

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS RULES AND REGULATIONS

PENALTY ASSESSMENT NO: TE-051339

PENALTY AMOUNT: \$200.00

CHARTER AND EXCURSION BUS

Monroe Transportation, LTD
d/b/a Chinook Charter Service
721 Avenue D Suite 207
Snohomish, WA 98290

The Commission believes that Monroe Transportation, LTD (Monroe) committed one or more violations of Washington State Law or Commission rule, specifically RCW 81.70.010 which requires transportation companies to provide safety of operations, and specifically WAC 480-04-075, which requires compliance with Title 49, Code of Federal Regulations (CFR), Part 396.11(c). As a result, the Commission hereby notifies you that it has assessed penalties against Monroe in the amount of \$200.00. The basis for this penalty assessment is as follows:

In April, 2003, Motor Carrier Safety Staff performed a compliance review and found Monroe had a defective equipment ratio of 73%. During May and June, 2005, Motor Carrier Safety Investigator, Alan Dickson, performed a second compliance review which showed that the defective equipment ratio had risen to 75%. The out-of-service ratio had also risen from 9% in 2003 to 16.67% for 2005.

Monroe did not repair defective windshield wipers as identified on driver's daily vehicle inspection reports; one for May 30, 2005 and one for June 8, 2005. The provisions of Title 49, (CFR), Part 396.11(c) are adopted and prescribed the Commission, in accordance with WAC 480-40-075. Title 49, CFR, Part 396.11(c), requires carriers to correct safety-related defects listed on vehicle inspection reports. Violations are subject to a penalty of \$100 per violation.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 81.04.405 provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington

98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this day of September, 2005.

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

APPLICATION FOR MITIGATION OF PENALTIES

I have read and understand RCW 9.72.030, which prescribes penalties for making false affidavits (printed below), and hereby make, under oath, application for mitigation of the penalties (as described on the attached form), for the following reasons:

NOTE: This form must be completed, signed and notarized, and received by the Commission within 15 days of your receipt of this form.

I swear that the foregoing is a true and complete statement of the facts in this case.

Signature of Applicant

Sworn to and subscribed before me
this ____ day of _____,
20__

NOTARY PUBLIC in and for the
State of Washington, residing in

RCW 9.72.030:

"Perjury-Second Degree: Every person who, whether orally or in writing, and whether as a volunteer or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year."