

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TE-250665

PENALTY AMOUNT: \$200

Traxx America Inc  
d/b/a Seattle Express  
811 SW Grady Way  
Renton, Washington 98057  
[grahamhorne@traxx.net](mailto:grahamhorne@traxx.net)

The Washington Utilities and Transportation Commission (Commission) believes Traxx America Inc, d/b/a Seattle Express (Traxx or Company) violated Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 393 - Parts and Accessories Necessary for Safe Operation.

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 August 8, 2025, Commission Motor Carrier Safety Investigator Jason Sharp completed commercial motor vehicle (CMV) inspections of Traxx and documented the following violations:

- **One violation of 49 C.F.R. § 393.62 - Buses - Marked emergency exit is inoperative (does not open, close, and/or secure as designed).** The Company used a CMV with an inoperable emergency exit window. The vehicle was placed out-of-service.<sup>1</sup>
- **One violation of 49 CFR § 393.75(a)(3) – Tire – Leaking or inflation less than 50 percent of the maximum inflation pressure on tire not equipped with ATIS.** Commission staff (Staff) discovered a CMV with the Axle 2 driver-side outside tire inflation reading at 42 pounds of 130 pound maximum.<sup>2</sup> This CMV was placed out-of-service.

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

1. **How serious or harmful the violation is to the public.** The violations noted are serious and potentially harmful to the public. Passenger transportation companies that operate

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<sup>1</sup> VIN 1M8TRMPA7YP061178

<sup>2</sup> VIN NLTRPPU74F1000327

CMVs in need of repair put their customers and the traveling public at risk. These violations present significant safety concerns.

2. **Whether the violation was intentional.** Considerations include:

- Whether the Company ignored Staffs 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 January 27, 2022, the Commission received Traxx's application for charter and excursion service authority.

On February 24, 2022, the Company was provided new entrant education and technical assistance training.

On July 16, 2024, the Company received a penalty in the amount of \$700 in Docket TE-240486. Staff discovered 14 violation types with a total of 235 individual occurrences.

The Company knew or should have known about these requirements.

3. **Whether the Company self-reported the violation.** Traxx did not self-report these violations.
4. **Whether the Company was cooperative and responsive.** The Company's drivers were cooperative throughout the vehicle inspections.
5. **Whether the Company promptly corrected the violation and remedied the impacts.** Traxx did not provide Staff with evidence of correction.
6. **The number of violations.** Staff identified five violation types with a total of six individual occurrences during the CMV inspections of Traxx. Of those violations, Staff identified two violation types with two individual occurrences that warrant a penalty in accordance with the Commission's Enforcement Policy.
7. **The number of customers affected.** Traxx last reported traveling 250,896 intrastate miles for 2024. These safety violations present a public safety risk.
8. **The likelihood of recurrence.** The Company's drivers were cooperative throughout the safety inspections and were 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. 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 July 16, 2024, the Company received a penalty in the amount of \$700 in Docket TE-240486. The penalty was paid in full.
10. **The Company's existing compliance program.** Graham Horne, Safety Compliance Manager, is responsible for the Company's safety compliance program.

11. **The size of the Company.** The Company employs 17 drivers and operates 17 CMVs. The Company reported \$3,264,977.93 in intrastate gross revenue in 2024.

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>3</sup> The Commission generally will assess penalties by violation category, 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 Traxx \$200 (Penalty Assessment), calculated as follows:

- One violation of 49 C.F.R. § 393.62 - Buses - Marked emergency exit is inoperative (does not open, close, and/or secure as designed). The Commission assesses a penalty of \$100 for this out-of-service violation.
- One violation of 49 CFR § 393.75(a)(3) – Tire – Leaking or inflation less than 50 percent of the maximum inflation pressure on tire not equipped with ATIS. . 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 the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Alternatively, if there is a reason for the violation 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 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 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.

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<sup>3</sup> Docket A-12,00061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

- Admit the violation 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 at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment.<sup>4</sup> 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 wish to make a payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>5</sup>

**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 September 11, 2025.

/s/ Connor Thompson  
CONNOR THOMPSON  
Director, Administrative Law Division

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<sup>4</sup> <https://efiling.utc.wa.gov/Form>.

<sup>5</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**PENALTY ASSESSMENT TE-250665**

**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.  
☐ Enclose \$200 in payment of the penalty.  
OR ☐ Attest that I have paid the penalty in full through the Commission's payment portal.
- ☐ 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 or she makes a materially false statement which he or she 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 or her 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.