

	US DOT # 3772398	Legal: BAKER BUS SKI AND SNOWBOARD CLUB Operating (DBA):
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MC/MX #:	State #: CH70042	Federal Tax ID:
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 Gross Revenue: \$4,700.00 for year ending: 4/1/2024
Carrier:	N/A	Non-HM	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		

Company Physical Address:

9961 Paystreak AVE
Glacier, WA 98244

Contact Name: Paul Engle
Phone numbers: (1) 360-599-3115 (2) **Fax**
E-Mail Address: hoboexpeditionshotmail.com

Company Mailing Address:

9961 Paystreak AVE
Glacier, WA 98244

Carrier Classification

Authorized for Hire

Cargo Classification

Passengers

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
School Bus, 9-15	2	0	0	School Bus, 16+	1	0	0

Power units used in the U.S.: 3
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 Total Drivers: 4 CDL Drivers: 0
< 100 Miles:		4	
>= 100 Miles:			



**BAKER BUS SKI AND SNOWBOARD CLUB**

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08/27/2024**Part A**

QUESTIONS regarding this report may be addressed to the Office of Motor Carriers at:

Sandi Yeomans
P.O. Box 47250, Olympia, WA 98504-7250
[cell \(360\)701-1602](tel:3607011602) or arber.demiri@utc.wa.gov**This report will be used to assess your safety compliance.****Person(s) Interviewed****Name:** Paul Engel**Title:** President**Name:****Title:**



Part B Violations

1 STATE ACUTE	Primary: 382.115(a) CFR Equivalent: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
<p>Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.</p> <p>Example Driver name: Paul Engel Trip date: 7/6/2024 Description of violation: Failure to implement a controlled substance and alcohol program as required for calendar year 2024.</p>				
2 STATE ACUTE	Primary: WAC 480-30-191 CFR Equivalent: 387.31(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
<p>Description Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.</p> <p>Example Vehicle: 1BAADCSA1PF053811 Trip date: 7/6/2024 Description of violation: Failure to have \$5,000,000 insurance coverage for commercial vehicles with 16 passengers or more.</p>				
3 STATE ACUTE	Primary: 390.35 Secondary: 391.51(a) CFR Equivalent: 390.35	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4 Checked 4
<p>Description Making or causing to make a fraudulent or intentionally false entry on a record in a driver qualification file on driver(s).</p> <p>Example Driver name: Derek Stanbro Trip date: 4/7/2024 Description of violation: Certifying annual review form without obtaining a driver abstract. Carrier stated did not pull abstract prior to completing annual certification.</p> <p>Also in violation, Shea McClaran (trip date: 5/30/2024) Derek Stanbro (trip date: 4/7/2024), Grace Schille (trip date: 05/31/2024), and Rhett Reed (trip date: 4/6/2024).</p>				
4 STATE CRITICAL	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5 Checked 5
<p>Description Using a driver not medically examined and certified.</p> <p>Example Driver name: Paul Engel Trip date: 7/6/2024 Description of violation: For allowing a driver to drive a commercial motor vehicle without being medically examined and certified.</p> <p>Also in violation, Shea McClaran (5/30/2024), Derek Stanbro (trip date: 4/7/2024), Grace Schille (trip date: 05/31/2024), and Rhett Reed (trip date: 4/6/2024).</p>				



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5 STATE CRITICAL	Primary: 391.51(b)(2)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
Description Failing to maintain inquiries into driver's driving record in driver's qualification file. Example Driver name: Shea McClaran hired 11/2023 Trip date: 5/30/2024 Description of violation: Failure to maintain initial driving records in driver qualification file. Also in violation Derek Stanbro hired 9/2023, Grace Schille hired 11/2023, and Rhett Reed hired 11/2023.					
6 STATE CRITICAL	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Using a commercial motor vehicle not periodically inspected. Example Vehicle: 1GBJG316191148562 Trip date: 4/6/2024 Description of violation: Failure to perform annual inspection as required. Vehicle: 1GBJG31F421223101 Trip date: 4/7/2024 Description of violation: Failure to perform annual inspection as required. Vehicle: 1BAADCSA1PF053811 Trip date: 7/6/2024 Description of violation: Failure to perform annual inspection as required.					
7 STATE	Primary: 382.711(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Each employer and service agent must register with the clearinghouse before accessing or reporting information in the clearinghouse. Example Driver name: Paul Engel Trip date: 7/6/2024 Description of violation: Failure to register with the clearinghouse.					
8 STATE	Primary: 383.23(a) CFR Equivalent: 383.23(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Operating a commercial motor vehicle without a valid commercial driver's license. Example Driver name: Paul Engel Trip date: 7/6/2024 Description of violation: Operating a 16 plus passenger commercial vehicle without a commercial driver's license and passenger endorsement.					



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9 STATE	Primary: 390.19(b)(2) CFR Equivalent: 390.19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule. Example Driver name: Derek Stanbro Trip date: 4/7/2024 Description of violation: Failure to update MCS-150 every 24 months. Carrier is scheduled to update in August of odd years. No updates have been uploaded to FMCSA.					
10 STATE	Primary: 391.21(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
Description Using a driver who has not completed and furnished an employment application. Example Driver name: Shea McClaran Trip date: 5/30/2024 Description of violation: Failure to complete application missing traffic violations and accidents. Also in violation, Derek Stanbro (trip date: 4/7/2024), Grace Schille (trip date: 05/31/2024), and Rhett Reed (trip date: 4/6/2024).					
11 STATE	Primary: 391.23(a)(2) CFR Equivalent: 391.23(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to investigate driver's performance history with Department of Transportation regulated employers during the preceding three years. Example Driver name: Derek Stanbro Trip date: 4/7/2024 Description of violation: Failure to investigate previous employer within 30 days of hire.					
12 STATE	Primary: 391.51(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
Description Failing to maintain driver qualification file on each driver employed. Example Driver name: Paul Engel Trip date: 7/6/2024 Description of violation: Failure to maintain a driver qualification file for each driver					





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13 STATE	Primary: 395.8(j)(2) CFR Equivalent: 395.8(j)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to obtain from driver, used for the first time or intermittently, a signed statement giving the total time on duty during the preceding 7 days and time at which last relieved from duty. Driver name: Paul Engel Trip date: 7/6/2024 Description of violation: Failure to acquire a seven-day statement from each driver that drives intermittently. Also in violation, Shea McClaran, Derek Stanbro, Grace Schille, and Rhett Reed.					
14 STATE	Primary: 396.3(b) CFR Equivalent: 396.3(b)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to keep minimum records of inspection and vehicle maintenance. Example Vehicle: 1BAADCSA1PF053811 Trip date: 7/6/2024 Description of violation: Failure to keep vehicle maintenance file.					
15 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Driver name: 1GBJG316191148562 Trip date: 4/6/2024 Description of violation: Failure to mark file with make, serial number, year, and tire size.					
16 STATE	Primary: 396.11(a)(3)(ii) CFR Equivalent: 396.11(a)(3)(ii)	Discovered 1	Checked 28	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to certify that repairs were made or not necessary. Example Vehicle: 1GBJG31F421223101 Trip date: 4/7/2024 Description of violation: Failure to mark if the defect of a DVIR was corrected or not necessary.					
17 STATE	Primary: 396.11(a)(3)(i) CFR Equivalent: 396.11(a)(3)(ii)	Discovered 1	Checked 28	Drivers/Vehicles In Violation 1	Checked 28
Description Failing to have mechanic sign DVIR. Example Vehicle: 1GBJG31F421223101 Trip date: 4/7/2024 Description of violation: Failure to have mechanic sign DVIR report.					





Part B Violations

18 STATE	Primary: 396.13(c) CFR Equivalent: 396.13(c)	Discovered 1	Checked 28	Drivers/Vehicles In Violation 1 Checked 28	
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Description

Failing to require driver to sign the last vehicle inspection report when defects or deficiencies were noted.

Example

Vehicle: 1GBJG31F421223101

Trip date: 4/7/2024

Description of violation: Failure to have drivers sign previous DVIR report.

19 STATE	Primary: 396.19(b) CFR Equivalent: 396.19(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1	
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Description

Failing to maintain evidence of inspector's qualifications.

Example

Inspectors name: Paul Engel

Date of inspection: 11/1/2024

Vehicle: 1GBJG316191148562

Trip date: 4/6/2024

20 STATE	Primary: 396.25(d) CFR Equivalent: 396.25(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1	
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Description

Failing to ensure that each brake inspector meets the minimum qualifications.

Example

Brake inspector's name: Paul Engel

Date of inspection: 11/1/2024

Vehicle: 1GBJG316191148562

Trip date: 4/6/2024

Safety Fitness Rating Information:		OOS Vehicle (CR): 0			
Total Miles Operated	4,650	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			

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





Part B Requirements and/or Recommendations

1. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to have any procedures or policies to navigate the requirements for driver fitness. This resulted in drivers not being medically certified and inquiries into drivers' driving records not being maintained.

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 number 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 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.

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to train and communicate to drivers how to enter time information to assure start, stop, and total hours were entered for all work done daily. This resulted in no hours of service.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.

Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).

Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.





Part B Requirements and/or Recommendations

Communicate the carrier's HOS Compliance percentile to all staff and explain to them individually what they can do to help the carrier improve the percentile.

Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.

Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receive training as required by regulations and/or company policies.

Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.

Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.

Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.

Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.

Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.

Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).

Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.

Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to Hours-of-Service (HOS) regulations and company policies and procedures.

Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

3. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN:

Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to validate the qualifications to make sure the person performing the annual inspections was qualified to do so. This resulted in annual inspections not being performed on vehicles.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

Ensure that prospective employees are qualified to inspect, repair and maintain the carrier's vehicles by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding inspection, repair, and maintenance responsibilities and (for mechanics and technicians) the quality of previous work, including whether maintenance services were systematic and well documented. Create a detailed written record of each inquiry.





Part B Requirements and/or Recommendations

Query the Federal Motor Carrier Safety Administration's (FMCSA) information systems to check the vehicle inspection, repair, and maintenance performance (violations, Out-of-Service [OOS] rates, etc.) of other carriers for whom the mechanic has worked. Then, ask follow-up questions to better determine the mechanic's performance in those previous jobs.

Verify prospective brake inspectors' understanding of job requirements and their applicable training and apprenticeship credentials.

Assess prospective drivers' understanding of their responsibility for, and experience with, inspecting and maintaining the vehicle, reporting defects, and verifying repairs.

Ensure that the employment application captures all information required by Federal Motor Carrier Safety Regulations (FMCSRs) - for example, for drivers, with regard to types of vehicles operated, and for mechanics and technicians, with regard to certification of the ability to perform repairs.

Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, mechanic, and other roles with responsibility for inspection, repair, and maintenance, using outside resources such as insurance companies, industry groups, and consultants for employee searches and referrals.

Verify that mechanics and technicians are familiar with advanced technology and are certified for the vehicles on which they will be working

4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to implement a drug and alcohol testing program after adding a commercial motor vehicle that transported 16 or more passengers.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.

Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.

Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.

Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.

Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.

Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

Consider developing a driver selection protocol that uses valid random-number-generator software monthly to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol





Part B Requirements and/or Recommendations

testing. This will ensure selection of 50 percent of drivers for controlled substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.

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 controlled-substance and alcohol violations.

5. Obtain a copy of each driver's driving record and review it annually.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
8. If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
9. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
10. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
11. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
12. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
13. Carrier must place note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners in driver qualification file(s)
14. All vehicles must be periodically inspected before initial use and then annually according to appendix A.
15. Required information for employment application as noted in violation 391.25(b):
 1. Company name and address.
 2. Applicant name, address, date of birth, and social security number.
 3. Three years of residence.
 4. Application date.
 5. License number, state, and expiration.
 6. Driving experience, equipment driven.
 7. Three-year crash and traffic history.
 8. License restraint history with explanation.
 9. Three years employment with reason for leaving, commercial vehicle use, and controlled substance and alcohol program.
 10. Add seven years employment for commercial driver's license.
 11. Signature of driver with statement.





Part B Requirements and/or Recommendations

- 16. The carrier must ensure that the employees responsible for brake inspection, maintenance, service, or repairs meet minimum brake inspector qualifications.
- 17. An Annual Query is a query of the Drug and Alcohol Clearinghouse (DACH) that must be done on all drivers that are currently employed with the company. The purpose of this query is to check for any drug and alcohol testing violations that may have been reported that were not disclosed to the employer by the employee
- 18. An employer is required to conduct pre-employment and annual queries for all drivers subject to drug and alcohol testing under 49 CFR Part 382.
- 19. Carrier is to verify to assure adequate insurance covers for vehicles in operation.
- 20. Each vehicles maintenance file must be marked with the make, serial number, year, and tire size.
- 21. All carriers with commercial drivers must register with FMCSA drug and alcohol clearing house. Visit <https://clearinghouse.fmcsa.dot.gov/> for further information
- 22. It is a fraudulent or intentionally false entry when an employee's annual review is signed as meets minimum requirements for safe driving when a current abstract has not been obtained.
- 23. 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





Part B Requirements and/or Recommendations

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: Jason Sharp
Motor Carrier Safety
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE, Lacey, WA 98503
P.O. Box 47250
Olympia, WA 98504-7250
Work: (360) 701-1603
jason.sharp@utc.wa.gov

- 24. 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.

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>

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the UTC during this review may be used to calculate any civil penalty proposed as a result of this review.

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:





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Sandi Yeomans
Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
Email: sandra.yeomans@utc.wa.gov



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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
ü	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:** Paul Engel**Corporate Contact Title:** President**Special Study Information:****Remarks:**

INVESTIGATIVE REPORT RECEIVED BY:

Carrier/Shipper Name: Baker Bus Ski and Snowboard Club

Name: Paul Engel

Title: President

Date: August 27, 2024

REASON FOR THE INVESTIGATION:

As part of the 2024 Motor Carrier Safety routine investigations, this investigation was assigned to Sandi Yeomans, Special Investigator (SI) from the Washington Utilities and Transportation Commission (commission). The carrier operates in intrastate commerce.

SCOPE OF THE INVESTIGATION:

This investigation is a comprehensive intrastate investigation and was assigned to SI Sandi Yeomans on June 1, 2024. The carrier was contacted on June 18, 2024, and a full investigation was set for July 16, 2024, at 9961 Paystreak Ave, Glacier, WA 98244, the carrier's principal place of business (PPOB). The carrier changed the meeting place to Four Points by Sheraton at 714 Lakeway Dr, Bellingham, WA 98229 where the carrier keeps their vehicles. The investigation was delayed due to the carrier being out of town for the Fourth of July holiday. Present at the start of the review was SI Yeomans along with Baker Bus Ski and Snowboard Club representative Paul Engel, President. This is the carrier's first investigation. The carrier had a new entrant technical assistance on December 9, 2021. SMS was checked on June 20, 2024, and it was noted no BASICs were in alert status.

CARRIER OPERATION DESCRIPTION:

Baker Bus Ski and Snowboard Club (carrier) is a charter and excursion carrier operating in Whatcom County area. The carrier transport passengers from the Bellingham area to Mount Baker during the winter months and performs individual charters in the area. The carrier began operations in November 2020. According to the carrier's safety questionnaire, Paul Engel is responsible for the carrier's safety compliance program.

The carrier currently operates two 15 passenger vehicles and one 16+ bus classified as a commercial motor vehicle that are under the UTC permit. The carrier employed five drivers that have operated within the state of Washington within the past 365 days under the UTC permit. Baker Bus Ski and Snowboard Club reported a total gross revenue as recorded by Paul Engel for calendar year ending on April 1, 2024, of \$4,700. The carrier is not and has not been involved in any



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emergency relief efforts in the last 365 days. The carrier states the Vehicle Miles Traveled (VMT) in intrastate commerce for 2023, was 4,650 miles.

PRE-INVESTIGATION:

On July 8, 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 the past 12 months and a list of all commercial motor vehicles utilized in the last 12 months under the commission permit prior to the start of this investigation. The carrier packet was returned via email on July 11. On Tuesday, July 16, the documents requested by the investigator were presented for review.

CDLIS (DRIVER LICENSE) CHECK:

In accordance with the eFOTM, five commercial driver license statuses were required to be checked through the Department of licensing. Baker Bus Ski and Snowboard Club currently employs five non-CDL drivers. The drivers checked were Shea McClaran, Derek Stanbro, Grace Schille, Rhett Reed, and Paul Engel. All drivers' licenses statuses are valid and current.

AUTHORITY:

Baker Bus Ski and Snowboard Club is an authorized for-hire carrier of passengers operating in intrastate commerce and is required to have operating authority. At the time this investigation began, commission files show, the carrier has valid intrastate authority through the commission under a valid charter and excursion certificate (CH70042). The carrier operates under USDOT 3772398. No revocations or violations were noted.

INSURANCE:

The carrier's vehicles are insured with Oltman Insurance Agency Inc, broker for United Financial Casualty company, policy number CA02940149. The insurance agent is Jill Van Beek with a contact telephone number of 360734-3960 and email jilloltmaninsurance.com. jenny.healy@propelinsurance.com Investigator Cobile contacted the carrier's insurance agent and verified the carrier maintained a total of \$2,000,000 in combined Auto Liability coverage without a lapse in coverage over the last 365 days. The Form E on file with the commission is current. The carrier operates a 16+ passenger vehicle and is required to maintain \$5,000,000 in combined Auto Liability coverage. One acute violation of WAC 480-30-191 for operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on June 20, and the carrier has had 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:

Baker Bus Ski and Snowboard Club 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, 390, 391, 392, 393, 395 and 396.

Parts 171, 172, 173, 177, 178, 180, & 397 Hazardous Materials:

Baker Bus Ski and Snowboard Club does not transport any hazardous materials. These Parts were not required to be checked.

Part 376 Lease and Interchange of Vehicles:

Baker Bus Ski and Snowboard Club has not leased any vehicles within the last 365 days.

Part 380 Special Training:



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Baker Bus Ski and Snowboard Club does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

PART 40 AND PART 382:**Controlled Substance and Alcohol Testing:**

Baker Bus Ski and Snowboard Club has one bus (VIN 1BAADCCSA1PF053811) that requires a Commercial Driver's License to operate. The carrier failed to enroll in a controlled substance and alcohol program. The carrier failed to register for the Clearinghouse as required.

One acute violation of 382.115(a) for failing to enroll in a controlled substance and alcohol program as required.

One violation of 382.711(a) for failing to register in the FMCSA Clearinghouse.

Part 383 Commercial Driver's License:

The carrier has one vehicle (VIN 1BAADCCSA1PF053811) that requires a commercial driver license. Paul Engle drove on July 6, 2024, without a valid commercial driver license.

One critical-type violation of 383.23(a) for operating a commercial motor vehicle without a valid commercial driver's license.

Part 390 General FMSCR:

The carrier has not been involved in Department of Transportation (DOT) recordable accidents within the last 365 days.

The MCS-150 form has not been updated and contains incorrect carrier information.

One violation of 390.19(b)(2) occurred when the carrier failed to update its MCS-150 with correct information at the time of the biennial update or as a routine update. The MCS-150 had the incorrect VMT, number of vehicles, intrastate designation of travel, number of drivers.

The carrier certified annual reviews prior to obtaining an abstract to review. Paul Engle stated he had not pulled the abstracts for the drivers but had completed the annual reviews.

Four acute violations of 390.35 for intentional false entries on a record in a driver qualification file.

Part 391 Qualification of Drivers:

The carrier employed a total of five UTC regulated drivers that were available to operate in the state of Washington during the last 365 days. Per eFOTM guidelines, a sample size of five Driver Qualification Files were to be inspected based on the number of current regulated drivers. The drivers checked were Shea McClaran, Derek Stanbro, Grace Schille, Rhett Reed, and Paul Engel.

Four violations of 391.21(a) occurred when the carrier used drivers who failed to complete employment applications.

One violation of 391.23(a)(2) occurred when the carrier failed to investigate the driver's safety performance history.

Five critical violations of 391.45(a) occurred when the carrier allowed a driver to operate a commercial motor vehicle who had not been medically certified by a medical examiner listed on the National Registry of Medical Examiners on twenty-seven occasions.

Paul Engle drove on one occasion on July 6, 2024

Rhett Reed drove on seven occasions:

- January 14 and 21
- February 18 and 24
- March 10 and 17
- April 6

Grace Schille drove on seven occasions:



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January 7, 13, and 24
February 10 and 11
March 10 and 31

Shea McClaran drove on eight occasions:

January 5, 6, and 27
February 3 and 25
March 2, 3, and 30

Derek Stanbro drove on four occasions:

January 20
February 17
March 23
April 7

Four critical violations of 391.51(b)(2) occurred when the carrier failed to maintain the driver's MVR from the time of hire in the driver qualification files.

One critical-type violation of 391.51(a) for failing to maintain a driver qualification file for each driver.

In accordance with FMCSA Memorandum MC-ECS-2012-0004 medical certificates for 25 percent of the driver qualification file sample size (five) were to be selected for verification. The carrier did not have any drivers with medical certification. No drivers were checked.

Part 392 - Driving of Commercial Motor Vehicles and Authority:

Baker Bus Ski and Snowboard Club is operating in intrastate commerce and at the time of this investigation the carrier is current on its annual regulatory fees for 2023.

Baker Bus Ski and Snowboard Club was advised on the use of radar detectors, handheld cellphones, and texting while driving being prohibited.

Part 395 - Hours of Service:

The carrier employed five drivers during the last 365 days. In accordance with eFOTM procedures, a sample size of five Records of Duty Status (RODS) is required to be checked based on the current number of five drivers for a 30-day period. Baker Bus Ski and Snowboard Club operated most of its commission regulated 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 May 1, 2024, through May 30, 2024, for drivers Rhett Reed, Grace Schille, Derek Stanbro, and Shea McClaran and from June 7, 2024, through July 7, 2024, for driver Paul Engel. The driver sample dates were chosen based on when UTC regulated trips were conducted. This required that 150 RODS be checked.

Five violations of 395.8(j)(2) for failing to acquire a seven-day statement for intermittent drivers.

Part 393 & 396 - Maintenance and Inspection:

The carrier has owned and operated three vehicles (1GBJG31F421223101, 1GBJG316191148562, and 1BAADCCSA1PF053811) that are classified as commercial motor vehicles operating in intrastate commerce in the last 365 days. The carrier states the vehicle maintenance is conducted by TK Automotive located at 2211 Queen St, Bellingham, WA 98228. Small repairs are completed by Paul Engel.

One critical-type violation of 396.3(b) for failure to keep maintenance file for each vehicle operated.

One violation of 396.3(b)(1) for failure to identify maintenance file with make, serial number, year, and tire size.

Paul Engel had performed the annual inspections. Engel was not familiar with appendix A nor had provided proof of inspector qualifications. The report completed by Engel was incomplete. Engel marked the header of each section as "ok" but failed to make each component within the section as ok, needs repair, or repair done.





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Three critical violations of 396.17(a) for failure to perform annual inspections as required.

One violation of 396.19(b) for failure to have evidence of inspector's qualifications.

One violation of 396.25(d) for failure to evidence of brake inspector qualifications.

Driver Vehicle Inspection Reports (DVIRs):

In accordance with eFOTM procedures, 30 days of DVIRs out of the last 90 days were reviewed for three vehicles. This required 150 DVIRs to be reviewed.

One violation of 396.11(a)(3)(i) occurred when the carrier failed to have the mechanic sign the DVIRs acknowledging if the defects and/or deficiencies have been repaired prior to operation.

One violation of 396.11(a)(3)(ii) occurred when the carrier failed to ensure that repairs on the DVIRs were either made or not necessary to be made for safe operation of the vehicles.

One violation of 396.13(c) occurred when the carrier failed to require driver signatures on the DVIRs ensuring the review and confirmation that any required repairs had been corrected prior to operating the vehicle.

Vehicle Inspections:

In accordance with eFOTM, a sample size of three vehicles were to be inspected. One vehicle (1GBJG316191148562) was inspected at Four Points by Sheraton, Bellingham. Two vehicles (1GBJG31F421223101 and 1BAADCCSA1PF053811) were not made available for the investigator. VIN 223101 is inoperative at Bob's Towing located at 82 Callahan Rd, Carson, WA 98610. The carrier would not reveal the location of VIN 053811.

One violation of WAC 480-30-222(5) for failing to provide commission staff with access to motor vehicle used to provide certificated services when requested.

One violation of 390.21T(c) for no US before DOT number and missing UTC Charter number.

One violation of 393.60(c) for damaged windshield

One violation of 393.9(a) for inoperative backup lights.

Report uploaded through SafeSpect.

CLOSING INTERVIEW:

The Carrier was emailed a request to go over completed report on August 15, 2024. Received no response from carrier.

Carrier was called on August 19, 2024, investigator left a message informing the compliance investigation had been completed and needed to go over the findings with them.

Sent another email on August 19, 2024, and called on August 21, 2024

Carrier has failed to respond to communication efforts.

Closed report due to lack of communication on August 27, 2024.

This investigation resulted in a proposed "Unsatisfactory" rating. The carrier was deceiving throughout the investigation. Engel was asked about ownership of additional vehicles which he denied until provided with proof the SI was aware he owned them. Engel also stated he was not doing charters. This was proven to be inaccurate. SI contacted the client Larry Lober of Greater Bellingham Runners Club, and he confirmed Engel was driving the bus that held 19 passenger seats for a paid charter he had booked with Baker Bus on July 6, 2024. Richard Johnson also verified with photos that Engel had a passenger bus at the event with over 16 passengers. The paperwork presented had many discrepancies with dates and bus identification. Engel made no attempt to correct violations.





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DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was provided with one copy of the review, Parts A and B with requirements and recommendations and the Safety Fitness Rating. The carrier was provided information on the process to upgrade.

FOLLOW-ON ACTION:

Recommend canceling permit and imposing administrative penalties consistent with the enforcement policy.

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





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
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
S 387.31(a)	1 (A)	û >1 Point = Unsatisfactory
S 390.35	1 (A)	

TOTAL POINTS:	2 = UNSATISFACTORY	

FACTOR 2	Driver Qualification (CFR Parts 382, 383, 391)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
S 382.115(a)	1 (A)	û >1 Point = Unsatisfactory
S 391.45(a)	1 (C)	
S	1 (C)	

TOTAL POINTS:	3 = UNSATISFACTORY	

FACTOR 3	Operational/Driving (CFR Parts 392, 395)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
NONE		>1 Point = Unsatisfactory

TOTAL POINTS:	0 = SATISFACTORY	

FACTOR 4	Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))	
VIOLATIONS AFFECTING RATING	POINTS	Fewer than 3 inspections
S 396.17(a)	1 (C)	

TOTAL POINTS:	1 =	CONDITIONAL

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
	Conditional	Unsatisfactory
0 Point = Satisfactory	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
û 1 Point = Conditional		
>1 Point = Unsatisfactory		

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) ÷ 4,650 = 0 = SATISFACTORY	
URBAN CARRIER - All Driver operate within <100 air miles	
ACCIDENT RATE	FACTOR RATING
û 0.000 - 1.700	= Satisfactory
>1.700	= Unsatisfactory





Safety Fitness Rating Explanation

OVERALL SAFETY FITNESS RATING

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

Unsatisfactory

2

Conditional

1

= 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

