

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-220487
PEOPLE FOR PEOPLE	ORDER 01
in the amount of \$400	DENYING CONTEST OF VIOLATIONS; IMPOSING PENALTY

**BACKGROUND**

- 1 On July 14, 2022, the Washington Utilities and Transportation Commission (Commission) assessed a \$400 penalty (Penalty Assessment) against People for People (People for People or Company) for 66 violations of Washington Administrative Code (WAC) 480-31-100, which adopts by reference sections of Title 49 Code of Federal Regulations (C.F.R.).<sup>1</sup> The Penalty Assessment includes:
- a \$100 penalty for four violations of 49 C.F.R. § 391.21(b) for using a driver who has not completed and furnished an employment application as required;
  - a \$100 penalty for 60 violations of 49 C.F.R. § 395.8(a)(1) for failing to require drivers to prepare a record of duty status; and
  - a \$200 penalty for two violations of 49 C.F.R. § 396.17(a) for using a commercial motor vehicle (CMV) not periodically inspected.
- 2 On July 22, 2022, the Company filed with the Commission an application for mitigation contesting the violations of 49 C.F.R. § 391.21(b) (Application). In the Application, the Company stated that, following a previous safety inspection in 2016, the Company filed a follow-up letter stating that its policy does not allow it to collect certain required personally identifying information through its online application, and that it would collect that information on a supplemental form after making a job offer. When the Company received no response regarding its course of action, Company management assumed that this process was sufficient.

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<sup>1</sup> WAC 480-15-560 adopts by reference sections of Title 49 C.F.R. Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of 49 C.F.R.

- 3 On July 28, 2022, Commission staff (Staff) filed a response recommending the Commission deny the Application. In its response, Staff points out that a lack of response from the Commission does not signify approval of a company's procedure. Further, Staff alleges that upon re-inspection, the Company failed to provide the supplemental form it uses for collecting the required information and that Staff identified additional required fields that were missing from the form.
- 4 On August 4, 2022, the Company paid the \$300 portion of the penalty for the violations it does not contest.

### DISCUSSION AND DECISION

- 5 Washington law requires nonprofit transportation companies to comply with federal safety requirements and undergo routine safety inspections. Violations discovered during safety inspections are subject to penalties of \$100 per violation.<sup>2</sup> In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.<sup>3</sup>
- 6 The Penalty Assessment assessed a \$100 penalty for two violations of 49 C.F.R. § 391.21(b), using a driver who has not completed and furnished an employment application as required. In its Application, People for People acknowledges the violation, but states only that it believed its actions were approved by the Commission. The Company also failed to provide documentation that it was collecting the required information on its drivers.
- 7 Staff recommends the Commission deny the contest of this penalty because the Company failed to provide any evidence to refute the violation occurred. We agree. The documents provided by the Company with the Application show that the Company knew what information it was required to collect for newly hired drivers and failed to show that it was collecting such required information. We agree with Staff that the evidence supports upholding the penalty, and that the penalty is consistent with the Commission's enforcement policy.

### FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service

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<sup>2</sup> See RCW 81.04.405.

<sup>3</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

companies, including nonprofit transportation companies, and has jurisdiction over the parties and subject matter of this proceeding.

- 9 (2) People for People is a nonprofit transportation company subject to Commission regulation.
- 10 (3) People for People violated 49 C.F.R. § 391.21(b) when it used drivers who had not completed and furnished employment applications as required on two occasions.
- 11 (4) People for People should be penalized \$100 for two violations of 49 C.F.R. §391.21(b).

### ORDER

#### THE COMMISSION ORDERS:

- 12 (1) People for People's contest of the violation is DENIED.
- 13 (2) The remaining \$100 penalty is due and payable no later than September 2, 2022.
- 14 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective August 22, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL  
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.**