	<b>US DOT #</b> 2858854	<b>Legal:</b> FRIDAY HARBOR JOLLY TROLLEY INC <b>Operating (DBA):</b> LEAVENWORTH JOLLY TROLLEY					
<b>MC/MX #:</b>		<b>State #:</b> CH-067128		<b>Federal Tax ID:</b> [REDACTED]			
<b>Review Type:</b> Compliance Review (CR)							
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.			<b>Territory:</b>		
<b>Operation Types</b>		<b>Interstate</b>	<b>Intrastate</b>	<b>Business:</b> Corporation			
<b>Carrier:</b>	N/A		Non-HM	<b>Gross Revenue:</b> \$123,950.00			
<b>Shipper:</b>	N/A		N/A	<b>for year ending:</b> 12/31/2018			
<b>Cargo Tank:</b>		N/A					
<b>Company Physical Address:</b>							
1758 SAN JUAN DR FRIDAY HARBOR, WA 98250-6989							
<b>Contact Name:</b> Alison Caruso							
<b>Phone numbers:</b> (1) 360- 298-8873		(2)		<b>Fax</b>			
<b>E-Mail Address:</b> fridayharborjollytrolley@yahoo.com							
<b>Company Mailing Address:</b>							
PO BOX 1024 FRIDAY HARBOR, WA 98250-6989							
<b>Carrier Classification</b>							
Authorized for Hire							
<b>Cargo Classification</b>							
Passengers							
<b>Equipment</b>							
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>		<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Minibus, 16+	3	0	0	Van, 9-15	2	0	0
Power units used in the U.S.:5							
Percentage of time used in the U.S.:100							
<b>Does carrier transport placardable quantities of HM?</b>				No			
<b>Is an HM Permit required?</b>				N/A			
<b>Driver Information</b>							
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0				
<b>&lt; 100 Miles:</b>		9	<b>Total Drivers:</b> 9				
<b>&gt;= 100 Miles:</b>			<b>CDL Drivers:</b> 5				





**LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)**

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Wayne Gilbert  
621 Woodland Square Loop S.E., Lacey, WA 98503  
P.O. Box 47250, Olympia, WA 98504-7250 Phone: 360-481-2017

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Alison Caruso

**Title:** Owner

**Name:**

**Title:**





LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

Part B Violations

1 STATE <b>CRITICAL</b>	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	<b>Discovered</b> 2	<b>Checked</b> 5	<b>Drivers/Vehicles</b> <b>In Violation</b> 2	<b>Checked</b> 5
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**Description**

Using a driver not medically examined and certified.

**Example**

Driver name: Eugene Bergman

Trip date: July 31, 2019

Description of violation: Carrier failed to ensure a driver operating a commercial motor vehicle had the required medical certificate.

Also in violation:

Driver name: Theresa Holbrook

Trip date: July 29, 2019

2 STATE <b>CRITICAL</b>	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	<b>Discovered</b> 5	<b>Checked</b> 5	<b>Drivers/Vehicles</b> <b>In Violation</b> 5	<b>Checked</b> 5
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**Description**

Failing to maintain inquiries into driver's driving record in driver's qualification file.

**Example**

Driver name: Theresa Holbrook

Trip date: July 29, 2019

Description of violation: Carrier failed to maintain a driver's abstract in the driver's qualification file within the first 30 days of hire.

Also in violation:

Driver name: Eugene Bergman

Trip date: July 31, 2019

Driver name: Anthony Jenne

Trip date: July 5, 2019

Driver name: Barbara Hickman

Trip date: July 31, 2019

Driver name: Terry Stoupa

Trip date: July 29, 2019





LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

Part B Violations

3 STATE CRITICAL	Primary: 395.8(a)(1)	Discovered 83	Checked 150	Drivers/Vehicles In Violation 5	Checked 5
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Description

Failing to require a driver to prepare a record of duty status using the appropriate method

Driver name: Eugene Bergman

Trip date: July 3, 2019

Description of violation: Carrier failed to ensure a driver completed the appropriate record of duty status for each day the driver operated a commercial motor vehicle.

Also in violation:

Driver name: Anthony Jenne

Trip date: July 5, 2019

Driver name: Terry Stoupa

Trip date: July 29, 2019

Driver name: Barbara Hickman

Trip date: July 31, 2019

Driver name: Theresa Holbrook

Trip date: July 29, 2019

4 STATE	Primary: 382.105 Secondary: 40.309(a) CFR Equivalent: 382.105	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Using a driver to perform safety sensitive functions without conducting follow-up testing as directed by the Substance Abuse Professional.

Example

Driver name: Anthony Jenne

Trip date: July 5, 2019

Description of violation: Carrier failed to ensure a driver conducted follow-up testing according to a SAP referral.

5 STATE	Primary: 382.305(i)(2)  CFR Equivalent: 382.305(i)(2)	Discovered 5	Checked 6	Drivers/Vehicles In Violation 5	Checked 6
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Description

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Example

Driver name: Desiree Bridgeman

Selection date: July 11, 2108

Trip date: July 30, 2019

Description of violation: Carrier had five non-DOT drivers enrolled in a DOT random pool that failed to give CDL drivers an equal chance of being selected for a random drug and/or alcohol selection.





LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)

U.S. DOT #: 2858854

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Review Date:

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Part B Violations

6 STATE	Primary: 382.601(b) CFR Equivalent: 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.

Driver name: Barbara Hickman

Trip date: July 31, 2019

Description of violation: Carrier failed to provide a written policy on misuse of alcohol and controlled substances to each employee.

7 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
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Description

Using a driver who has not completed and furnished an employment application.

Example

Driver name: Theresa Holbrook

Trip date: July 29, 2019

Description of violation: Carrier failed to ensure a driver had a completed employment application on file.

Also in violation:

Driver name: Eugene Bergman

Trip date: July 31, 2019

8 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example

Driver name: Anthony Jenne

Trip date: July 5, 2019

Description of violation: Carrier failed to maintain the annual drivers abstract relating to the motor vehicle record from each state agency.

Also in violation:

Driver name: Terry Stoupa

Trip date: July 29, 2019

9 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

Driver name: Anthony Jenne

Trip date: July 5, 2019

Description of violation: Carrier failed to maintain a copy of the certificate relating to the violations of motor vehicle laws.

Also in violation:

Driver name: Terry Stoupa

Trip date: July 29, 2019





LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

Part B Violations

10 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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Description

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).

Example

Driver name: Anthony Jenne

Trip date: July 5, 2019

Description of violation: Carrier failed to maintain a not relating to the verification of the medical examiner's certificate.

Also in violation:

Driver name: Terry Stoupa

Trip date: July 29, 2019

Driver name: Barbara Hickman

Trip date: July 31, 2019

11 STATE	Primary: RCW 81.04.070 Secondary: 392.2 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example

Driver name: Anthony Jenne

Trip date: July 5, 2019

Description of violation: Carrier failed to provide proper documents of a Substance Abuse Professional evaluation.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 1</b>
<b>Total Miles Operated</b> 30,000		<b>Number of Vehicle Inspected (CR): 2</b>
<b>Recordable Accidents</b> 0		<b>OOS Vehicle (MCMIS): 0</b>
<b>Recordable Accidents/Million Miles</b> 0.00		<b>Number of Vehicles Inspected (MCMIS): 0</b>

<b>Your proposed safety rating is :</b>  <b>UNSATISFACTORY</b>	<b>Rating Factors</b>	<b>Acute</b>	<b>Critical</b>
	<b>Factor 1:</b> S	0	0
	<b>Factor 2:</b> U	0	2
	<b>Factor 3:</b> U	0	2
	<b>Factor 4:</b> S	0	0
	<b>Factor 5:</b> N	0	0
	<b>Factor 6:</b> S	-	-





Part B Requirements and/or Recommendations

1. The Washington Utilities and Transportation Commission (UTC) adopted the Federal Motor Carrier Safety Administration (FMCSA) rules of 49 CFR and regulations pertaining to Commercial Motor Vehicle's safety, along with the Revised Code of Washington, and Washington Administrative Codes pertaining to Commercial Motor Vehicle safety and regulations.

How to request an upgrade to your INTRASTATE safety rating based on corrective actions:

Within forty-five (45) days from receipt of your proposed rating, you may request in writing, a change in the rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review your corrections and make a final decision.

Your submission should be as detailed as possible and must:

1. Address each violation on the most recent Compliance Review. Any corrective actions you include to address other violations noted on your review may also be considered.
2. Identify why the violations cited 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 with your petition. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of missing drug/alcohol tests.
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.

Address your response to:

You must submit your request to:

Attn: Wayne Gilbert  
 Motor Carrier Safety  
 Washington Utilities and Transportation Commission  
 621 Woodland Square Loop S.E., Lacey, WA 98503  
 P.O. Box 47250  
 Olympia, WA 98504-7250  
 Work: (360) 664-1232  
 Fax: (360) 586-1150

2.
  - For all Investigations: 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.





Part B Requirements and/or Recommendations

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

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Friday Harbor Jolly Trolley failed to ensure that all required documents were maintained within the driver's qualification file.

BASIC SPECIFIC RECOMMENDED REMEDIES: Friday Harbor Jolly Trolley should ensure that all documents are maintained in the driver qualification file.

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.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply







Part B Requirements and/or Recommendations

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.

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. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Friday Harbor Jolly Trolley failed to ensure that all drivers hours of service were properly recorded and tracked.

BASIC SPECIFIC RECOMMENDED REMEDIES: Friday Harbor Jolly Trolley needs to ensure that all drivers record hours of service properly and then track to ensure they are being recorded in the form and manner perscribed.

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

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
Document all findings of fatigue-related noncompliance with regulations and/or company policies.
Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at http://ai.fmcsa.dot.gov/SMS. Assess violations for process breakdowns and how to remedy them.
Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Passenger Carrier Only:

- Monitor and track driver-fatigue-related passenger complaints and assess safety implications.
Ensure that management ascertains that available hours account for rest periods, separate operations within-company, intermittent and relief drivers, and changes to itinerary that require "extended day." Check in with drivers at pre-designated intervals.

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.





**LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)**

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

**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
	ü	ü	ü	ü	ü	ü	ü	ü	ü									

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?**

Not Applicable

**Unsat/Unfit rule:**

**Corporate Contact:** Alison Caruso  
**Corporate Contact Title:** Owner

**Special Study Information:**

**Remarks:**

INVESTIGATIVE REPORT RECEIVED BY:  
Name: Mrs. Alison Caruso  
Title: General Manager  
Carrier/Shipper Name: Friday Harbor Jolly Trolley  
Date: December 4, 2019

**REASON FOR THE INVESTIGATION:**

As part of the 2019 Motor Carrier Safety work plan, this investigation was assigned to Special Investigator Wayne Gilbert. This carrier operates in intrastate commerce.

**SCOPE OF THE INVESTIGATION:**

This investigation is a comprehensive intrastate investigation and was assigned to Special Investigator Wayne Gilbert on September 17, 2019. The carrier was contacted on September 17, 2019 and a full investigation was set for September 29, 2019, with Mrs. Alison Caruso, at 1758 San Juan Drive, Friday Harbor, WA 98250, the carrier's principle place of business. Present at the start of the review was Special Investigators Wayne Gilbert and Ed Steiner along with Friday Harbor Jolly Trolley's Representative Ms. Alison Caruso (General Manager). SMS was checked on September 26, 2019 and it was noted that no BASICs were in alert status.

**CARRIER OPERATION DESCRIPTION:**

Friday Harbor Jolly Trolley is a charter and excursion carrier operating on the island of San Juan and headquartered in Friday Harbor, Washington. The carrier began operations in the area in May 2016 and received new entrant training and a charter certificate with the commission. Alison Caruso is responsible for the carrier's safety compliance program. The carrier currently operates five trolleys classified as a commercial motor vehicles and employs nine drivers operating within the state of Washington within the past 365 days. Eight of the drivers are considered seasonal and only work from June thru August. Friday Harbor Jolly Trolley's total gross revenue as recorded by Ms. Caruso for calendar year ending in December 31, 2018 was \$123,950. The carrier is not and has not been involved in any emergency relief efforts in the last 365 days. The carrier last updated the Vehicle Miles Traveled (VMT) for 2018.

**PRE-INVESTIGATION:**

On September 17, 2019, 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





**Part C**

past 12 months and a list of all commercial motor vehicles utilized in the last 12 months prior to the start of this investigation. The carrier packet was returned on September 29, 2019 at the opening interview. On Monday, September 29, 2019, 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, alcohol and controlled substance testing information, all records of duty status (log books/time cards) for the previous six months, all maintenance files and records for each unit, including leased units, and copies of driver vehicle inspection reports (DVIRs) for the last three months. A copy of the carrier's profile was obtained through MCMIS on September 26, 2019 along with a copy of their MCS-150.

**CDLIS (DRIVER LICENSE) CHECK:**

In accordance with the eFOTM, nine driver licenses status/histories were required to be checked. CDLIS website was checked to determine the status of the drivers. All drivers are currently valid and licensed. See part 383 for details.

**AUTHORITY:**

Friday Harbor Jolly Trolley is an authorized for-hire carrier of passengers operating in intrastate commerce. The carrier operates under the USDOT Number 2858854. Friday Harbor Jolly Trolley has intrastate authority through the commission under certificate number CH-067128.

**INSURANCE:**

Friday Harbor Jolly Trolley is required to maintain a minimum level of public liability of \$5,000,000. A check with the carrier's insurance shows a \$5,000,000 Auto Liability effective March 28, 2019 with Philadelphia Indemnity Insurance Company. See Part 387 below for details.

**RED FLAG DRIVERS:**

A&I (SMS) was checked through Portal on September 26, 2019 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:**

Friday Harbor Jolly Trolley does not transport any hazardous materials. A Hazardous Materials Supplemental Review was not required.

**INVESTIGATION:**

The following investigation 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:**

Friday Harbor Jolly Trolley currently does not lease any vehicles.

**Part 380 Special Training:**

Friday Harbor Jolly Trolley does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

**Part 382 Controlled Substance and Alcohol Testing:**

Friday Harbor Jolly Trolley employ's one driver currently, however, a total of nine drivers have been employed over the past 90 days. Five of those were CDL drivers who operate vehicles that would be required for a drug and alcohol testing program. The carrier uses a third-party consortium, Drug Free Business located in Bothell, Washington that tests quarterly.

**Average number of drivers for 2018:**

1st Qtr. 504 (total number in random pool)

2nd Qtr. 547

3rd Qtr. 585

4th Qtr. 557

Average: 549 (548.25)

Controlled Substance testing required: 138 (137.25), 181 completed

Alcohol: 55 (54.9), 64 completed





**Part C**

Pre-employment drug tests are conducted on all drivers prior to them driving for the carrier.

The carrier had two drivers test positive in 2018. One driver was during a pre-employment screening and was never hired. The second driver (Anthony Jenne) tested positive during a random in July 2018 and subsequently attended a Substance Abuse Program and had a return-to-duty test in September 2018.

One violation of 382.105 (secondary 40.309(a)) occurred when the carrier failed to follow the recommendation of the Substance Abuse Professional and did not conduct follow-up testing as required.

Five violations of 382.305(i)(2) occurred when the carrier had five non-DOT drivers enrolled in a DOT random program. This violation has been corrected prior to the closing of this investigation.

One violation of 382.601(b) occurred when the carrier failed to provide employees with a written drug and alcohol policy.

**Part 383 Commercial Driver's License:**

The carrier employs nine drivers that have operated in the state of Washington over the past six months. Per eFOTM guidelines, a sample size of nine drivers were required to be checked. CDLIS website was used to check the status of all drivers. Drivers checked were: Eugene Bergman, Desiree Bridgmon, Justin Daffan, Bruce Dierking, Barbara Hickman, Theresa Holbrook, Anthony Jenne, Terry Stoupa, and Leanna Russell

**Part 387 Financial Responsibility:**

The carrier's vehicles are insured with TIB Transportation Insurance Brokers located in Glendale, California an underwriter for Philadelphia Indemnity Insurance Company, Policy number PHPK1961502. The insurance agent is Tahina Gonzalez with a contact telephone number of (818) 246-2800. Investigator contacted the carrier's insurance agent and verified the carrier maintained \$5,000,000 in Auto Liability coverage without a lapse since the policy was created on March 28, 2019. The Form E on file with the commission dated March 27, 2019 is correct.

**Part 390 General FMSCR:**

The carrier has not been involved in any DOT-recordable accidents within the last 365 days. The accident register is current and does contain required information.

MCS-150 form (updated on August 7, 2019) shows 30,000 VMT. Ms. Caruso did indicate that total miles driven were 30,000 for calendar year 2018 in the company's safety questionnaire.

**Part 391 Qualification of Drivers:**


The carrier employed a total of nine drivers that operated seasonally in the state of Washington during the last 365 days. Per eFOTM guidelines, a sample size of five Driver's Qualification Files were inspected based on the number of drivers that have operated over the course of the last six months. Drivers checked were: Eugene Bergman, Theresa Holbrook, Barbara Hickman, Anthony Jenne, and Terry Stoupa.

Two violations of 391.21(a) occurred when the carrier failed to ensure a driver had completed an employment application.

Two critical violations of 391.45(a) occurred when the carrier failed to ensure that each driver operating a commercial motor vehicle obtained a medical certificate. This violation occurred a total of 58 times during the month of July and August. Driver Theresa Holbrook operated a total of 36 times without a valid medical certificate to include the following dates: July 2, 3, 4, 6, 9, 13, 14, 15, 17, 21, 22, 23, 24, 26, 28, 29; August 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 18, 19, 21, 22, 25, 26, 28, 29, 30, 2019. Driver Eugene Bergman operated a total of 22 times without a valid medical certificate to include the following dates: July 3, 12, 13, 16, 20, 27, 29, 30, 31; August 3, 7, 8, 17, 19, 20, 21, 24, 26, 27, 28, 30, 31, 2019. On November 5, 2019 additional records for the month of August were requested and received from the carrier. This was obtained in an attempt to comply with Commission enforcement policy to obtain six months of trip dates. This carrier is seasonal and therefore only the months of July and August were utilized for this violation. This violation has been corrected prior to the closing of this investigation for Theresa Holbrook. Eugene Bergman is a seasonal employee and will not return to driving until the summer of 2020.

Five critical violations of 391.51(b)(2) occurred when the carrier failed to maintain an initial driver's abstract in the driver qualification file. This violation has been corrected prior to the closing of this investigation for driver Theresa Holbrook. All other drivers are seasonal and will not return to driving until the summer of 2020.



	<b>LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)</b> U.S. DOT #: 2858854 State #: CH-067128	Review Date: 12/04/2019
<b>Part C</b>		

Two violations of 391.51(b)(4) occurred when the carrier failed to maintain an annual driver's abstract for each driver.

Two violations of 391.51(b)(6) occurred when the carrier failed to maintain a driver's certificate relating to the violation of motor vehicle laws.

Three violations of 391.51(b)(9) occurred when the carrier failed to verify the medical examiner with the National Registry.

In accordance with FMCSA Memorandum MC-ECS-2012-004 medical certificates for 25 percent of the driver qualification file sample size (two) was selected for verification.

Driver Name: Justin Daffan  
 Date of Birth: [REDACTED]  
 Driver License Number: [REDACTED]  
 ME's License/Certificate Number: 37814  
 Date of Issuance of the MEC: February 7, 2019  
 National Registry Identification Number: 9112445401  
 Phone Number: 360-848-4150  
 Date and Time Contacted: October 8, 2019 @ 4:25 pm  
 Person Contacted: Brandy  
 Results: MEC Check Confirmed

Driver Name: Leanna Russell  
 Date of Birth: [REDACTED]  
 Driver License Number: [REDACTED]  
 ME's License/Certificate Number: 37814  
 Date of Issuance of the MEC: December 20, 2017  
 National Registry Identification Number: 9112445401  
 Phone Number: 360-848-4150  
 Date and Time Contacted: October 8, 2019 @ 4:25 pm  
 Person Contacted: Brandy  
 Results: MEC Check Confirmed

**Part 392 - Driving of Commercial Motor Vehicles:**  
 Friday Harbor Jolly Trolley is operating in intrastate commerce and at the time of this investigation the carrier is current on annual regulatory fees.

One violation of RCW 81.04.070 (secondary 392.2) occurred when the carrier failed to produce records pertaining to the records of Substance Abuse Professional (SAP) to Commission investigators. The SAP indicating via telephone that the information was sent to Ms. Caruso twice, once in 2018 after the driver had completed the course and then again in late October 2019.

**Part 395 - Hours of Service:**  
 The carrier employed nine drivers during the last 365 days. In accordance with eFOTM procedures, a sample size of five Record of Duty Status (RODS) based on the number of current drivers is required to be checked for a 30 day period. Friday Harbor Jolly Trolley 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 was chosen from July 1 - 30, 2019. This required that 150 RODS be checked. Drivers checked were: Eugene Bergman, Theresa Holbrook, Barbara Hickman, Anthony Jenne, and Terry Stoupa

The carrier uses time cards for all record of duty.

Hours of service were checked with payroll records and till sheets. The carrier utilizes a "till sheet" to record how many tickets they sold that day, however, that till sheet has a "driver" block indicated. Ms. Caruso indicated that the "driver" is the individual who sold the ticket and not necessarily a driver.

Eighty-three critical violations of 395.8(a)(1) occurred when the carrier failed to ensure drivers completed a record of duty status using the appropriate method.

**Part 393 & 396 - Maintenance and Inspection:**





**LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)**

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**Part C**

The carrier owns and operates five vehicles that are classified as commercial motor vehicle in both interstate and intrastate commerce the last 365 days. The carrier stated that most minor vehicle maintenance is performed by Mike Carlson Enterprises, Anthony Jenne, John Holbrook, and Aaron Byers.

**Vehicle Maintenance Records:**

In accordance with eFOTM, a sample size of five vehicle maintenance files were reviewed. Each vehicle has a separate folder and contains all necessary information.

The carrier conducts preventative maintenance inspections at least once every three months or 3,000 miles.

No violations were discovered.

**Driver Vehicle Inspection Reports (DVIRs):**

A sample size of five vehicles were required to be reviewed for DVIRs. This required 150 DVIRs to be reviewed from the previous 90 days.

No violations were discovered.

**Vehicle Inspections:**

In accordance with eFOTM, a sample size of three vehicles were required to be inspected. Only two vehicles were currently on island and could be inspected. The other three vehicles were down for vehicle maintenance and could not be inspected at the time of the investigation. One vehicle was placed out-of-service. The vehicles were inspected in a parking lot close to Friday Harbor. ASPEN reports are attached.

**CLOSING INTERVIEW:**

The closing interview was conducted on December 4, 2019 via telephone. Present at the closing interview was Investigator Gilbert, along with company representative Alison Caruso. This investigation resulted in a proposed "Unsatisfactory" rating. Ms. Caruso was cooperative throughout the entire scope of this investigation and did express a desire to come into compliance with the Federal Motor Carrier Safety Regulations. Technical assistance was also provided to the carrier during the process of this review.

**DOCUMENTS PROVIDED TO THE CARRIER:**

The carrier was provided with a hard copy and an electronic copy of "Achieving a Satisfactory Motor Carrier Safety Record, Revised April 2015" and "Fitness Rating Explanation."

**FOLLOW-ON ACTION:**

Recommend requiring the carrier to complete a safety management plan and imposing penalties.

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>	
<b>Authorized by:</b>			<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>	<b>Failure Code:</b>
<b>Verified by:</b>			<b>Date:</b>





LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

### 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.

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

<b>FACTOR 2</b>	<b>Driver Qualification (CFR Parts 382, 383, 391)</b>	0 Point = Satisfactory
<b>VIOLATIONS AFFECTING RATING</b>	<b>POINTS</b>	1 Point = Conditional
S 391.45(a)	1 (C)	>1 Point = Unsatisfactory
S 391.51(b)(2)	1 (C)	
-----		
<b>TOTAL POINTS: 2 = UNSATISFACTORY</b>		

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

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

<b>Fewer than 3 Inspections</b>	<b>3 or more Inspections</b>	
Rate same as other Regulatory Factors 1, 2, and 3	OOS Less than 34%	OOS 34% or Higher
	Satisfactory	Conditional
	Conditional	Unsatisfactory
0 Point = Satisfactory 1 Point = Conditional >1 Point = 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

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

<b>FACTOR 6</b>	<b>Accident (Recordable Accident Rate)</b>
(( Recordable Accidents ) X ( 1 million )) ÷ ( Total Miles ) = Rate	
( 0 X 1,000,000 ) ÷ 30,000 = 0 = SATISFACTORY	
<b>URBAN CARRIER - All Driver operate within &lt;100 air miles</b>	
<b>ACCIDENT RATE</b>	<b>FACTOR RATING</b>
0.000 - 1.700	= Satisfactory
>1.700	= Unsatisfactory





LEAVENWORTH JOLLY TROLLEY (FRIDAY HARBOR JOLLY TRO dba)

U.S. DOT #: 2858854

State #: CH-067128

Review Date:

12/04/2019

### Safety Fitness Rating Explanation

#### OVERALL SAFETY FITNESS RATING

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

Unsatisfactory

2

Conditional

0

= UNSATISFACTORY

#### FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

Number of Factors			OVERALL RATING
Unsatisfactory	Conditional		
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





## How to request an upgrade to your INTRASTATE safety rating

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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.

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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 45 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:

Wayne Gilbert, MC Safety Compliance Investigator  
WA Utilities and Transportation Commission  
621 Woodland Square Loop S.E., Lacey, WA 98503  
PO Box 47250  
Olympia, WA 98504-7250

# Optional Checklist for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

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(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file (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.

# Optional Checklist for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

## 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