

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TE-070767

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

☐ 1. **Payment of penalty.** I admit that the violations occurred and enclose \$500 in payment of the penalty.

☒ 2. **Request for a hearing.** I believe that the alleged violations did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

DRIVER IN QUESTION PREVIOUSLY EMPLOYED IN SAFETY SENSITIVE POSITION AND ENROLLED IN SUBSTANCE ABUSE TESTING PROGRAM IMMEDIATELY PRIOR TO HIS EMPLOYMENT AT MTR. AS SUCH, THIS REQUIREMENT MET EXCEPTIONS NOTED IN FMCSR PART 382.301(b). SEE ATTACHED RESPONSE TO WUTC.

☐ 3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reason(s) set out below.

☐ a) I ask for a hearing for a decision by an administrative law judge

OR ☐ b) I waive a hearing and ask for an administrative decision on the information I present here.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: MAY 4, 2007 [month/day/year], at SEATTLE, WA [city, state]

MERIDIAN TRANSPORTATION RESOURCES, LLC
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”



**ADVANCE COPY SENT VIA FAX
HARD COPY SENT REGULAR MAIL**

Thursday, April 12, 2007

Ms. Carolyn Caruso
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

Re: Response to WUTC/FMCSA Compliance Review, March 30, 2007

Dear Ms Caruso;

Please accept this letter in response to Violation noted during the Compliance Review of Meridian Transportation Resources, on March 30, 2007. During that review, the compliance officer noted that MTR Western was in violation of Part 382.301(a) of the FMCSR. Specifically, it was noted that Driver Dustin Larsh drove a commercial vehicle before the motor carrier had received a negative pre-employment controlled substance test result. The driver in question was hired on 1-2-2007 and the negative results of his test were verified on 1-4-2007. Trip dates noted on his daily log report indicate that he did drive on 1/2, 3 and 1/4. Those trips were all conducted as part of his training and orientation with an MTR Safety & Training Manager present.

It is our belief that the company was not in violation of Part 382.301(a) due to his previous employment as a commercial vehicle operator at Gray Line of Seattle. His application clearly indicates that he was subject to the FMCSRs and was employed in a designated safety sensitive position up to his last day of work prior to starting at MTR Western. This designation should have excluded the requirement as listed above, in accordance with Part 382.301(b) (inclusive).

Additionally, MTR Western had submitted a request for verification of previous employment and qualification to the driver's previous employers in accordance with Part 382.301(c). At the time of the Compliance Review, however, the results of that request had not been returned from Gray Line of Seattle. That request has since been re-submitted with note of the 2nd Request and will continue to be requested until such time as it is received in this office.

Finally, MTR Western is aware of the requirement for test verification as evidenced by its full compliance with all other drivers in its employ. The failure to ensure timely return of Previous Employment verification requests have been addressed and programs have been established to prevent this lapse in reporting from occurring again. Drivers will not be allowed to drive until such time as we have verified results of controlled substance testing or other verification, in accordance with Part 382.301, et al.

MTR Western takes a great deal of pride and places a strong emphasis on its Safety Management and operating record. We are aware of the importance of compliance and appreciate the Commission's role in assisting us in our vigilance.

Respectfully Submitted,
Meridian Transportation Resource, LLC

A handwritten signature in black ink, appearing to be "B. Parker", written over a large, stylized, handwritten "X" or "Z" mark.

By: Brian Parker
Its: Director of Safety & Training

Meridian Transportation Resources, LLC
1501 Fourth Avenue, Suite 1900
Seattle, WA 98101

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