Attachment 1 to Washington Utilities and Transportation Commission

Penalty Assessment TC-100147

Bremerton-Kitsap Airporter, Inc. hereby admits to the violation cited in TC-100147 but believes that the issues in the matter are resolving the overload conditions. The following extenuating circumstances apply:

1. In the early morning of December 30, 2009 at approximately 1:00AM there were 30 passengers on board our 24 passenger capacity cutaway bus. This bus has no devices permanently installed that are designed to provide stability and safety for standing passengers. I have never seen such devices installed on cutaway airporter busses or vans but I know them to be standard equipment on transit busses and light rail trains.
2. Between the hours of 11:00AM -8:20PM our agent is assigned at the airport to sell tickets and distribute boarding passes to passengers wishing to ride our busses. Since passengers from SeaTac are boarded first come -first served, in order to preclude overloading our busses, boarding passes are color coded (limit 24). When 24 boarding passes are issued, a different colored pass is issued to the next group of 24 passengers who must then wait until the next departure. During the hours our agent is positioned at SeaTac we experience the heaviest loads from SeaTac . The 12:30 AM departure (Run #20) is generally the lightest.
3. During the evening of 29 December 2009 a large number of returning holiday travelers (mostly military personnel) swamped our drivers in the South parking lot at SeaTac. The 11:20PM departure was also completely full but not overloaded. The overloaded bus was our Run #20 on December 29, 2009 which was scheduled to depart the airport at 12:30AM on December 30, 2009 and the next departure would occur at 4:20AM that same day (Run #0). No one of the 30 passengers understandably wanted to wait at the airport until 4:20 AM.
4. When our driver arrived at the South parking lot he was immediately met by 30 anxious passengers waiting to board his bus. Our loading procedure is that the baggage is loaded first with Bangor, Poulsbo and Silverdale baggage loaded first (on the bottom) and passengers are instructed to not board the bus until they have witnessed their baggage being loaded in the baggage compartment at the rear of the bus. This means then, that a passenger going to early drop off destinations may not have a seat by the time his/her baggage is loaded. And often times, one spouse will board the bus and hold a seat for the other spouse while he witnesses their luggage stowage or has that last cigarette. Our driver is then left with the impossible task of determining a passenger count and who got there first.
5. When our driver realized that he was overloaded and had six passengers standing in the aisle he was ready to depart the airport. Although he could have insisted that the standing passengers remove themselves from the bus, there most certainly would been six anxious people becoming six angry people. Moreover, there is the matter of ticket refunds and removal of baggage already stowed. At 1:00AM there were no Port of Seattle Ground Transportation Controllers or Port Police to help him sort out who arrived first or last. If he would have stalled until 4:20AM for a back-up departure (Run 0) he would have had 30 angry people to deal with (by himself).

The Bremerton-Kitsap Airporter, Inc. would support strengthening the “gotcha” provisions of WAC 480-30-216(5) to allow for the removal of any standing passenger regardless of when they presented themselves to the driver for boarding the bus and with accompanying enforcement procedures. Although it is unfair to some passengers, it would preclude the argument that their arrival was earlier than a seated passenger and would take the driver and the carrier out of the decision making.