



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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December 3, 2019

RE: *In the Matter of the Investigation of Rocket Transportation, LLC, for Compliance with WAC 480-30-221 and the Penalty Assessment against Rocket Transportation, LLC, in the Amount of \$7,000,*  
Dockets TC-171022 and TC-171023 (Consolidated)

TO ALL PARTIES:

On October 18, 2017, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Certificate as an Auto Transportation Carrier and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements In the Matter of the Investigation of Rocket Transportation, LLC, (Rocket Transportation or Company) for Compliance with Washington Administrative Code (WAC) 480-30-221 in Docket TC-171023 (Notice of Intent to Cancel).

Also on October 18, 2017, the Commission assessed a penalty of \$7,000 in Docket TC-171022 against Rocket Transportation for 71 violations of WAC 480-30-221, which adopts by reference 49 Code of Federal Regulations (C.F.R.) § 391.45(a) related to driver medical examination and certification, and 49 C.F.R. § 391.51(b)(7) related to driver qualification file requirements.

On November 20, 2017, the Commission held a brief adjudicative proceeding and consolidated these matters for hearing.

On November 27, 2017, the Commission entered Order 01, Order of Consolidation; Order Upgrading Safety Rating; Order Imposing and Suspending Penalties (Order 01). Order 01 assessed a \$3,500 reduced penalty against Rocket Transportation, a \$1,750 portion of which was suspended for two years conditioned on the Company (1) maintaining a conditional safety rating, (2) refraining from incurring repeat critical violations of Title 49 C.F.R., and (3) paying the \$1,750 portion of the penalty that was not suspended within 10 days of the effective date of Order 01. In addition, Order 01 provided that if the Company “fails to comply with any condition of this Order, the entire \$1,750 suspended penalty will become

immediately due and payable without further Commission order.”

On October 29, 2019, Commission staff (Staff) filed with the Commission a letter recommending the Commission impose the \$1,750 suspended portion of the penalty due to the Company’s failure to comply with the terms of Order 01. Specifically, Staff explained that it conducted a follow-up investigation of the Company’s safety operations and documented multiple repeat violations.

On November 6, 2019, Commission issued a letter in this docket imposing the \$1,750 suspended portion of the penalty.

On November 8, 2019, Rocket Transportation filed a letter requesting the Commission continue to suspend the penalty. The Company acknowledged its failure to comply with Order 01, attributing the violations to employee turnover. The Company further explained that it has since implemented procedures to prevent the violations from reoccurring.

On November 27, 2019, Staff filed a response recommending that the Commission deny the Company’s request. Staff argues that it is the Company’s responsibility to implement procedures to prevent breakdowns in safety protocols despite employee turnover.

The Commission agrees with Staff’s recommendation and rationale. In Order 01, the Commission exercised its discretion to assess a reduced penalty and suspend a portion of that penalty subject to conditions based on the Company’s representations at hearing that it had implemented an acceptable safety management plan. The Company nevertheless incurred repeat violations. Moreover, the Company failed to explain any circumstances that would warrant additional leniency. As Staff explained in its response, carriers are responsible for adhering to safety regulations at all times, despite common occurrences such as employee turnover. Accordingly, the Commission denies the Company’s request. The remaining \$1,750 penalty remains due and payable immediately.

MARK L. JOHNSON  
Executive Director and Secretary