



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

Date: December 3, 2024

To: Bijan Hughes, Administrative Law Judge, Administrative Law Division

From: Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety Division

Re: **TE-240673 Baker Bus Ski and Snowboard Club**

Evaluation of Safety Management Plan, recommendations regarding the company's safety rating, and the cancellation of charter and excursion carrier operating authority (CH070042)

On October 21, 2024, the Commission held the scheduled brief adjudicative proceeding. Commission staff (Staff) testified that Baker Bus Ski and Snowboard Club (Baker Bus or Company) had not submitted a safety management plan (SMP). The Company was granted until the end of November to have an SMP approved by Staff, or have its certificate canceled due to the proposed unsatisfactory safety rating.

On November 27, 2024, Baker Bus submitted a SMP addressing each violation noted during the investigation. Staff reviewed the SMP to ensure that it addressed the following seven requirement:

1. The plan must address each acute, critical, or serious violation discovered during the most recent investigation. It must also include corrective actions that address other violations noted during the investigation.
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.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. The plan must demonstrate that the company's operations currently meet the safety standards and factors specified in 49 C.F.R. § 385.5 and 385.7. To do so, the plan must demonstrate the company now has adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.

5. If the request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc., companies must 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 the company believes supports its request.
7. Include a written statement certifying the company will operate within federal and state regulations and the company's operation currently meets the safety standard and factors specific to 49 C.F.R. § 385.5 and 385.7. A corporate officer, partner, or the owner of the company must sign the statement.

Summary and Recommendations

Staff reviewed the Company's SMP and concludes it does not meet the legal requirements of 49 C.F.R. § 385 to justify an upgrade to the unsatisfactory safety rating. The SMP fails to demonstrate that Baker Bus has identified why each violation was allowed to occur or that it has taken appropriate corrective action to develop a compliant safety program that will prevent repeat violations in the future. Further, the SMP does not include a carrier statement certifying that its operations meet the safety standards and factors specific to 49 C.F.R. § 385.5 and 385.7.

Documentation of insurance, driver qualifications, and maintenance records were included in the plan. Some of the presented documentation that was used to demonstrate corrective action contained errors that would lead to violations.

Staff provided detailed feedback to the Baker Bus as to where the plan is deficient, including guidance to assist the Company in moving forward with any future upgrade requests.

As Staff is unable to approve the Company's SMP, Staff recommends that the Commission cancel the company's charter and excursion certificate due to an unsatisfactory safety rating.