



STATE OF WASHINGTON
 UTILITIES AND TRANSPORTATION COMMISSION

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

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

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 COMMISSION

October 1, 2021

Amanda Maxwell, Executive Director and Secretary
 Washington Utilities and Transportation Commission
 P.O. Box 47250
 Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Bainbridge Disposal, Inc.*
 Commission Staff's Response to Application for Mitigation of Penalties
 Docket TG-210587

Dear Ms. Maxwell:

On September 13, 2021, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Bainbridge Disposal, Inc., (Bainbridge Disposal or Company) in the amount of \$7,000 for violations of Washington Administrative Code (WAC) 480-70-201, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 383 – Commercial Driver's License Standards; 49 CFR Part 391 – Qualification of Drivers; and 49 CFR Part 396 – Inspection, Repair and Maintenance, as follows:

- **Twenty violations of 49 CFR § 383.23(a) – Operating a commercial motor vehicle without a valid commercial driver's license (CDL).** Bainbridge Disposal allowed drivers Craig Peterson and Kurt Strickland to operate a commercial motor vehicle with a downgraded CDL on 20 occasions between June 2 and June 22, 2021.
- **Forty-nine violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed driver Evan Edwards to operate a commercial motor vehicle without a valid medical certificate on 49 occasions between April 1, 2021, and June 23, 2021.
- **One violation of 49 CFR § 396.3(a)(1) – Brake chambers broken and loose on each side of axle.** Commission staff (Staff) discovered a commercial motor vehicle with its

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brake chambers broken and loose on each side of axle number three.¹ This commercial motor vehicle was placed out-of-service.

On September 23, 2021, Bainbridge Disposal filed with the Commission both a request for mitigation with an admission that the violations occurred and a response contesting that the violations occurred. In the Company's narrative response, Heather Church, president of Bainbridge Disposal, admits the violations, describes corrective actions the Company has taken to prevent future occurrences, and asks that the penalties be reduced. Therefore, Staff construes Bainbridge Disposal's filing as an application for mitigation.


Concerning the violations of 49 CFR § 383.23(a), 49 CFR § 391.45(a), and 49 CFR § 396.3(a)(1), Bainbridge Disposal corrected the first-time violations during the safety investigation, hired a safety manager to strengthen the Company's safety compliance program, and implemented safety management controls to prevent future violations. Staff addresses each penalty as follows:

- The Commission assessed a penalty of \$2,000 for 20 violations of 49 CFR § 383.23(a). Staff recommends the penalty be reduced to \$1,000.
- The Commission assessed a penalty of \$4,900 for 49 violations of 49 CFR § 391.45(a). Staff recommends the penalty be reduced to \$2,500.
- The Commission assessed a penalty of \$100 for one violation of 49 CFR § 396.3(a)(1). Staff recommends no mitigation for this out-of-service violation.

Staff recommends the penalty of \$7,000 be reduced to \$3,600. Staff further recommends that \$2,000 of the reduced penalty be suspended for a period of two years before being waived, on the conditions that: (1) Staff conducts a focused review in two years or as soon thereafter as practicable to review the Company's driver qualifications, (2) the Company not incur any repeat violations of critical regulations, and (3) Bainbridge Disposal pays the \$1,600 portion of the penalty that is not suspended.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

 Digitally signed by Sharp,
Jason (UTC)
Date: 2021.10.01 06:58:18
-07'00'

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety

¹ Equipment Identification Number 19.