



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

August 24, 2021

Mark L. Johnson Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Waste Management of Washington, Inc.*  
Commission Staff Recommendation to Impose Suspended Penalties of Order 03  
Docket TG-190495

Dear Mr. Johnson:

On November 14, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 03, Granting Petition, In Part; Dismissing Violations; Assessing Penalty for Violations in Docket TG-190495. Order 03 modified Order 01, granting Waste Management of Washington, Inc.'s (Waste Management or Company) petition for review, in part, dismissing 253 violations of 49 C.F.R. § 391.45(a), assessing a total penalty of \$11,200 for 244 violations of Chapter 480-70 WAC and Title 49 C.F.R. and suspended a \$6,500 portion of the penalty for a period of two years, and then waive it, subject to the following conditions:

- (1) Commission staff (Staff) conduct a follow-up safety investigation within two years to evaluate the Company's safety fitness;
- (2) The Company may not incur any repeat violations of acute or critical regulations; and
- (3) Waste Management pay the \$4,700 portion of the penalty that is not suspended.

On November 25, 2019, Waste Management paid the \$4,700 portion of the penalty that was not suspended.

On August 5, 2021, Staff completed the follow-up review as required in Order 03. During the follow-up review, Staff identified two repeat violations of critical regulations. The repeat violations are documented as follows:

- Two violations of 49 C.F.R. § 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file.

Mark L. Johnson

August 24, 2021

Page 2

During the review, Staff identified an additional 106 critical-type violations of 49 C.F.R. § 391.45(a). These violations were not considered to be repeat due to the Order 03 dismissal of the 253 violations discovered during the Company's previous safety investigation.

Staff finds that Waste Management failed to satisfy each requirement of Order 03 by incurring repeat violations of critical regulations and recommends that the Commission impose the \$6,500 suspended penalty.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety at [jason.sharp@utc.wa.gov](mailto:jason.sharp@utc.wa.gov) or at (360) 701-1603.

Sincerely,

Mathew Perkinson

Assistant Director, Transportation Safety