penalty (Application). In the request for mitigation the owner of Float Skagit, Kirk Knudsen, admits the violations and states that he believes the time records in question were compliant with the intent of the law.
- 3 On December 18, 2024, Commission staff (Staff) filed a response recommending no mitigation of the penalty. Staff notes that the Commission assessed a “per category” penalty of \$100, as opposed to assessing penalties per each occurrence, and that the violations occurred despite the Company receiving prior technical assistance.

DISCUSSION AND DECISION

- 4 Washington law requires auto transportation companies to comply with federal safety requirements and undergo routine safety inspections. Violations discovered during safety

inspections are subject to penalties of \$100 per violation.¹ In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.² Violations defined by federal law as “critical,” which are indicative of a breakdown in a carrier’s management controls, meet this standard.³

- 5 The Penalty Assessment includes a \$100 penalty for nineteen violation of 49 C.F.R. § 395.8(a)(1) for failing to require a driver to prepare a record of duty status using appropriate method. In its Application, the Company admits the violations and states its belief that the time records in question were compliant with the intent of the law.
- 6 Staff recommends the Commission deny the request for mitigation of the penalty because the Commission assessed a “per category” penalty of \$100, as opposed to assessing penalties per each occurrence, which was within the Commission’s authority, and that the violations occurred despite the Company receiving prior technical assistance. We agree with Staff’s position. The Company admits the violations occurred. Further, the Commission could have levied a substantially larger penalty by assessing a \$100 penalty for each of the nineteen violation occurrences of 49 C.F.R. § 395.8(a)(1) instead of assessing a “per category” penalty of \$100, and that the violations occurred despite the Company receiving prior technical assistance. Thus, no mitigation of the penalty is warranted.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including auto transportation companies, and has jurisdiction over the parties and subject matter of this proceeding.
- 8 (2) Float Skagit is an auto transportation company subject to Commission regulation.
- 9 (3) Float Skagit violated 49 C.F.R. § 395.8(a)(1) when it failed to require driver Kirk Knudsen to prepare a record of duty status using appropriate method on nineteen occasions between August 2, 2024, and August 31, 2024.

¹ See RCW 81.04.405.

² Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

³ 49 C.F.R. § 385, Appendix B.

- 10 (4) Float Skagit should be penalized \$100 for one violation of 49 C.F.R. §
395.8(a)(1).

ORDER

THE COMMISSION ORDERS:

- 11 (1) Float Skagit LLC's request for mitigation is DENIED.
- 12 (2) The \$100 penalty is immediately due and payable.
- 13 The Secretary has been delegated authority to enter this order on behalf of the
Commissioners under WAC 480-07-903(2)(e).

DATED at Lacey, Washington, and effective December 19, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for
decision. As authorized in WAC 480-07-904(3), you must file any request for
Commission review of this order no later than 14 days after the date the decision is
posted on the Commission's website.**