

## MEMORANDUM

August 21, 2006

TO: Bob Wallis, Chief Administrative Law Judge

FROM: *VE* Vicki Elliott, Assistant Director, Transportation Safety  
Sheri Hoyt, Compliance Specialist

SUBJECT: Recommend Penalty Assessment No. TE-061282  
Monroe Transportation LTD d/b/a Chinook Charter Service

Attached is a Notice of Penalties accompanied by compliance review documents regarding Monroe Transportation LTD d/b/a Chinook Charter Service (Chinook). In the Notice, staff is recommending that you issue a penalty assessment against Chinook for 41 violations of Washington Administrative Codes (WAC) 480-40-070 and 480-40-075. WAC 480-40-070 adopts by reference Title 49, Code of Federal Regulations (CFR) 391, which governs qualifications of drivers which are to be observed by all charter party carriers. WAC 480-40-075 adopts by reference Title 49, CFR 393 and 396, which govern motor carrier safety.

On May 30, 2006, Investigators Tom McVaugh and Alan Dickson began a compliance review on Chinook. The review ended on June 21, 2006, with an inspection of all vehicles owned/operated by Chinook. At the conclusion of the review, Chinook received a satisfactory safety rating. However, Mr. McVaugh and Mr. Dickson identified a total of 41 violations of CFR.

The violations identified during the review are as follows:

- One violation of CFR 391.21(a), using a driver who has not completed and furnished an employment application.
- Two violations of CFR 391.45(b)(1), using a driver that is not medically certified during the preceding 24 months.
- One violation of CFR 393.47, failing to equip a motor vehicle with brake lining adequate to provide for safe and reliable stopping.
- One violation of CFR 393.9, operating a motor vehicle with an inoperable high beam head light.
- One violation of CFR 393.209(e), operating a motor vehicle with loose steering connection.
- One violation of CFR 396.3A1BA, operating a motor vehicle with steer axle brake out of adjustment.
- One violation of CFR 393.51, operating a motor vehicle with an inoperable low air warning device.
- One violation of CFR 393.75(a), operating a motor vehicle with a flat tire (less than 50% of maximum pressure marked on sidewall).
- One violation of CFR 393.207(e), operating a motor vehicle with cracked or broken torsion bar or torsion bar suspension.

- Two violations of CFR 393.62, failing to maintain push-out or escape windows in operating condition.
- Two violations of CFR 396.3(a)(2), failing to inspect push-out windows, emergency doors and emergency marking lights in buses at least every 90 days.
- Seventeen violations of CFR 396.3(c), failing to retain records of inspection and maintenance for one year, or six months after leaving motor carrier's control.
- Two violations of CFR 396.5(b), failing to ensure that vehicle is free of oil and/or grease leaks.
- Three violations of CFR 396.11(c), failing to correct safety related defects listed on vehicle inspection reports.
- Five violations of CFR 396.3(b)(3), failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

We recommend that the commission penalize Chinook \$300 for three violations of WAC 480-40-070 and \$3,800 for 38 violations of WAC 480-40-075, for a total penalty of \$4,100.

Attached is a draft penalty order with a blank signature block. Kippi Walker has an electronic copy of the order so that you may coordinate the signature with her. Please let either of us know if you have any questions or would like to discuss this penalty.

Attachment