

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TE-160829

**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 violation occurred and enclose \$ \_\_\_\_\_ in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR  b) I ask for a Commission decision based solely on the information I provide above.

3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR  b) I ask for a Commission decision based solely on the information I provide above.

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: 18 July 2016 [month/day/year], at Seattle, WA [city, state]

Matthias Duoss - Operations Manager

[Signature]

Name of Respondent (company) – please print

Signature of Applicant

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OFFICE OF THE  
CLERK OF THE  
COMMISSION

JUL -6 2016

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION****NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**PENALTY ASSESSMENT: TE-160829  
PENALTY AMOUNT: \$36,900

International District Parking Association  
DBA Merchants Parking Association, Merchants Parking/Transia  
214 5<sup>th</sup> Avenue South  
Seattle, WA 98104

The Washington Utilities and Transportation Commission (Commission) believes that you have committed violations of Washington Administrative Code (WAC) 480-30-221 Vehicle and Driver Safety Requirements, which requires charter and excursion carriers to comply with Title 49 Code of Federal Regulations (CFR) Part 382 – Controlled Substances and Alcohol Use and Testing, Part 383 – Commercial Driver's License Standards, Part 391 – Qualifications of Drivers, Part 395 – Hours of Service of Drivers and Part 396 – Inspection, Repair, and Maintenance.

RCW 81.04.405 allows penalties of one hundred dollars for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation.

On April 26, 2016, Commission Motor Carrier Investigator Sandi Yeomans conducted a compliance review of International District Parking Association d/b/a Merchants Parking Association, Merchants Parking/Transia (Transia) and identified the following violations of acute and critical regulations:

**Acute**

- **Two hundred thirty-four violations of CFR Part 383.37(a) – Allowing, requiring, permitting, or authorizing a driver to operate a commercial motor vehicle during any period in which the driver does not have a current commercial learner's permit (CLP) or commercial driver's license (CDL) or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a commercial motor vehicle who violates any restriction on the driver's CLP or CDL. Transia allowed employees Mohammad Mohajeripour, Richard Phelps, and Xuseen Saleebaan to operate a commercial motor vehicle with passengers on 234 occasions between November 2015 and April 2016. None of the drivers had a passenger endorsement to operate a commercial motor vehicle with passengers.**

**Critical**

- **One violation of CFR Part 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Transia allowed employee Jonathan Duarte to operate a commercial motor vehicle on**

November 2, 2015, however Transia had not received a negative pre-employment controlled substance test result until November 10, 2015.

- **One hundred fifteen violations of CFR Part 391.45(a) – Using a driver not medically examined and certified.** Transia allowed employees Jonathan Duarte, Charles Harris, Daniel Miller, and Najeh Mohammed to drive on a total of 115 occasions between January 2015 and April 2016. None of the drivers had been medically examined and certified prior to driving.
- **One violation of CFR Part 391.51(b)(2) – Failing to maintain inquiries into driver’s driving record in driver’s qualification file within 30 days of hire.** Transia failed to check the driving record of employees Peter Castro, Shimanugus Gaim, Charles Harris, Kyu Jung, Tauati Peni, Mohammad Mohajeripour, and Najeh Mohammed within 30 days of hire.
- **Five violations of CFR Part 395.8(a) – Failing to require driver to make a record of duty status.** Transia allowed employees Peter Castro, Jonathan Duarte, Najeh Mohammed, and Kyu Jung to drive without making a record of duty status when not under short haul exemption on 5 occasions between November 2015 and February 2016.
- **One violation of CFR Part 396.11(a) – Failing to require driver to prepare driver vehicle inspection report.** Transia failed to require its drivers to prepare a driver vehicle inspection report on 210 occasions.
- **Eight violations of CFR Part 396.17(a) – Using a commercial motor vehicle not periodically inspected.** Transia failed to maintain records of a periodic vehicle inspection. None of the 8 vehicles inspected had any periodic inspections in the file or on the vehicles at the time of inspection.

The Commission considered the following factors in determining the appropriate penalties for these violations:

1. **How serious or harmful the violation is to the public.** The violations noted are very serious and potentially harmful to the public. Companies that allow a driver to operate a commercial motor vehicle prior to receiving a negative pre-employment controlled substance test result, disregard requirements for medical examination and certification, allow employees to operate a commercial motor vehicle without the proper endorsements, fail to document drivers’ hours of service, or that use a commercial motor vehicle not periodically inspected put the traveling public at risk. An unknown pre-employment controlled substance test result, an undocumented medical condition, a non-endorsed driver, a potentially fatigued driver, or a potentially defective vehicle presents very serious safety concerns.
2. **Whether the violation is intentional.** Considerations include:

- Whether the company ignored staff's previous technical assistance; and
- Whether there is clear evidence through documentation or other means that shows the company knew of and failed to correct the violation.

On February 9 and 10, 2010, Commission staff conducted a compliance review of Transia from which the company received a satisfactory safety rating. During the compliance review Transia was found in non-compliance of CFR Parts 391, 393, and 396. Transia was provided technical assistance and was penalized by the Commission in the amount of \$100 for violation of CFR Part 391.

On May 11, 12, and 13, 2010, Commission staff conducted a compliance review of Transia from which the company received a satisfactory safety rating. During the compliance review staff provided additional technical assistance and noted violations of CFR Part 396.

On October 14, 2011, Transia submitted an application for charter and excursion authority. In its application for charter and excursion authority, Transia acknowledged its responsibility to understand and comply with applicable motor carrier safety regulations. Commission staff provided technical assistance to Transia as a new entrant for charter and excursion authority on February 14, 2012.

On August 21, 2012, Washington State Patrol conducted a compliance review of Transia from which the company received a conditional safety rating. In the compliance review Transia was found in non-compliance of CFR Parts 380, 382, 383, 391, 395 and 396. Transia was provided technical assistance and was penalized by Washington State Patrol for violation of CFR Part 382.

The company knew, or should have known, about these requirements.

3. **Whether the company self-reported the violation.** The company did not self-report these violations.
4. **Whether the company was cooperative and responsive.** Transia was very cooperative throughout the entire scope of the investigation and expressed a desire of coming into compliance.
5. **Whether the company promptly corrected the violations and remedied the impacts.** Transia was very helpful throughout the investigation, however the company did not make any attempt to correct any of the violations.
6. **The number of violations.** The number of critical violations noted is significant.
7. **The number of customers affected.** The company traveled 541,969 miles and reported \$2,100,000 in gross revenue in 2015, operating thirty-six vehicles. Due to the number of violations noted, these safety violations potentially affected a significant number of customers.

8. **The likelihood of recurrence.** The company was very cooperative and expressed a desire of coming into compliance, however there were multiple repeat violations including repeats of 3 critical regulations. Therefore, the likelihood of recurrence is high.
9. **The company's past performance regarding compliance, violations, and penalties.**
  - The company has had three previous compliance reviews since 2010. There have been similar violations noted and one previous penalty assessment since 2010.
10. **The company's existing compliance program.** Transia has no formal compliance program.
11. **The size of the company.** Transia operates thirty-six commercial vehicles with thirty-eight drivers and reported \$2,100,000 in gross revenue and 541,969 miles traveled in 2015.

Some of the critical violations noted in the compliance review are first-time violations, but the Commission's Enforcement Policy provides that certain Commission requirements are so fundamental to safe operations that the Commission will issue penalties for a first-time violation, regardless of whether staff has previously provided technical assistance on specific issues.<sup>1</sup> Within these first-time violations are regulations so critical to public safety that the applicable statute (RCW 81.04.405) and the Enforcement Policy penalize each occurrence. Other first-time violations are penalized once for each violation type.

**The Commission has considered these factors and determined that Transia should be penalized \$36,900 for violations of WAC 480-30-221 Driver Safety Requirements, which adopts CFR Parts 382, 383, 391, 395 and 396, calculated as follows:**

- One violation of CFR Part 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. This is a repeat violation at the penalty amount of \$500 per occurrence (RCW 81.04.531), for a total of \$500.
- Two hundred thirty-four violations of CFR Part 383.37(a) – Allowing, requiring, permitting, or authorizing a driver to operate a commercial motor vehicle during any period in which the driver does not have a current commercial learner's permit (CLP) or commercial driver's license (CDL) or does not have a CLP or CDL with the proper class or endorsements. This is a first time violation at the penalty amount of \$100 per occurrence, for a total of \$23,400.

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<sup>1</sup> Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

- One hundred fifteen violations of CFR Part 391.45(a) – Using a driver not medically examined and certified. This is a first time violation at the penalty amount of \$100 per occurrence, for a total of \$11,500.
- One violation of CFR Part 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file within 30 days of hire. This is a first time violation at the penalty amount of \$100 per violation type, for a total of \$100.
- Five violations of CFR Part 395.8(a) – Failing to require driver to make a record of duty status. This is a repeat violation at the penalty amount of \$100 per occurrence, for a total of \$500.
- One violation of CFR Part 396.11(a) – Failing to require driver to prepare driver vehicle inspection report. This is a first time violation at the penalty amount of \$100 per violation type, for a total of \$100.
- Eight violations of CFR Part 396.17(a) – Using a commercial motor vehicle not periodically inspected. This is a repeat violation at the penalty amount of \$100 per occurrence, for a total of \$800.

This information, if proven at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe any or all of the violations did not occur, you may deny committing the violation(s) and contest the penalty assessment through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact concerning the violation(s) require consideration of evidence and resolution in a hearing. Any contest of the penalty assessment must include a written statement of the reasons supporting that contest. Failure to provide such a statement will result in denial of the contest.

If there is a reason for any or all of the violations that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective July 6, 2016.



GREGORY J. KOPTA  
Administrative Law Judge



*Merchants Parking/Transia is an independent, not-for-profit community association dedicated to the socio-economic advancement of the peoples of the International District through the development, management, and operation of parking and transportation services.*

## Overview

International District Parking Association (IDPA), d.b.a. Merchants Parking Association (MPA) / Transia, is a not-for-profit organization providing parking and paratransit/shuttle van services. IDPA is a local minority and community-based agency which develops, manages and operates parking and transportation services and provides employment opportunities in and for Seattle's Chinatown International District.

MPA currently provides parking services for, or in collaboration with, the following community organizations:

Asian Counseling and Referral Services (ACRS)

International District Community Health Clinic

Chinese Information and Service Center (CISC)

Chinatown/International District Business Improvement Area (CID-BIA)

Seattle Chinatown International District Preservation and Development Authority

Uwajimaya, Inc.

MPA is also an active member of Seattle's Chinatown Chamber of Commerce.

2016 JUL 21 AM 8:05  
OFFICE OF THE  
CITY CLERK  
SEATTLE, WA

## Organization

**Background and History:** The International District Parking Association d.b.a. Merchants Parking Association (MPA) /Transia is a revenue-based non-profit company established in 1975 to develop, manage, and operate Parking and Transportation services. The Board of Directors meets once every other month; sets operating policies as reflected in the minutes of their meeting; maintains and updates the employee handbook, which includes drug testing policies; and other policies published on a routine basis for staff review and action. Previous Board members have included Jeff Wong, Ray Lew, Tomio Moriguchi, Al Gould, Alan Cornell, Bob Santos, Ruby Chow and other community members that have contributed to the ongoing success and operation of International District Parking Association.

IDPA's Executive Director, Michael Olson joined the organization in 1991. Graham Syed, Parking Manager, joined Merchants Parking in April 2012 and brings his 14 years of parking experience to our team. Graham has leadership qualities and can perform in various capacities. Their professional knowledge and management experience gives the organization depth and flexibility to provide service to and for our clients. The Association's administrative office is located at 214 Fifth Avenue South, Seattle, Washington, 98104. The agency currently has 45 full and part-time employees.

Transia's efforts to assist people with disabilities which includes providing reasonable accommodations, establishing links with other agencies and connecting employees with additional employment opportunities and promoting diversity within their business has earned an honor for the Governor's 2005 Medium Nonprofit "Employer of the Year Award" in November 2005. Transia was nominated by the staff at Harborview Mental Health Services, Employment Service Program.

For over 41 years, Merchants Parking Association (MPA) has been continuously engaged in the business of providing affordable parking services including the management of fifteen properties in the Chinatown/International District. Transia has provided over 1,000,000 rides for the past twenty-five years and providing services throughout DSHS para transit programs and shuttle services. Transia's fleet of 45 vans operates throughout the King County and Puget Sound area.

2016.01.01





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Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Response to Penalty Assessment: TE-160829

Attached is Transia's response to the referenced assessment.

During this audit the Operations Manager was asked to provide a list of all drivers with Commercial Driver's Licenses (furthermore referred to as CDLs), and then was asked to provide all related documents. The Operations Manager did not know until corrected by the WUTC auditor, after the audit, that drivers with CDLs that do not drive CDL vehicles (such as herself) were not supposed to be provided for this audit. Because of this, many of the violations are against non-CDL drivers.

The organization doing business as Transia would like to contest some of the penalties, and mitigate others due to the following and/or attached.

If further or additional details are needed please contact me at (206) 624-3426

Sincerely,

Michael Olson  
Executive Director  
International District Parking Association  
dba Merchants Parking Association / Merchants Parking  
dba Transia



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CFR Part 383.37(a)

Acute

Safety Management Plan for Hiring CDL Drivers.

1. As of June 2016 no CDL Driver will be hired without a “P” endorsement, unless they are hired to drive anything other than a CDL vehicle. All CDL endorsements will be checked by requiring a new applicant to provide an MVR no less than 30 days old, or one will be pulled for them.
2. This was allowed in the past because management was not aware that this was a violation. I, Mathias, the current Operations Manager, drove large trucks in the Army, which required a Military License. I did not pursue a CDL afterwards, so I have had to acquire knowledge of the CDL laws during my role as manager. I now have a much better understanding. As far as I know, none of my predecessors for the past decade were CDL drivers, so the knowledge of violations was not passed on.
  - a. Mohammed Mohajeripour was hired due to our mission statement that states that we hire refugees and landed immigrants. When he was hired, we made a verbal agreement that he would study and get a “P” endorsement. Due to the language barrier, and the shortage of drivers we have been experiencing for nearly a year, this was agreement was allowed an extended time period. Mohammed currently has a Passenger Learners Permit. (see attached)
  - b. Xuseen Saleebaan was hired with a Passenger Learners Permit. He stated that he would like to use one of our vehicles to take his driving test to get his endorsement. Because he had difficulties scheduling this test, and due to driver shortages we were not able to give him a lot of time off, he did not take his test, and quit soon after the audit. He did have a Learner’s Permit during his entire employment. (see attached)
  - c. Richard Phelps was hired by previous management. He is retired gentleman working part-time for us. During most of his employment he has been driving a 14 passenger Econoline Van. This was not taken into account during the audit. I was never asked what kind of vehicle he or anyone else drove, so I would assume that the WUTC auditors assumed that he was driving a large bus every day. This is not true. Currently he is working on getting his Passenger endorsement while driving smaller vans that do not require it.

WA  
USA

**WASHINGTON**

**COMMERCIAL  
DRIVER LICENSE**



4d LIC# MOHAJM\*329DQ

1 MOHAJERIPOUR  
2 MOHAMMAD

3 DOB 03-18-1968

5 2281 SW HOLBEN ST APT F283  
SEATTLE WA 98106-3468

15 Sex M

16 Hgt 5-05

17 Wgt 155

18 Eyes BRN

9 Class A

10 End 1

12 Restrictions C

4a Iss 07-16-2016

4b Exp 03-16-2018



5 DD MOHAJM\*329DQ34161983H1381

Rev 09-16-2008

TEMP EXP 08-30-2016

*Passenger Permit*

WA USA **WASHINGTON**

**COMMERCIAL  
DRIVER LICENSE**



4d LIC# **SALEEX\*1870N**  
1 **SALEEBAAAN**  
2 **XUSEEN**  
3 **DOB 09-15-1982**  
4 9663 51ST AVE S  
SEATTLE WA 98118-5611  
15 Sex **M** 16 Hgt **5-10**  
17 Wgt **142** 18 Eyes **BRN**  
9 **Class A** 9a **End ITN**  
12 **Restrictions NONE**

4a Iss **01-22-2016**  
4b Exp **09-15-2019**



*Xuseen Saleebaan*

5 DD SALEEX\*1870NC4169223H1323 Rev 09-16-2014

**DL LICENSING**



**CLASS:** A - Any vehicle or combination of vehicles except motorcycles

**ENDORSEMENTS:**

- I-Commercial Driver Instruction Permit
- T-Double or Triple Trailer
- N-Tank Vehicle (Liquid/Gases)

*- Passenger Permit*

**RESTRICTIONS:**  
NONE

Please notify the Department of Licensing within 10 days of a change of address





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CFR Part 382.301(a)

Critical

Safety Management Plan for not using a driver before their negative pre-employment controlled substance test result

1. Past and Current policy is that all drivers are required to take a pre-employment drug test on the date of hire, before training starts. All drivers are allowed to train, but are not allowed to drive until a negative test result has been verified. As an added verification process, I have added a new column to my Driver List Spreadsheet for "Date Verified". This is to insure that all drivers are tested and verified before they are allowed to drive.
  - a. Jonathan Duarte - When hired I gave him a pre-employment drug test form. He stated that he needed to complete at least 2 weeks at his current job at PTI in order to get his vacation time from them. When I realized that his drug test was not in his file, I asked him about it, and he said that he forgot to do it, so I had him go the same day to do a drug test immediately. This is the only time in my history as a manager that this has happened. It was a one-time occurrence, and will not happen again.



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CFR Part 391.45(a)

Critical

**Safety Management Plan for Medical Examiner's Certificates.**

1. All drivers are required to get a Medical Examiner's Certificate before driving, and before the old one expires. This has been policy for a long time. At the beginning of every month a list of drivers whose Medical Examiner's Certificates will expire within a month is printed and handed to Dispatch. The Operations Manager will check at least weekly to verify that the drivers get their new cards before the old one expires and will check the national registry number for the doctor on each certificate. If they do not have a current card, they will not be allowed to drive until a certificate is acquired and verified.
2. In very few occasions this policy has been allowed to lapse due to drivers providing false information about appointments, or drivers missing appointments, or from drivers not acting on management's requests in a timely manner. I now understand that there is no "grace period", and drivers cannot drive without it.
  - a. Jonathan Duarte was told that his certificate would expire in the next month. I gave him a US HealthWorks form that he could take in and get it done at a charge to the company. According to him he went in at least once during his 3 hour split, but was not seen in time (long waits are normal at the Seattle location). He ended up going to a different doctor, on his own time, and paying for it himself.
  - b. Najeh Mohammed was our maintenance coordinator and field mechanic. He stayed extremely busy every day, and only when no driver was available he would drive a route for us. The report states that Najeh drove on 1/04/2016 without a valid medical examiner's certificate; however, my records show that his certificate was valid at that time. (see attached)
  - c. Daniel Miller – Not True – Also Not a CDL Driver. His Medical Examiner's Certificate was valid 1/23/15 to 1/23/17 (see attached). Although he maintains a CDL, he does not drive a CDL route.
  - d. Charles Harris – When Charles returned to service in February 2016, he was required to get a new Medical Examiner's Certificate. They gave him one for 1 month, and requested that he come back. His appointment to get his new card was 3 days after the old card expired.

PRINT NAME OF MEDICAL EXAMINER

*R. B. Kelleys*

LICENSE IDENTIFICATION NUMBER & ISSUING STATE

206 624 3861

SIGNATURE OF MEDICAL EXAMINER

*[Signature]*

1/29/14

SIGNATURE OF DRIVER

*Moham N. J. 391MA*

WA.

DRIVER LICENSE NUMBER

5539 33rd AV SO. SATTLE WA 98118

ADDRESS OF DRIVER

MEDICAL CERTIFICATE EXPIRATION DATE

1/29/2016

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined David P Miller  
 in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49)  
 and with knowledge of the driving duties. I find this person is qualified, and, if applicable,  
 only when:

- wearing corrective lenses
- wearing hearing aid
- accompanied by a \_\_\_\_\_ waiver/exemption
- driving within an external intracy (49 CFR 391.62)
- accompanied by a Skill Performance Evaluation Certificate (SPE)
- qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete.  
 A complete examination form with any attachment embodies my findings completely and  
 correctly and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER \_\_\_\_\_ TELEPHONE 206-624-3651 DATE 1/23/15

MEDICAL EXAMINER'S NAME (PRINT) <b>Yu Wang, MD</b> M.D. <input checked="" type="checkbox"/> D.D.O. <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Chiropractor <input type="checkbox"/> Advanced Practice Nurse <input type="checkbox"/> Other Practitioner <input type="checkbox"/>		NATIONAL REGISTRY 5871037550	
MEDICAL EXAMINER'S LICENSE OR CERT. NO./ISSUING STATE <u>M 048868 WA</u>		INTRASTATE ONLY CDL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> DYES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> DNO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
SIGNATURE OF DRIVER <u>David P Miller</u>		DRIVER'S LICENSE NO. <u>M01E00345B3 WA</u>	
ADDRESS OF DRIVER <u>15703 117 Ave S Fenton WA 99003</u>		MEDICAL CERTIFICATION EXPIRATION DATE <u>1/23/2017</u>	



CFR Part 391.51(b)(2)

Critical

Safety Management Plan for obtaining MVR's within 30 days of hire.

1. Current Policy in place is that all drivers must turn in an MVR no more than 30 days old before they are hired. This is typically done before the test drive, which may also be the date of hire; but it is not the first day that they drive for us. All drivers perform drug testing and two weeks of training before driving.
2. To my knowledge this has not been allowed to lapse since I became manager.
  - a. Peter Castro – Hired 9/1/2001 as a non-CDL driver – cannot be used against us, as this was before the last WUTC audit in 2012.
  - b. Shimanugus Gaim – Not a CDL Driver. Hired Nov/Dec 2013. This driver transferred to us from Neighborhood House when they closed in November 2013. The hiring process began in Oct 2013. His MVR is from Oct 2013. He was hired to continue as a Hopelink Driver, and although he has a CDL, he was never a CDL Driver at Transia.
  - c. Charles Harris – Applied to Transia July 10<sup>th</sup>, 2014. He turned in his MVR on July 15<sup>th</sup>, 2014. I was not here at the time, so I do not know when he was hired. But for whatever reason he started training on August 21, 2014.
  - d. Kyu Jung – Not a CDL Driver. My Driver Spreadsheet has the incorrect Hire Date. His actual Hire Date was 12/15/2006. His abstract was provided on 12/12/2006. Kyu is a Hopelink Driver and does not drive CDL Shuttles.
  - e. Tauati Peni – Not a CDL Driver. Hired December 2006, left in 2007 or 2008, then was rehired in June 2008. At this time he did not have a CDL. He did not get his CDL until 4/24/2009, paid for by Transia. Mr. Peni was not hired as a CDL Driver, nor has he ever used it to my knowledge. He is a Hopelink Driver and should not be on this list.
  - f. Najeh Mohammed – Hired in 1999 as a maintenance person – MVR may have been lost, or not available at the time. Cannot be used again, as this was or should have been used before the last WUTC audit in 2012.



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CFR Part 395.8(a)

Critical

Safety Management Plan for requiring drivers to record driving over 12 hours on short haul exemption in a log.

1. New Policy is that all CDL drivers are required to keep a log, and log any work day hours before and after a 12 hour work day according to CFR Part 395.8.
2. This was not performed in the past because none of our routes are designed to be 12 hours. Management was not aware of a CDL Log Book until very recently.



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CFR Part 396.11(a)

Critical

**Safety Management Plan for requiring driver to prepare driver vehicle inspection report**

1. The DVIR's have been updated to include the missing line for the "next shift driver" to sign it before it is turned in. The DVIR will be left in the vehicle for the next driver to sign before it is turned in the next day. Any corrections or repairs to be made will be called into Maintenance Personnel and corrected as soon as safely possible to ensure the safety of the vehicles, drivers, and passengers. The DVIRs will be signed by Maintenance Personnel or Supervisory/Management Staff before stored in a file.
2. The previous DVIR's were designed more than a decade ago, and last revised December 1<sup>st</sup>, 2011. They did not have an additional signature line for the next driver, as this was not a known requirement until this last audit in April 2016. This is a new violation that was not known by Transia. Until recently every driver was given a DVIR for each vehicle they drove for each day. These were turned in at the end of the day, and any DVIR that had a marked issue with any vehicle was provided to our Maintenance Personnel for corrections or repairs to be made as soon as safely possible. Each driver was required to fill out a new DVIR each time before and after they drove a vehicle.
  - a. All DVIR's were available and filled out properly (per the 2012 audit). We were not asked to change them until April 2016. We should not be fined for something that we understood as being correct. Going forward, this additional signature line and a new policy requiring drivers to leave the DVIR's in the vehicle for the next driver has been put in place.

# Driver PRE-Trip

## Mandatory to complete Daily

Name \_\_\_\_\_ Date \_\_\_\_\_ Route # \_\_\_\_\_

Time \_\_\_\_\_ AM PM Make/Model/Year \_\_\_\_\_

Vehicle Number \_\_\_\_\_ Odometer Reading \_\_\_\_\_

Check any item that needs attention including details under comments.

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Comments: \_\_\_\_\_  
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Condition of Vehicle is acceptable. Driver's Signature \_\_\_\_\_

Defects noted above have been repaired.

Defects noted above need not be repaired for safe operation of vehicle.

Next Day Driver's signature \_\_\_\_\_ Date \_\_\_\_\_

Mechanic or Carrier's signature \_\_\_\_\_ Date \_\_\_\_\_

# Driver POST-Trip

## Mandatory to complete Daily

Name \_\_\_\_\_ Date \_\_\_\_\_ Route # \_\_\_\_\_

Time \_\_\_\_\_ AM PM Make/Model/Year \_\_\_\_\_

Vehicle Number \_\_\_\_\_ Odometer Reading \_\_\_\_\_

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<input type="checkbox"/>	<input type="checkbox"/>	Lift Operates																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Tie downs																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Biohazard Kit																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Seatbelts / Cutters																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Camera																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Registration/Insurance Card																																																																																																																													
<b>OK</b>	<b>Needs Attention</b>																																																																																																																														
<input type="checkbox"/>	<input type="checkbox"/>	Describe _____																																																																																																																													
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<input type="checkbox"/>	<input type="checkbox"/>	Dashboard Warning Lights																																																																																																																													
<b>OK</b>	<b>Need Attention</b>																																																																																																																														
<input type="checkbox"/>	<input type="checkbox"/>	Headlights                    L        R																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Brake Lights                    L        R																																																																																																																													
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<input type="checkbox"/>	<input type="checkbox"/>	Back-up Lights																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	License Plate Light																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Dash Lights																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Inside Lights																																																																																																																													
<b>OK</b>	<b>Need Attention</b>																																																																																																																														
<input type="checkbox"/>	<input type="checkbox"/>	Windshield Wipers																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Fans and Defroster																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Air Conditioner																																																																																																																													
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<input type="checkbox"/>	<input type="checkbox"/>	Brakes																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Horn																																																																																																																													
<input type="checkbox"/>	<input type="checkbox"/>	Exhaust System																																																																																																																													

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Condition of Vehicle is acceptable. Driver's Signature \_\_\_\_\_

Defects noted above have been repaired.

Defects noted above need not be repaired for safe operation of vehicle.

Next Day Driver's signature \_\_\_\_\_ Date \_\_\_\_\_

Mechanic or Carrier's signature \_\_\_\_\_ Date \_\_\_\_\_



*Merchants Parking/Transia is an independent, not-for-profit community association dedicated to the socio-economic advancement of the peoples of the International District through the development, management, and operation of parking and transportation services.*

CFR Part 396.17(a)

Critical

Safety Management Plan for using a commercial motor vehicle not periodically inspected.

1. The New Policy in place is that the Operations Manager will keep track of periodic inspections, for all CDL and non-CDL vehicles.
2. The Previous Policy in Place was that the Maintenance Personnel was in charge of all Maintenance needs including periodic inspections.
  - a. Because our Maintenance Person was on an extended vacation to visit his home country, I was not able to locate the inspection files during the audit. Two large files full of Periodic Inspections were found after the audit was completed. They were not in any sort of order, so I had to go through them one by one and write out a list. At least six vehicles were inspected in 2016, at least five in 2015, at least five in 2014, at least six in 2013, at least thirty in 2012. We are creating a database with all of the periodic inspections which will highlight vehicles due for inspections within the following two months before each inspection is due. Inspections will be performed at least once every 12 months.

WUTC Protocol has now been included in Safety Meetings, Orientation, and Trainings.

*Merchants* **T***ransia*  
Parking

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# **Nothing Else Follows**