



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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February 28, 2024

Jeff Killip, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Bayview Chauffeured Transportation LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TE-240056

Dear Mr. Killip:

On February 8, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Bayview Chauffeured Transportation LLC, d/b/a Bayview Chauffeured Transportation, (Bayview Transportation or Company) in the amount of \$2,200 for violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 382 – Controlled Substance and Alcohol Use and Testing and Part 393 – Parts and Accessories Necessary for Safe Operation, as follows:

- **Four violations of 49 C.F.R. § 382.301(a) - Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.** The Company allowed CDL drivers Stephen Fosnight, Trudy Mitchel, Hubert Montgomery, and Benjamin Tseng to drive a commercial motor vehicle (CMV) prior to conducting a controlled substance test and receiving a verified negative pre-employment test result.
- **Two violations of 49 C.F.R. § 393.62 – Using a CMV with inoperative emergency exits.** The Company operated two CMVs with marked emergency exits that were inoperable at the time of inspection.

On February 22, 2024, Bayview Transportation filed with the Commission its request for mitigation of penalties. In this request, Dan Renner, Operations Manager for the Company, admits the violations, describes corrective actions the Company has taken to prevent future

occurrences, and asks that the penalties be reduced. The mitigation request asked for a Commission decision based solely on the information provided.

Concerning the four violations of 49 C.F.R. § 382.301(a), Bayview Transportation states the violations were unintentional and attributes the occurrences to a misunderstanding of the requirements prior to allowing drivers to operate CMVs. To remedy the violations, the Company has received negative pre-employment tests for each driver in violation and implemented procedures to ensure drivers complete the pre-employment testing prior to operating CMVs. Bayview Transportation provided Commission staff (Staff) with evidence that it corrected the violations of 49 C.F.R. § 382.301(a).

In addressing the two violations of 49 C.F.R. § 393.62, the Company states that the violations occurred due to operator error on behalf of the driver at the time of inspection. To prevent future issues with operating emergency exits, Bayview Transportation states that all drivers have been trained in how to operate the emergency exits in each of the Company's vehicles.

In response to Bayview Transportation's request for mitigation, the Company remedied each violation as they were identified during the investigation, provided Staff with supporting evidence that corrections were made, and put safety management controls in place to prevent future occurrences. Staff recommends that the assessed penalty of \$2,200 be reduced to \$1,100.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at jason.sharp@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety