



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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April 26, 2018

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

RE: *Washington Utilities and Transportation Commission v. Earl Alexander  
d/b/a Puget Sound Tours*  
Commission Staff's Response to Mitigation Request  
Docket TE-180197

Dear Mr. King:

On April 4, 2018, in docket TE-180197, the commission assessed a penalty of \$1,800 against Earl Alexander d/b/a Puget Sound Tours (Puget Sound Tours or company) for violations of WAC 480-30-221 Vehicle and Driver Safety Requirements.

On April 20, 2018, Puget Sound Tours submitted to the commission its application for mitigation. In the application, the company admitted the violations and requested mitigation but failed to provide any information to support its request. Staff learned, however, that on March 15, 2018 the company had submitted a "15-day letter" to motor carrier safety staff in the form of an email.<sup>1</sup> Staff considered the company's 15-day letter in preparing its recommendation for mitigation.

Puget Sound Tours' mitigation request and staff's recommendation appear below.

1. **Violation and penalty:** One violation of Title 49 CFR Part 382.115(a) – Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. The Commission assessed a penalty at the statutory amount of \$1,500 for this violation.

**Company response:** Puget Sound Tours stated in its email that it has implemented a drug policy as per the commission's motor carrier compliance guidebook.

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<sup>1</sup> Staff may require a transportation company to submit a 15-day letter outlining the corrections its has made in reponse to violations noted during a safety investigation.

**Staff recommendation:** The company's response is lacking in detail and fails to provide any corroborating documentation of corrective actions. Nevertheless, staff recommends reducing the penalty for this violation from \$1,500 to \$1,000.

2. **Violation and penalty:** One violation of Title 49 CFR Part 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file. The Commission assessed a penalty at the statutory amount of \$100 for this critical type violation.

**Company response:** Puget Sound Tours stated in its email that it had obtained a current driving record and placed it in the driver's qualification file.

**Staff recommendation:** The company failed to provide any documentation, such as a copy of the driving record, that would corroborate its statement. Staff recommends no mitigation of this \$100 penalty.

3. **Violation and penalty:** One violation of Title 49 CFR Part 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance. The Commission assessed a penalty at the statutory amount of \$100 for this critical type violation.

**Company response:** Puget Sound Tours stated that it implemented a record of vehicle maintenance.

**Staff recommendation:** The company's response is lacking in detail and corroborative documentation. Staff recommends no mitigation of this \$100 penalty.

4. **Violation and penalty:** One violation of Title 49 CFR Part 396.17(a) – Using a commercial motor vehicle not periodically inspected. The Commission assessed a penalty at the statutory amount of \$100 for this critical type violation.

**Company response:** Puget Sound Tours stated that its vehicle is currently in the shop, and that the company intends to schedule a DOT inspection once a year.

**Staff response:** Puget Sound Tours failed to show that this violation was corrected. Staff recommends no mitigation of this \$100 penalty.

In considering the information provided by Puget Sound Tours, staff requests the commission consider reducing the penalty in this case from \$1,800 to \$1,300.

If you have any questions, please contact Mike Turcott, Compliance Investigations Supervisor, Consumer Protection, at (360) 664-1174, or by email at [mike.turcott@utc.wa.gov](mailto:mike.turcott@utc.wa.gov).

Sincerely,



Bridgit Feeser  
Assistant Director, Consumer Protection