

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Investigation of</p> <p>SAN JUAN TRANSIT TOURS AND CHARTERS LLC d/b/a SAN JUAN TRANSIT</p>	<p>DOCKET TE-161225 <i>(Consolidated)</i></p> <p>ORDER 02</p>
<p>For Compliance with WAC 480-30-221</p> <hr/> <p>In the Matter of the Penalty Assessment Against</p> <p>SAN JUAN TRANSIT TOURS AND CHARTERS LLC d/b/a SAN JUAN TRANSIT</p> <p>In the amount of \$3,900</p>	<p>DOCKET TE-161224 <i>(Consolidated)</i></p> <p>ORDER 02</p> <p>ORDER IMPOSING SUSPENDED PENALTY</p>

**BACKGROUND**

- 1 On January 12, 2017, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order of Consolidation; Order Upgrading Safety Rating; Order Imposing and Suspending Penalties (Order 01). Order 01 upgraded San Juan Transit Tours and Charters LLC d/b/a San Juan Transit’s (San Juan Transit or Company) safety rating to “conditional” and imposed a fine of \$3,900 for nine violations of Washington Administrative Code (WAC) 480-30-221, which adopts by reference Title 49 of the Code of Federal Regulations (CFR). The Commission suspended a \$2,500 portion of the penalty for a period of two years conditioned on the Company (1) maintaining a “conditional” safety rating, (2) not incurring any repeat acute or critical violations of WAC 480-30-221 upon re-inspection, (3) providing documentation that its vehicles were inspected as required, and (4) paying the \$1,400 portion of the penalty that was not suspended.
  
- 2 On September 20, 2017, Commission staff (Staff) filed with the Commission a motion (Motion) requesting the \$2,500 suspended portion of the penalty be imposed according to the terms of Order 01. The Motion states that upon re-inspection, Staff identified four

repeat violations of WAC 480-30-221. The Motion further states that the Company responded to Staff's findings and admitted that two of the violations occurred.

3 San Juan Transit did not file a response to Staff's Motion.

**DISCUSSION**

4 We find that San Juan Transit violated the conditions of Order 01 and impose the \$2,500 suspended portion of the penalty.

5 The Company admitted that it incurred a repeat critical violation of WAC 480-30-221, which adopts by reference 49 CFR Part 382.301(a) related to employee drug and alcohol testing, and a repeat critical violation of 49 CFR Part 396.17(a) related to using a vehicle not periodically inspected. Based on Staff's undisputed evidence, the Commission finds that the Company also incurred two additional repeat violations of 49 CFR Part 832.301(a).

6 Because San Juan Transit failed to fulfill the conditions upon which the Commission suspended a \$2,500 portion of the penalty, the suspended penalty is now due and payable.

**ORDER**

THE COMMISSION ORDERS THAT:

7 (1) San Juan Transit Tours and Charters LLC d/b/a San Juan Transit failed to comply with the terms of Order 01.

8 (2) The \$2,500 suspended portion of the penalty is now due and payable.

DATED at Olympia, Washington, and effective October 25, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge