

BREMERTON-KITSAP AIRPORTER, INC.
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Received
Records Management
Nov 15, 2024

November 14, 2024

Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

TO: James E. Brown II
Interim Director, Administrative Law
Division

Cortney Wagner (UTC)
Customer Service Specialist

FROM: Bremerton-Kitsap Airporter, Inc
d/b/a Bremerton-Kitsap Airporter; Ft. Lewis/McChord Airporter; the sound Connection;
Pierce-SeaTac Airporter
PO Box 1255
Port Orchard, WA 98366

RE: Notice of Appeal for Penalty Assessment
Docket 240785

Sir,

I would like to respond to the recent notice of violation 49 C.F.R. s 393.62 – Buses – Required emergency exit not properly marked.

Yes, the emergency sticker was not properly on the window at the time of inspection, the vehicle was inspected on October 15, 2024.

- Please note that passengers who are bored will peel the stickers from the window (this is mostly children, but have had adults remove them).

During the morning inspection (0250) the driver did not notice the stickers missing (dark out), once it was noticed at the holding lot at 12:22 pm by the Safety Officer assigned to the WUTC J. Brunton who then placed a Out of Service (OOS) marker on the passenger door. The driver (Michael McKay) immediately called the Safety Officer (Lauri Smith, GM) and informed her that he was placed out of service due to the emergency sticker missing and/or

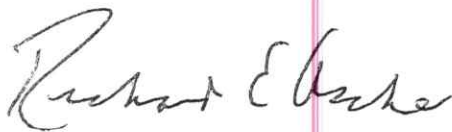
not readable. Lauri immediately went to the holding lot and assisted in placing of new stickers in the proper placement of the emergency windows. The officer who placed the OOS sticker on the passenger door had left before our Safety Officer arrived, and did not witness the placement of the new stickers, and another officer who also was with WUTC (hefty, bald man), and a WSP Trooper witnessed the removal the OOS sticker after satisfaction of the new sticker placement. Lauri nor Mike were not asked to sign anything, nor informed this was anything other than a "fix it ticket," according to the WUTC inspector that was on site. We asked for permission to depart the holding lot and was granted permission to leave.

We were not notified that there was an issue and penalty until I emailed Mr. Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety Division on October 29 at 11:45 am and he did not know that a "fix it ticket" was reportable or a monetary offense.

RECOMMEDATION:

1. The officer who placed the vehicle out of service should have stayed, at the holding lot until the BKA Safety Officer arrived and the issue was resolved.
2. This should have been made clear that this was a penalty offense, and not a "fix it ticket"
3. The writer of the Vehicle Examination Report should have been the one to observe the placement of the stickers, and removed the OOS sticker.
4. The officer or someone at the UTC could have let us know that there was going to be a monetary penalty, and let us know when the hearing was, so we could have attended and presented our side before any decision are made.
5. Communication is important for all sides and clarity was not there.

We respectively ask for a mitigation or suspension of the penalty stated as stated above clarity and communication. We appreciate your willingness to read this and consideration.



Richard E. Asche
President
Bremerton-Kitsap Airpporter, Inc.

Cc

Lauri Smith, GM