



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 15, 2019

Mark L. Johnson
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. White Pass Community Service Coalition, d/b/a Lewis Mountain Highway Transit*
Staff Response to Request for Commission Review
Docket TN-190036

Dear Mr. Johnson:

On March 5, 2019, Mr. Douglas Hayden, executive director of White Pass Community Service Coalition (White Pass or company), submitted a request for commission review of Order 01 in this docket, which granted mitigation and imposed and suspended penalties. Mr. Hayden's request centers on a comparison of this case with a recent investigation of another non-profit carrier, Coastal Community Action Program, docket TN-190048.

Staff believes that this safety investigation was fair, thorough, and conducted in accordance with established procedures. The penalty assessment and subsequent mitigation and suspension of penalties were also fair and were consistent with the commission's enforcement policy. Because each investigation is unique, comparing the outcome of one case to another is inappropriate.

Mr. Hayden is correct that staff utilized different methodologies in these investigations. White Pass utilizes Commercial Driver License (CDL) and non-commercial drivers. Staff followed established procedures for investigating companies which employ CDL drivers by reviewing the drivers' daily hours of service records over a six month period. Like the review of Coastal Community Action Program, the company's non-commercial drivers were not reviewed for hours of service violations, but staff did discover individual occurrences of violations based on available company records. Subsequently, staff correctly identified violations and recommended penalties consistent with the commission's enforcement policy.

In its application for mitigation, the company admitted the violations and ensured staff that it has taken steps to prevent future violations. In Order 01, the commission reduced the original penalty amount of \$7,200 by half, to \$3,600, then suspended another \$1,800 for two years on certain

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conditions, one being that the company must not incur any repeat violations. The commission's goal is compliance, not to create an unnecessary financial burden for a company. When suspending penalties, it is reasonable for the commission to require the company to demonstrate that it is in compliance. There is no follow-up requirement in the case of Coastal Community Action Program because there was no mitigation or suspension of the penalty amount in that case.

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

Sincerely,



Bridgit Feeser

Assistant Director, Consumer Protection