

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TC-130090
Against	)	
	)	ORDER 01
NORTHWESTERN STAGE LINES,	)	
INC. d/b/a NORTHWESTERN	)	ORDER DENYING MITIGATION
TRAILWAYS	)	
	)	
in the amount of \$800	)	
.....	)	

1 **Penalty.** On January 24, 2013, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TC-130090 in the amount of \$800 against Northwestern Stage Lines, Inc. d/b/a Northwestern Trailways (Northwestern or Company), for multiple violations of Washington Administrative Code (WAC) 480-30-216(5), which relates to standing passengers. In particular, this rule prohibits auto transportation companies from allowing passengers to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even with such equipment, the rule prohibits passengers standing for a distance greater than 35 miles.

2 The Commission alleged that Northwestern violated the rule on January 6, 2013, by loading a 56-passenger bus beyond capacity, accepting 64 riders for the trip between Leavenworth and Monroe. The driver allowed the excess eight passengers to stand in the aisles for the entire trip, a distance of approximately 85 miles. The Commission learned of this incident from a passenger complaint and verified the occurrence by inspecting company records on January 17, 2013. The Commission imposed a penalty of \$100 per violation, for a total penalty of \$800.

3 **Mitigation Request.** On January 31, 2013, Northwestern responded to the Commission, admitting the violations but seeking to have the penalty reduced. The Company explained that it had refunded not only the complainant’s fare, but also the fares of any other passengers who complained about standing for the trip.

4 **Commission Staff Opposition to Mitigation.** Commission Staff (Staff) filed a Response on February 5, 2013, opposing the Company’s request for mitigation. Staff

notes that Northwestern's refunds to complaining passengers is an admirable gesture but does not support mitigating a penalty for a safety violation. Staff argues that Northwestern's driver should have refused to take on the excess riders and notified the company of the unusually high number of passengers that day, allowing for dispatch of a second bus to handle overflow demand on the route. Staff contends that the company knowingly violated WAC 480-30-216(5) and asks that the company's mitigation request be denied.

5 **Commission Decision.** The Commission denies Northwestern's request for mitigation. Public safety is the Commission's highest priority. Regulated companies are responsible for complying with all of the Commission's rules and regulations. Our rules prohibit auto transportation companies from taking on standing passengers unless their vehicles are specially equipped to minimize safety risks to those riders. Further, our rules authorize standing passengers only over relatively short distances. We observe that Northwestern violated this rule on a long haul over a mountain pass in winter. Northwestern's refunds to complaining passengers do not address this safety issue or assure us that the company understands the importance of prioritizing public safety in the operation of its business and adhering to this Commission's safety regulations.

6 The original \$800 penalty will not be reduced. That penalty is due and payable no later than March 15, 2013.

7 The Secretary has been delegated authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective February 12, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.