



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

November 20, 2018

Mark L. Johnson, Executive Director and Secretary  
Washington 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. Pacific Northwest Distributing, LLC d/b/a Vashon Shuttle*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TC-180761

Dear Mr. Johnson:

On September 27, 2018, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Pacific Northwest Distributing, LLC d/b/a Vashon Shuttle (Vashon Shuttle or Company) in the amount of \$6,300 for violations of Washington Administrative Code (WAC) 480-30-222, Vehicles with Capacity for Seven or Fewer Passengers (Including the Driver), as follows:

- **Sixty two violations of WAC 480-30-222(4)(e) – Failing to ensure each driver has been medically qualified to operate a motor vehicle.** Vashon Shuttle allowed employees Danette Stoner and Ronald Keith Stoner to drive on 62 separate occasions without having been medically examined and certified. The violations occurred during a three month period between April 2, 2018, and June 30, 2018.
- **Two violations of WAC 480-30-222(5) – Failing to maintain a driver qualification file for carrier's operating vehicle(s) with fewer than seven passengers.** Vashon Shuttle failed to maintain driver qualification files for employees Danette Stoner and Ronald Keith Stoner.

On November 13, 2018, Vashon Shuttle filed with the Commission its application for mitigation of penalties. In the request for mitigation, Danette Stoner, owner of Vashon Shuttle, admitted the violations, stated she believed that the penalty should be reduced, and requested a hearing to

present evidence to an administrative law judge for a decision. Ms. Stoner failed to provide any information in support of her requests for mitigation or a hearing.

Companies are required to submit requests for mitigation within 15 days of receiving the notice of penalties, and are directed to provide reasons to support the requests for mitigation or a hearing, otherwise the commission can deny the request.

Commission staff (staff) finds the Company's request for mitigation to be both untimely and non-compelling, and under normal circumstances would recommend that the Commission deny the Company's request for a hearing. However, on September 15, 2018, the Company submitted to staff a corrective action safety plan in which the Company acknowledged the violations and described steps taken to correct the violations and prevent future occurrences. For this reason staff recommends mitigation of the penalties as follows:

- **Mitigation Request: WAC 480-30-222(4)(e) – Failing to ensure each driver has been medically qualified to operate a motor vehicle.** Vashon Shuttle states that it did not allow any of its drivers to operate a motor vehicle until this violation was corrected, and provided current medical certificates of its drivers to staff during the safety investigation. The Company states that a new policy is in place to ensure future compliance with this regulation.
- **Staff response:** It is Vashon Shuttle's responsibility to ensure its drivers have current medical certificates, and that the Company not allow its drivers to operate a motor vehicle when medical certification cannot be verified. Vashon Shuttle acknowledged its responsibility to understand and comply with applicable motor carrier safety regulations on numerous occasions prior to the routine safety investigation on September 5, 2018.

The Company, however, promptly corrected these first-time violations and established new procedures to prevent future occurrences of this fundamental safety requirement. The assessed penalty is \$6,200 for 62 occurrences of this violation. Staff recommends the penalty be reduced by half, to \$3,100.

- **Mitigation Request: WAC 480-30-222(5) – Failing to maintain a driver qualification file for carrier's operating vehicle(s) with fewer than seven passengers.** Vashon Shuttle states that its driver qualification files now contain driver abstracts, medical certificates, identification, driver histories, and personnel files; and provided copies of its driver qualification files to staff. The Company states that new procedures are in effect to prevent future occurrences of this violation.
- **Staff response:** Vashon Shuttle promptly corrected these first-time violations and established new procedures to prevent future occurrences of this safety requirement. Because the assessed penalty is \$100 for one violation of this type, staff recommends no further mitigation of this penalty.

Vashon Shuttle is a small company with two drivers and one motor vehicle. The Company reported \$65,631 in gross revenue for 2017.

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Staff recommends the penalty of \$6,300 be reduced to \$3,200. 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 \$1,600 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) Vashon Shuttle pays the \$1,600 portion of the penalty that is not suspended.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Consumer Protection, at (360) 664-1320, or by email at [jason.hoxit@utc.wa.gov](mailto:jason.hoxit@utc.wa.gov).

Sincerely,



Bridgit Feeser  
Assistant Director, Consumer Protection