



ORIGINAL

March 6, 2020

Washington Utilities and Transportation Commission
Jason Sharp
Motor Carrier Safety Supervisor
621 Woodland Square Loop SE
Lacey, WA 98409

Received
Records Management
03/06/20 10:38
State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Docket Number: Penalty Assessment: TE: 200117

Reference: Request for Mitigation of Fines.

Dear Mr. Sharp

ATS Trans dba Around the Sound (ATS) admits violations exist and have put tools in place to prevent the same items from recurring in the future. However we are requesting mitigation of the penalty.

ATS does recognize the issues and we accept responsibility. ATS desires to be in full compliance at all times in all facets of our operation with the WUTC, DOT and the FTA. Some of our complexity results from conflicting rules and regulations of the FTA and DOT (Drug and Alcohol testing for example). While our footprint for Charter and Excursion service is small our presence as a NEMT provider is large. We have nearly 70 for hire vehicles that are used to provide one on one service for medical and educational purposes using 100 drivers of which 19 are recognized as eligible to transport passengers in our WUTC regulated service. The complexity comes not from the total range of regulations not from the WUTC alone but all of the contracts and working with Public Transits and the VA that add layer over layer of rules and regulations to monitor, simply we have a multitude of regulations, which is lot to maintain.

I have now personally tested all of the systems that we have in place to make sure no driver is on the road without proper license, medical card and proper certifications. The three incidents we are in violation of have been resolved going forward.

- 1 Knowingly allowing, requiring, permitting, or authorizing an employee to operate a commercial vehicle during any period of time without proper license. The driver had a downgraded license without a medical card.

ATS due to a staffing change in human resources ATS did not properly review the license and Mr. Scott slipped through the cracks so to speak. His physical expired. We have taken aggressive steps to ensure this never happens again. We recognize the tools are in place and the tools have been tested and simply confirmed the process effective March 1, 2020.

- **A new schedule is in place identifying each eligible driver and the date of renewal and status of his/her medical card.**
- **ATS has entered into an agreement with Multi-Care Occupational Services who has registered medical professionals performing the required DOT Physical on a bi annual basis and for drivers. Scheduling drivers is very easy with short notice being an accommodation for scheduling appointments.**

I am sure we identified a solution to insuring drivers have current medical cards. Since we had only one occasion of this infraction I am requesting mitigation on this penalty. I have personally reviewed the system and personally looked at it to make sure it is fool proof. We have set up a policy and procedure that on the first Monday of each month HR is to review the file of drivers requiring Medical certifications and begin the process 60 days before actual expiration.

- 2 Five violations using one driver to perform services without a medical card. This driver performed five days of service for one contract driving a 13 passenger vehicle to perform a parking shuttle service along with four other drivers. All the other drivers were properly licensed with CDL licenses and current medical cards. This was one five day assignment, and the driver completed all other aspects of the assignment properly.

This driver used the same vehicle when transporting McKinney Vento students to and from school on a one on one basis. Since this vehicle when transporting student's one on one did not meet the requirements of the WUTC oversight and she had consistently performed work in this vehicle, the dispatcher did not consider that this work assignment would fall under the WUTC. The dispatcher did not even request a confirmation on the eligibility of this driver. We have taken the following steps to insure this does not happen.

- **First ATS now has a system in place where all drivers are required to have the right license and medical card when driving the vehicle. We have established an alarm (Calendar setting) based on matching drivers licenses and permits with the vehicle they are operating that requires a CDL and Medical card.**
- **We have instituted a new agreement with MultiCare Occupational services to provide a very easy and affordable method to obtain DOT medical cards. All drivers will be required to obtain medical cards when driving any WUTC registered vehicle even if it is not performing WUTC work.**
- **The employee also failed to report citations and when we ran her driving abstract we confirmed she was not properly licensed and her employment was terminated.**

As the owner of the company it is very easy to control the medical cards and the licenses required for the vehicle or the type of work. We have controls in place and we believe this one assignment and a penalty of \$500.00 is excessive especially when you consider the employee was trying to hide the required license and permits and we have not shown this to be a difficult solution to implement. ATS found the employee was a manipulator and her actions resulted in termination of her employment.

- 3 Violations failing to note verification of medical examiner.

- **Of all of the violations this is the easiest one to avoid. Going on line and confirming the registration of the medical examiner is a relatively easy process and only takes minutes to perform. I tested the system and I was quickly able to learn how to access the FCMSA website and how easy it is to confirm the license of the examiner.**

I am asking mitigation on this penalty as it is the easiest issue to solve and we had no intent to deceive the WUTC we simply failed to confirm the medical professional's registration in a timely manner. This will not happen again. We have taken extreme steps and developed a process. Basically, once ATS notifies the employee of the DOT Physical renewal we will create a timeline that allows us to track the entire process of the renewal including validation of the medical examiners presence in the Registry.in place for tracking the process towards completion.

ATS is committed to being in full compliance with all regulations on an ongoing process. It is most important that ATS provides safe, reliable transportation. It is my intention to have processes in place that can be replicated by other providers who may be lacking certain areas of compliance. It is my goal to be the best practice for WUTC and the management of NET (Non-Emergency Transportation) Providers who must meet dual oversight requirements. ATS needs to comply with the requirements of the WUTC, Department of Licensing and the contracts that add requirements that far exceed the requirements of the WUTC and the Department of License.

Sincerely:

A handwritten signature in black ink, appearing to read 'Steve Hutchins', with a long horizontal line extending to the right.

Steve Hutchins
President/CEO
ATS Trans LLC