

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TR-150956
Against)	
)	ORDER 01
BATTLEGROUND, YACOLT, &)	
CHELATCHIE PRAIRIE RAILROAD)	ORDER DENYING MITIGATION
ASSOCIATION)	
)	
in the amount of \$1,000)	
)	
.....)	

BACKGROUND

- 1 Washington law requires railroad companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-62-300. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all regulated railroad companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 Battleground, Yacolt, & Chelatchie Prairie Railroad Association (Battleground or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On May 21, the Commission assessed a penalty of \$1,000 against Battleground, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 1, 2015, Battleground responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that it is an all-volunteer organization and it inadvertently overlooked the filing.
- 4 On June 4, 2015, Battleground filed its annual report with no regulatory fees owed.

5 On June 10, 2015, Commission Staff (Staff) filed a response recommending the
Commission deny the Company's request for mitigation because the Company late-filed
its annual reports in 2009 and 2012. Staff noted that the Company failed to provide any
new or compelling information that would warrant a penalty reduction.

DISCUSSION

6 WAC 480-62-300 requires regulated railroad companies to file annual reports and pay
regulatory fees by May 1 of each year. Companies are responsible for complying with
their legal obligations, and the Company should have ensured its annual report was
timely filed.

7 The Commission agrees with Staff's recommendation and denies the Company's request
for mitigation. The Commission may consider a number of factors when entertaining a
request for mitigation, including the company's compliance history, whether the violation
was promptly corrected, and the likelihood the violation will recur.¹ Ultimately, the
Commission's goal is to gain compliance going forward. Here, the Company has a
history of noncompliance; it received and paid a \$1,900 penalty in 2012, and a \$100
penalty in 2009. The Company also failed to correct the violations until it received the
penalty assessment. Accordingly, the violations are likely to recur absent a substantial
penalty. The Commission finds the penalty amount to be a reasonable deterrent to
overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Battleground, Yacolt, & Chelatchie Prairie Railroad Association
for mitigation of the \$1,000 penalty is DENIED.
- 9 (2) The penalty is due and payable no later than June 26, 2015.

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation
Commission (January 7, 2013).

10 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective June 16, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
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.