

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against

AAA PARTY BUS, LLC

in the amount of \$300

DOCKET TE-170752

ORDER 01

DENYING MITIGATION

**BACKGROUND**

- 1 On July 17, 2017, the Washington Utilities and Transportation Commission (Commission) assessed a \$300 penalty (Penalty Assessment) against AAA Party Bus, LLC (AAA Party Bus or Company) for three violations of Washington Administrative Code (WAC) 480-30-221, which adopts by reference 49 C.F.R. Part 393 related to parts and accessories necessary for safe operation.
- 2 On July 26, 2017, AAA Party Bus responded to the Penalty Assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. In its response, the Company states, "We respectfully request that the \$250 penalty which already has been paid be sufficient and this \$300 penalty be waived. Every effort is being made to ensure they are not repeated."
- 3 On August 3, 2017, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation because each of the violations cited in the Penalty Assessment is serious and potentially harmful to the public. The Penalty Assessment includes a \$100 penalty for one violation of 49 C.F.R. Part 393.9; a \$100 penalty for one violation of 49 C.F.R. Part 393.62(a); and a \$100 penalty for one violation of 49 C.F.R. Part 393.83(c).

**DISCUSSION AND DECISION**

- 4 Washington law requires auto transportation carriers to comply with federal safety requirements and undergo routine safety inspections. In some cases, Commission

requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.<sup>1</sup> Equipment violations that meet the Federal Motor Carrier Safety Administration's "out-of-service" criteria meet this standard, and are subject to penalties of \$100 per violation.

5 The Commission will, however, consider several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.<sup>2</sup>

6 The Penalty Assessment includes a \$100 penalty for one violation of 49 C.F.R. Part 393.9 because both of the Company's vehicle's rear turn signals and emergency four-way flashers were inoperative. The Penalty Assessment also includes a \$100 penalty for one violation of 49 C.F.R. Part 393.62(a) because the vehicle's rear emergency exit window was covered by a blanket. Finally, the Penalty Assessment includes a \$100 penalty for one violation of 49 C.F.R. Part 393.83(c) because the Company's vehicle's exhaust pipe was leaking. The Company did not address any of the violations in its response, but provided a general assurance of future compliance.

7 Staff recommends no mitigation of the penalty because the violations at issue put the Company's passengers and the traveling public at risk.<sup>3</sup> We agree. As noted in the Penalty Assessment, defective turn signals and warning lights, obscured emergency exits, and leaking exhaust systems are each serious and potentially harmful defects. Moreover, the Company did not introduce any new information or explain additional circumstances that would warrant reduction of the penalty. Accordingly, we deny the Company's request for mitigation.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

<sup>2</sup> Enforcement Policy ¶19.

<sup>3</sup> Staff further notes that the \$250 penalty the Company paid in docket TE-170592 was for its failure to timely file its annual report, which has no bearing on the violations at issue here.

**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 companies, including auto transportation carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 9 (2) AAA Party Bus is an auto transportation carrier subject to Commission regulation.
- 10 (3) AAA Party Bus violated WAC 480-30-221, which adopts by reference 49 C.F.R. Part 393.9, when it operated its vehicle with defective rear turn signals and emergency four-way flashers.
- 11 (4) AAA Party Bus should be penalized \$100 for one violation of WAC 480-30-221, which adopts by reference 49 C.F.R. Part 393.9.
- 12 (5) AAA Party Bus violated WAC 480-30-221, which adopts by reference 49 C.F.R. Part 393.62(a), when it operated its vehicle with a defective rear emergency exit.
- 13 (6) AAA Party Bus should be penalized \$100 for one violation of WAC 480-30-221, which adopts by reference 49 C.F.R. Part 393.62(a).
- 14 (7) AAA Party Bus violated WAC 480-30-221, which adopts by reference 49 C.F.R. Part 393.83(c) when it operated its vehicle with a leaking exhaust pipe.
- 15 (8) AAA Party Bus should be penalized \$100 for one violation of WAC 480-30-221, which adopts by reference 49 C.F.R. Part 393.83(c).

**ORDER**

THE COMMISSION ORDERS:

- 16 (1) AAA Party Bus, LLC's request for mitigation of the \$300 penalty is DENIED.
- 17 (2) The \$300 penalty is due and payable within 10 days of the effective date of this Order.

18 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 September 5, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING

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.**