

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
MONROE TRANSPORTATION, LTD., in
the amount of \$4,100

DOCKET NO. TE-061282

DECLARATION OF
ALAN R. DICKSON

ALAN R. DICKSON, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Motor Carrier Law Enforcement (MCLE) Special Investigator in the Motor Carrier Safety Section. I have been employed at the Commission for approximately 29 years, holding various positions. As an MCLE Special Investigator, my responsibilities include performing safety inspections, economic investigations, and other related motor carrier activities in a Commission program which regulates transportation activities.
3. On May 15, 2006, I contacted Robert Pirnke, president of Monroe Transportation, Ltd., by telephone at his Snohomish office. The office address is 721 Avenue D, Suite 207, Snohomish, Washington 98290. I told Mr. Pirnke I was assigned to complete a compliance safety review on his company. I scheduled an in-person appointment for May 24, 2006. I contacted Mr. Pirnke at his office on May 24, 2006, providing safety education materials and the Commission rule book regarding charter service operations. I gathered information from Mr. Pirnke regarding his company's scope of operation, operating permit numbers, and equipment and driver lists. I inspected the carrier's records for the period of March 1, 2006, through May 23, 2006. I scheduled a terminal vehicle inspection appointment for May 30, 2006, at the carrier's terminal located at 17700 147th Southeast, Building C, Monroe, Washington 98272.
4. Commission MCLE Special Investigators John Foster, Tom McVaugh, and I contacted Mr. Pirnke and his maintenance manager Cory Gorrell at the Monroe terminal on May 30, 2006. I acted as lead investigator for the inspection. The company's motorcoaches were not available for inspection that day due to scheduling conflicts concerning the equipment and inspection pit availability. Mr. Foster, Mr. McVaugh, and I inspected the company's maintenance records. I noted violations as identified on the compliance review

dated June 28, 2006, at Part B. This report, which consists of 66 pages, including photographs, already is contained in this docket as an attachment to the memorandum to Judge Wallis from Vicki Elliot and Sheri Hoyt filed August 21, 2006.

5. On June 21, 2006, MCLE Special Investigators Mr. Foster, Mr. McVaugh, and I conducted safety inspections on ten of the company's buses. I acted as lead investigator for the inspection. I noted six of the ten vehicles had safety defects and I placed two buses out of service for serious violations. Complete violation references are listed on Part B of the compliance review.
6. Upon completion of my investigation, I determined that Monroe Transportation, Ltd. violated Commission rules regarding maintenance, inspection, and repair requirements and driver qualification files. The violations included the following:
 - Two violations for failure to maintain complete driver qualification files for each driver employed.
 - Thirty-nine violations for failure to maintain parts and accessories in a safe and proper operating condition at all times or failing to maintain inspection, repair, and maintenance records.
7. On October 11, 2006, the Commission issued a penalty assessment to Monroe Transportation, Ltd. in Docket TE-061282 for the violations I identified in the amount of \$4,100.

Specific Issues Addressed by Monroe Transportation, Ltd. in its Mitigation Request

In its Mitigation Request, Monroe Transportation, Ltd. stated the company received 17 violations for not keeping records on a bus it no longer owned. The bus was donated to a youth group which parted it out and then scrapped the hulk. Because the bus could never be put in service again, and at the recommendation of its insurance company, the company discarded the maintenance records. The company would like a reduction in the number of violations for the one incident, or the fine portion reduced.

8. Staff does not recommend mitigation of the 17 recordkeeping violations associated with the vehicle the company no longer owns. In June 2006, the vehicle in question was involved in an accident at Wild Waves Park in Federal Way. It is reasonable, prudent, and required by law that Staff be allowed to inspect the records, and the company be required to keep the records, for any vehicle involved in an accident.
9. Staff visited this company seven times between October 14, 1999, and October 5, 2006. Staff conducted four complete compliance reviews and three additional vehicle and safety records checks. It is clear that Staff has provided

adequate technical assistance to the company. The company knew or should have known about the recordkeeping requirements for its vehicles.


In addition, Monroe Transportation, Ltd. requested mitigation for two violations it corrected at the time of inspection: repairing a flat tire and a push-out or escape window.

10. Staff recommends mitigation of the \$100 penalty associated with operating a vehicle with a flat tire. The company repaired the flat tire on-site.
11. Staff does not recommend mitigation of the \$200 penalty associated with failing to maintain push-out or escape windows. Staff has provided ample technical assistance to the company. Violations of this nature are considered critical. Failing to maintain push-out or escape windows may have catastrophic consequences if an accident occurs.

Staff Recommendation

12. Staff supports mitigating \$100 of the \$4,100 penalty, for a penalty due of \$4,000. Further, Staff recommends that the Commission approve the company's request that it be allowed to make payments over time on this penalty, allowing the company to pay its penalty over a one-year period in twelve equal monthly installments. This would allow Monroe Transportation, Ltd. to operate without experiencing an undue economic burden.

Dated this 13th day of November 2006 at Olympia, Washington.


Alan R. Dickson