



Washington Utilities Transportation Commission

	<b>US DOT #</b>	<b>Legal: LEAVENWORTH SHUTTLE &amp; TAXI LLC</b>		
	2393914	<b>Operating (DBA): LEAVENWORTH SHUTTLE &amp; TAXI</b>		
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> [REDACTED] (EIN)		
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>
<b>Operation Types</b>				
	<b>Interstate</b>	<b>Intrastate</b>		
<b>Carrier:</b>	N/A	Non-HM	<b>Business:</b> Corporation	
<b>Shipper:</b>	N/A	N/A	<b>Gross Revenue:</b> \$399,000.00 for year ending: 12/31/2015	
<b>Cargo Tank:</b>	N/A			
<b>Company Physical Address:</b>				
894 Highway 2 Suite L LEAVENWORTH, WA 98826				
<b>Contact Name:</b> David Witt				
<b>Phone numbers:</b> (1) 509-670-1849 (2) 509-548-7433 <b>Fax</b>				
<b>E-Mail Address:</b> leavenworthshuttle!@outlook.com				
<b>Company Mailing Address:</b>				
894 Highway 2 Suite L LEAVENWORTH, WA 98826				
<b>Carrier Classification</b>				
Authorized for Hire				
<b>Cargo Classification</b>				
Passengers				
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	
Motor Coach	2	0	0	Minibus, 16+
Van, 9-15	4	0	0	Owned Term Leased Trip Leased
				2 0 0
Power units used in the U.S.: 8				
Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0	
< 100 Miles:	0	3	<b>Total Drivers:</b> 3	
>= 100 Miles:	0	0	<b>CDL Drivers:</b> 1	



	<b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914	Review Date: 09/07/2016
<b>Part A</b>		


QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Sandi Yeomans  
P.O. Box 47250 Olympia, WA 98504-7250  
360-664-1237 syeomans@utc.wa.gov

**This report will be used to assess your safety compliance.**

<b><u>Person(s) Interviewed</u></b>	
<b>Name:</b> David Witt	<b>Title:</b> President
<b>Name:</b>	<b>Title:</b>



	<b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914	Review Date: 09/07/2016
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**Part B Violations**

1 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation    Checked 2                    5
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**Description**

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

**Example**

Driver name: Sally Boyce  
 Trip date: 02/20/16  
 Hire Date: 12/20/2015

Driver name: Hilary Mason  
 Trip date: 06/03/2016  
 Hire Date: 09/15/15

2 STATE CRITICAL	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 3	Checked 5	Drivers/Vehicles In Violation    Checked 3                    5
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**Description**

Using a driver not medically examined and certified.

**Example**

Driver name: Mike Kaelin  
 Trip date: 03/04/2016  
 Description of violation: Driver did not have a medical certificate

Driver name: David Witt  
 Trip date: 04/03/2016  
 Description of violation: Driver did not have a medical certificate

Driver name: Jeff Miland  
 Trip date: 05/05/16  
 Description of violation: Driver did not have a medical certificate

3 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 145	Checked 145	Drivers/Vehicles In Violation    Checked 5                    5
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**Description**


Failing to require driver to prepare driver vehicle inspection report.

**Example**

Driver name: Hilary Mason  
 Vehicle Number: 322  
 Trip Date: 06/03/2016

Description of Violation: Carrier did not have driver prepare DVIR



	<b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914	Review Date: 09/07/2016
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**Part B Violations**

4 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 3	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td align="center">1</td> <td align="center">3</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	1	3
Drivers/Vehicles										
In Violation	Checked									
1	3									

**Description**  
 Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.  
 Driver name: Hilary Mason  
 Selection date July 2016  
 Trip date: 06/03/2016

5 FEDERAL	Primary: 382.413 Secondary: 40.25	Discovered 2	Checked 5	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td align="center">2</td> <td align="center">5</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	2	5
Drivers/Vehicles										
In Violation	Checked									
2	5									

**Description**  
 Failing to request alcohol and controlled substances information from previous employers in accordance with the requirements of 40.25.  
**Example**  
 Driver name: Sally Boyce  
 Trip date: 02/20/16  
 Hire Date: 12/20/2015  
  
 Driver name: Hilary Mason  
 Trip date: 06/03/2016  
 Hire Date: 09/15/15


6 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td align="center">1</td> <td align="center">1</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	1	1
Drivers/Vehicles										
In Violation	Checked									
1	1									

**Description**  
 Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.  
**Example**  
 Driver name: Hilary Mason  
 Trip date: 06/03/2016  
 Supervisor/Company official not trained. David Witt

7 STATE	Primary: 383.35(b)  CFR Equivalent: 383.35(b)	Discovered 2	Checked 5	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td align="center">2</td> <td align="center">5</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	2	5
Drivers/Vehicles										
In Violation	Checked									
2	5									

**Description**  
 Failing to request employment history information for the 10 years preceding the date of the application for employment.  
**Example**  
 Driver name: Sally Boyce  
 Trip date: 02/20/16  
 Vehicle discription: 47 Passenger MCI Plate # AN39954  
 Discription of violation: Not requiring driver to give 10 years previous employment



	<b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914	Review Date: 09/07/2016
	<b>Part B Violations</b>	

8 STATE	Primary: 390.19(b)(2) CFR Equivalent: 390.19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule.

**Example**

Driver Name: David Witt

Trip Date: 04/03/2016

Include appropriate secondary section: 390.19(a)(1), (a)(2), or (a)(3)

9 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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**Description**

Using a driver who has not completed and furnished an employment application.

**Example**

Driver name: Hilary Mason

Trip date: 06/03/2016

Procedure not complied with: Carrier did not have driver fill out application for employment

10 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
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**Description**

Failing to investigate driver's background.

**Example**

Driver name: Hilary Mason

Trip date: 06/03/2016

Description of violation: Carrier did not investigate driver's background

11 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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**Description**

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).

**Example**

Driver name: Hilary Mason

Trip date: 06/03/2016

Description of violation: Carrier did not put a note in DQ file for verification of medical examiner's listing on National Registry

12 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 14	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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**Description**

Failing to require driver to make a record of duty status.


**Example**

Driver name: David Witt

Trip date: 04/03/16

Description of Violation: David does not do a record of duty for himself.



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**Part B Violations**

13 STATE	Primary: 395.8(f)  CFR Equivalent: 395.8(f)	Discovered 150	Checked 150	<table border="1"> <tr> <th colspan="2">Drivers/Vehicles</th> </tr> <tr> <th>In Violation</th> <th>Checked</th> </tr> <tr> <td align="center">5</td> <td align="center">5</td> </tr> </table>	Drivers/Vehicles		In Violation	Checked	5	5
Drivers/Vehicles										
In Violation	Checked									
5	5									

**Description**

Failing to require driver to prepare record of duty status in form and manner prescribed.

**Example**

Driver name(s), Hilary Mason, Sally Boyce, Mike Kaelim, David Witt, Jeff Miland  
 Trip date: 06/03/2016, 12/20/2015, 03/04/2016, 04/03/2016, 05/05/2016


<b>Safety Fitness Rating Information:</b> Total Miles Operated 115,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00	<table border="1"> <tr> <td>OOS Vehicle (CR): 2</td> </tr> <tr> <td>Number of Vehicle Inspected (CR): 5</td> </tr> <tr> <td>OOS Vehicle (MCMIS): 0</td> </tr> <tr> <td>Number of Vehicles Inspected (MCMIS): 0</td> </tr> </table>	OOS Vehicle (CR): 2	Number of Vehicle Inspected (CR): 5	OOS Vehicle (MCMIS): 0	Number of Vehicles Inspected (MCMIS): 0
OOS Vehicle (CR): 2					
Number of Vehicle Inspected (CR): 5					
OOS Vehicle (MCMIS): 0					
Number of Vehicles Inspected (MCMIS): 0					

Your proposed safety rating is :

**UNSATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	U	0	2
Factor 3:	S	0	0
Factor 4:	U	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-



	<b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914	Review Date: 09/07/2016
<b>Part B Requirements and/or Recommendations</b>		

1. The Washington Utilities and Transportation Commission (UTC) adopted the Federal Motor Carrier Safety Administration (FMCSA) rules of 49 CFR and regulations pertaining to Commercial Motor Vehicle's safety, along with the Revised Code of Washington, and Washington Administrative Codes pertaining to Commercial Motor Vehicle safety and regulations.

How to request an upgrade to your INTRASTATE safety rating based on corrective actions:

Within forty-five (45) days from receipt of your proposed rating, you may request in writing, a change in the rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review your corrections and make a final decision.

Your submission should be as detailed as possible and must:

1. Address each violation on the most recent Compliance Review. Any corrective actions you include to address other violations noted on your review may also be considered.
2. Identify why the violations cited were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action with your petition. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of missing drug/alcohol tests.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer, partner, or the owner of the company must sign the statement.


Address your response to:

You must submit your request to:  
 Attn: Sandi Yeomans  
 Motor Carrier Safety  
 Washington Utilities and Transportation Commission  
 1300 S. Evergreen Park Dr. SW  
 P.O. Box 47250  
 Olympia, WA 98504-7250  
 Work: (360) 664-1237  
 Fax: (360) 701-1602

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: David Witt, president of Leavenworth Shuttle and Taxi LLC, did not take responsibility for insuring that employees are given a pre-employment test and a negative result prior to allowing his drivers to operate a commercial vehicle



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**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers guarantee that pre-employment, random, post-accident, and reasonable suspicion test are completed.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Passenger Carrier Only:

- Designate a manager to collect and evaluate all controlled-substance and alcohol-related customer complaints and their safety implications.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

**3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Training and Communication**

DESCRIPTION OF PROCESS BREAKDOWN: David Witt, president of Leavenworth Shuttle & Taxi LLC, needs to have training on what is required to have qualified drives for his company making sure that all driver fitness is covered.


**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to driver-fitness regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between driver requirements and current qualifications.
- Ensure that all driver-qualification data, including Motor Vehicle Record (MVR) results, inspections, changes in credentials, and driver-reported violations, are properly communicated to managers, supervisors, and dispatchers to enable them to make appropriate assessments about each driver's fitness.
- Ensure that managers and supervisors regularly communicate and demonstrate their commitment to using only fit and qualified drivers.
- Communicate the carrier's Driver Fitness percentile to all staff, and explain to them individually what they can do to help improve the percentile.
- Ensure that hiring officials and employees who are responsible for safety have current knowledge, training, and experience regarding driver fitness regulations (both interstate and intrastate where applicable) and interpretations. Train these individuals on successful compliance practices of other companies.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to driver fitness regulations and company policies and procedures.
- Train all staff who are required to monitor and track driver fitness compliance on the appropriate company policies, including those related to discipline and incentives.
- Reinforce training about driver-fitness policies, procedures, and responsibilities to drivers, dispatchers, and other





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<b>Part B Requirements and/or Recommendations</b>		

employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Leavenworth Shuttle & Taxi LLC does not have any procedures for DVIR's. Drivers are not provided with DVIR forms.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

Passenger Carrier Only:

- Develop systematic procedures for inspecting maintenance items critical to fire-safety and emergency evacuation - for example, checking wheel-hub lubrication levels according to the manufacturer's recommended inspection intervals, checking wheels for signs of excess heat every time the motorcoach is parked, regularly inspecting wiring and electrical systems for short circuits, and inspecting emergency-exit operation and markings.
- Consider installation of fire-detection-and-suppression systems on current fleets and as purchase options on new coaches.


Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

5. Obtain a copy of each driver's driving record and review it annually.

6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.



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7. Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

8. Ensure that drivers provide a 10-year employment history on their employment application.
9. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
10. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
11. Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.
12. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
13. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
14. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
15. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
16.
  - Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
  - Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
  - NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.





LEAVENWORTH SHUTTLE & TAXI (LEAVENWORTH SHUTTLE & dba)  
U.S. DOT #: 2393914

Review Date:  
09/07/2016

**Part B Requirements and/or Recommendations**

• NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

• All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

• PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Utilities and Transportation Commission  
Attn: Sandi Yeomans  
1300 S Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

**385.15**

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:


Utilities and Transportation Commission  
Attn: Sandi Yeomans  
1300 S Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

**385.17**

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Utilities and Transportation Commission  
Attn: Sandi Yeomans  
1300 S Evergreen Park Dr. SW




 <p>UtC UTILITIES AND TRANSPORTATION COMMISSION</p>	<p><b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914</p>	<p>Review Date: 09/07/2016</p>
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P.O. Box 47250  
Olympia, WA 98504-7250

This letter should be submitted as soon as possible.

- Passenger Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by Utilities and Transportation Commission via U.S. Mail. If you fail to obtain an improved rating within 45 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease intrastate operations.



	<b>LEAVENWORTH SHUTTLE &amp; TAXI (LEAVENWORTH SHUTTLE &amp; dba)</b> U.S. DOT #: 2393914	Review Date: 09/07/2016
<b>Part C</b>		

**Reason for Review:** Compliance Review  
**Planned Action:** Compliance Monitoring

**Parts Reviewed Certification:**

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews      Prior Prosecutions

**Unsat/Unfit Information**

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle? Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials? Not Applicable

Unsat/Unfit rule: Not Applicable

Corporate Contact: David Witt **Special Study Information:**  
 Corporate Contact Title: President

**Remarks:**

INVESTIGATIVE REPORT RECEIVED BY:

Name: David Witt  
 Title: President  
 Carrier/Shipper Name: Leavenworth Shuttle & Taxi LLC  
 Date: 09/07/2016

**REASON FOR THE INVESTIGATION:**

As part of the 2016 Motor Carrier Safety work plan, this investigation was assigned to Sandi Yeomans, Special Investigator from the Washington State Utilities and Transportation Commission.

**SCOPE OF THE INVESTIGATION:**


SMS was checked on 7/14/2016 and it was noted no BASICs were in alert status.

The investigation was assigned to Special Investigator Sandi Yeomans on 07/01/2016. The carrier was contacted on 07/12/2016 and a full investigation was set for 07/25/2016 at the company's principle place of business located at 894 Highway 2, Suite L, Leavenworth, WA Present at the start of the review was Special Investigator Sandi Yeomans, Leavenworth Shuttle & Taxi LLC. representative was David Witt, (President).

**CARRIER OPERATION DESCRIPTION:**

The carrier began operations in April 2013. The governing officers are David Witt and Lucinda Witt. The carrier is an authorized for-hire passenger carrier that operates in intrastate commerce as a charter and excursion company around the Leavenworth area. The carrier currently owns 8 vehicles and employs 3 part-time drivers and David Witt drives as well. Of the 4 driver's, 1 is CDL qualified. They have had 7 drivers in the past 365 days. 4 drivers were CDL qualified. The carrier's gross revenue as stated by David Witt for fiscal year ending in 12/31/2015 was \$399,000.00. The carrier is not and has not been involved in any emergency relief efforts in the last 365 days. The carrier last updated their MCS-150 for calendar year 2014. Mr. Witt stated that they travel 115,000 miles annually. The property at 894 Highway 2, Suite L, Leavenworth is leased by Leavenworth Shuttle & Taxi LLC. Vehicles are parked at 11610 Eagle Creek RD, Leavenworth which is his home address.



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**PRE-INVESTIGATION:**

On 07/12/2016, a compliance investigation questionnaire and appointment letter was emailed to the carrier requesting investigation information, the records that would need to be reviewed and the information the carrier would need to make available. The Company information questionnaire was completed and received on 07/21 /2016. On Monday, 07/25/2016, the following records and documents were made available to the investigator for review:

**Accident Information:**

- A list of all accidents for the past 365 days from date of review

**Drug and Alcohol Testing Procedures:**

- Consortium used
- Drug and Alcohol Testing Policy

**Driver Qualification Files:**

- Driver qualification files for all drivers used within the past 12 months

**Equipment Maintenance:**

- All maintenance files and records for each unit
- Files and records including evidence of repair receipts and maintenance schedules

**Hours of Service Records:**

- All records of duty status (log books or time cards) for previous six months

A copy of the carrier's profile was obtained through MCMIS on 07/14/2016 along with a copy of their MCS-150. The MCS-150 was outdated.

**CDLIS (DRIVER LICENSE) CHECK:**

In accordance with the eFOTM, 5 CDL drivers were to be checked. However Leavenworth Shuttle & Taxi LLC. only employed 4 drivers with a CDL in the last 365 days. The drivers' license status/histories was required to be checked. The driver license status/histories was checked through CDLIS on 07/26/2016. The driver showed no violations and current licenses. The other three drivers were check with DOL and there were no issues.

**AUTHORITY**

The carrier is a for-hire passenger carrier operating in intrastate commerce and required to have operating authority. UTC files were checked and the carrier has a valid charter and excursion permit at the time this investigation began. Leavenworth Shuttle & Taxi LLC operates under the USDOT # 2393914. Leavenworth Shuttle & Taxi LLC has intrastate authority through the Commission under permit number CH65060. No revocations or violations were noted.

**INSURANCE**

The carrier is an authorized for-hire passenger carrier currently operating in intrastate commerce and is required to maintain a minimum level of public liability of \$5,000,000. A check with the carrier's insurance shows a \$5,000,000 Auto Liability effective 4/17/15 with Cochrane Agency Inc., P.O. Box 19150, Spokane, WA with Margie Cochrane underwriter for Zurich American Insurance Company. The carrier is in intrastate commerce and is not required to maintain an MCS-90 through L&I. See Part 387 below for details. Form E on file with Utilities and Transportation Commission matches this insurance.


**RED FLAG DRIVERS:**

A&I (SMS) was checked through Portal on 07/14/2016 and the carrier has no drivers with red flag violations in the last 365 days.

**DRUG AND ALCOHOL SUPPLEMENTAL REVIEW**

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.



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**HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW**

Leavenworth Shuttle & Taxi LLC does not transport any hazardous materials. A Hazardous Materials Supplemental Review was not required.

**INVESTIGATION:**

The following investigation is a comprehensive investigation that checked Parts 376, 380, 387, 390, 391, 392, 393, 395 and 396.

Parts 171, 172, 173, 177, 178, 180, & 397 Hazardous Materials

Leavenworth Shuttle & Taxi LLC does not transport any hazardous materials. These Parts were not required to be checked Part 40 and Part 382

Leavenworth Shuttle & Taxi LLC has a current drug and alcohol policy in effect. Their consortium is Foley Carrier Services, LLC. Carrier is in a combined pool and random test are done on a quarterly basis. The carrier hired two CDL drivers in the last 365 days and did not perform a pre-employment test.

Two critical violations of 382.301(a) for failure to receive a negative pre-employment controlled substance test result.

Once carrier was informed that pre-employment test needed to be done, he sent in his employee Hilary Mason for testing and received a negative result. Sally Boyce is no longer an employee with Leavenworth Shuttle & Taxi LLC.

Two violations of 382.413 for carrier failing to inquire into previous employers for background on drug and alcohol information in accordance with the requirements of 40.25.

One violation of 382.305(i)(2) for the carrier not insuring that each driver has and equal chance of being selected each time selections are made.

One violation of 382.603 for failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and 60 minutes of training for controlled substances.

Carrier president, David Witt, did complete the training during the investigation.

**Part 376 Lease and Interchange of Vehicles**

Leavenworth Shuttle & Taxi LLC does not lease vehicles.

**Part 380 Special Training**

Leavenworth Shuttle & Taxi LLC does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

**Part 383 Commercial Drivers' License**


Leavenworth Shuttle & Taxi LLC employed three (3) non-CDL drivers and four (4) CDL drivers over the past 365 days. In accordance with eFOTM drivers' license checks were conducted using CDLIS on five (5) drivers. However they only had four (4) CDL drivers. All four (4) CDL drivers have no issues. The additional 3 drivers were checked with DOL. All non-CDL drivers checked out as valid license holders.

Two violations of 383.35(b) for carrier failing to have 10 years of employment history for CDL drivers.

**Part 387 Financial Responsibility**

The carrier's vehicles are insured with Cochrane Agency Inc., underwriters of Zurich American Insurance Company, Policy # BAP 90616710-02. Their insurance agent Margie Cochrane, Spokane, WA. Investigator verified the carrier maintained \$5,000,000 in Auto Liability coverage without a lapse in the last 365 days. This insurance does match Form E on file with



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**Part C**

Washington Utilities and Transportation Commission.

**Part 390 General FMSCR**

The carrier has been involved in no DOT-recordable accident in the last 365 days.

Leavenworth Shuttle & Taxi LLC's MCS-150 form was last updated on 05/07/2013 and should have been updated April of 2015.

One violation of 390.19(b)(2) for failing to update MCS-150.

Carrier did update MCS-150 during the investigation and is aware that it needs to be updated again April of 2017.

**Part 391 Qualification of Drivers**

The carrier employed seven (7) drivers during the last 365 days. Per eFOTM guidelines, a sample size of 5 Driver's Qualification Files were inspected.

Three critical violations of 391.45(a) for using a driver not medically examined and certified.

Total occurrences (187). Mike Kaelin: (34) 02/01/2016, 02/07, 02/08, 02/09, 02/11, 02/12, 02/13, 02/14, 02/15, 02/16, 02/17, 02/19, 02/20, 02/21, 02/23, 02/26, 02/27, 02/28, 02/29, 03/01/16, 03/04, 03/05, 03/07, 03/08, 03/11, 03/12, 03/13, 03/14, 03/15, 03/18, 03/19, 03/21, 03/22, and 03/25. Jeff Miland (76) 02/03/16, 02/04, 02/05, 02/06, 02/07, 02/10, 02/11, 02/12, 02/13, 02/15, 02/17, 03/06/2016, 03/09, 03/10, 03/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/20, 03/21, 03/24, 03/25, 03/26, 03/27, 03/28, 03/29, 03/30, 04/02/2016, 04/03, 04/06, 04/07, 04/08, 04/09, 04/10, 04/11, 04/12, 04/13, 04/14, 04/15, 04/21, 04/22, 04/23, 04/24, 04/30, 05/01/2016, 05/04, 05/05, 05/06, 05/07, 05/08, 05/11, 05/12, 05/13, 05/14, 05/15, 05/18, 05/19, 05/20, 05/21, 05/22, 05/25, 05/26, 05/27, 05/29, 06/01/2016, 06/02, 06/03, 06/04, 06/05, 06/08, 06/09, 06/10, and 06/11. David Witt: (77) 02/08/2016, 02/09, 02/10, 02/12, 02/14, 02/15, 02/18, 02/19, 02/20, 02/25, 02/26, 02/27, 02/28, 02/29, 03/03/16, 03/04, 03/05, 03/06, 03/10, 03/11, 03/12, 03/13, 03/14, 03/17, 03/18, 03/19, 03/20, 03/21, 03/24, 03/25, 03/27, 04/21/2016, 04/22, 04/23, 04/24, 04/25, 04/28, 04/29, 04/30, 05/01/2016, 05/02, 05/06, 05/07, 05/08, 05/09, 05/13, 05/14, 05/15, 05/16, 05/19, 05/20, 05/21, 05/22, 05/23, 05/26, 05/27, 05/28, 05/29, 05/30, 06/03/2016, 06/04, 06/05, 06/06, 06/10, 06/11, 06/12, 06/13, 06/16, 06/17, 06/18, 06/19, 06/23, 06/24, 06/25, 06/26, 06/27, and 06/30.

Carrier did have employees get medical cards as soon as he was informed that the drivers had to have them.

Five violations of 391.21(a) for carrier not having employees fill out an application

Carrier did have current employees fill out employment applications during the time of the investigation.

Two violations of 391.23(a) for failing to investigate driver's background.

Four violations of 391.51(b)(9) for failing to place a note related to the verification of the medical examiner's listing on the National Registry.


The carrier is a small size carrier (20 or less drivers) and the number of Medical Examiners' Certificates (MEC) to be checked is not less the 25% of the eFOTM sample size of at least one MEC. In accordance with FMCSA Memorandum MC-ECS-2012-0004 one driver's medical examiners certificate was selected for verification.

Driver Name: Hilary Mason  
 Date of Birth: [REDACTED]  
 Driver License Number: [REDACTED]  
 ME's License/Certificate Number: AK1057  
 Date of Issuance of the MEC: 03/19/15  
 National Registry Identification Number: 3498647908  
 Phone Number: [REDACTED]  
 Date and Time Contacted: Sammy 08/04/16 @ 1:44pm  
 Results: MEC Check Confirmed Expires 03/19/17

**Part 392 - Driving of Commercial Motor Vehicles**





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Leavenworth Shuttle & Taxi LLC is an intrastate carrier and at the time of this investigation the carrier is current on its annual regulatory fees.

**Part 395 - Hours of Service**

Leavenworth Shuttle & Taxi LLC employed Seven (7) drivers during the last 365 days. In accordance with eFOTM procedures, a sample size of five (5) Records of Duty Status (RODS) is required to be checked for a 30-day period.

Driver logs were checked based on trip receipts.

One critical type violation of 395.8(a) for not completing record of duty status.

David Witt did not complete RODS for his time while driving. This was corrected during the investigation.

One violation of 395.8(f) for improper form and manner. Carrier did not have drivers total their hours for each day.

Carrier corrected this by adding a space on the driver's trip logs for total hours.

**Part 393 & 396 - Maintenance and Inspection**

Leavenworth Shuttle & Taxi LLC owns and operates eight (8) vehicles that are classified as commercial motor vehicles in intrastate commerce the last 365 days. The carrier conducts all maintenance with third party vendors. Per e-Fotum 150 DVIR's were to be checked, however the carrier only performed 145 trips in the 90 day period.

145 violations of 396.11(a) failing to require driver to prepare driver vehicle inspection reports.

**Vehicle Inspections:**

In accordance with eFOTM, a sample size of five (5) vehicles were inspected. Two vehicles were out of service.

Violation 393.47(a) inadequate brakes for safe stopping: left drive axel slack adjuster does not move and right rear slack adjuster on tag axel adjuster was not working. Vehicle 1TUFCH6A4HR005872 Plate ANB9954

Violation 393.62(a) no bus emergency exit. Left rear side emergency exit was taped closed.

All inspections are in the Aspen reports.

**CLOSING INTERVIEW:**

The closing interview was conducted on 09/07/2016 at the carrier's facility. Present at the closing interview were Investigator Yeomans, along with company representative David Witt. This investigation resulted in a proposed "Unsatisfactory" safety rating.

All members of Leavenworth Shuttle & Taxi LLC were very cooperative throughout the entire scope of this investigation. All members did express a sincere desire to come into compliance with all the Federal Motor Carrier Safety Regulations. Technical assistance was also provided to the carrier during the process of this review. The carrier was advised that staff will recommend the commission issue administrative penalties.


**DOCUMENTS PROVIDED TO THE CARRIER:**

The carrier was provided with two copies of "Your Guide to Achieving a Satisfactory Safety Record, Revised March 2014", "How to request an upgrade to your safety rating determination based on corrective action", copies of CFR 385.13, 385.15 and 385.17 Safety Fitness Procedures, "Fitness Rating Explanation", "Customized checklist for safety rating upgrade request based on corrective action,"

**FOLLOW-ON ACTION:**

Penalties will be sought for Critical Violations 382.301(a), 391.45(a), and 396.11(a)



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