



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

December 8, 2020

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. QM Transport (USA), Inc.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TH-200868

Dear Mr. Johnson:

On October 28, 2020, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against QM Transport (USA), Inc., (QM Transport or Company) in the amount of \$3,000 for violations of Washington Administrative Code (WAC) 480-62-278, Contract Crew Transportation Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 391 – Qualification of Drivers, as follows:

- **Thirty violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed drivers Robert Cullen and Robert Walton to operate a commercial motor vehicle without a valid medical certificate on 30 occasions between March 16 and September 8, 2020.

On November 13, 2020, QM Transport filed with the Commission its application for mitigation of penalties. In the request for mitigation, Cynda Quinn Bennett, president of QM Transport, admits the violations, asks that the penalties be reduced, states the violations have been corrected, and describes steps the Company has taken to prevent future occurrences. In addition, QM Transport states the penalty would create a financial hardship for the Company.

In response to the Company's request for mitigation, QM Transport corrected the violations, implemented new procedures, and created a system that will inform management of expiring medical certificates to prevent recurrence. For these reasons, staff recommends the penalty of \$3,000 be reduced to \$1,500. Staff further recommends that \$750 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 focused on driver medical certification in one year or

Mark L. Johnson
December 8, 2020
Page 2

as soon thereafter as practicable to review the Company's safety management practices, (2) QM Transport not incur any repeat violations, and (3) the Company pays the \$750 portion of the penalty that is not suspended.

If you have any questions, please contact Michael Dotson, Compliance Investigator, Transportation Safety, at (360) 480-5420, or by email at Michael.Dotson@utc.wa.gov.

Sincerely,



Digitally signed by Sharp,
Jason (UTC)
Date: 2020.12.08
13:23:02 -08'00'

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety