

February 27, 2006

TO: Mark Sidran, Chairman
Patrick Oshie, Commissioner
Philip Jones, Commissioner

FROM: Vicki Elliott, Assistant Director, Transportation Safety
Sally Turnbull, Compliance Specialist

SUBJECT: Recommend Penalty Assessment No. TC-060201
Bellingham-Sumas Stages, Inc.

Attached is a Notice of Penalties, accompanied by a compliance review, regarding Belling-Sumas Stages, Inc. (Bellingham).

In the Notice, staff is recommending that you issue a penalty against Bellingham for a violation of RCW 81.04.530, which requires that an employer operating as a motor carrier comply with all requirements of the alcohol and controlled substances testing program, and for a violation of WAC 480-30-097, requiring vehicle safety.

In January, 2006, Motor Carrier Safety Investigator Leon Macomber conducted a compliance review on this company. In his review, he found 10 violations of the requirement to test 50% of the average 55.7 drivers. Tests should have been conducted on 28 drivers, however, only 18 were tested.

In addition, two out of ten motor coaches were placed out-of-service, resulting in two violations of WAC 480-30-097, requiring companies to maintain their vehicles in a safe condition.

We recommend that the Commission penalize Bellingham \$1,200:

- \$1,000 for the ten drivers not tested under the drug and alcohol testing requirements (\$100 for each violation); and
- \$200 for the two vehicles placed out-of- service.

Please let either of us know if you have any questions or would like to discuss this penalty.

Attachments

RMS
IA