

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-210064
SAFE-TO-GO-MOVERS, LLC, D/B/A JAMES & JOHN MOVERS,	ORDER 01
in the amount of \$200	DENYING MITIGATION

BACKGROUND

- 1 On February 12, 2021, the Washington Utilities and Transportation Commission (Commission) assessed a \$200 penalty (Penalty Assessment) against Safe-To-Go-Movers, LLC, d/b/a James & John Movers (Safe-To-Go-Movers or Company) for 2 violations of Washington Administrative Code (WAC) 480-15-560, which adopts by reference Title 49 Code of Federal Regulations (C.F.R.).¹ The Penalty Assessment includes:
 - a \$100 penalty for one violation of 49 C.F.R. § 393.209(b) for operating a commercial motor vehicle with excessive free play in the steering system.
 - A \$100 penalty for one violation of 49. C.F.R. § 393.3(a)(1) for operating a commercial motor vehicle with its air brake reservoir tanks not properly secured to the right side of the vehicle.
- 2 On March 1, 2021, the Company filed with the Commission an application for mitigation of penalties (Application), admitting the violations and requesting that the penalty be reduced based on the written information provided. The Company explains in its Application that it is aware of the dangers posed by the violations and that it will strive to ensure compliance going forward.
- 3 On March 4, 2021, Commission staff (Staff) filed a response recommending the Commission deny the Application.

¹ WAC 480-15-560 adopts by reference sections of Title 49 C.F.R. Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of 49 C.F.R.

DISCUSSION AND DECISION

- 4 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.²
- 5 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.³ The Commission also considers whether the violations were promptly corrected, a company's history of compliance, and the likelihood the violation will recur.⁴
- 6 The Penalty Assessment assessed a \$100 penalty for one violation of 49 C.F.R. § 393.209(b) for operating a commercial motor vehicle with excessive free play in the steering system, for which the vehicle was placed out of service. The Penalty Assessment also assessed a \$100 penalty for one violation of 49 C.F.R. § 393.3.(a)(1) for operating a commercial motor vehicle with its air brake reservoir tanks not properly secured to the right side of the vehicle, another out-of-service violation. In its Application, Safe-To-Go-Movers acknowledges and takes full responsibility for the danger to the public posed by these violations and provides assurances that it will strive to prevent recurrence.
- 7 Staff recommends no mitigation of the penalty. We agree. Household goods carriers who use commercial motor vehicles with excessive free play in the steering system and defective air brake reservoirs put their customers, their customers' belongings, and the traveling public at risk. The Company's explanation fails to introduce new information or explain circumstances that would support reduction of the penalty. Accordingly, we find that the \$200 penalty assessed for one violation of 49 C.F.R. § 393.209(b) and one violation of 49 C.F.R. §396.3(a)(1), both of which require a vehicle to be placed out of service, is appropriate in light of the circumstances and conclude that no further mitigation is warranted.

² Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

³ Enforcement Policy ¶19.

⁴ Enforcement Policy ¶15.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 9 (2) Safe-To-Go-Movers is a household goods carrier subject to Commission regulation.
- 10 (3) Safe-To-Go-Movers violated 49 C.F.R. § 393.209(b) when it operated a commercial motor vehicle with excessive steering wheel lash.
- 11 (4) Safe-To-Go-Movers should be penalized \$100 for one violation of 49 C.F.R. §393.209(b).
- 12 (5) Safe-To-Go-Movers violated 49 C.F.R. §396.3(a)(1) when it operated a commercial motor vehicle with a defective air brake reservoir.
- 13 (6) Safe-To-Go-Movers should be penalized \$100 for one violation of 49 C.F.R. § 396.3(a)(1).

ORDER

THE COMMISSION ORDERS:

- 14 (1) Safe-To-Go-Movers, LLC, d/b/a James & John Movers' request for mitigation of the \$200 penalty is DENIED.
- 15 (2) The penalty is due and payable no later than March 31, 2021.
- 16 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective March 16, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
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.