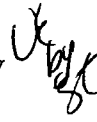


September 13, 2005

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-051338
Yakima Transfer and Storage Company

Attached is a Notice of Penalties, accompanied by a compliance review, regarding Yakima Transfer and Storage Company (Yakima Transfer). In the Notice, Staff is recommending that you issue a penalty assessment against Yakima Transfer 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 20, 2005, Motor Carrier Safety Investigator Leon Macomber performed a compliance review on this company. The review showed Yakima Transfer 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 rest.

Both the Federal Motor Carriers Safety Administration and the Commission have considered violations of drug and alcohol testing rules for commercial drivers a serious enough violation to issue penalties even for firsttime 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 Yakima Transfer \$500.00 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