



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

March 19, 2020

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Tri Cities Limo LLC, d/b/a Tri Cities Limo*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TE-190996

Dear Mr. Johnson:

On December 27, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Tri Cities Limo LLC, d/b/a Tri Cities Limo, (Tri Cities Limo or Company) in the amount of \$2,500 for violations of Washington Administrative Code (WAC) 480-30-191, Bodily Injury and Property Damage Liability Insurance; and WAC 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 382 – Controlled Substance and Alcohol Use and Testing, 49 CFR Part 391 – Qualifications of Drivers, and 49 CFR Part 396 – Inspection, Repair, and Maintenance, as follows:

- **Seventeen violations of WAC 480-30-191 – Motor vehicles that have a passenger seating capacity of sixteen or more (including the driver) must have \$5,000,000 combined single limit coverage.** Tri Cities Limo operated a commercial motor vehicle on 17 occasions between February 23 and July 20, 2019, without having the required minimum levels of insurance.
- **One violation of 49 CFR § 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.** Tri Cities Limo allowed driver Martha Padilla to operate a commercial motor vehicle before the Company received a negative pre-employment controlled substance test result.
- **Four violations of 49 CFR § 391.51(b)(7) – Failing to maintain medical examiner's certificate in driver's qualification file.** The Company failed to maintain medical

examiner's certificates in the driver qualification files of employees James Garner, Anita Thomas, Ronald Wycaver, and David Nielsen.

- **Three violations of 49 CFR § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance.** Tri Cities Limo failed to keep minimum records of inspection and vehicle maintenance for its three commercial motor vehicles.
- **Fourteen violations of 49 CFR § 396.11(a) – Failing to require driver to prepare driver vehicle inspection report.** The Company failed to require drivers James Garner, Ronald Wycaver, Martha Padilla, and David Nielsen to prepare a driver vehicle inspection report on 14 occasions.

On March 13, 2020, Tri Cities Limo filed its application for mitigation of penalties with the Commission. In the request for mitigation, Melanie Weber, managing member of Tri Cities Limo, admits the violations, states the Company came into compliance with motor carrier safety regulations immediately following the safety investigation, and asks that the penalties be reduced. Tri Cities Limo states it is permanently closing the business, and refers to its operations as a financial loss.

Tri Cities Limo operated three commercial motor vehicles, employed five drivers, and reported \$110,064 in gross revenue for 2018. On December 9, 2019, the Company requested that the Commission cancel its certificate because Tri Cities Limo was no longer operating.

Based on the statements included in the Company's application for mitigation and its own review, Commission Staff (Staff) recommends that the penalty of \$2,500 be reduced to \$1,250. Staff is also sensitive to the Company's financial situation and further recommends that the entire penalty of \$1,250 be suspended for a period of two years before being waived, on the conditions that: (1) Tri Cities Limo refrains permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission; and (2) should Tri Cities Limo apply to reinstate its operating authority from the Commission within two years, the Company will be responsible for paying the reduced penalty of \$1,250.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

/s/ Jason Sharp
Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety