


Washington Utilities and Transportation Commission

	US DOT # 2801295	Legal: VIP ARRIVALS LLC Operating (DBA): VIP ARRIVALS								
MC/MX #:		State #: CH-67115		Federal Tax ID: 60-4469406 (EIN)						
Review Type: Compliance Review (CR)										
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:					
Operation Types										
Interstate		Intrastate		Business: Corporation						
Carrier:	N/A	Non-HM		Gross Revenue: \$11,200.00						
Shipper:	N/A	N/A		for year ending: 12/31/2018						
Cargo Tank:	N/A									
Company Physical Address:										
1101 3RD ST NE EAST WENATCHEE, WA 98802										
Contact Name: Aaron Griffith										
Phone numbers: (1) 509- 593-0825		(2)		Fax						
E-Mail Address: viparrivalspartybus@gmail.com										
Company Mailing Address:										
1101 3RD ST NE EAST WENATCHEE, WA 98802										
Carrier Classification										
Authorized for Hire										
Cargo Classification										
Passengers										
Equipment										
	Owned			Term Leased			Trip Leased			
Van, 9-15	1			0			0			
Power units used in the U.S.: 1										
Percentage of time used in the U.S.: 100										
Does carrier transport placardable quantities of HM? No										
Is an HM Permit required? N/A										
Driver Information										
	Inter	Intra	Average trip leased drivers/month: 0							
< 100 Miles:		2	Total Drivers: 2							
>= 100 Miles:			CDL Drivers: 0							





VIP ARRIVALS (VIP ARRIVALS LLC dba)

U.S. DOT #: 2801295

State #: CH-67115

Review Date:

07/10/2019

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the UTC attn: Jason Sharp at

PO Box 47250
Olympia, WA 98504-7250
Phone: 360-664-1238 email: jason.sharp@utc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Aaron Griffith

Title: Owner

Name: Paul Clemens

Title: Safety Director





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Part B Violations

1 STATE CRITICAL	Primary: 391.45(a) Secondary: 391.11(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
<p>Description Using a driver not medically examined and certified.</p> <p>Example Driver name: Aaron Griffith Trip date: 3/23/2019 Description of violation: Carrier allowed drivers to operate without being medically certified.</p> <p>Also in violation: Driver name: Paul Clemens Trip date: 6/7/2019</p>					
2 STATE CRITICAL	Primary: 391.51(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
<p>Description Failing to maintain driver qualification file on each driver employed.</p> <p>Example Driver name: Aaron Griffith Trip date: 3/23/2019 Description of violation: Carrier did not maintain driver qualification files on drivers.</p> <p>Also in violation: Driver name: Paul Clemens Trip date: 6/7/2019</p>					
3 STATE CRITICAL	Primary: 395.8(a)(1)	Discovered 60	Checked 60	Drivers/Vehicles In Violation	Checked 2
<p>Description Failing to require a driver to prepare a record of duty status using appropriate method</p> <p>Example Driver name: Aaron Griffith Trip date: 3/23/2019 Description of violation: Carrier did not require drivers to prepare a record of duty status.</p> <p>Also in violation: Driver name: Paul Clemens Trip date: 6/7/2019</p>					
4 STATE	Primary: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
<p>Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.</p> <p>Example Company number: VIP 1 VIN: 1FDKE30G2SHB06779 Trip date: 6/7/2019 Description of violation: Maintenance file does not identify the tire size.</p>					





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Part B Violations

5 STATE	Primary: 396.3(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Example

Company number: VIP 1 VIN: 1FDKE30G2SHB06779

Trip date: 6/7/2019

Description of violation: Maintenance file does not contain a preventative maintenance plan.

6 STATE	Primary: 396.3(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

Example

Company number: VIP 1 VIN: 1FDKE30G2SHB06779

Trip date: 6/7/2019

Description of violation: Maintenance file does not contain a record of inspection and repairs.

7 STATE	Primary: 396.3(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.

Example

Company number: VIP 1 VIN: 1FDKE30G2SHB06779

Trip date: 6/7/2019

Description of violation: Carrier failed to document tests of emergency exits each 90 days as required.

8 STATE	Primary: 396.17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Using a commercial motor vehicle not periodically inspected.

Example

Company number: VIP 1 VIN: 1FDKE30G2SHB06779

Trip date: 6/7/2019

Description of violation: Carrier used a party bus, defined as a commercial motor vehicle, that had not been periodically inspected.

Safety Fitness Rating Information:		OOS Vehicle (CR): 1	
Total Miles Operated	4,150	Number of Vehicle Inspected (CR):	1
Recordable Accidents	0	OOS Vehicle (MCMIS):	0
Recordable Accidents/Million Miles	0.00	Number of Vehicles Inspected (MCMIS):	0





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Part B Violations

Your proposed safety rating is :

UNSATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	U	0	2
Factor 3:	U	0	2
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-





Part B Requirements and/or Recommendations

1. Within 15 days, send a letter to the UTC describing what actions you have taken in response to this review to ensure that you are complying with the Motor Carrier Safety Regulations.

Identify each violation and why the violations were permitted to occur.

Address the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action (new policies, procedures, training programs etc.).

Outline actions taken to ensure that similar violations do not reoccur in the future.

Address your response to:

Washington Utilities and Transportation Commission
 Attention Jason Sharp
 PO Box 47250
 Olympia, WA 98504-7250

2. "Under the Administrative Procedure Act (RCW) 34.05) (Laws of 2009, Ch. 358), the commission will waive any fines, civil penalties, or administrative sanctions for first-time paperwork violations by a small business, with certain exceptions. One of those exceptions provides that any violation of a substantially similar paperwork requirement (as described in Part B on this form), may result in the imposition of a fine, civil penalty, or other administrative sanction. The company will not be entitled to a second waiver of penalties for "first-time" paperwork violations."

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:





Part B Requirements and/or Recommendations

http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Owner Aaron Griffith has not established procedures to effectivly track hours of service.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

Passenger Carrier Only:

- Develop a policy that discourages long-distance trips that depart at night and outlines acceptable route-scheduling procedures.
Develop a policy that prohibits drivers from deviating from stated itineraries without appropriate management approval, and advise customers of this policy.
Establish a policy to ensure that drivers enter all compensated time, including time spent working for a non-motor carrier, on their Record of Duty Status (RODS) or prior seven-day duty statement.
Develop a dispatch policy that discourages use of drivers who have worked various hourly shifts prior to any long-distance trips.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: http://ai.fmcsa.dot.gov/SMS. You will need to use your PIN Number that has been provided by the FMCSA.
Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Owner Aaron Griffith has not developed a system to systematically track when vehicle maintenance is due.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and





Part B Requirements and/or Recommendations

Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
 - Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
 - Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
 - Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
 - Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
 - Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
 - Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
 - Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
 - Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
 - When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov>; consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance, especially with regard to preowned buses.
 - Monitor and track vehicle-maintenance-related passenger complaints and assess safety implications.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Owner Aaron Griffith has not established policies and procedures to effectively qualify drivers.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.





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- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.





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Part C

Reason for Review: Compliance Review
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325 382 383 387 390 391 392 393 395 396 397 398 399 171 172 173 177 178 180
Checkmarks under 382, 383, 387, 390, 391, 392, 393, 395, 396

Prior Reviews

Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: Aaron Griffith
Corporate Contact Title: Owner

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Aaron Griffith
Title: Owner
Carrier/Shipper Name: AC Checker LLC d/b/a VIP Arrivals
Date: July 10, 2019

REASON FOR THE INVESTIGATION:

As part of the 2019 Motor Carrier Safety routine safety investigations plan, this investigation was assigned to Jason Sharp, Special Investigator from the Washington Utilities and Transportation Commission.

SCOPE OF THE INVESTIGATION:

This investigation is a comprehensive intrastate review and was assigned to Special Investigator Jason Sharp on June 17, 2019. The carrier was contacted on June 17 and a full investigation was set for June 25, 2019 at 1101 3rd Street NE, East Wenatchee, WA, the carrier's principle place of business. Present at the start of the investigation was Special Investigator Jason Sharp and carrier representatives Aaron Griffith (Owner) and Paul Clemens (Safety Director).

SMS was checked on June 17 and it was noted no BASICs were in alert status.

CARRIER OPERATION DESCRIPTION:

VIP Arrivals began operations in May of 2016 as AC Checker LLC. The carrier split from AC Checker LLC in 2019, keeping the USDOT number and commission certificate to perform charter and excursion service. Mr. Griffith is the governing officer along with Lisa Griffith who is in charge of the carrier's records. Mr. Griffith is responsible for the carrier's safety compliance program. The carrier is an authorized for-hire charter and excursion carrier that operates in intrastate commerce within the state of Washington. The carrier owns one vehicle that is classified as a commercial motor vehicle and employs two drivers. The carrier's gross revenue as stated on the carrier's annual report for fiscal year ending in December 31, 2018 was \$11,200. VIP Arrivals is not and has not been involved in any emergency relief efforts in the last 365 days. The annual report states that the company traveled 4,150 miles during the 2018 calendar year.





Part C

PRE-INVESTIGATION:

On June 17, a carrier information packet was emailed to the carrier requesting investigation information, the records that would need to be reviewed, and the information the carrier would need to make available. The carrier was requested to fill-out and return the carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months and a list of all commercial motor vehicles utilized in the last 12 months prior to the start of this investigation. On Tuesday, June 25, the documents requested were made available to the investigator for review included a list of all accidents for the past 365 days from the date of review, driver qualification files for all drivers used within the past 12 months, insurance documentation, all records of duty status (log books/time cards) for the previous six months, all maintenance files and records for the vehicle. A copy of the carrier's profile was obtained through MCMIS on June 17. Upon initial contact, Mr. Griffith stated that he just completed the sale of AC Checker LLC taxi service and that VIP Arrivals party bus services would be the company's sole operation moving forward. Mr. Griffith has updated his business information with Washington's Secretary of State, Department of Revenue and with the Federal Motor Carrier Safety Administration. Mr. Griffith was instructed to update his company information with the commission.

CDLIS (DRIVER LICENSE) CHECK:

In accordance with the eFOTM, two driver license status/histories were required to be checked. The driver license status of Aaron Griffith and Paul Clemens were checked through the Washington State Department of Licensing (DOL) website on June 25. Both licenses are valid.

AUTHORITY:

VIP Arrivals is a for-hire charter and excursion carrier operating in intrastate commerce and is required to have operating authority. The carrier operates under the USDOT Number 2801295. The carrier has intrastate authority through the commission under permit number CH-67115.

INSURANCE:

VIP Arrivals is required to maintain a minimum level of public liability of \$1,500,000. A check with the carrier's insurance shows a \$1,500,000 Auto Liability effective June 6, 2019 with Continental Divide Insurance Company. (See Part 387 for details)

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on June 17 and the carrier has no drivers with red flag violations in the last 365 days.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

The carrier does not transport any hazardous materials. A Hazardous Materials Supplemental Review is not required.

INVESTIGATION:

This is a comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.

Part 376 - Lease and Interchange of Vehicles:

VIP Arrivals does not lease vehicles.

Part 40 and Part 382 - Controlled Substance and Alcohol Testing:

VIP Arrivals does not operate commercial motor vehicles that require its drivers to have a Commercial Driver License (CDL), therefore the carrier is not required to have a controlled substance and alcohol testing program.

Part 380 - Special Training:





Part C

VIP Arrivals does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

Part 383 - Commercial Drivers' License:

VIP Arrivals does not use commercial vehicles with a seating capacity of 16 or more passengers including the driver and the drivers are not required to have a CDL.

Part 387 - Financial Responsibility:

VIP Arrivals' vehicle has been insured by two insurance companies during the previous 365 days and is insured with Continental Divide Insurance Company, policy number 05APM02088701. The carrier's insurance agent is Kathy Kane of Humble and Davenport Insurance Brokers with a contact telephone number of (360) 322-7983. The agency is located at 3500 Maple Valley Hwy., Renton, WA 98058.

Prior to the company switching providers on June 8, VIP Arrivals had a policy with Onyx Insurance Company. The agent was Maria Meza of American Business Insurance Services, Inc. with a contact telephone number of (800) 980-1950 ext. 32. The agency is located at 32107 W. Lindero Cyn Rd, Ste 120, Westlake Village, CA 91361.

Investigator Sharp contacted the carrier's current and former insurance agents and verified the carrier maintained \$1,500,000 in Auto Liability coverage without a lapse in the last 365 days. The insurance policy matches the Form E on file with the commission.

Part 390 - General FMCSR:

VIP Arrivals has not been involved in any Department of Transportation recordable accidents in the last 365 days. Mr. Griffith had an accident register in the carrier files. The carrier operates exclusively intrastate and is not required to pay UCR fees.

VIP Arrivals last updated the MCS-150 on May 29, 2019.

Part 391 - Qualification of Drivers:

VIP Arrivals employed two drivers that operated in the state of Washington during the previous 365 days. A sample of two Driver Qualification Files were to be inspected. The qualification files for Aaron Griffith and Paul Clemens were reviewed. The following violations were discovered:

VIP Arrivals used two drivers who had not been medically certified. There were 21 occurrences of drivers driving a commercial motor vehicle without being medically certified as follows:

Aaron Griffith (15 times): March 02, 10, 16, 23, 30, 31, April 13, 14, 27, 28, May 05, 26, 28, 30, and June 08.

Paul Clemens (6 time): May 27, June 01, 07, 08, 14, and 15.

Two critical violations of 391.45(a) occurred when the carrier used two drivers not medically examined and certified.

VIP Arrivals did not maintain a driver qualification files on drivers Aaron Griffith and Paul Clemens.

Two critical violations of 391.51(a) occurred when the carrier failed to maintain a driver qualification file on each driver employed.

In accordance with FMCSA Memorandum MC-ECS-2012-004 medical certificates for 25 percent of the driver qualification file sample size (one) was selected for verification. Due to none of the carrier's drivers being medically certified, no verification of medical certification was conducted.

Part 392 - Driving of Commercial Motor Vehicles:

VIP Arrivals operates in intrastate commerce and at the time of this investigation the carrier is current on its annual

Exhibit JS-1





Part C

regulatory fees.

Mr. Griffith was informed that using radar detectors, texting and using handheld devices while driving is prohibited.

Part 395 - Hours of Service:

VIP Arrivals employed two drivers during the last 365 days. A sample size of two Records of Duty Status (RODS) is required to be checked for a 30-day period. The carrier operated all of its service under the short haul exemption of Part 395.1(e) within the last 365 days.

For this investigation a 30-day period of May 25 through June 24 was reviewed. This required that 60 RODS be checked.

RODS were checked by reviewing time cards, google calendar appointments and charter orders. The following violation was noted:

Driver Aaron Griffith failed to record his hours of service for any employment during the sample period. Mr. Griffith also contracts as a dispatcher with AC Checker during the company's transition and has performs as a disk jockey on the side for compensation.

Driver Paul Clemens began driving for the company on May 27. Mr. Clemens utilized log book pages to account for his hours of service, however the log pages were incomplete and did not contained all required information to satisfy as a record of duty status.

Sixty critical violations of 395.8(a)(1) occurred when the carrier failed to require a driver to make a record of duty status using the appropriate method.

Part 393 & 396 - Maintenance and Inspection:

VIP Arrivals owns one vehicle that is classified as a commercial motor vehicle. The carrier stated that minor vehicle maintenance is performed by Paul Clemens, while major repairs are performed by Mobile Fleet Service Inc. of Wenatchee, WA.

Vehicle Maintenance Records:

A sample size of one vehicle maintenance file was reviewed with the following violations discovered:

One violation of 396.3(b)(1) occurred when the carrier failed to keep a maintenance record which identifies the vehicles tire size in the vehicle maintenance file.

One violation of 396.3(b)(2) occurred when the carrier failed to maintain a preventative maintenance schedule for the carrier's vehicle.

One violation of 396.3(b)(3) occurred when the carrier failed to keep a record of inspection, repairs and maintenance indicating the date and nature of work. The maintenance file contain a repair receipt from Mobile Fleet Services indicating repairs that are required to pass the required Department of Transportation Periodic Inspection.

One violation of 396.3(b)(4) occurred when the carrier failed to keep a record of tests conducted on pushout windows and emergency doors every 90 days. During inspection of the vehicle, it was discovered that one pushout window had been screwed shut and was inoperable.

One critical-type violation of 396.17(a) occurred when the carrier used a commercial motor vehicle that had not been periodically inspected.

Vehicle Inspections:

The carrier owns one vehicle that is classified as a commercial motor vehicle. The vehicle was operated in intrastate commerce in the last 365 days. A level five vehicle inspection was performed on the carrier's 1995 Ford E350, VIN # 1FDKE30G2SHB06779.





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One out-of-service violation of 393.62(a) was discovered for a defective emergency pushout window.

Aspen report attached to Inspection activity in TOMCAT.

CLOSING INTERVIEW:

The closing interview was conducted on July 10, 2019 over the telephone. Present at the closing interview were Investigator Sharp and company representative Aaron Griffith (Owner). This investigation resulted in a proposed "unsatisfactory" safety rating. Mr. Griffith was provided instructions for requesting a safety rating upgrade.

Mr. Griffith was cooperative throughout the investigation. Technical assistance was provided to the carrier during the review, utilizing "Achieving a Satisfactory Motor Carrier Safety Record" provided by the commission.

DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was provided a copy of "Achieving a Satisfactory Motor Carrier Safety Record" and "Fitness Rating Explanation," and "How to Request an Upgrade to Your Intrastate Safety Rating."

FOLLOW-ON ACTION:

Recommend continued compliance monitoring and penalties for critical violation 391.45(a), 391.51(a), 395.8(a)(1), critical type violation 396.17(a) and out-of-service violation of 393.62(a). Require company to submit and get approved a Safety Management Plan within 45 days of closing. Recommend requesting an AAG to assist in drafting a Notice of Intent to Cancel the carrier's certificate.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:





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Safety Fitness Rating Explanation

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. Federal and State violations are combined for rating purposes. However, only the federal or federal equivalent section number is shown below. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1	General (CFR Parts 387, 390)	0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory
VIOLATIONS AFFECTING RATING	POINTS	
NONE	-----	
TOTAL POINTS: 0 = SATISFACTORY		

FACTOR 2	Driver Qualification (CFR Parts 382, 383, 391)	0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory
VIOLATIONS AFFECTING RATING	POINTS	
S	1 (C)	
S	1 (C)	
TOTAL POINTS: 2 = UNSATISFACTORY		

FACTOR 3	Operational/Driving (CFR Parts 392, 395)	0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory
VIOLATIONS AFFECTING RATING	POINTS	
S	1 (C)	
TOTAL POINTS: 2 = UNSATISFACTORY		

FACTOR 4	Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))	
VIOLATIONS AFFECTING RATING	POINTS	Fewer than 3 inspections
NONE	-----	
TOTAL POINTS: 0 = SATISFACTORY		

Fewer than 3 Inspections	3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3	OOS Less than 34%	OOS 34% or Higher
	Satisfactory	Conditional
0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory	Conditional	Unsatisfactory
	If a pattern of Non-Compliance with a Critical or an Acute Violation	If a pattern of Non-Compliance with a Critical or an Acute Violation

FACTOR 5	Hazardous Material (CFR Parts 397, 171, 172, 173, 177, 180)
Not Applicable - Not a carrier of Hazardous Material	
NONE	

FACTOR 6	Accident (Recordable Accident Rate)
((Recordable Accidents) X (1 million)) ÷ (Total Miles) = Rate	
(0 X 1,000,000) ÷ 4,150 = 0 = SATISFACTORY	
URBAN CARRIER - All Driver operate within <100 air miles	
ACCIDENT RATE	FACTOR RATING
0.000 - 1.700	= Satisfactory
>1.700	= Unsatisfactory





VIP ARRIVALS (VIP ARRIVALS LLC dba)

U.S. DOT #: 2801295

State #: CH-67115

Review Date:

07/10/2019

Safety Fitness Rating Explanation

OVERALL SAFETY FITNESS RATING

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory

Conditional

2

0

= UNSATISFACTORY

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

Unsatisfactory	Conditional	OVERALL RATING
0	2 or fewer	Satisfactory
0	3 or more	Conditional
1	2 or fewer	Conditional
1	3 or more	Unsatisfactory
2	0 or more	Unsatisfactory



You have been assessed a proposed safety rating of **UNSATISFACTORY, if you fail to obtain an improved rating within 45 days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.**

The Washington Utilities and Transportation Commission (UTC) allows motor carriers to request an upgrade of its safety rating based on corrective action as defined in 49 CFR, section 385.17. The request for an upgrade must include a written description of correction actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

Within 15 days from the receipt of your proposed rating, you may request, in writing, a change to your safety rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review and evaluate your safety management plan before the effective date of the final safety rating. **If you fail to obtain an improved rating within 45 days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.**

You must develop a safety management plan:

1. The plan must address each acute, critical, or serious violation on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included.
2. Identify why the violations were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

You must submit your request to:

Jason Sharp
WA Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250
Jason.sharp@utc.wa.gov

At a minimum, the following must be addressed:

- All violations listed on the investigation
- An out of service rate 34% or more as listed on the compliance review
- Or UNSATISFACTORY crash rate as listed on the compliance review
- Any new OOS violations cited at the roadside since the compliance review or roadside violations related to those critical and/or acute violations cited in the compliance review
- How your corrective actions will improve your safety performance, including data captured by FMCSA's Safety Management System.
- Provide a list of all drivers used in the past 12 months. Include hire and termination dates, license numbers and dates of birth for each driver.

49 CFR Part 391

Medical Certificates –

49 CFR §391.45(a) – Using a driver not medically examined and certified (Critical)

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Copy of medical examiner's certificates.
 - Procedures to monitor medical certificate expiration dates and medical re-qualification/conditions

Driver Qualification File and Documents –

49 CFR §391.51(a) – Failing to maintain driver qualification file on each driver employed (Critical)

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Complete driver qualification files.
 - Inquiries into drivers' driving records.
 - Copy of medical examiner's certificates.

49 CFR Part 395

49 CFR §395.8(a)(1) – Failing to require driver to make a record of duty status (Critical)

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Describe the system implemented to:
 - **ensure logs are completed/submitted/maintained,**
 - identify hours of service violations,
 - verify the accuracy of logbooks, and
 - the supporting documents that will be used to check for falsification
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation **must include at minimum:**
 - Log audit summaries for a 30-day period. The audit summary must include:
 - the number of drivers' logs checked for missing logs and hours of service violations
 - the number of logs checked for accuracy
 - the number of logs determined to have been falsified
 - the names of drivers found in violation by violation date and type, and
 - Include all the supporting documents used in audit
 - Evidence that drivers have made/submitted logs or timecards for a 30-day period
 - Progressive disciplinary policy and actions that resulted from the log audit for violations discovered
- Examples of documentation may also include:
 - Discipline measures for carrier officials and/or safety management staff that knowingly and willfully allow hours of service violations and falsification of logs
 - Evidence of training to employees with hours of service performance issues that can be addressed by enhancing their knowledge, skills, and management

49 CFR Part 396

No Maintenance Files –

49 CFR §396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance (Critical).

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Complete maintenance records that include:
 - The identification of the vehicle including company number, if so marked, make, serial number, year, and tire size
 - If the motor vehicle is not owned by the motor carrier, identify the name of the person furnishing the vehicle
 - Evidence of recording a means to indicate the nature and due date of the various inspection and maintenance operations to be performed
 - Evidence of inspection, repairs, and maintenance indicating their date and nature

- If applicable, a record of tests conducted on push-out windows, emergency doors, and emergency door marking lights on buses (every 90 days)
-

Annual Inspections -

49 CFR §396.17(a) – Using a commercial motor vehicle not periodically inspected (Critical)

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Evidence of periodic (annual) inspection from sampling of commercial motor vehicles to include those found in violation during investigation
 - If applicable, evidence that defects or deficiencies reported on the periodic inspection were repaired
 - Describe monitoring procedures to have all commercial motor vehicles periodically inspected, and proof of inspector qualifications as per 396.19 and 396.25