


September 13, 2005

TO: Mark Sidran, Chairman  
Patrick Oshie, Commissioner  
Philip Jones, Commissioner

FROM: Vicki Elliott, Assistant Director, Transportation Safety  
Sally Turnbull, Compliance Specialist 

SUBJECT: Recommended Penalty Assessment No. TV-051337  
T & T Milk Transport, Inc.

Attached is a Notice of Penalties, accompanied by a compliance review, regarding T & T Milk Transport, Inc. (T & T). In the Notice, Staff is recommending that you issue a penalty assessment against T & T for a violation of RCW 81.04.530, which adopts the rules and regulations prescribed by Title 49, Code of Federal Regulations (CFR), Part 382.301(a), prohibiting a motor carrier company from using a driver before it has obtained a negative pre-employment controlled substance test.

On July 27, 2005, Motor Carrier Safety Investigator Leon Macomber performed a compliance review on this company. The review showed T & T in violation of RCW 81.04.530, for failing to receive a negative test result prior to using a driver. The Code of Federal Regulations (CFR) 49, Part 382.301(a), prohibits using a driver before the company has received a negative drug and alcohol test result.

Both the Federal Motor Carriers Safety Administration and the Commission have considered violations of the drug and alcohol testing rules for commercial drivers a serious enough violation to issue penalties even for first time offenders. Companies do know or should know about requirements for testing.

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In addition to the violation of RCW 81.04.530, Investigator Macomber found a number of problems with the company's vehicle maintenance program and the lack of required safety records. He will check these records at the next carrier review to ensure the company has corrected its record keeping violations.

We recommend the Commission penalize T&T Milk Transport, Inc. \$500 for one violation of RCW 81.04.530. Please let either of us know if you have any questions or would like to discuss this penalty.

Attachments