



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

April 2, 2018

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Wickkiser International Company*
Supplemental Staff Response to Wickkiser International Application for Mitigation
Docket TC-180199

Dear Mr. King:

This letter is intended to provide additional clarification and address accusations presented in Wickkiser's application for mitigation submitted on March 20, 2018.

On February 2, 2018, Investigator Wayne Gilbert and assisting Investigator Ed Steiner performed a level II vehicle inspection of a 2003 MCI motor coach vehicle number 391 during a destination check at SeaTac International Airport. During the level II inspection the Investigators identified a defective emergency exit window that failed to properly close as required by Title 49 CFR Code of Federal Regulations (CFR) Part 393.62(a). Staff placed the vehicle out-of-service per the North American Standard Out-of-Service Criteria handbook.

On March 15, 2018, the Commission issued a penalty of \$100 to Wickkiser in Docket TC-180199 for one violation of WAC 480-30-221, Vehicle and Driver Safety Requirements. On March 20, 2018, Richard Johnson, President of Wickkiser International Company filed with the commission its application for mitigation of penalties.

Wickkiser's application states that its vehicles emergency exit window became defective when the Motor Carrier Safety Investigator opened it because a pin on the window hinge "dropped out". Wickkiser states that the pin inside the latch may have been broken but not visible, preventing its driver from being aware of the defect. Wickkiser states that the vehicle was not placed out of service and that the Investigator suggested that the driver "place some tape over the sticker, that designated the window as an emergency exit."

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Staff refutes the information provided by Wickkiser and suggests that Mr. Johnson was misinformed of the events that occurred during the vehicle inspection.

The North American Out-of-Service Criteria (OOS Criteria) was established by the Commercial Vehicle Safety Alliance to improve uniformity in commercial motor vehicle safety and enforcement. Motor Carrier Safety Investigators use the Passenger Vehicle Inspection Procedure in the OOS Criteria to perform vehicle inspections. The OOS Criteria requires an emergency exit be opened; however, it does not indicate who specifically shall open the window. Motor Carrier Safety Investigators are purposefully trained not to open emergency exit windows to avoid causing damages or be held liable for a pre-existing defective condition. Mr. Gilbert and Mr. Steiner confirm that neither of them opened any emergency exit window during this vehicle inspection.

Wickkiser states that the vehicle was not placed out of service. Investigators are required to apply the OOS Criteria when performing a vehicle inspection to determine when to place a vehicle out of service. The OOS Criteria clearly states that a required emergency exit that is inoperative (does not open, close or secure as designed) shall be placed out of service. The attached inspection report number WAU007000397 displays the out of service decal number 00028 and shows the out of service violation under the violation section. The vehicle was placed out of service. Mr. Gilbert states that the driver was eventually able to secure the window and at that time became eligible to continue on the trip.

Wickkiser states that commission staff suggested that the driver place tape over the sticker, that designated the window as an emergency exit until a mechanic could install a new part. Mr. Gilbert and Mr. Steiner contest that either of them informed the driver to place tape over the emergency exit marking.

If you have any questions please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety by email at Jason.Sharp@utc.wa.gov or by telephone at (360) 664-1238.

Sincerely,



Mathew Perkinson
Motor Carrier Safety Manager, Transportation Safety