

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

BUCKLEY SENIOR CITIZENS, INC.

For Compliance with WAC 480-31-130

DOCKET TN-170156

NOTICE OF INTENT TO CANCEL
CERTIFICATE AS A PRIVATE,
NONPROFIT TRANSPORTATION
PROVIDER

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for April 19, 2017, at 9:30 a.m.)

- 1 Pursuant to RCW 81.66.030, the Washington Utilities and Transportation Commission (Commission) has authority to regulate private, nonprofit transportation providers with respect to the safety of vehicles and operations. In support of its regulation of private, nonprofit transportation providers, the Commission has adopted by reference portions of Title 49 of the Code of Federal Regulations (C.F.R.) in WAC 480-31-130, the Commission's rule governing the operation of motor vehicles by private, nonprofit transportation providers. State law at RCW 81.66.060 authorizes the Commission to cancel the certificate of any private, nonprofit transportation provider that refuses to observe Commission rules. The Commission may cancel private, nonprofit transportation provider certificates "for cause" under WAC 480-31-052(2).
- 2 Buckley Senior Citizens, Inc. ("Buckley Senior Citizens" or "Company") holds private, nonprofit transportation provider authority from the Commission and operates under Certificate CH000996. In January 2017, the Commission's staff (Staff) conducted a review of Buckley Senior Citizens' compliance with the safety requirements in chapter 480-31 WAC. As a result of the compliance review, Staff documented 103 critical violations of WAC 480-31-130. Based on these violations, Staff proposed an "unsatisfactory" safety rating for Buckley Senior Citizens and notified the Company of the proposed rating on March 13, 2017.
- 3 Federal law incorporated into WAC 480-31-130 prohibits motor carriers transporting passengers in a commercial motor vehicle from operating beginning on the 46th day after the date of the notice of a proposed unsatisfactory rating.¹ A carrier may request a change

¹ See 49 C.F.R. § 385.13(a)(1).

in its safety rating based on evidence that the company has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard as specified in 49 C.F.R. §§ 385.5 and 385.7.

4 Buckley Senior Citizens must come into compliance with applicable laws and rules by obtaining Commission approval of a safety management plan no later than Thursday, April 27, 2017. If the Company fails to come into compliance by that date, the Commission will cancel its private, nonprofit transportation provider certificate effective April 27, 2017. Thereafter as an unregistered company, Buckley Senior Citizens would be prohibited from providing private, nonprofit transportation provider services in the state of Washington.

5 **THE COMMISSION GIVES NOTICE That it intends to cancel the certificate and authority of Buckley Senior Citizens to provide private, nonprofit transportation provider services effective April 27, 2017, unless the Company obtains Commission approval of a safety management plan prior to that date.**

6 The Company has the right to request a hearing in this matter. Due to the short time-frame determined by the upcoming deadline, and pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Buckley Senior Citizens' private, nonprofit transportation provider certificate.

7 **THE COMMISSION GIVES FURTHER NOTICE that it will hold a brief adjudicative proceeding in this matter at 9:30 a.m. on Wednesday, April 19, 2017, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

9 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

10 **Buckley Senior Citizens must submit its proposed safety management plan no later than 3 p.m. on Monday, April 10, 2017.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list

enumerating and describing any such documents **no later than 3 p.m. on Thursday, April 13**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

12 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
jcameron@utc.wa.gov

Respondent: Buckley Senior Citizens, Inc.
811 Main Street
Buckley, WA 98321

13 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington and effective March 15, 2017.

STEVEN V. KING
Executive Director and Secretary

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____