



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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March 6, 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. Vicky Sandhu, d/b/a Seattle Top Class Limo*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TE-190932

Dear Mr. Johnson:

On November 20, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Vicky Sandhu, d/b/a Seattle Top Class Limo, (Seattle Top Class Limo or Company), in the amount of \$3,800 for violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 382 – Controlled Substance and Alcohol Use and Testing, and 49 CFR Part 393 – Parts and Accessories Necessary for Safe Operation, as follows:

- **Twenty-two violations of WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.** Seattle Top Class Limo operated a commercial motor vehicle on 22 occasions between March 11 and September 21, 2019, without having the required minimum levels of insurance.
- **One violation of 49 CFR § 382.305 – Failing to implement a random controlled substance and/or an alcohol testing program.** Seattle Top Class Limo failed to provide proof of implementation of a random controlled substance and alcohol testing program.
- **One violation of 49 CFR § 393.207(a) – Axle positioning parts defective/missing.** Commission staff (Staff) discovered a commercial motor vehicle with worn front sway bar links on both sides of the vehicle. This commercial motor vehicle was placed out-of-service.

On November 25, 2019, Seattle Top Class Limo filed with the Commission its application for mitigation of penalties; however due to processing issues, the application did not post to the docket until March 3, 2020. In the request for mitigation, Vicky Sandhu, owner of Seattle Top Class Limo, admits the violations and believes the penalties should be reduced for reasons set out in the response. Staff addresses the Company's request for mitigation, as follows:

- **Mitigation Request: WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.** Seattle Top Class Limo states the vehicle can transport a maximum of 14 passengers, not including the driver, and states that the front passenger seat has been removed from the vehicle since it is not utilized. The Company states that it will obtain the required \$5,000,000 combined single coverage limit if needed, and asks for clarification from Staff on this issue.
- **Staff response:** WAC 480-30-191 requires motor vehicles with a seating capacity of 16 or more to maintain a minimum insurance limit of \$5,000,000. In the request for mitigation, the Company identifies its stretch Cadillac Escalade to have a seating capacity of 16, and removing a seat from the motor vehicle does not modify the requirements of WAC 480-30-191. The assessed penalty is \$2,200 for 22 occurrences of this acute violation. Because Seattle Top Class Limo still lacks the required minimum level of insurance coverage, Staff recommends no mitigation of this penalty.
- **Mitigation Request: 49 CFR § 382.305 – Failing to implement a random controlled substance and/or an alcohol testing program.** Seattle Top Class Limo states it has enrolled into a controlled substance and alcohol testing program, and provided supporting documentation of its enrollment, effective October 22, 2019.
- **Staff response:** The Company immediately corrected this violation by implementing a controlled substance and alcohol testing program as required. The assessed penalty is \$1,500 for this acute violation. Staff recommends the penalty be reduced to \$750.
- **Mitigation Request: 49 CFR § 393.207(a) – Axle positioning parts defective/missing.** Seattle Top Class Limo states the defects to its commercial motor vehicle were fixed during the routine safety investigation; however, Staff didn't reinspect the commercial motor vehicle after the repairs were complete.
- **Staff response:** The Company claims to have immediately corrected this out-of-service violation; however, it is the Company's responsibility to ensure its commercial motor vehicle is free of defects that may potentially put the traveling public at risk. The assessed penalty is \$100 for this out-of-service violation. Staff recommends no mitigation of this penalty.

Seattle Top Class Limo is a small company that operates one commercial motor vehicle and employs one driver. The Company reported \$52,000 in gross revenue for 2018.

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Staff recommends the penalty of \$3,800 be reduced to \$3,050. Staff is 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 \$2,500 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 and acute regulations, and (3) Seattle Top Class Limo pays the \$550 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,

/s/ Jason Sharp

Jason Sharp

Motor Carrier Safety Supervisor, Transportation Safety