

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: TE-200085

PENALTY AMOUNT: \$13,000

Standard Parking Corporation  
d/b/a SP Plus Transportation  
10710 E. Marginal Way S.  
Tukwila, WA 98168

The Washington Utilities and Transportation Commission (Commission) believes Standard Parking Corporation, d/b/a SP Plus Transportation, (Standard Parking or Company) violated Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 383 – Commercial Driver’s License Standards; Requirements and Penalties, and 49 CFR Part 390 – Federal Motor Carrier Safety Regulations; General.

Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for each violation. In the case of an ongoing violation, every day’s continuance is considered a separate and distinct violation.

On February 4, 2020, Commission Motor Carrier Investigator Sandra Yeomans completed a routine safety investigation of Standard Parking and documented the following violations:

- **One hundred twenty-nine violations of 49 CFR § 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee to operate a commercial motor vehicle during any period in which the driver does not have a current commercial learner’s permit (CLP) or commercial driver’s license (CDL) or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a commercial motor vehicle who violates any restriction on the driver’s CLP or CDL.** Standard Parking allowed drivers Linda Jones-Hawkins, Sampson Scott, and Robbie Allen to operate a commercial motor vehicle with downgraded CDLs on 129 occasions between May 13 and November 28, 2019.
- **One violation of 49 CFR § 390.33 – Operating a motor coach or other passenger carrying vehicle with seating, secured or unsecured, in excess of the manufacturers designed seating capacity.** Commission staff (Staff) discovered a commercial motor vehicle with an unsecured seat added between the back rows of seats, blocking the marked emergency exit.<sup>1</sup> This vehicle was placed out-of-service.

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<sup>1</sup> Equipment Identification Number 28.

The Commission considered the following factors in determining the appropriate penalties for these violations:

1. **How serious or harmful the violations are to the public.** The violations noted are serious and potentially harmful to the public. Companies that: (1) allow drivers to operate commercial motor vehicles with downgraded commercial licenses, (2) operate commercial motor vehicles that exceed the manufacturers designed seating capacity, and (3) operate commercial motor vehicles with blocked emergency exits put their customers, and the traveling public at risk. These violations present significant safety concerns.
2. **Whether the violations were intentional.** Considerations include:
  - Whether the Company ignored Staff's previous technical assistance; and
  - Whether there is clear evidence through documentation or other means that shows the Company knew of and failed to correct the violation.

On December 18, 2007, the Commission received the Company's application for transfer. In the application, Standard Parking acknowledged its responsibility to understand and comply with applicable motor carrier safety regulations.

On October 28, 2009, March 9, 2011, and July 2, 2013, Staff completed routine safety investigations of Standard Parking, where technical assistance pertaining to motor carrier safety regulations was provided.

The Company knew or should have known about these requirements.

3. **Whether the Company self-reported the violations.** Standard Parking did not self-report these violations.
4. **Whether the Company was cooperative and responsive.** The Company was cooperative throughout the safety investigation, and corrections were made during the investigation process.
5. **Whether the Company promptly corrected the violations and remedied the impacts.** Standard Parking corrected the violations as they were identified by Staff.
6. **The number of violations.** Staff identified 17 violation types with a total of 176 individual occurrences.
7. **The number of customers affected.** The Company employs 20 drivers and operates 11 commercial motor vehicles. Standard Parking traveled 220,000 miles in 2018. These safety violations present a public safety risk.
8. **The likelihood of recurrence.** Staff provided technical assistance with specific remedies to help the Company assess how well its safety management controls support safe operations and how to begin improving its safety performance. The Company was cooperative with Staff, and expressed a desire to come into compliance. In light of these factors, Staff believes the likelihood of recurrence is low.

9. **The Company's past performance regarding compliance, violations, and penalties.** On June 22, 2016, Standard Parking was penalized \$1,000 in Docket TE-160730 for failing to file a complete annual report and pay regulatory fees by the deadline. On June 21, 2017, the Company was penalized \$1,000 in Docket TE-170645 for failing to file a complete annual report and pay regulatory fees by the due date. The Company has no history of penalties for safety violations.
10. **The Company's existing compliance program.** Christian Matthews is responsible for the Company's safety compliance program.
11. **The size of the Company.** Standard Parking currently operates 11 commercial motor vehicles and employs 20 drivers. The Company reported \$184,000,000 in gross revenue for 2018.

The Commission's Enforcement Policy provides that some Commission requirements are so fundamental to safe operations that the Commission will issue mandatory penalties for each occurrence of a first-time violation.<sup>2</sup> The Commission generally will assess penalties per type of violation, rather than per occurrence, for first-time violations of those critical regulations that do not meet the requirements for mandatory penalties. The Commission will assess penalties for any equipment violation meeting the Federal Motor Carrier Safety Administration's "out-of-service" criteria and also for repeat violations of critical regulations, including each occurrence of a repeat violation.

The Commission has considered these factors and determined that it should penalize Standard Parking \$13,000, calculated as follows:

- One hundred twenty-nine violations of 49 CFR § 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee to operate a commercial motor vehicle during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a commercial motor vehicle who violates any restriction on the driver's CLP or CDL. The Commission assesses a penalty of \$100 for each occurrence of this violation, for a total of \$12,900.
- One violation of 49 CFR § 390.33 – Operating a motor coach or other passenger carrying vehicle with seating, secured or unsecured, in excess of the manufacturers designed seating capacity. The Commission assesses a penalty of \$100 for this out-of-service violation.

This information, if proven at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe any or all of the violations did not occur, you may deny committing the violation(s) and contest the penalty through evidence presented at

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<sup>2</sup> Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

a hearing or in writing. Alternatively, if there is a reason for any or all of the violations that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation(s) or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation(s) or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Contest the occurrence of the violation(s).
- Admit the violations but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal **within FIFTEEN (15) days** after you receive this notice. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

**If you do not act within 15 days**, the Commission may take additional enforcement action, including but not necessarily limited to suspending or revoking your certificate to provide regulated service, assessing additional penalties, or referring this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective February 14, 2020.

*/s/Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TE-200085

**PLEASE NOTE:** You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed. I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred and enclose \$13,000 in payment of the penalty.

2. **Contest the violation(s).** I believe that the alleged violation(s) did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provide above.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Name of Respondent (company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”