

• Twenty violations of 49 CFR § 383.23(a) – Operating a commercial motor vehicle without a valid commercial driver's license (CDL). Bainbridge Disposal allowed drivers Craig Peterson and Kurt Strickland to operate a commercial motor vehicle with a downgraded CDL on 20 occasions between June 2 and June 22, 2021

Response:

The drivers had updated physicals and medical cards. Peterson received his September 2020 and Strickland December 2020. Both employees have had their CDL's for over thirty years and followed the same procedure, get a medical card, and keep it in your wallet.

However, the new requirements to self-certify with the DOL (beginning January 1, 2021) required an in-person visit to the DOL or register online. Neither of these drivers has home computers, the local DOL was closed due to the pandemic and they both thought a new law required the doctor to submit the Certified Medical Examination, not the driver. To make the situation more confusing was the posting on the Department of Licensing website (see posting) allowing extensions through August 2021.

After it was discovered at the audit that they had not registered, Strickland and Peterson went in person to resolve the discrepancy. Each explained that they were timely with the physical and receiving the medical card. They explained that they thought the doctor was required to send the Medical Examiners Certificate to the DOL, not the driver. Neither was aware that their license was downgraded.

Resolution:

1. The drivers resolved the issue immediately and the company confirmed both CDL's are valid.
2. Bainbridge Disposal verified the doctor with the National Registry of Certified Medical Examiners search through the Department of Transportation as required by the inspector.
3. New procedure requires a confirmation receipt from the DOL and/or a driver's abstract upon renewal each year.

•Forty-nine violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified. The Company allowed driver Evan Edwards to operate a commercial motor vehicle without a valid medical certificate on 49 occasions between April 1, 2021, and June 23, 2021.

Response:

The pandemic left Bainbridge Disposal short-handed, overloaded, and without a manager. Our office staff was unfamiliar with FMCSA /DOT regulation requiring a truck over 10001 pounds required a medical card. It dispatched Evan to use the flatbed instead of the one-ton truck when the delivery requests began to exceed the volume that would fit in our shop pickup.

Resolution:

1. The driver obtained his certified medical card. The Company understands that no employee shall operate Unit 11 without a valid medical card.
2. Bainbridge Disposal verified the doctor with the National Registry of Certified Medical Examiners search through the Department of Transportation as required by the inspector.
3. The Company has hired a new safety/fleet manager to oversee the drivers, maintenance and ensure state and local regulations are followed.

• One violation of 49 CFR § 396.3(a)(1) – Brake chambers broken and loose on each side of axle. Commission staff (Staff) discovered a commercial motor vehicle with its brake chambers broken and loose on each side of axle number three. This commercial motor vehicle was placed out-of-service.

Response:

The mechanic inspected the brakes on July 23 (see Vehicle Service Report), and there was no issue. It was not discovered on the daily walk around because the brake chambers are not visible unless you are under the truck with a creeper and flashlight. The inspector found the broken chamber when he was underneath, and the mechanic was applying the brakes.

The break occurred after the service on Friday, July 23, and the UTC inspection on Tuesday July 27 when the driver hit a curb in a tight turnaround and did not detect an issue.

Resolution:

1. The truck was placed out of service until the mechanic replaced the brake spider and loose bolts.

Conclusion:

Bainbridge Disposal promptly resolved the violations most while the inspector was present. Our goal is to remain in compliance. Since the audit, the Company has hired a fleet/ safety manager to oversee and manage the mechanic, his duties, ensure compliance with state and federal regulations, and prevent future incidences.

The inspector noted that "The Company was cooperative throughout the safety investigation and expressed a desire to come into compliance with motor carrier safety regulations." He also

concluded that Bainbridge Disposal "corrected violations during the safety investigation" and "Staff believes the likelihood of recurrence is low."

Bainbridge Disposal asks that the Commission recognize our past safety history with the UTC, Labor and Industries and in addition to no motor vehicle accidents. Our willingness to comply and taking further preventative steps by hiring a fleet/safety manager, we ask that the Commission reduce the penalty and allow the Company to utilize the resources to enhance our safety program and provide employee/driver education for a better outcome for all, as an alternative of fines. Thank you.

Heather Church
Owner