



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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March 19, 2019

Mark L. Johnson, Executive Director and Secretary  
Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, WA 98504-7250

Re: *Washington Utilities and Transportation Commission v. WHITE PASS COMMUNITY SERVICE COALITION d/b/a LEWIS MOUNTAIN HIGHWAY TRANSIT*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TN-190036

Dear Mr. Johnson:

On Feb. 13, 2019, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against WHITE PASS COMMUNITY SERVICE COALITION d/b/a LEWIS MOUNTAIN HIGHWAY TRANSIT (White Pass or Company) in the amount of \$7,200 for violations of WAC 480-31-130 Operation of Motor Vehicles, which adopts Title 49 CFR Part 391 – Qualifications of Drivers, calculated as follows:

- **72 violations of Title 49 CFR Part 391.45(a)** – Using a driver not medically examined and certified. The Commission assessed a penalty of \$100 for each occurrence of these critical violations, for a total of \$7,200.

On Feb. 25, 2019, Mr. Douglas Hayden, executive director for White Pass, filed an application for mitigation of penalties. Mr. Hayden admitted the violations but asked that the commission reduce penalties because the violations have been corrected. Mr. Hayden included an administrative plan to prevent a reoccurrence of the violation.

**Staff Response:** White Pass corrected the violations identified in staff's safety investigation conducted on Dec. 21, 2018. The company also created an administrative plan to prevent future violations. Staff recommends the commission reduce the penalty from \$7,200 to \$3,600.

White Pass is a non-profit carrier operating in rural Lewis County. The company currently has eight motor vehicles and employs five drivers. In 2017, the company reported \$296,553 in gross revenue.

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Staff recommends the penalty of \$7,200 be reduced to \$3,600. Staff is also sensitive to the company's financial situation and understands the impact a significant penalty has on a small business. For these reasons, staff further recommends that \$1,800 of the reduced penalty be suspended for a period of two years before being waived, on the conditions that: 1) staff conducts a follow-up safety investigation in two years or as soon thereafter as practicable to review the company's safety management practices, 2) the company not incur any repeat violations of critical regulations, and 3) White Pass pays the \$1,800 portion of the penalty that is not suspended.

If you have any questions, please contact Kathryn McPherson, Compliance Investigator, Consumer Protection, at (360) 664-1108 or e-mail at [Kathryn.McPherson@utc.wa.gov](mailto:Kathryn.McPherson@utc.wa.gov).

Sincerely,



Bridgit Feeser  
Assistant Director, Consumer Protection