



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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

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March 29, 2019

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
Transportation Services, Inc. d/b/a Capital Aeroporter*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TC-190130

Dear Mr. Johnson:

On March 19, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter (Capital Aeroporter or Company) in the amount of \$800 for violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (CFR) Part 391 – Qualification of Drivers, as follows:

- **Eight violations of Title 49 CFR Part 391.45(b)(1) – Using a driver without a current medical examiner's certificate.** Capital Aeroporter allowed employee Kiet A. Nguyen to drive on eight separate occasions with an expired medical examiner's certificate. The violations occurred between October 7, 2018, and October 28, 2018.

On March 19, 2019, John Fricke, vice president of operations for Capital Aeroporter, filed an application for mitigation of penalties. In the request for mitigation, Mr. Fricke admitted the violations, stated the Company has corrected the violations, and asked that the penalties be reduced for reasons set out in his response. Mr. Fricke explained that Capital Aeroporter has recently developed a shared online calendar system that will send automatic expiration notifications to its staff, to ensure future compliance with safety-related items.

Staff Response: Capital Aeroporter corrected these first-time violations prior to the January 2019 focused safety investigation, and has since implemented a new tracking system to prevent future occurrences of this fundamental safety requirement.

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Capital Aeroporter is a small company that operates 17 commercial motor vehicles, and employs 35 commercial motor vehicle drivers. The company reported \$2,413,293 in gross revenue for 2017. Staff recommends the penalty of \$800 be reduced to \$400.

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.

Sincerely,



Bridgit Feeser
Assistant Director, Consumer Protection