

April 13, 2016

Steven King  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
PO Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

Re: *Notice of Penalties Incurred and Due for Violations of Laws and Rules*  
Docket No. TC-160332 | Penalty Assessment in the Amount of \$200 Issued to Pacific Northwest  
Transportation Services, Inc. d/b/a Capital Aeroporter

Dear Mr. King:

Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter requests mitigation and relief of "Penalty Assessment in the amount of \$200 issued" in relation to Docket No. TC-160332, resulting from the Compliance Review, conducted on February 23, 2016, by Commission Motor Carrier Investigator, Sandi Yeomans (misstated in the Docket as occurring on March 21, 2016). As stated in Docket TC-160332,

Capital Aeroporter is a well-established company and has operated for many years with no violations of these types. Commission Transportation Safety staff conducted compliance reviews and provided technical assistance to Capital Aeroporter in 2005, 2008 and 2012, and noted only minor, if any violations.

Our Company takes public safety as a top priority in the operation of our business. All drivers documented for violations in Docket TC-160332 have maintained current records (and were current at the time of Compliance Review) with the required driving record inquiries and medical examiner's certificates.

As for the documented violations of critical regulations relating to **CFR Part 391.25(b)(2)** <misstated in Docket TC-160332 as **CFR Part 391.52(b)(2)**>: all three driving record inquiries were and are present in the Driver Qualification Files of drivers Jeffery Dunlap, Oscar Bailey and Chris Hoffman (**see attached documents from Driver Qualification Files**).

As for the documented violations of critical regulations relating to **CFR Part 391.51(b)(7)**, we have the following explanations:

- Paul Vitous received his current Medical Examiner's Certificate (10/29/15) and Washington State Commercial Driver License Intrastate Medical Waiver Certificate (11/09/15) via mail and

emailed a copy to our Company on 11/10/15. The printed copy was misfiled in our office. The absence of the Medical Examiner's Certificate in his Driver Qualification File was brought to the attention of Shirley Fricke, Executive Vice President of Pacific Northwest Transportation Services, Inc., by Sandi Yeomans during inspection. Paul Vitous was on site at the time and an additional copy was made and given to Sandi Yeomans and immediately placed in his Driver Qualification File. At no time did Paul Vitous operate any of our company vehicles without maintaining a current Medical Examiner's Certificate.

- Chris Hoffman's Medical Examiner's Certificate was not found in his Driver Qualification File at the time of inspection by Sandi Yeomans. This was also brought to the attention of Shirley Fricke, who was also unable to locate the copy of Mr. Hoffman's Medical Examiner's Certificate. Chris Hoffman was also on site and a copy was made and was given to Sandi Yeomans and immediately added to his Driver Qualification file. In further review of Mr. Hoffman's Driver Qualification file, since the Compliance Review, the copy that was and has been in the file was found on the back side of Mr. Hoffman's "Employment Eligibility Verification (Form I-9)" in his Driver Qualification File, dated and signed on 03/27/15. This form was filled out and placed into Mr. Hoffman's file prior to his first date of employment with our Company. Therefore, Mr. Hoffman's Medical Examiner's Certificate was present in his Driver Qualification File, since the inception of his employment with our Company.

Our Company monitors, at least monthly, the upcoming expiration dates of Medical Examiner's Certificates, Driver Licenses and all other required documents for Driver Qualification Files.

Response to Commission's factors in determining the appropriate penalties for violations:

1. **How serious or harmful the violation is to the public.** We did, at no time, commit any violations that would be considered serious or harmful to the public, as no driver operated any Company vehicle without a valid Medical Examiner's Certificate or Driver Record on file.
2. **Whether the violation is intentional.** The stated violations either did not occur or were unintentional.
3. **Whether the company self-reported the violation.** We were unable to self-report, as we were unaware of any of these violations.
4. **Whether the company was cooperative and responsive.** As stated in Docket TC-160332, "Company representatives were cooperative throughout the process and expressed their desire to correct the violations".
5. **Whether the company promptly corrected the violations and remedied the impacts.** As previously stated, the Driving Record Inquiries were/are present in the files and the apparent

absence of Medical Examiner's Certificates for Paul Vitous and Chris Hoffman were immediately remedied when brought to our attention.

6. **The number of violations.** The number of critical violations noted is small.
7. **The number of customers affected.** No customers were at risk, as all drivers stated held current Driver Licenses and Medical Examiner's Certificates while operating company vehicles.
8. **The likelihood of recurrence.** With more frequent administrative reviews of Driver Qualification Files we can ensure that no violations occur.
9. **The company's past performance regarding compliance, violations, and penalties.** These violations are the company's first violations of this type.
10. **The company's existing compliance program.** Our existing compliance program is adequate to ensure compliance with critical safety regulations.
11. **The size of the company.** Capital Aeroporter operates 15 commercial vehicles and 1 trailer with 36 drivers. (misstated in Docket TC-160332 as 23 commercial vehicles). The company reported \$2.3 million in gross revenue for 2015 and logged 1.3 million miles.

We request the private information in the enclosed/attached documents of our employees, to not be posted online or in public record.

As of this date, Thursday, April 13, 2016, a closing of the Compliance Review with Commission Motor Carrier Investigator, Sandi Yeomans, has not been conducted. We have not been given the opportunity to discuss the results and findings of our Safety Compliance Review. All drivers documented in Docket TC-160332 are current and have been current with their records of Driving Records and Medical Examiner's Certificates while operating motor vehicles for Capital Aeroporter. The circumstances surrounding the assessed violations which the Commission has penalized Capital Aeroporter have been explained, in writing, and we request relief of the \$200 penalty.

Regards,

John Fricke  
Vice President—Operations  
Capital Aeroporter Airport Shuttle