

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment  
Against SEATAC MOTOR COACHES,  
LLC, in the amount of \$2,900

DOCKET NO. TE-060868

COMMISSION STAFF'S RESPONSE  
TO SEATAC MOTOR COACHES'  
APPLICATION FOR MITIGATION

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to  
SeaTac Motor Coaches' Application for Mitigation.

2 On July 27, 2006, the Washington Utilities and Transportation Commission  
(Commission) assessed a penalty of \$2,900 against SeaTac Motor Coaches, LLC, (SeaTac)  
for violating Commission rules regarding drivers' hours of service and records of drivers'  
service hours. Specifically, the Commission alleges that SeaTac required or allowed its  
drivers to drive more consecutive hours than are allowed under Commission rules and also  
required or allowed its drivers to falsify records to cover up these violations. Commission  
rules adopt by reference Part 395 of Title 49 of the Code of Federal Regulations. WAC 480-  
30-221; *see* WAC 480-30-999. Although the penalty assessment referenced the old rule,  
WAC 480-40-070, instead of WAC 480-30-221, which went into effect only shortly before  
the penalty assessment issued, both the old and new rule contain the identical requirement at  
issue here: that of complying with 49 C.F.R. § 395. Because the requirements of complying  
with 49 C.F.R. § 395 are the same in both the old and new rules, citation to an old rule  
number should not affect the validity of the penalty assessment.

3 The penalty assessment stated that the deadline to file an application for mitigation is  
15 days after receipt of the penalty assessment. SeaTac filed an Application for Mitigation  
(Application) on September 5, 2006, three weeks past the deadline.

4.

Staff opposes SeaTac's Application for the reasons set forth in the attached declarations of Sheri Hoyt and Thomas McVaugh. The attached declaration of Sheri Hoyt sets forth facts showing that SeaTac's Application for Mitigation is untimely, and the attached declaration of Thomas McVaugh sets forth the reasons that the alleged violations should not be excused. In conclusion, the Commission should deny mitigation on two grounds: First, the Application was filed well past the deadline; and second, the company's explanation that its driver did not know the rules does not excuse the company from requiring or allowing the driver to violate them.

DATED this 20th day of September, 2006.

Respectfully submitted,

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Attorney General



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Assistant Attorney General  
Counsel for Washington Utilities and  
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