



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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July 24, 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. Special Mobility Services, Inc.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TN-240506

Dear Mr. Killip:

On July 16, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Special Mobility Services, Inc. (Special Mobility or Company) in the amount of \$400 for violations of Washington Administrative Code (WAC) 480-31-100, Equipment - Safety, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 393 - Parts and Accessories Necessary for Safe Operation and WAC 480-31-130, Operation of Motor Vehicles, which adopts 49 C.F.R. Part 391 - Qualifications of Drivers, as follows:

- **One violation of 49 C.F.R. § 391.45(a) - Using a driver not medically examined and certified.** Special Mobility allowed driver Lisa Pritchett to operate a motor vehicle without a valid medical certificate. The Commission assessed a penalty of \$200 for the first-time critical violation.
- **One violation of 49 C.F.R. § 393.62 - Buses - Required emergency exit missing.** Special Mobility used a motor vehicle with an emergency exit that was not properly marked and operable. The vehicle was placed out-of-service.
- **One violation of 49 C.F.R. § 393.62 - Buses - Required emergency exit not properly marked.** Special Mobility used a motor vehicle with an emergency exit that was not properly marked. The vehicle was placed out-of-service.
- **One violation of 49 C.F.R. § 393.62 - Buses - Required emergency exit inoperative (does not open, close, and/or secure as designed).** Special Mobility used a motor vehicle with an emergency exit that was inoperable. The vehicle was placed out-of-service.

On July 22, 2024, Special Mobility filed with the Commission its application for mitigation of penalties. In the request for mitigation, Elizabeth Mulcahy, contracts administration manager,

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addressed the out-of-service violations. Mulcahy admits the violations occurred and that the Company has corrected the violations. Special Mobility submitted the Driver/Vehicle Examination Reports

In response to the Company's application for mitigation of penalties, Staff recommends the assessed penalty of \$400 be reduced to \$250.

Staff addresses the penalties, as follows:

- The Commission assessed a penalty of \$100 for one violation of 49 C.F.R. § 391.45(a). The Company did not address this violation in the mitigation request. Staff recommends no mitigation of this penalty.
- The Commission assessed a penalty of \$100 for each occurrence (three) of 49 C.F.R. § 393.62, for a total of \$300. The Company certifies that these violations were corrected once it was informed. For these first-time violations, Staff recommends the penalty be reduced to \$150.

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