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**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
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**Date:** May 31, 2019  
**To:** Rayne Pearson, Director, Administrative Law  
**From:** Mathew Perkinson, Assistant Director, Transportation Division  
**Re:** **TG-190396 Zippy Disposal Service, Inc.**  
Evaluation of Safety Management Plan, Recommendations regarding the company's safety rating, and the cancellation of its solid waste collection operating authority (G000121)

On April 30, staff completed a routine safety investigation of Zippy Disposal Service, Inc. which resulted in a proposed *unsatisfactory* safety rating.

Federal law incorporated into the commission's rules prohibit motor carriers like Zippy Disposal Service, Inc. from operating beginning on the 61<sup>st</sup> day after the date of the notice of a proposed unsatisfactory rating. A company may request a change to 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.

Zippy Disposal Service, Inc. has until June 29, 2019, to come into compliance with applicable laws and rules by obtaining commission approval of a safety management plan.

**The proposed unsatisfactory safety rating was based on three violations of critical regulations – 391.45(a), 391.51(a), and 395.8(a)(1). “Critical” regulations identify where non-compliance relates to management and operational controls. The violations 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 the safety investigation:**

1. Two violations of Title 49 CFR Part 391.45(a) – Using a driver not medically examined and certified.
2. Two violations of Title 49 CFR Part 391.51(a) – Failing to maintain driver qualification file on each driver employed.
3. Ninety violations of Title 49 CFR Part 395.8(a)(1) – Failing to require driver to prepare a record of duty status.

In a May 22, 2019, Notice of Intent to Cancel Certificate, the commission instructed the company to submit its proposed safety management plan no later than June 12, 2019.

On May 29, 2019, Zippy Disposal Service, Inc. 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**

- Zippy Disposal Service, Inc. submitted a safety management plan that addresses each violation, explains why the violations occurred, describes the steps taken to correct them, and put controls in place to ensure the company maintains compliance moving forward.
- Staff reviewed Zippy Disposal Service, Inc.'s proposed safety management plan and concludes it is acceptable and meets the requirements of 49 CFR, Part 385.
- Staff recommends the commission upgrade the safety rating of Zippy Disposal Service, Inc. to *conditional*.