



STATE OF WASHINGTON

## UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • TTY (360) 586-8203

August 13, 2019

Mark L. Johnson, Executive Director and Secretary  
Utilities and Transportation Commission  
621 Woodland Square Loop  
Lacey, WA 98503  
P. O. Box 47250  
Olympia, WA 98504-7250

Re: *Washington Utilities and Transportation Commission v. Lee A. Lamb d/b/a Lamb's Disposal*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TG-190469

Dear Mr. Johnson:

On July 2, 2019, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against Lee A. Lamb d/b/a Lamb's Disposal (Lamb's Disposal or company) in the amount of \$1,000 for violations of WAC 480-70-201, Vehicle and Driver Safety Requirements, which adopts Title 49 CFR Part 391 – Qualification of Drivers, Part 395 – Hours of Service of Drivers and Part 396 – Inspection, Repair, and Maintenance calculated as follows:

- **One violation of CFR 391.45(a) – Using a driver not medically examined or certified.** The Commission assessed a penalty of \$100 per occurrence for seven occurrences of this first-time critical type violation for a total of \$700.
- **One violation of CFR 391.51(a) – Failing to maintain driver qualification files.** The Commission assessed a penalty of \$100 for this first-time critical violation.
- **Thirty violations of CFR 395.8(a)(1) – Failure to require a driver to prepare a record of duty status using appropriate method.** The Commission assessed a “per category” penalty of \$100 for 30 occurrences of this first-time critical violation for a total of \$100.
- **One violation of CFR 396.3(b) – Failing to keep minimum records of inspections and vehicle maintenance.** The Commission assessed a penalty of \$100 for this first-time critical type violation, for a total of \$100.

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On August 1, 2019, Ms. Lee A. Lamb, owner of Lamb's Disposal, filed an application for mitigation of penalties. The company admitted the violations but asks that the commission reduce penalties because the violations have been corrected. The company provided a plan to prevent a reoccurrence of the violation.

**Staff Response:** Lamb's Disposal is a small solid waste company operating in the rural area of Northport, Washington. The Company's total gross revenue for 2018 was \$35,522. The company currently has one motor vehicle and employs one driver.

Staff is sensitive to the company's financial situation and understands the impact financial penalties have on a small business. The company claims that it has corrected the violations identified in staff's safety investigation and provided a current medical certificate for its driver. The company also created an administrative plan to prevent future violations. Staff recommends the commission reduce the penalty from \$1,000 to \$500. Staff further recommends that \$250 of the penalty be suspended for a period of two years before being waived, on the condition that the company not incur any repeat violations of CFR 391.45(a), 391.51(a), 395.8(a)(1), or 396.3(b).

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,



Mathew Perkinson  
Assistant Director, Transportation Safety