

4 Staff recommended a penalty of \$100 for three violations of 49 C.F.R. Part 391.51(b)(2) for failing to maintain copies of driving abstracts for three employees, and \$100 for 47 violations of 49 C.F.R. Part 395.8(a) for failing to require Company drivers to make a record of duty on 47 occasions.

DISCUSSION AND DECISION

5 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Violations discovered during safety inspections are subject to penalties of \$100 per violation.² In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.³

6 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.⁴

7 Here, penalties are appropriate for first-time violations because the violations cited are considered critical to safe operations. Companies that do not verify driving records may be unaware of conditions that could disqualify drivers from safely or legally operating a vehicle, and failure to keep records of duty could result in excessive and unsafe driving time.

8 Instead of a "per violation" penalty totaling \$5,000, All Ready Moving was assessed a penalty of \$100 per violation category, resulting in a significantly reduced penalty. The Company's claim that it misunderstood the Commission's safety rules prior to receiving the Penalty Assessment offers no compelling reason to reduce the penalties

² See RCW 80.04.405.

³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

⁴ Enforcement Policy ¶19.

any further. Accordingly, we agree with Staff's recommendation and deny the Company's request for mitigation.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request of All Ready Moving, LLC for mitigation of the \$200 penalty is DENIED.
- 10 (2) The penalty is due and payable no later than October 23, 2014.
- 11 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective October 9, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.