



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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August 3, 2017

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive Southwest
P.O. Box 47250
Olympia, WA 98504-7250

Re: *Washington Utilities and Transportation Commission v. Waste Control, Inc.*
1150 3rd Avenue, Longview, WA 98632
Commission Staff's Response to Contest of Violation
Docket TG-170724

Dear Mr. King:

In May 2017, Motor Carrier Safety Investigator Francine Gagne conducted a compliance review investigation of Waste Control, Inc. (Waste Control). A compliance review is an in-depth examination of the motor carrier's compliance with regulations that the Federal Motor Carrier Safety Administration has identified as "acute" or "critical."¹ Acute regulations are identified where non-compliance is so serious as to require immediate corrective actions regardless of the overall safety posture of the carrier. Violations of critical regulations are generally indicative of breakdowns in a carrier's management controls. Non-compliance with acute regulations and patterns of non-compliance with critical regulations are quantitatively linked to inadequate management controls and unusually higher than average accident rates.²

The Commission's enforcement policy provides that some requirements are so critical to safe operations that the Commission may issue penalties for a first-time violation, even if staff has not previously provided technical assistance.³ Of the six violations found, none were violations of critical regulations, and one was a vehicle equipment violation meeting the federal out-of-service criteria.

On July 11, 2017, the Commission issued a penalty assessment under docket TG-170724 against Waste Control in the amount of \$100 for violation of Washington Administrative Code (WAC) 480-70-201 Vehicle and Safety Requirements, which requires solid waste collection companies to comply

¹ Title 49 CFR Part 385, Appendix B – Explanation of Safety Rating Process

² *Id.*

³ Docket A-120061 – Enforcement Policy of the Washington Utilities and Transportation Commission, Section V.

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with Title 49 Code of Federal Regulations (CFR) Parts 393, Parts and Accessories Necessary for Safe Operation, as follows:

- **One violation of Title 49 CFR Part 393.25(f) – Stop Lamp Violations.** The stop lamps on unit #24 were inoperative due to a blown fuse.

Contest of violation: On July 27, 2017, Waste Control filed with the Commission its request for a hearing to contest the violation. In support of its request, the company stated there was no violation, and the company's normal daily post trip inspection would have identified and corrected the problem.

Staff recommendation: Staff respectfully disagrees with Waste Control's assertion that the violation did not occur. Further, staff finds the company's contest to be lacking in detail and non-compelling. Investigator Gagne inspected the stop lamps (brake lights) on unit #24 in the presence of Waste Control mechanical staff and observed that the lamps did not operate. Waste Control staff checked the fuse in the stop lamp circuit and found the fuse had blown. The company replaced the fuse and the lamps became operable.

Waste Control operates seven commercial vehicles and has eight drivers. The company reported \$4,259,223 in gross revenue and 194,641 miles traveled in 2016.

Staff recommends no mitigation of the \$100 penalty for this violation. The equipment violation cited puts the traveling public at risk and as Waste Control stated, a daily vehicle inspection program should have discovered this violation.

If you have any questions, please contact Mike Turcott, Compliance Investigations Supervisor, Consumer Protection, at (360) 664-1174 or by e-mail at miturcot@utc.wa.gov.

Sincerely,



Kathy Hunter
Assistant Director, Transportation Safety