



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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Date: November 24, 2020

To: Samantha Doyle, Administrative Law Judge, Administrative Law Division

From: Mathew Perkinson, Assistant Director, Transportation Safety Division

Re: TV-200873 and TV-200874 Iron Mountain Information Management Services, Inc.
Evaluation of Safety Management Plan, Recommendations regarding the company's safety rating, and the cancellation of household goods operating authority (THG068526)

On October 15, 2020, Commission staff (staff) completed a routine safety investigation of Iron Mountain Information Management Services, Inc. (Iron Mountain or Company) which resulted in a proposed conditional safety rating.

Provisional household goods companies must achieve a satisfactory safety rating prior to receiving permanent status. As the Company has yet to achieve a satisfactory safety rating, the commission afforded Iron Mountain the same opportunity as companies that receive a proposed unsatisfactory safety rating to provide evidence, in the form of an approved safety management plan, showing that the company took corrective action to address the identified violations.

Commission rules prohibit motor carriers from operating beginning on the 61st day after the date of the notice of a proposed unsatisfactory rating. A company may request a change in its safety rating based on evidence that it has taken corrective actions to address the identified violations, and that its operations currently meet the safety standard and factors in 49 CFR § 385.5 and 385.7. In this case, Iron Mountain has until December 15, 2020, to come into compliance with applicable laws and rules by obtaining commission approval of a safety management plan.

The proposed conditional safety rating was based on one violation of critical regulations – 395.8(a)(1).

“Critical” regulations are those identified as such where non-compliance relates to management and operational controls. These are indicative of breakdowns in a company's management controls. Patterns of non-compliance with a critical regulation are linked to inadequate safety management controls and higher than average accident rates.

Critical violations discovered during investigation:

1. Eighty-one violations of Title 49 CFR § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status using the appropriate method.

In an October 27, 2020, Notice of Intent to Cancel, the commission instructed Iron Mountain to submit its proposed safety management plan no later than November 23, 2020.

On October 28, 2020, the commission issued a penalty assessment against Iron Mountain in the amount of \$100 as a result of violations discovered during the routine safety investigation.¹ The penalty includes:

1. A \$100 penalty for 81 violations of 49 CFR § 395.8(a)(1) for failing to require a driver to prepare a record of duty status using the appropriate method.

On November 12, 2020, Iron Mountain submitted a safety management plan addressing each violation noted during the investigation. Staff only recommends approving a safety management plan that addresses the following seven items:

1. The plan must address each acute, critical, or serious violation discovered during the most recent investigation. It must also include corrective actions that address other violations noted during the investigation.
2. Identify why the violations were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. The plan must demonstrate that the company's operations currently meet the safety standard and factors specified in 49 CFR § 385.5 and 385.7. To do so, the plan must demonstrate the company now has adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If the request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc., companies must include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that the company believes supports its request.
7. Include a written statement certifying the company will operate within federal and state regulations and the company's operation currently meets the safety standard and factors specific in 49 CFR § 385.5 and 385.7. A corporate officer, partner, or the owner of the company must sign the statement.

Summary and Recommendations

Staff reviewed Iron Mountain's safety management plan and concludes it is acceptable and meets the requirements of 49 CFR § 385. Iron Mountain's safety rating was proposed conditional because the company's time tracking system rounded up the total hours worked for drivers, instead of displaying the true and accurate time. Because the records were not true and accurate with the total time listed on the time records, the company did not qualify for the short haul provision, requiring records of duty status be

¹ TV-200873

created. Iron Mountain discovered that its time tracking system could produce the true and accurate time and has therefore corrected the violation. Because of the Company's actions, staff recommends the commission upgrade the company's proposed conditional safety rating to satisfactory. Staff further recommends that Dockets TV-200803 and TV-200804 be consolidated.

Iron Mountain has not yet responded to the penalty assessment and the \$100 remains unpaid.

Staff confirmed with the Company that it waives its right to a hearing and recommends that the brief adjudicative proceeding scheduled for December 7, 2020, be cancelled.

The Company took all the required steps to bring its safety operations into compliance with commission regulations. Iron Mountain submitted a safety management plan that addresses each violation, identifies how the violations occurred, describes the steps taken to correct them, and put controls in place to ensure the company maintains compliance.

Documentation of driver hours of service records were included in the plan.