

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
GENIE SERVICE COMPANY, INC. in the
Amount of \$1,400

DOCKET NO. TE-061753

DECLARATION OF
JOHN FOSTER

JOHN FOSTER, 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 Motor Carrier Law Enforcement (MCLE) Special Investigator in the Motor Carrier Safety Section. I have been employed at the Commission for over 20 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 June 25, 2007, I contacted Daniel Carter, Chief Financial Officer of Genie Service Company, Inc., at 1846 Terminal, Suite 101, Richland, WA 99352. The purpose of the contact was a recheck of a compliance review conducted in November 2006 that resulted in the penalty assessment in this docket. I inspected the carrier's records for the period of November 15, 2006, through June 24, 2007, and found no violations. Tom McVaugh, Commission Motor Carrier Law Enforcement (MCLE) Special Investigator, was also present for this compliance review.
4. On November 26, 2007, I conducted another recheck of the compliance review conducted in November 2006 that resulted in the penalty assessment in this docket. For that purpose, I contacted Daniel Carter, Chief Financial Officer of Genie Service Company, Inc., at 1846 Terminal, Suite 101, Richland, WA 99352. Tom McVaugh, Commission Motor Carrier Law Enforcement (MCLE) Special Investigator, was also present for this compliance review.
5. I inspected the carrier's records for the period of June 25, 2007, through November 25, 2007. Upon completion of my investigation, I determined that Genie was in violation of Commission safety rules regarding driver

qualification and drivers' hours of service. These violations included the following:

- One violation of 49 C.F.R. 391.51(b)(2), failing to maintain inquiries into driver's driving record in driver's qualification file.
- One violation of 49 C.F.R. 391.51(b)(2), failing to maintain inquiries into driver's employment record in driver's qualification file.
- Three violations of 49 C.F.R. 391.51(b)(4), failing to maintain the responses of each state agency to the annual driver record inquiry.
- Three violations of 49 C.F.R. 395.5(a)(1), requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours following eight consecutive hours off duty.
- Four violations of 49 C.F.R. 395.5(a)(2), requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.

See Appendix A, compliance review report for the November 26, 2007, recheck.

6. As part of the November 2007 compliance review, I directed Genie to submit a letter to the Commission outlining the company's response to correcting the violations. See Appendix A.
7. The violations are all repeat violations.

49 C.F.R. 391.51(b)(2)

Genie was issued violations in 2001 (driving record and employment record), 2004 (driving record and employment record), and in this docket in 2006 (driving record). These violations are considered critical violations by the Federal Motor Carrier Safety Administration.

49 C.F.R. 391.51(b)(4)

Genie received violations in 2004.

49 C.F.R. 395.5(a)(1)

Genie was issued violations in 2006 (this docket) and in March 2007.


49 C.F.R. 395.5(a)(2)

Genie received violations in March 2007.

See Appendix B, excerpts from prior compliance reviews, and Appendix C, letter from the Commission to Genie dated March 15, 2007.

8. Although the compliance review of November 26, 2007, resulted in a satisfactory safety rating, in my opinion the repeated violations in the same areas justify further enforcement.
9. I understand that Staff will be requesting the Commission assess a penalty against Genie based on the November 26, 2007, compliance review.
10. I received a letter from Genie on December 17, 2007, signed by Dan Carter, addressing the violations I noted in the November 26, 2007, recheck and providing information on how the company has corrected them. This letter is attached at Appendix D.
11. In his letter, Mr. Carter asserts that the violations of 49 C.F.R. 395.5 (a)(1) and 395.5(a)(2), exceeding 10 hours driving time and driving after 15 hours on duty (Part B items 4 & 5) did not take place as driver Ron Bloom completed his log sheet incorrectly and it does not take more than 10 hours to drive between the Tri-Cities and Grand Coulee. The question is not how long it would normally take to drive from the Tri-Cities to Grand Coulee and return, but rather how long did the driver actually drive. Driver Ron Bloom's log sheet for the day in question indicates 12 hours of driving time, two hours beyond the 10 hour maximum allowed. Part 395 requires that drivers submit to the motor carrier true and accurate time records. The motor carrier is required to insure the accuracy of these records. Genie accepted and filed this record without corrections 42 days prior to this inspection.
12. Mr. Carter attempts in the letter to use this explanation for the unrelated violations in Part B items 1 & 2, as well, pertaining to driver qualifications. Genie's letter does not address the 10 and 15 hour rule violations by three other drivers.
13. In the letter, Mr. Carter also states that the reason he did not make inquiries into the driving records of each driver was because Department of Licensing returned his request due to a fee change. I understood at the time of the inspection that the request had been returned in July 2007, four months prior to the inspection. Consequently, there was adequate time for a second request to be sent. Driver abstracts for two of the three drivers in question were faxed to me from Genie eight days after the inspection. I never received the abstract for the third driver. The letter does not address what corrective actions the carrier will take to insure these violations will not recur.


Dated this 19th day of February, 2008, at Olympia, Washington.


John Foster

APPENDIX A

**Compliance Review Report
November 26, 2007**

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

	US DOT # 675173	Legal: GENIE SERVICE COMPANY INCORPORATED Operating (DBA): GENIE TOURS												
MC/MX #:		State #: CH391	Federal Tax ID: 91-0992692 (EIN)											
Review Type: Compliance Review (CR)														
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:										
Operation Types														
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Carrier: Non-HM</td> <td style="width:33%;">Non-HM</td> </tr> <tr> <td>Shipper: N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank: N/A</td> <td></td> </tr> </table>		Carrier: Non-HM	Non-HM	Shipper: N/A	N/A	Cargo Tank: N/A		Business: Corporation Gross Revenue: \$462,000.00 for year ending: 12/31/2006						
Carrier: Non-HM	Non-HM													
Shipper: N/A	N/A													
Cargo Tank: N/A														
Company Physical Address:														
1846 Terminal Drive Suite 101 Richland, WA 99352 Contact Name: Dan Carter Phone numbers: (1) 509-946-1400 (2) Fax E-Mail Address:														
Company Mailing Address:														
1846 Terminal Drive Suite 101 Richland, WA 99352														
Carrier Classification														
Private Passenger, Business														
Cargo Classification														
Passengers														
s carrier transport placardable quantities of HM? No Is an HM Permit required? N/A														
Driver Information														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;">Inter</td> <td style="width:33%;">Intra</td> </tr> <tr> <td>< 100 Miles:</td> <td></td> <td></td> </tr> <tr> <td>>= 100 Miles:</td> <td style="text-align:center;">5</td> <td style="text-align:center;">5</td> </tr> </table>		Inter	Intra	< 100 Miles:			>= 100 Miles:	5	5	Average trip leased drivers/month: 0 Total Drivers: 10 CDL Drivers: 10		
	Inter	Intra												
< 100 Miles:														
>= 100 Miles:	5	5												
Equipment														
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased										
Motor Coach	5	0	0	Minibus, 16+	3	0	0							
Power units used in the U.S.: 8 Percentage of time used in the U.S.: 95														



WASHINGTON UTILITIES & TRANSPORTATION COMMISSION



US DOT #
675173

Legal: GENIE SERVICE COMPANY INCORPORATED
Operating (DBA): GENIE TOURS

MC/MX #: **State #:** CH391 **Federal Tax ID:** 91-0992692 (EIN)

R. n Type: Compliance Review (CR) - Receipt

Scope: Principal Office **Location of Review/Audit:** Company facility in the U. S. **Territory:**

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation
Gross Revenue: \$462,000.00 **for year ending:** 12/31/2006

Company Physical Address:

1846 Terminal Drive Suite 101
Richland, WA 99352

Contact Name: Dan Carter

Phone numbers: (1) 509-946-1400 (2) **Fax**

E-Mail Address:

Company Mailing Address:

1846 Terminal Drive Suite 101
Richland, WA 99352

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	2
Part B - Recommendations	1
Review/Audit Receipt Page	1
Total Pages	6

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to: WUTC

ATTN: John Foster, PO Box 47250,
Olympia, WA 98504-7250
Ph. (360) 664-1238, Fax #360) 586-1150, email: jfoster@wutc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dan Carter

Title: CFO

Name:

Title:

Reported By: *John Foster* **Title:** *F A U E S T 1 9 9 7 8* **Code:** WA518 **Date:** 11/26/2007

Received By: *Dan Carter* **Title:** *CFO*





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/26/2007

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to: WUTC

ATTN: John Foster, PO Box 47250,
Olympia, WA 98504-7250
Ph. (360) 664-1238, Fax #360) 586-1150, email: jfoster@wutc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dan Carter

Title: CFO

Name:

Title:





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/26/2007

Part B Violations

1 STATE	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
------------	---	-----------------	--------------	----------------------------------	--------------

Description

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Example

Ron Boom, 10/13/07

2 STATE	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
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Description

Failing to maintain inquiries into driver's employment record in driver's qualification file.

Example

Ron Boom, 10/13/07

3 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 3	Checked 5	Drivers/Vehicles In Violation	Checked 5
------------	---	-----------------	--------------	----------------------------------	--------------

Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example

J Artz, trip date 11/14/07

4 STATE	Primary: 395.5(a)(1) CFR Equivalent: 395.5(a)(1)	Discovered 3	Checked 150	Drivers/Vehicles In Violation	Checked 5
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Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.

Example

Ron Boom, 10/13/2007

5 STATE	Primary: 395.5(a)(2) CFR Equivalent: 395.5(a)(2)	Discovered 4	Checked 150	Drivers/Vehicles In Violation	Checked 5
------------	---	-----------------	----------------	----------------------------------	--------------

Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.

Example

Ron Boom, Trip date 10/13/07

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	100,000	Number of Vehicle Inspected (CR):	0
Recordable Accidents	0	OOS Vehicle (MCMIS):	0
Recordable Accidents/Million Miles	0.00	Number of Vehicles Inspected (MCMIS):	0





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/26/2007

Part B Violations

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/26/2007

Part B Requirements and/or Recommendations

1. Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.
2. Ensure that all drivers are fully and properly qualified before operating in interstate / intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
3. Within 15 days after signing for this compliance review, submit a letter to the commission outlining your company's response to correcting the violations noted in Part B. Address the letter to:

John Foster
PO Box 47250
Olympia, WA 98504-7250

4. To receive a copy of your safety profile, contact Carolyn Caruso at 360-664-1244





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/26/2007

Part C

Reason for Review: Other Routine CR

Planned Action: Compliance Monitoring

Safestat Category:

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

11/30/2006

Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Interstate and Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

45-Day - Interstate Passenger

Corporate Contact: Dan Carter

Corporate Contact Title: CFO

Special Study Information:

Remarks:

Mr. Dan Carter, Chief Financial Officer was contacted at the carrier's terminal located at 1846 Terminal Drive Richland, WA on November 26 & 27, 2007 for the purpose of conducting this review. This carrier operates 5 motor coaches, three 16+ passenger mini-buses and employs 10 CDL drivers as an interstate / intrastate passenger charter carrier.

The carrier was requested to produce the following information at least 48 hours before this compliance review was scheduled:

- * Financial responsibility
- * Crash information
- * Driver qualification files
- * Hours of service records
- * Inspection, repair and maintenance records including annual (periodic) inspections
- * Controlled substance and alcohol testing records, if applicable
- * Commercial driver's license information, if applicable

The company maintains supporting documents consisting of bills of lading, daily trip records, roadside inspection reports, and other data.

Mr. Carter is responsible for the supporting documents. They are located at the carrier's principal place of business or other authorized location. Files are maintained by driver, trip or date depending upon the type of record.

Records of duty status could be compared to various supporting documents by checking time, date and location of specific vehicles or drivers.

The international sampling method was used in conducting the compliance review.

The status of drivers CDLs were checked using CDLIS. All drivers checked were found to be in compliance with CFR 49, part 383.

There were no acute violations.

Gross revenue figures were supplied by the carrier and taken from their annual income report





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/26/2007

Part C

The carrier is not affiliated with any other carriers..

The compliance review was initiated because this is an intrastate carrier and necessary to determine the carrier's compliance with UTC order .

Violations found are noted in Part B of this report.

The carrier is insured with Lancer Insurance Co. for \$5,000,000.00 under policy BA159453

The carrier's safety rating is Satisfactory.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:



EXTRACT OF DRIVER'S HOURS OF SERVICE

WUTC No. 1

Date of Log: 10/13/07 Total Miles: 481 Vehicle Unit No: Diamond

Carrier/Permit: CH-391 Miles Driven Today: 481

Driver's Name: Ron Boom Co-driver:

Carrier's Terminal Address: 1846 Terminal Dr
Suite 101
Richland, WA 99352

10 HOUR RULE	15 HOUR RULE
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DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP-DRIVING & ON DUTY
10/13/07	8	0	12	4	24	16

Remarks/Information: Driver began his shift at 0600 on October 13, 2007 and continued without 8 consecutive hours off duty until 2200 on the same day. The driver drove in the state of Washington for .50 hours after having been on duty 15 hours and for 2 hours beyond the 10 hour limit.

Supporting Documents: Drivers daily log dated 10/13/2007 prepared and submitted by Ron Boom

Violation summary: 1 Violation WAC 480-30-221, 49 CFR, Part 395.5(a) (1) Requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive more than 10 hours following 8 consecutive hours off duty.

1 violation WAC 480-30-221, 49 CFR, Part 395.5(a) (2) requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive after having been on duty more than 15 hours.

* Original File each day at motor carrier's main office • Duplicate Driver returns in possession for 7 consecutive days

DRIVER'S DAILY LOG

ONE CALENDAR DAY = 24 HOURS

BUS DRIVERS CHECK HERE **3**

RECAP

MONTH 10	DAY 13	YEAR 07	TODAY'S TOTAL TEAM MILEAGE (IF APPLICABLE) / MILES DRIVEN 481	VEHICLE NUMBER(S) OR LICENSE PLATE NUMBER & STATE OF LICENSE (LIST ALL LVPTS) DIAMOND WA
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Driving Hours Today
Total Line 3
12.00
4.00
On-duty Hours Today
Total Line 4
16.00
Total Working Hours Today
Lines 3 and 4
24.00

I CERTIFY THESE ENTRIES ARE TRUE AND CORRECT: (DRIVER'S SIGNATURE IN FULL)

GENIE TOURS

NAME OF CARRIER OR CARRIERS

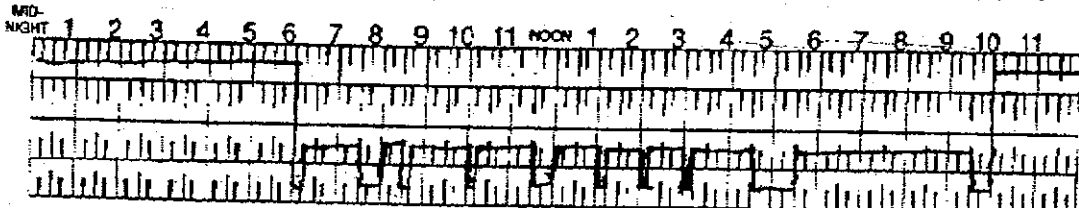
[Signature]

NAME OF CO-DRIVER

IN SPEED ZONE ABOVE 55 MPH MARK TIME AND SPEED ZONE

MAIN OFFICE ADDRESS

HOME TERMINAL ADDRESS



TOTAL HOURS

8.00

12.00

4.00

24.00

72 Hour 8 Day

Total Hours Last 7 Days Including Today

Total Hours Available Tomorrow 70 Minus Total Hours Last 7 Days

80 hour 7 Day

Total Hours Last 6 Days Including Today

Total Hours Available Tomorrow 60 Minus Total Hours Last 6 Days

REMARKS

SHIPPING DOCUMENT # OR

SHIPPER'S NAME AND

COMMUNITY

Record the name of the city and state where each change of duty status occurs. No. 1130 Copyright © 1205 Trans Products 1-800-367-9100 PO Box 858 Milford, DE 19963

FROM: **RICHLAND, WA**
STARTING POINT OR PLACE

TO: **GRAND COULEE, WA**
DESIGNATION OR TURN AROUND POINT OR PLACE

USE TIME STANDARD AT HOME TERMINAL

EXTRACT OF DRIVER'S HOURS OF SERVICE

WUTC No. 2

Date of Log: 8/6/07 Total Miles: 527 Vehicle Unit No: Old Blue
Carrier/Permit: CH-391 Miles Driven Today: 527
Driver's Name: David Lawing Co-driver:
Carrier's Terminal Address: 1846 Terminal Dr
Suite 101
Richland, WA 99352

15 HOUR RULE

DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP-DRIVING & ON DUTY
8/5/07	8	0	9.5	6.5	24	16
8/6/07	23.5	0	.5	0	24	.5

Remarks/Information: Driver began his shift at 0800 on August 5, 2007 and continued without 8 consecutive hours off duty until 0030 on August 6, 2007. The driver drove in the state of Washington for 1.50 hours after having been on duty 15 hours.

Supporting Documents: Drivers daily logs dated 8/5/07 and 8/6/07 prepared and submitted by David Lawing

Violation summary: 1 violation WAC 480-30-221, 49 CFR, Part 395.5(a) (2) requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive after having been on duty more than 15 hours.

Print: File each day at motor carrier's main office - Duplicate: Driver retains in possession for 7 consecutive days

DRIVER'S DAILY LOG

ONE CALENDAR DAY = 24 HOURS

BUS DRIVERS CHECK HERE

MONTH	DAY	YEAR	TODAY'S TOTAL TEAM MILEAGE (IF APPLICABLE)	TODAY'S TOTAL MILES DRIVING	VEHICLE NUMBER(S) OR LICENSE PLATE NUMBER & STATE OF LICENSE (LIST ALL UNDER)
8	5	07		511	old Blue Washington

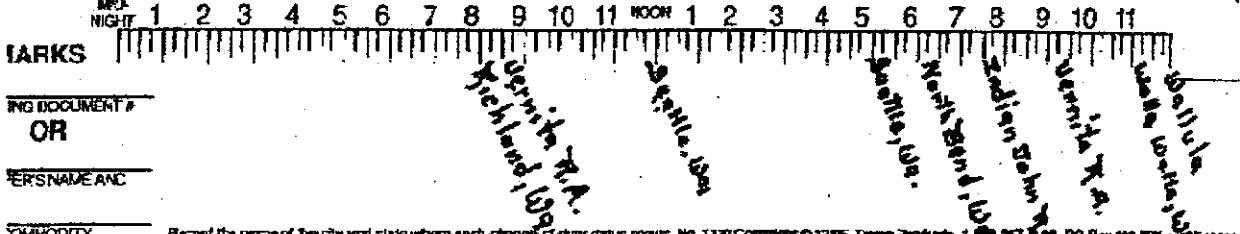
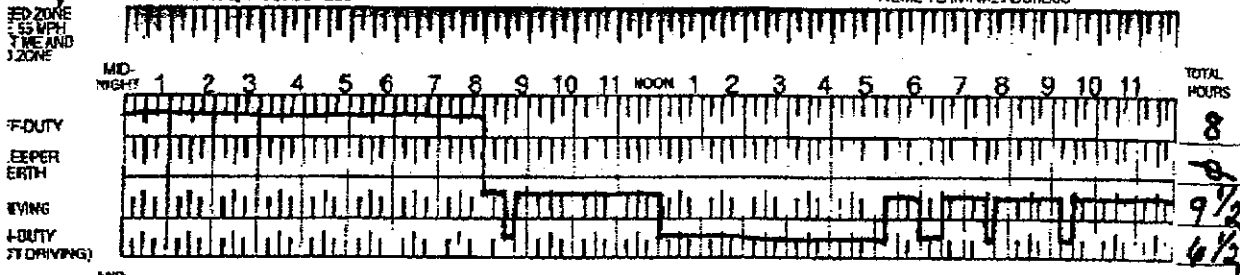
IF THESE ENTRIES ARE TRUE AND CORRECT: (DRIVER'S SIGNATURE IN FULL)

Edward Lee Lawrence

Genie Tours
NAME OF CAPTEER OR CARRIER

Richland, Washington
MAIN OFFICE ADDRESS

NAME OF CO-DRIVER



COMMUNITY Record the name of the city and state where each change of duty status occurs. No. 1130 Copyright © 12/05 Trans Products 1-800-367-3662 PO Box 680 Milford, DE 19663

Richland, Washington TO: **Seattle, Washington**

STARTING POINT OR PLACE DESTINATION OR TURN AROUND POINT OR PLACE

RECAP

Driving Hours Today	9 1/2
Total Driving Today	6 1/2
On-duty Hours Today	16
Total Line 4	16
Total Working Hours Today Lines 3 and 4	41 1/4
70 Hours Day	41 1/4
Total Hours Last 7 Days Including Today	28 1/4
Total Hours Available Tomorrow	60
70 Minus Total Hours Last 7 Days	60
60 Hours Day	60
Total Hours Available Tomorrow	60
60 Minus Total Hours Last 6 Days	60

If file each day at motor carrier's main office - Duplicate. Driver retains in possession for 7 consecutive days

DRIVER'S DAILY LOG

ONE CALENDAR DAY = 24 HOURS

BUS DRIVERS CHECK HERE

DATE	TIME	YEAR	TODAY'S TOTAL TEAM MILEAGE IF APPLICABLE / BY MILES DRIVING	VEHICLE NUMBER / SECTION OR LICENSE PLATE NUMBER & STATE OF LICENSE (LIST ALL UNITS)
8	6	07	16	Old Blue Washington

IF THESE ENTRIES ARE TRUE AND CORRECT: (DRIVER'S SIGNATURE IN FULL)

David Lee Pauling

NAME OF CARRIER OR CARRIERS
Genie Tours
MAIN OFFICE ADDRESS
Richland, Washington

NAME OF CO-DRIVER

HOME TERMINAL ADDRESS

EDITION 55 MPH TIME AND ZONE	MID-NIGHT											NOON											TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	
F-DUTY	[Bar chart showing duty status]																						12
OFFER EARTH	[Bar chart showing off-duty status]																						
DRIVING	[Bar chart showing driving status]																						
IN-CITY (STOPPING)	[Bar chart showing in-city status]																						

MARKS

PHOTOGRAPH
OR
DRIVER'S NAME AND

COMMODITY Record the name of the city and state where each change of duty status occurs. No. 1150 Copyright © 1986 Trans Products 1-800-367-8100 PO Box 698 Milford, DE 19963

FROM: **Waltham, Washington** TO: **Richland, Washington**

STARTING POINT OR PLACE DESTINATION OR TURN AROUND POINT OF PLACE

USE TIME STANDARD AT HOME TERMINAL

RECAP

1/2
Driving Hours Today
Total Line 3
2
On-duty Hours Today
Total Line 4
12
Total Working Hours Today
Lines 3 and 4
35 1/2
Total Hours Last 7 Days including Today
34 1/2
Total Hours Available Tomorrow
70 Minus Total Hours Last 7 Days
60 Hour 7 Day

Total Hours Available Tomorrow
60 Minus Total Hours Last 6 Days

EXTRACT OF DRIVER'S HOURS OF SERVICE

WUTC No. 3

Date of Log: 9/21/07 Total Miles: 454 Vehicle Unit No: Big Red

Carrier/Permit: CH-391 Miles Driven Today: 454

Driver's Name: David Lawing Co-driver:

Carrier's Terminal Address: 1846 Terminal Dr
Suite 101
Richland, WA 99352

15 HOUR RULE

DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP- DRIVING & ON DUTY
9/21/07	7.75	0	8.25	7.75	24	16

Remarks/Information: Driver began his shift at 0400 on September 21, 2007 and continued without 8 consecutive hours off duty until 2015 on the same day. The driver drove in the state of Washington for .25 hours after having been on duty 15 hours.

Supporting Documents: Drivers daily logs dated 9/21/07 prepared and submitted by David Lawing

Violation summary: 1 violation WAC 480-30-221, 49 CFR, Part 395.5(a) (2) requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive after having been on duty more than 15 hours.

Fill in each day at motor carrier's main office • Duplicate Driver retains in possession for 7 consecutive days

DRIVER'S DAILY LOG

ONE CALENDAR DAY = 24 HOURS

BUS DRIVER'S CHECK HERE

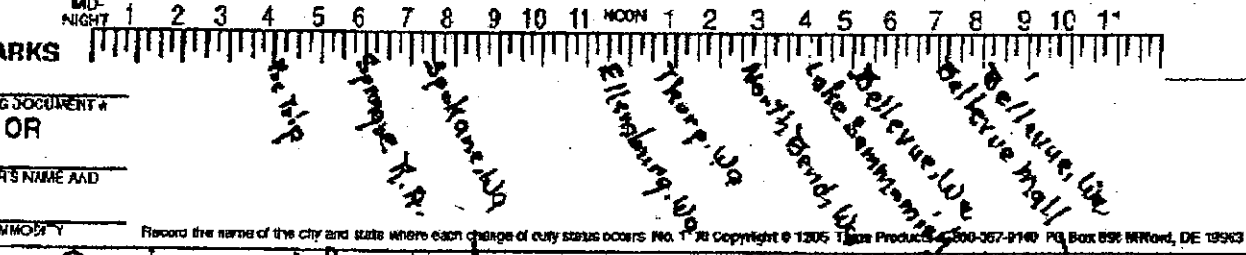
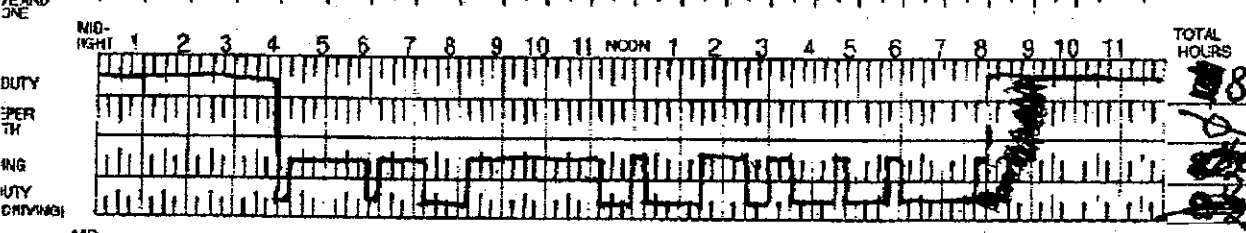
1	DAY	YEAR	TODAY'S TOTAL TEAM MILEAGE (IF APPLICABLE)	MILES DRIVING	VEHIC. ENCL. NUMBER OR LICENSE PLATE NUMBER & STATE OF LICENSE (LIST ALL UNITS)
9	21	07		754	B.9 Red Washington

IF THESE ENTRIES ARE TRUE AND CORRECT: (DRIVER'S SIGNATURE "N.F.A.")

Genie Tours
NAME OF CARRIER OR CARRIERS
Richland, Washington
MAIN OFFICE ADDRESS

James Lee Hawley
NAME OF DRIVER

HOME TERMINAL ADDRESS



STARTING POINT OR PLACE: Spokane Washington TO: Bellevue, Washington
USE TIME STANDARD AT HOME TERMINAL DESTINATION OR TURN AROUND POINT OF PLACE

RECAP

8 1/4
Driving Hours Today
Total Line 3
8 7/8
On-duty Hours Today
Total Line 4
14 1/4
Total Working Hours Today Lines 3 and 4
70 Hour 8 Day
8 1/4
Total Hours Last 7 Days Including Today
69 1/2
Hours Available Tomorrow
75 Minus Total Hours Last 7 Days
69 Hour 7 Day
Total Hours Last 6 Days Including Today
Total Hours Available Tomorrow
60 Minus Total Hours Last 6 Days

EXTRACT OF DRIVER'S HOURS OF SERVICE

WUTC No. 4

Date of Log: 11/10/07 Total Miles: 462 Vehicle Unit No: Old Blue

Carrier/Permit: CH-391 Miles Driven Today: 462

Driver's Name: Susan Slate Co-driver:

Carrier's Terminal Address: 1846 Terminal Dr
Suite 101
Richland, WA 99352

10 HOUR RULE	15 HOUR RULE
--------------	--------------

DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP- DRIVING & ON DUTY
11/10/07	7	0	10.5	6.5	24	17

Remarks/Information: Driver began her shift at 0600 on November 10, 2007 and continued without 8 consecutive hours off duty until 2300 on the same day. The driver drove in the state of Washington for 2 hours after having been on duty 15 hours and for .5 hours beyond the 10 hour limit.

Supporting Documents: Drivers daily log dated 11/10/07 prepared and submitted by Susan Slate

Violation summary: 1 Violation WAC 480-30-221, 49 CFR, Part 395.5(a) (1) Requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive more than 10 hours following 8 consecutive hours off duty.

1 violation WAC 480-30-221, 49 CFR, Part 395.5(a) (2) requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive after having been on duty more than 15 hours.

Normal: For each day at motor carrier's main office - Duplicate: Different dates in possession for 7 consecutive days

RIVER'S DAILY LOG

ONE CALENDAR DAY = 24 HOURS

BUS DRIVER? CHECK HERE

RECAP

MONTH	DAY	YEAR	TEAM MILEAGE (IF APPLICABLE)	TODAY'S TOTAL MILES DRIVING	VEHICLE NUMBER(S) OR LICENSE PLATE NUMBER & STATE OF LICENSE (LIST ALL UNITS)
11	10	07	28954	402	06 Blue/WA

VERIFY THESE ENTRIES ARE TRUE AND CORRECT: (DRIVER'S SIGNATURE IN FULL)

DRIVER SIGNATURE: *Cecile Lous*
 NAME OF CARRIER OR CARRIERS: Richard WA
 MAIN OFFICE ADDRESS: _____
 NAME OF CO-DRIVER: *Susan Slate*
 HOME TERMINAL ADDRESS: _____



MARKS
 STATE DOCUMENT # *State Col. Security*
 OR
 PULLMAN *Pullman*
 PRESS NAME AND

Driving Hours Today
 Total Line 3
 On-duty Hours Today
 Total Line 4
 Total Working Hours Today
 Lines 3 and 4
70 Hour 7 Day
 Total Hours Last 7 Days Including Today
 Total Hours Available Tomorrow
 70 Minus Total Hours Last 7 Days
60 Hour 7 Day

*fuel
issals
mis-direction*

COMMODITY: Record the name of the city and state where each change of duty status occurs No. 1150 Copyright © 1205 Trans Products 1-800-367-8100 PO Box 198 Milford, DE 19963
 FROM: *Spokane WA* TO: *Pullman WA*
 STARTING POINT OR PLACE DESTINATION OR TURN AROUND POINT OR PLACE
 USE TIME STANDARD AT HOME TERMINAL

Total Hours Available Tomorrow
 60 Minus Total Hours Last 6 Days

EXTRACT OF DRIVER'S HOURS OF SERVICE

WUTC No. 5

Date of Log: 11/17/07 Total Miles: 558 Vehicle Unit No: Old Blue
Carrier/Permit: CH-391 Miles Driven Today: 558
Driver's Name: Robert Witz Co-driver:
Carrier's Terminal Address: 1846 Terminal Dr
Suite 101
Richland, WA 99352

10 HOUR RULE

DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP-DRIVING & ON DUTY
11/17/07	9	0	11	4	24	15

Remarks/Information: Driver began his shift at 0615 on November 17, 2007 and continued without 8 consecutive hours off duty until 2115 on the same day. The driver drove in the state of Washington for 1 hour beyond the 10 hour limit.

Supporting Documents: Drivers daily log dated 11/17/07 prepared and submitted by David Witz

Violation summary: 1 Violation WAC 480-30-221, 49 CFR, Part 395.5(a) (1) Requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive more than 10 hours following 8 consecutive hours off duty.

REGULATORY ECONOMY PROGRAM
RON ROOM

Use for each day at motor carrier's main office - Duplicate: Driver retains a possession for 7 consecutive days

DRIVER'S DAILY LOG

ONE CALENDAR DAY = 24 HOURS

BUS DRIVERS CHECK HERE

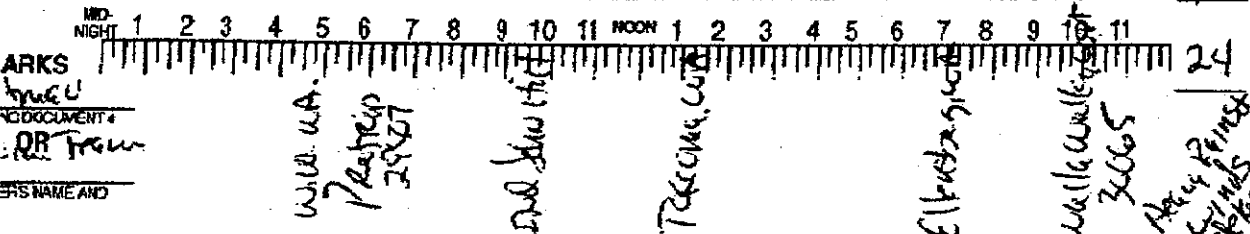
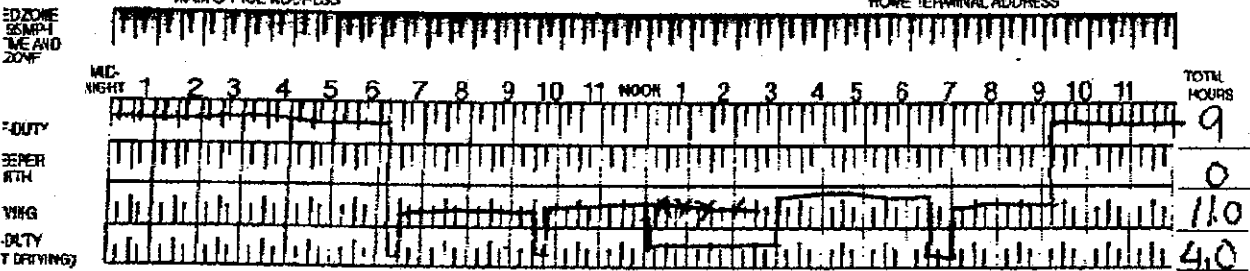
TH	DAY	YEAR	TODAY'S TOTAL TEAM MILEAGE IF APPLICABLE	MY MILES DRIVING	VEHICLE NUMBER(S) OF LICENSE PLATE NUMBER & STATE OF LICENSE (LIST ALL UNITS)
11	17	07		558	01231a

IF THESE ENTRIES ARE TRUE AND CORRECT: (DRIVER'S SIGNATURE IN FULL)

Robert W. H. 3

NAME OF CARRIER OR CARRIERS
OCASE TOURS
 RICHMOND, VA

NAME OF CO-DRIVER
 RICHMOND, VA



Record the name of the city and state where each change of duty status occurs No. 1130 Copyright © 1206 Trans Products 1-800-367-9100 PO Box 898 Milford, DE 19263

STARTING POINT OR PLACE: Walla Walla WA TO: Walla Walla WA

USE TIME STANDARD AT HOME TERMINAL DESTINATION OR TURN AROUND POINT OR PLACE

RECAP


Driving Hours Today	11
Total Line 3	4
On-duty Hours Today	15
Total Line 4	15
Total Working Hours Today Lines 3 and 4	17
70 Hour 8 Day	53
Total Hours Last 7 Days Including Today	53
Total Hours Available Tomorrow	17
70 Miles Total Hours Last 7 Days	60
60 Hour 7 Day	17
Total Hours Last 6 Days Including Today	17
Total Hours Available Tomorrow	17
60 Miles Total Hours Last 6 Days	17

APPENDIX B

**Excerpts from Prior
Compliance Review Reports**

2001 Violations

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

	US DOT #: 0675173	LEGAL: GENIE SERVICE COMPANY INC OPERATING (DBA): GENIE TOUR COACHES PHYSICAL ADDRESS: 4083 West Van Giesen COUNTY: 005 West Richland, WA, 99353 MAILING ADDRESS: 4083 West Van Giesen COUNTY: 005 West Richland, WA, 99353						
	REVIEW TYPE: CR STATUS: Update PLACE: Principal Office CENSUS TYPE: Carrier BUSINESS: Corporation	ICC #: 315161 FEDERAL TAX ID #: 91-0992692 (EIN)	PHONE: (509)967-2902 FAX #: (509)967-2964 E-MAIL: TOLL FREE: (800)814-2902					
OPERATION TYPE: CARRIER OPERATION: SHIPPER OPERATION:	<table border="1"> <tr> <th>INTERSTATE</th> <th>INTRASTATE</th> </tr> <tr> <td>Non-HM</td> <td>Non-HM</td> </tr> <tr> <td>N/A</td> <td>N/A</td> </tr> </table>	INTERSTATE	INTRASTATE	Non-HM	Non-HM	N/A	N/A	OIC: 53 STATE #: A101209 TERRITORY: STATE ID: CH391
INTERSTATE	INTRASTATE							
Non-HM	Non-HM							
N/A	N/A							

CARRIER CLASSIFICATION: (A)
Authorized

CARGO CLASSIFICATION: (M)
Passengers

EQUIPMENT:	TRUCK	TRUCK TRACTOR	TRAILER	HM TANK TRUCK	HM TANK TRAILER	MOTOR COACH	SCHOOL BUS	LIMO	PASS. VAN
OWNED						3			2
TERM LEASED									
TRIP LEASED									

DRIVERS:	INTER	INTRA	Avg. Trip Leased Drivers/Mo.:	Does carrier transport placardable quantities of HM? No
< 100 Miles:			Total Drivers: 9	
>= 100 Miles:	9		CDL Drivers: 9	

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the WUTC at:
 WASHINGTON UTILITIES & TRANSPORTATION COMMISSION
 PO Box 47250, Olympia, WA 98504-7250 ATTN: TOM MCVAUGH

This report will be used to assess your safety compliance.

PERSON(S) INTERVIEWED: Dan Carter
TITLE(S): CFO

REPORTED BY: *[Signature]* **TITLE:** *Molt Special Inv.* **CODE:** WA0531 **DATE:** 07/25/2001

RECEIVED BY: *[Signature]* **TITLE:** *CFO*



PART B

1 STATE	PRIMARY: 382.301(a) CFR Equivalent: 382.301(a)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		1	9	1	9

DESCRIPTION:

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

EXAMPLE:

Failing to conduct a pre-employment drug test on Barbara Williams.

2 STATE	PRIMARY: 382.413(b) CFR Equivalent: 382.413(b)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		1	9	1	9

DESCRIPTION:

Failing to obtain information from prior employer of driver applicant for preceding two years.

EXAMPLE:

Driver Barbara Williams

3 STATE	PRIMARY: 382.601(b) CFR Equivalent: 382.601(b)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		9	9	9	9

DESCRIPTION:

Failing to provide to employees a written policy on misuse of alcohol and controlled substances.

EXAMPLE:

The carrier failed to maintain a signed statement from each driving indicating the driver received the carrier's controlled substance and alcohol policy in accordance with CFR Part 382.601.

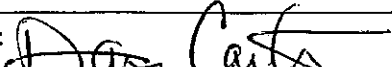
4 STATE	PRIMARY: 382.603 CFR Equivalent: 382.603	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		1	1	1	1

DESCRIPTION:

Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

EXAMPLE:

There was no record of the required supervisor training for Dan Carter.

RECEIVED BY: 	TITLE: CFO
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COMPLIANCE GENIE SERVICE COMPANY INC

REVIEW USDOT: 0675173

DATE: 07/25/2001

PAGE: 2

PART B

5 STATE	PRIMARY: 391.11(b)(5) SECONDARY: 391.11(a) CFR Equivalent: 391.11(b)(5)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		2	8	2	8

DESCRIPTION:

Using a driver without a currently valid motor vehicle operator's license or permit.

EXAMPLE:

There was no evidence of a valid commercial driver's license in the driver qualification file for Andrew Tillman or Bobbie Curry.

6 STATE	PRIMARY: 391.21(a) CFR Equivalent: 391.21(a)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		7	7	7	7

DESCRIPTION:

Using a driver who has not completed and furnished an employment application.

EXAMPLE:

The carrier's applications fail to contain the required information in accordance with CFR Part 391.25.

7 STATE	PRIMARY: 391.51(b) SECONDARY: 391.51(a) CFR Equivalent: 391.51(b)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		1	9	1	9

DESCRIPTION:

Failing to maintain driver qualification file in accordance with 391.51(b).

EXAMPLE:

The carrier fails to maintain a driver qualification file on Dan Carter.

8 STATE CRITICAL	PRIMARY: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	NUMBER	NUMBER	DRIVERS/VEHICLES	
		FOUND	CHECKED	IN VIOL	CHKD
		7	7	7	7

DESCRIPTION:

Failing to maintain inquiries into driver's driving record in driver's qualification file.

EXAMPLE:

The carrier failed to maintain inquiries into the driver's driving record. These inquiries must be made within 30 days from the date of employment and a record of these inquiries must be maintained in their driver qualification file.

RECEIVED BY:

Dan Carter

TITLE:

*CPD**8-6-01 for*



COMPLIANCE GENIE SERVICE COMPANY INC

REVIEW USDOT: 0675173

DATE: 07/25/2001

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9 STATE	PRIMARY: 391.51(b)(2)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 391.51(b)(2)	7	7	IN VIOL	CHKD
				7	7

DESCRIPTION:

Failing to maintain inquiries into driver's employment record in driver's qualification file.

EXAMPLE:

The carrier failed to maintain inquiries into the driver's employment record for the preceeding three years following their date of hire. These inquiries need to be conducted within 30 days from the date of hire and a record maintained in their driver qualification file.

10 STATE	PRIMARY: 391.51(b)(5)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 391.51(b)(5)	6	6	IN VIOL	CHKD
				6	6

DESCRIPTION:

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

EXAMPLE:

This review, conducted annually, must include an inquiry into each driver's driving record from the appropriate agency from each state the driver possesses a commercial driver's license. In addition, the carrier must review each driver's driving record to determine if that driver meets the minimum requirements for safe driving.

11 STATE	PRIMARY: 391.51(b)(6)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 391.51(b)(6)	6	6	IN VIOL	CHKD
				6	6

DESCRIPTION:

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

EXAMPLE:

The carrier failed to obtain an annual certification of violations for each driver it employs.

12 STATE CRITICAL	PRIMARY: 391.51(b)(7)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 391.51(b)(7)	2	8	IN VIOL	CHKD
				2	8

DESCRIPTION:

Failing to maintain medical examiner's certificate in driver's qualification file.

EXAMPLE:

The carrier failed to maintain a valid medical certificate in the driver qualification files on Andrew Tillman and Bobbie Curry.

RECEIVED BY: <i>Don Carter</i>	TITLE: <i>CFD</i>
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COMPLIANCE GENIE SERVICE COMPANY INC

REVIEW USDOT: 0675173

DATE: 07/25/2001

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PART B

13 STATE	PRIMARY: 396.3(a)(1)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 396.3(a)(1)	3	5	IN VIOL	CHKD
				3	5

DESCRIPTION:

Failing to inspect and maintain vehicle to ensure safe and proper operating condition.

EXAMPLE:

Refer to Uniform Driver/Vehicle Inspection Report #0976288, #0976289 and #0976290 marked defective and/or out of service and compliance requested. OOS ratio: 40%. Defective vehicle ratio: 60%.

14 STATE	PRIMARY: 396.3(b)(2)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 396.3(b)(2)	5	5	IN VIOL	CHKD
				5	5

DESCRIPTION:

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

EXAMPLE:

The carrier fails to maintain any record of preventive maintenance indicating the due date and nature of required inspections (PM Program).

15 STATE	PRIMARY: 396.3(b)(4)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 396.3(b)(4)	5	5	IN VIOL	CHKD
				5	5

DESCRIPTION:

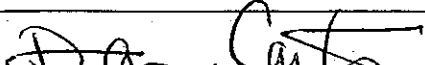
Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.


EXAMPLE:

16 STATE	PRIMARY: 396.19(b)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
	CFR Equivalent: 396.19(b)	1	1	IN VIOL	CHKD
				1	1

DESCRIPTION:

Failing to maintain evidence of inspector's qualifications.

RECEIVED BY: 	TITLE: CFO
--	------------

8-6-01




COMPLIANCE GENIE SERVICE COMPANY INC

REVIEW USDOT: 0675173

DATE: 07/25/2001

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EXAMPLE:

No certification on file for mechanic Mark.

17 STATE	PRIMARY: 396.25(e) CFR Equivalent: 396.25(e)	NUMBER FOUND 1	NUMBER CHECKED 1	DRIVERS/VEHICLES IN VIOL CHKD 1 1
-------------	---	--------------------------	----------------------------	---

DESCRIPTION:

Failing to retain evidence of brake inspector's qualifications.

EXAMPLE:

No record for mechanic Mark.

SAFETY FITNESS RATING INFORMATION:

Total Miles Operated: 42,000
Recordable Crashes: 0
Recordable Crashes / Million Miles: 0.000

OOS Vehicles (CR) : 2
of Vehicles Inspected (CR) : 5
OOS Vehicles (MCMIS) : 0
of Vehicles Inspected (MCMIS) : 0

Your proposed safety rating is

CONDITIONAL

RATING FACTORS

OF POINTS

	ACUTE	CRITICAL
Factor 1: S	0	0
Factor 2: U	0	2
Factor 3: S	0	0
Factor 4: C	0	0
Factor 5: N	0	0
Factor 6: S	-	-

The Federal Motor Carrier Safety Administration headquarters office in Washington, D.C. will notify you of your rating in a forthcoming official notice. If your rating is "satisfactory" or is an improvement upon a previous "unsatisfactory" rating, it is a "final rating" and becomes effective on the date of the official notice.

If your rating is the same as your previous rating (except satisfactory ratings), or is a downgrade upon a previous rating, it is a "proposed rating" and will become a final rating 46-days after the date indicated on the official notice.

Owners or operators of commercial motor vehicles that are designed or used to transport hazardous material for which placarding is required and/or are designed or used to transport passengers, and who have been declared "unfit" may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and may not reestablish interstate operations until they become fit for such transportation. An owner or operator is unfit when the Federal Motor Carrier Safety Administration (FMCSA) issues a final "unsatisfactory" safety rating (49 USC 31144(c) and 49 CFR 385.13(a)). All Federal departments, agencies, or instrumentalities are prohibited from using any owner or operator who

RECEIVED BY:

Don Carter

TITLE:

CFO

8-6-01
[Signature]



COMPLIANCE GENIE SERVICE COMPANY INC

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DATE: 07/25/2001

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PART B

is unfit by virtue of having a final unsatisfactory safety rating (49 USC 31144(e) and 49 CFR 385.13(b)). Owners and operators are "fit" when the FMCSA issues a final "conditional" or "satisfactory" safety rating.

Corrective action must be taken for the violations (deficiencies) listed on Part B of this review.

APPEAL RIGHTS: [A] 49 CFR 385.17: A request for a change to a safety rating for corrective action may be made at any time. This request must be made in writing to the FMCSA Service Center for the geographic area where the carrier maintains its principal place of business (See 49 CFR 390.27). The request must be based upon evidence that the carrier has taken corrective actions and that its operations currently meet the safety fitness standards and factors specified in 49 CFR 385.5 and 385.7. The FMCSA will make a final determination based upon the documentation submitted and any other additional relevant information. A written decision will be issued by the FMCSA. If your request is denied you may, within 90-days after the denial, request administrative review under 49 CFR 385.15.

[B] 49 CFR 385.15: A request may be made to the FMCSA to conduct an administrative review if you believe that an error was committed in assigning the proposed safety rating or when your request under 49 CFR 385.17 was denied. This request must be made within 90 days of the date of the proposed safety rating issued under 49 CFR 385.11(c) or a final rating issued under 49 CFR 385.11(b), or within 90-days of the date of an Order denying your request for a rating change under 49 CFR 385.17.

RECEIVED BY:

Da Costa

TITLE:

CEO

8-6-01

jm



COMPLIANCE GENIE SERVICE COMPANY INC

REVIEW USDOT: 0675173

DATE: 07/25/2001

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Requirements and/or Recommendations

- 1 Obtain and become familiar with the Federal Motor Carrier Safety Regulations.
- 2 Ensure that all drivers are fully and properly qualified before operating in interstate and intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
- 3 Ensure all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by Part 382 of the FMCSR.
- 4 ENSURE THAT DESIGNATED SUPERVISORS OBTAIN THE REQUIRED CONTROLLED SUBSTANCE AND ALCOHOL TRAINING FOR REASONABLE SUSPICION TESTING. ENSURE THAT THE REQUIRED TRAINING IS DOCUMENTED AND MAINTAINED AT THE CARRIER'S PRINCIPLE PLACE OF BUSINESS.
- 5 Ensure that each laboratory used in your drug testing program provides a quarterly statistical summary of urinalysis testing of your drivers.
- 6 Require all drivers to prepare complete, accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
- 7 Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
- 8 Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
- 9 Inspect, at least every 90 days, pushout windows, emergency doors, and emergency door marking lights and maintain a record of conducted tests.
- 10 Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by the time or mileage intervals which you have established or agreed upon. Ensure that records are kept of such periodic preventative maintenance inspections. If schedules are not being adhered to, take corrective action.
- 11 ENSURE THAT AT LEAST ONCE EVERY 12 MONTHS, EACH COMMERCIAL MOTOR VEHICLE IS INSPECTED FOR THE PARTS AND ACCESSORIES SET FORTH IN APPENDIX G OF THE FMCSR'S. MAINTAIN A COPY OF THIS INSPECTION AT THE CARRIER'S PRINCIPAL PLACE OF BUSINESS AND ON EACH VEHICLE.
- 12 Ensure that employees who conduct annual/periodic inspections on commercial motor vehicles are properly trained and certified and proof of the certification and training are on file at the carrier's principal place of business.
- 13 Ensure that employees who inspect, repair, and maintain brakes on commercial motor vehicles are properly

RECEIVED BY:

Da Costa

TITLE:

CFD

86-01

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COMPLIANCE GENIE SERVICE COMPANY INC

REVIEW USDOT: 0675173

DATE: 07/25/2001

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Requirements and/or Recommendations

trained and certified, and proof of this training and certification are maintained at the carrier's principal place of business.

- 14 This review will result in a Safety Rating.
- 15 Within 15 days, send a letter to our office describing what actions you have taken in response to this review to ensure you are complying with the Federal Motor Carrier Safety Regulations.

RECEIVED BY:

Dan Carter


TITLE:

CPA

86-01
Ju

2004 Violations

WA UTILITIES & TRANSPORTATION COMMISSION

	US DOT #: 00675173	Legal: GENIE SERVICE COMPANY INCORPORATED Operating (DBA): GENIE TOURS								
	Review Type: CR Status: Update Place: Principal Office Census Type: Carrier Business: Corporation	Physical Address: 4083 WEST VAN GIESEN WEST RICHLAND, WA, 99353 Mailing Address: 4083 WEST VAN GIESEN WEST RICHLAND, WA, 99353 Phone: 509-967-2902 Phone 2: 800-814-2902 Fax #: 509-967-2964 E-Mail:								
MC/MX #: 315161		Federal Tax ID # 91-0992962 (EIN)								
Operation Type Carrier Operation: Shipper Operation: CT Operation:	<table border="1"> <tr> <td>Interstate</td> <td>Intrastate</td> </tr> <tr> <td>Non-HM</td> <td>Non-HM</td> </tr> <tr> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>N/A</td> <td></td> </tr> </table>	Interstate	Intrastate	Non-HM	Non-HM	N/A	N/A	N/A		Territory: State # CH-391
Interstate	Intrastate									
Non-HM	Non-HM									
N/A	N/A									
N/A										

Carrier Classification
Authorized for Hire

Cargo Classification
Passengers

Drivers <100 Miles: >= 100 Miles:	INTER 10	INTRA	Avg. Trip Leased Drivers/Mo.: Total Drivers: 10 CDL Drivers: 10	Does carrier transport placardable quantities of HM? No
--	-----------------	-------	--	---

Equipment

Motor Coach: 3 Owned
Minibus, 16+: 1 Owned

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the WUTC at:


WUTC ATTN: TOM McVAUGH
PO BOX 47250
OLYMPIA, WA 98504-7250

This report will be used to assess your safety compliance.



Person(s) interviewed: DAN CARTER
Title(s): PRESIDENT

REPORTED BY:  TITLE: *MCLR SPECIAL Investigator* CODE: WA0531 DATE: 11/3/2004

RECEIVED BY:  TITLE: *CFO*



GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 00675173

State #: CH-391

Review Date

11/03/2004

Part B Violations

1	FEDERAL	Primary: 391.21(a)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
			5	5	5	5
Description						
Using a driver who has not completed and furnished an employment application.						
Example						
Dave Lawing, trip date: 10-20-04. Employment application fails to contain required information, such as traffic accident/conviction information.						
2	FEDERAL CRITICAL	Primary: 391.51(b)(2)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
			5	5	5	5
Description						
Failing to maintain inquiries into driver's driving record in driver's qualification file.						
Example						
Jonathan Artiz, trip date: 10-30-04.						
3	FEDERAL	Primary: 391.51(b)(2)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
			3	5	3	5
Description						
Failing to maintain inquiries into driver's employment record in driver's qualification file.						
Example						
Jonathan Artiz, trip record: 10-30-04.						
	FEDERAL	Primary: 391.51(b)(4)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
			2	5	2	5
Description						
Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).						
Example						
Dave Lawing, trip date: 10-20-04.						
5	FEDERAL	Primary: 391.51(b)(5)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
			5	5	5	5
Description						
Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).						
Example						
Lester Jones, trip date 11-03-04.						
6	FEDERAL	Primary: 391.51(b)(6)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
			5	5	5	5
Description						
Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.						
Example						
Jonathan Artiz, trip date: 10-30-04.						

Received by Dave Cant

Title CFO

Date 11/4/2004



GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 00675173

State #: CH-391

Review Date

11/03/2004

Part B Violations

7 FEDERAL CRITICAL	Primary: 391.51(b)(7)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description Failing to maintain medical examiner's certificate in driver's qualification file. Example Lester Jones, trip date 11-03-2004. Medical certificate in driver qualification file expired on 8-30-04.					
8 FEDERAL	Primary: 395.5(a)(1)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours. Example 9-24-04, Dave Lawing drove 11.75 hours.					
9 FEDERAL	Primary: 395.8(f)	Discovered 32	Checked 150	Drivers/Vehicles In Violation 4	Checked 5
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Dave Dirksen, trip date: 10-29-04. Driver failed to record stops in remarks section.					
10 FEDERAL	Primary: 396.3(a)(1)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to inspect and maintain vehicle to ensure safe and proper operating condition. Example Refer to Uniform Driver/Vehicle Inspection Report #1175888, and #1175889, marked defective and/or out of service and compliance required.					
11 FEDERAL	Primary: 396.3(b)(4)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
Description Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses. Example Unit #083, WA License #79908PR. Last pushout record on file at carrier's office was in 2001.					
12 FEDERAL	Primary: 396.11(b)	Discovered 25	Checked 60	Drivers/Vehicles In Violation 4	Checked 4
Description Failing to ensure driver vehicle inspection report is complete and accurate. Example Don Miller, Unit #083, 9-19-04. Driver wrote up defects on air suspension and speedometer. DVIR does not have mechanic's signature indicating repairs were made. This same defect was written up on 9-21-04.					

Received by *Don Carter*

CFO
Title

11/4/2004
Date



GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 00675173

State #: CH-391

Review Date

11/03/2004

Part B Violations

13 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
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Description

Using a commercial motor vehicle not periodically inspected.

Example

Unit #223, WA License #79909PR. Last annual inspection in carrier's records was in 2001.

Safety Fitness Rating Information:

Total Miles Operated	180,000
Recordable Accidents	0
Recordable Accidents/Million Miles	0.000

OOS Vehicle (CR):	1
Number of Vehicle Inspected (CR):	3
OOS Vehicle (MCMIS):	0
Number of Vehicles Inspected (MCMIS):	0

Your proposed safety rating is :

CONDITIONAL

Rating Factors

Acute

Critical

Factor 1:	S	0	0
Factor 2:	U	0	2
Factor 3:	S	0	0
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

This rating will become the final rating 45 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review of and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

Da Cant
Received by

CFU
Title

11/4/2004
Date



GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 00675173

State #: CH-391

Review Date

11/03/2004

Part B Recommendations

1. Obtain a copy of each driver's driving record and review it annually.
2. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
3. Do not allow drivers to operate a Commercial Motor Vehicle unless they are medically certified to do so. Ensure that the medical certificates are current every two years. Maintain a copy of the medical certificate in the driver's qualification file and ensure the driver maintains a copy on his/her person.
4. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
5. Establish a system to control drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70 hour limits.
6. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
7. Ensure that all vehicles are systematically repaired and maintained. Establish a complete file for each vehicle, recording all repair, maintenance and inspection operations performed.
8. ENSURE THAT AT LEAST ONCE EVERY 12 MONTHS, EACH COMMERCIAL MOTOR VEHICLE IS INSPECTED FOR THE PARTS AND ACCESSORIES SET FORTH IN APPENDIX G OF THE FMCSR'S. MAINTAIN A COPY OF THIS INSPECTION AT THE CARRIER'S PRINCIPAL PLACE OF BUSINESS AND ON EACH VEHICLE.
9. Inspect, at least every 90 days, pushout windows, emergency doors, and emergency door marking lights and maintain a record of conducted tests.
10. This review will result in a Safety Rating.
11. To obtain a current copy of your carrier profile, contact Ms. Carolyn Caruso at 360-664-1244.
12. Within 15 days after signing for this Compliance Review, send a letter to the Utilities and Transportation Commission, outlining your procedures for complying with the noted violations. Attention the letter to Tom McVaugh.

Received by

Title


Date

CFO

11/4/2004

September 2006 Violations

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

	US DOT # 675173	Legal: GENIE SERVICE COMPANY INCORPORATED Operating (DBA): GENIE TOURS		
MC/MX #: 315161 State #: CH391 Federal Tax ID: 91-0992692 (EIN)		Review Type: Compliance Review (CR) - Receipt		
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types: Interstate IntraState				
Carrier: Non-HM Non-HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: \$462,754.00 for year ending: 12/31/2005		
Company Physical Address:				
1846 Terminal Drive Suite 101 Richland, WA 99352				
Contact Name: Dan Carter Phone numbers: (1) 509-946-1400 (2) Fax E-Mail Address:				
Company Mailing Address:				
1846 Terminal Drive Suite 101 Richland, WA 99352				
Report Summary				
		Report	# of Pages	
		Part A - General	<u>2</u>	
		Part B - Violations	<u>3</u>	
		Part B - Recommendations	<u>2</u>	
		Review/Audit Receipt Page	<u>1</u>	
		Total Pages	<u>8</u>	
Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.				
QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to: WUTC ATTN: John Foster, PO Box 47250, Olympia, WA 98504-7250 Ph. (360) 664-1238, Fax #360) 586-1150, email: jfoster@wutc.wa.gov				
This report will be used to assess your safety compliance.				
Person(s) Interviewed				
Name: Dan Carter		Title: CFO		
Name:		Title:		
Reported By: <i>John Foster</i>		Title: <i>Investigator</i>		Code: WA0518 Date: 9/26/2006
Received By:		Title:		





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)
 U.S. DOT #: 675173

State #: CH391

Review Date:
 09/26/2006

Part B Violations

1 FEDERAL	Primary: 391.11(b)(5)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Operating a commercial motor vehicle without a valid commercial driver's license. Example Thomas Townsend, 7/22/2006 License in file expired 12/18/2005					
2 FEDERAL	Primary: 391.21(a)	Discovered 4	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Using a driver who has not completed and furnished an employment application. Example Lester Jones, Trip date 8/26/2006 Carrier's application form does not request all required information.					
3 FEDERAL	Primary: 391.25(a)	Discovered 3	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Lester Jones, 8/7/2006					
4 FEDERAL	Primary: 391.25(b)	Discovered 3	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive. Example Thomas Townsend, 7/22/2006					
5 FEDERAL CRITICAL	Primary: 391.51(b)(2)	Discovered 2	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Failing to maintain inquiries into driver's driving record in driver's qualification file. Example Lester Jones, 8/7/2006					





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

09/26/2006

Part B Violations

6 FEDERAL	Primary: 393.9	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
<p>Description Operating a motor vehicle not having the required operable lamps. Unit 038, Trip date Backup lamps inoperative</p>					
7 FEDERAL	Primary: 393.51(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
<p>Description Failing to equip brake system with warning device or gauge. Example Unit 223, Trip date Low air warning device was inoperative</p>					
8 FEDERAL	Primary: 395.5(a)(1)	Discovered 2	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
<p>Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours. Example David Lawing, 8/27/2006 Driver drove 12.25 hours before taking 8 hours off duty</p>					
9 FEDERAL	Primary: 395.5(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 5
<p>Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days. Example Jon Artz, July 8,9,10,11,12,13,14 and 15 2006 7/8 = 4 hrs. 7/9= 11.25 hrs. 7/10= 12.25 hrs. 7/11=11 hrs. 7/12=11.75 hrs. 7/13=10.25 hrs. 7/14=14 hrs. 7/15=4 hrs.</p>					
10 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 16	Checked 150	Drivers/Vehicles In Violation 4	Checked 5
<p>Description Failing to require driver to make a record of duty status. Example Jon Artz, 7/8/2006 Driver drove from Richland, WA to Ontario, OR., a distance of 241 miles and failed to prepare a daily log. Driver then continued to Lake Tahoe, CA and did not return to Richland until 7/15/2006. NO daily logs were prepared for this trip.</p>					





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)
 U.S. DOT #: 675173

State #: CH391

Review Date:
 09/26/2006

Part B Violations

11 FEDERAL	Primary: 396.3(a)(1)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description

Failing to inspect and maintain vehicle to ensure safe and proper operating condition.

Example

Unit 038, trip date

3 of 12 push out windows inoperative

12 FEDERAL	Primary: 396.3(a)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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Description

Failing to inspect pushout windows, emergency doors, and emergency marking lights in buses at least every 90 days.

Example

Unit 038

Carrier does not keep any records of Pushout window test.

This unit was found with 3 inoperative push out windows,

Safety Fitness Rating Information:		OOS Vehicle (CR): 1
Total Miles Operated 200,000		Number of Vehicle Inspected (CR): 5
Recordable Accidents 0		OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00		Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is : CONDITIONAL	Rating Factors	Acute	Critical
	Factor 1: S	0	0
	Factor 2: C	0	1
	Factor 3: U	0	2
	Factor 4: S	0	0
	Factor 5: N	0	0
	Factor 6: S	-	-

This rating will become the final rating 45 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review of and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

09/26/2006

Part B Requirements and/or Recommendations

1. This review will result in an intrastate safety rating and carrier profile. To obtain a copy of your profile, contact Ms. Carolyn Caruso at 360-664-1244.
2. This review will result in a Safety Rating.
3. A copy of your carrier profile can be obtained for \$20 from the SAFER website (www.safersys.org) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.

4. Less Than Satisfactory Safety Rating

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these

findings. Your petition should be addressed to:

Mr. John Hill, Chief Safety Officer
Federal Motor Carrier Safety Administration
400 7th Street, S.W.
Washington, DC 20590.

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Field Administrator
Federal Motor Carrier Safety Administration
Mailing Address
City, State Zip Code

5. Obtain a copy of each driver's driving record and review it annually.
6. Ensure that all drivers have been issued a valid CDL with proper endorsements and maintain a copy in the driver qualification file.
7. Ensure all drivers driving records are reviewed annually and that all drivers provide a list of all traffic convictions.
8. Within 15 days, send a letter to the Washington Utilities & Transportation Commission, ATTN John Foster, describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations.
9. Inspect, at least every 90 days, pushout windows, emergency doors, and emergency door marking lights and maintain a record of conducted tests.
10. Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

09/26/2006


Part B Requirements and/or Recommendations

11. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
12. Ensure that all drivers are fully and properly qualified before operating in interstate and intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process. All applications must be complete and include date, address, past addresses, experience, work history and driving record .
13. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/factsfigs/eta/forms.html.



November 2006 Violations

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

	US DOT # 675173	Legal: GENIE SERVICE COMPANY INCORPORATED Operating (DBA): GENIE TOURS
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MC/MX #: 315161	State #: CH391	Federal Tax ID: 91-0992692 (EIN)
Review Type: Compliance Review (CR)		
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.	Territory:

Operation Types	Interstate	Intrastate	Business: Corporation
Carrier: Non-HM	Non-HM		Gross Revenue: \$462,754.00 for year ending: 12/31/2005
Shipper: N/A	N/A		
Cargo Tank: N/A	N/A		

Company Physical Address:

1846 Terminal Drive Suite 101
Richland, WA 99352

Contact Name: Daniel Carter

Phone numbers: (1) 509-946-1400 (2) Fax

E-Mail Address:

Company Mailing Address:

1846 Terminal Drive Suite 101
Richland, WA 99352

Carrier Classification

Authorized for Hire

Cargo Classification

Passengers

Does carrier transport placardable quantities of HM? No

an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 8
>= 100 Miles:	5	3	CDL Drivers: 8

Equipment

	Owned			Term Leased			Trip Leased			
	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased	
Motor Coach		5		0		0	Minibus, 16+	3	0	0

Power units used in the U.S.: 8

Percentage of time used in the U.S.: 98





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date

11/14/2006

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to: WUTC

ATTN: John Foster, PO Box 47250,
Olympia, WA 98504-7250
Ph. (360) 664-1238, Fax #360) 586-1150, email: jfoster@wutc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Daniel Carter

Title: CFO

Name:

Title:





Part B Violations

1 FEDERAL	Primary: 391.25(a)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
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Description

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Example

Thomas Townsend, 10/13/2006

2 FEDERAL	Primary: 391.25(b)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
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Description

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

Example

Thomas Townsend, 10/13/2006

3 FEDERAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description

Using a driver not medically examined and certified during the preceding 24 months.

Example

Donald Miller, Trip date 10/20/2006

Medical card in file expired 01/19/2006

4 FEDERAL	Primary: 395.5(a)(1)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1	Checked 5
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Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.

Example

On 10/15 - 10/16/2006 Dale Anderson drove 10.25 hours without 8 hours off duty.

5 FEDERAL	Primary: 395.5(a)(2)	Discovered 2	Checked 150	Drivers/Vehicles In Violation 2	Checked 5
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Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.

Example

10/16/2006 Dale ~~Richardson~~ ^{Anderson} drove 4.75 hours after being on duty 15 hours.

6 FEDERAL	Primary: 395.5(b)(2)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 5
--------------	----------------------	-----------------	--------------	---------------------------------------	--------------

Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days.

Example

10/18/2006, Susan Slate drove 4.75 hours after 70 hours in 8 days





GENIE TOURS (GENIE SERVICE COMPANY INCORPORATED dba)

U.S. DOT #: 675173

State #: CH391

Review Date:

11/14/2006

Part B Violations

7 FEDERAL	Primary: 395.8(f) Secondary: 395.8(f)(11)	Discovered 30	Checked 150	Drivers/Vehicles In Violation 5	Checked 5
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

David Lee Lawing, 10/03/2006

Also subparagraphs (4), (9), & (12)

Safety Fitness Rating Information:

Total Miles Operated	200,000
Recordable Accidents	0
Recordable Accidents/Million Miles	0.00

OOS Vehicle (CR):	0
Number of Vehicle Inspected (CR):	0
OOS Vehicle (MCMIS):	1
Number of Vehicles Inspected (MCMIS):	5

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

active actions must be taken for any violations (deficiencies) identified on Part B of this report.






Part B Requirements and/or Recommendations

1. Obtain a copy of each driver's driving record and review it annually.
2. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
3. Do not allow drivers to drive interstate / intrastate unless they have been physically re-examined each 24 months.
4. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
5. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
6. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
7. Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.
8. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/factsfigs/eta/forms.html.
9. A copy of your carrier profile can be obtained for \$20 from the SAFER website (www.safersys.org) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
10. To obtain a current copy of your intrastate carrier profile, contact Ms. Carolyn Caruso at 360-664-1244.
11. Within 15 days, send a letter to the Washington Utilities & Transportation Commission, ATTN John Foster, describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations.



WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

	US DOT # 675173	Legal: GENIE SERVICE COMPANY INCORPORATED Operating (DBA): GENIE TOURS
---	---------------------------	---

MC/MX #: 315161 **State #:** CH391 **Federal Tax ID:** 91-0992692 (EIN)

View Type: Compliance Review (CR) - Receipt

Scope: Principal Office **Location of Review/Audit:** Company facility in the U. S. **Territory:**

Operation Types	Interstate	Intrastate	Business: Corporation Gross Revenue: \$462,754.00 for year ending: 12/31/2005
Carrier:	Non-HM	Non-HM	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		

Company Physical Address:

1846 Terminal Drive Suite 101
Richland, WA 99352

Contact Name: Daniel Carter

Phone numbers: (1) 509-946-1400 (2) **Fax**

E-Mail Address:

Company Mailing Address:

1846 Terminal Drive Suite 101
Richland, WA 99352

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	2
Part B - Recommendations	1
Review/Audit Receipt Page	1
Total Pages	6

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to: WUTC

ATTN: John Foster, PO Box 47250,
Olympia, WA 98504-7250
Ph. (360) 664-1238, Fax #360) 586-1150, email: jfoster@wutc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Daniel Carter **Title:** CFO

Name: **Title:**

Reported By: *John Foster* **Title:** Investigator **Code:** WA0518 **Date:** 11/14/2006

Received By: *Do Carter* **Title:** CFO



APPENDIX C

**Letter from Commission
to Genie, dated March 15, 2007**



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 15, 2007

Daniel Carter, CFO
Genie Service Company, Inc.
1846 Terminal Drive, Suite 101
Richland, Washington 99352

RE: November 13 and 14, 2006, Compliance Review

Dear Mr. Carter:

As you know, Genie Service Company, Inc., (Genie) and Utilities and Transportation Commission (commission) staff recently entered into and filed a settlement agreement in TE-061753. This case involves a penalty assessment stemming from violations we identified in a September 2006 compliance review. The settlement was a compromise between staff and the company and resolved all issues in the case. Genie earned a conditional safety rating during that compliance review. As a result, we scheduled Genie for an additional compliance review in November.

On November 13 and 14, 2006, commission Investigator John Foster conducted a follow-up inspection of the safety operations of Genie. Subsequently, we requested copies of all driver log books for the month of October 2006 from Genie. We needed these additional records to complete our assessment. Genie responded to the request for additional information on January 5, 2007.

We have completed our analysis of your second safety audit and found a number of violations of the Code of Federal Regulations (CFR), which the commission has adopted in its rules, as follows:

- **Four** violations of WAC 480-30-999, which adopts by reference Title 49, CFR Part 391.25(a), failing to make an inquiry into the driving record of each driver to the appropriate state agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.
- **Four** violations of WAC 480-30-999, which adopts by reference Title 49, CFR Part 391.25(b), failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.



Genie Service Company, Inc.

March 15, 2007

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- **One** violation of WAC 480-30-999, which adopts by reference Title 49, CFR Part 391.45(b)(1), using a driver not medically examined and certified during the preceding 24 months.
- **Two** violations of WAC 480-30-999, which adopts by reference Title 49, CFR Part 395.5(a)(1), requiring or permitting a driver of a passenger carrying commercial motor vehicle to drive more than 10 hours following 8 consecutive hours off duty.
- **Two** violations of WAC 480-30-999, which adopts by reference Title 49, CFR Part 395.5(a)(2), requiring or permitting a driver of a passenger carrying commercial motor vehicle to drive after having been on duty more than 15 hours.
- **Three** violations of WAC 480-30-999, which adopts by reference Title 49, CFR Part 395.5.8(e), requiring or permitting a driver to make false entries in driver's daily log.
- **One** violation of WAC 480-30-999, which adopts by reference Title 49, CFR Part 395.5(b)(2), requiring or permitting a passenger carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days.
- **Thirty** violations of WAC 480-30-999, which adopts by reference Title 49, CFR Part 395.8(f)(11), failing to require driver to prepare record of duty status in form and manner prescribed.

Under state law (RCW 81.68.030) the commission may issue penalties for violations of these federal regulations and commission rules.

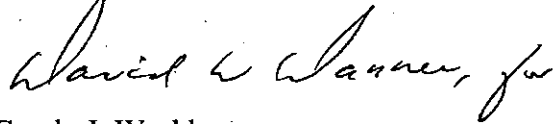
We are not recommending penalties at this time, however, additional violations in future compliance reviews will subject your company to further enforcement action, which will include monetary penalties. We requested administrative review of the commission's order in TE-061753 and intend to conduct another compliance review of Genie's safety operations in June 2007.

You have requested training for your drivers on Part 395, Hours of Service of Drivers regulations. Unfortunately due to budget constraints, the commission is not able to offer training classes of this nature. I suggest you contact a training vendor such as J.J. Keller and Associates, Inc., at (877) 564-2333 or visit their website, www.jjkeller.com to obtain training material in this area.

Genie Service Company, Inc.
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If you have questions regarding this matter, you may contact Kathy Hunter at (360) 664-1257 or by e-mail at khunter@wutc.wa.gov or John Foster at (360) 664-1238 or by e-mail at jfoster@wutc.wa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "David W. Washburn, Jr.", written in black ink.

Carole J. Washburn
Executive Secretary

APPENDIX D

**Letter from Genie to John Foster,
dated December 12, 2007**

APPENDIX D



Genie Tours

1846 Terminal Drive • Richland, Washington 99354 • (509) 946-1400 Fax (509) 946-1109

December 12, 2007

RECEIVED
DEC 17 2007
WASH. UT. & TP. COMM

John Foster
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504-7250

REFERENCE: RESPONSE TO COMPLIANCE REVIEW FINDINGS

Dear Mr. Foster:

PART B: Items 1, 2, 4 & 5: Driver Ron Boom---He is currently a regular bus driver with the Pasco School District and is a new driver on the Genie driver's roster. His log sheet was obviously incorrectly filled out because it does not require greater than 10 driving hours to drive between the Tri Cities and Grand Coulee.

Since log sheet completion appears to be a problem with our crew of part-time drivers, I am again requesting WUTC assistance in addressing this issue before our drivers.

Incomplete information on the Ron Boom employment application has been corrected.

PART B: Item 3: Requests submitted to the Department of Licensing for drivers' abstracts were returned due to DOL's change in fee structure for this service. To expedite this process, drivers individually secured copies of their abstract from DOL. Copies were FAXed to you.

Thanks for your assistance in this matter.

Sincerely,

Dan Carter
GENIE TOURS

cc: John Foster