

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

GM Move Transport LLC

For Compliance with WAC 480-15

DOCKET TV-210284

INITIAL ORDER 01

APPROVING SAFETY
MANAGEMENT PLAN;
EXTENDING PROVISIONAL
PERIOD; CANCELLING BRIEF
ADJUDICATIVE PROCEEDING

BACKGROUND

- 1 On May 6, 2021, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of GM Move Transport LLC (GM Move Transport or Company) for Compliance with Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-570 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of GM Move Transport's operations between March and April 2021 and documented 23 occurrences of safety requirement violations and proposed a conditional safety rating for the Company. Based on its review, Staff recommends the Commission cancel GM Move Transport's household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed GM Move Transport to file a proposed safety management plan by May 27, 2021. The Commission also set a brief adjudicative proceeding for June 10, 2021, at 9:30 a.m. to determine whether the Commission should cancel GM Move Transport's household goods carrier permit.
- 3 On May 10, 2021, the Commission assessed an \$400 penalty (Penalty Assessment) against GM Move Transport in Docket TV-210285 for the safety violations discovered during Staff's compliance review. The Penalty Assessment included:

**Pursuant to RCW 80.01.060(3)
This packet is the final
Order in this docket.**

- a \$100 penalty for 2 violations of 49 C.F.R. § 391.51(a) for failing to maintain driver qualification files for each driver;
- a \$100 penalty for 15 violations of 49 C.F.R. § 395.8(a)(1) for failing to require drivers to prepare records of duty status using the appropriate method; and
- a \$200 penalty for 2 violations of WAC 480-15-555 for failing to conduct or retain paperwork containing criminal background checks for its employees.

4 On May 18, 2021, GM Move Transport responded to the Penalty Assessment, admitted the violations, and paid the \$400 penalty in full.¹

5 On May 26, 2021, GM Move Transport submitted a proposed safety management plan.

6 On May 27, 2021, Staff filed with the Commission its evaluation of the Company's safety management plan, recommending that the Commission consolidate the Commission's safety investigation with the penalty assessment, cancel the brief adjudicative proceeding, and extend the Company's provisional period (Evaluation).

7 Staff determined, based on its review of the Company's proposed plan, that the Company's plan is acceptable and meets the requirements of 49 CFR Part 385 and that GM Move Transport took all of the required steps to bring its safety operations into compliance with Commission regulations. Staff recommends that the Commission refrain from cancelling the Company's permit and also extend the Company's provisional permit period until such time as the Company is able to achieve a satisfactory safety rating.

DISCUSSION AND DECISION

8 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's March-April 2021 compliance review of GM Move Transport found 23 violations of critical safety regulations, which resulted in a proposed conditional safety rating. Violations classified as "critical" are indicative of a breakdown in a carrier's management controls. Patterns of

¹ Staff's Evaluation recommends that Dockets TV-210284 and TV-210285 be consolidated. Because the Company did not seek mitigation of the penalty, however, we deny Staff's request. No material facts are in dispute, the penalty was paid in full, and Docket TV-210285 is closed.

noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.

9 On May 26, 2021, the Company submitted its proposed safety management plan. Staff determined that GM Move Transport's safety management plan addresses each violation, identifies how each violation occurred, describes the steps taken to correct each violation, and describes the controls put in place to ensure compliance going forward. Staff concludes that GM Move Transport's safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree.

10 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with WAC 480-15 by correcting the violations that led to the proposed conditional safety rating. Accordingly, the Commission agrees with Staff's recommendation and will refrain from cancelling GM Move Transport's permit.

11 We likewise agree with Staff's recommendation to extend the Company's provisional period for its household goods carrier permit. WAC 480-15-305(1)(b) provides that, prior to a grant of permanent authority, an applicant must complete a provisional period of not less than six months and not more than 18 months unless the Commission determines for good cause that the provisional period should be extended. Good cause may include, among other things, a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating. Here, the Company has corrected the violations at issue and demonstrated that it has taken significant steps to ensure its operations comply with applicable safety regulations. Accordingly, the Commission finds good cause to extend the Company's provisional period until such time as the Company achieves a satisfactory rating.

FINDINGS AND CONCLUSIONS

12 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.

13 (2) GM Move Transport is a household goods carrier subject to Commission regulation.

- 14 (3) GM Move Transport committed 23 critical violations of WAC 480-15 and Title
49 C.F.R.
- 15 (4) GM Move Transport does not dispute that the violations occurred.
- 16 (5) GM Move Transport cured the deficiencies that led to the proposed conditional
safety rating and submitted a safety management plan addressing the controls it
has put in place to ensure the Company maintains compliance. Accordingly, GM
Move Transport's safety management plan should be approved and the
Company's permit should not be cancelled.
- 17 (6) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to
extend GM Move Transport's provisional period until such time as the Company
achieves a satisfactory safety rating.
- 18 (7) GM Move Transport has waived its right to a hearing.
- 19 (8) The brief adjudicative proceeding currently scheduled for June 10, 2021, should
be cancelled.

ORDER

THE COMMISSION ORDERS:

- 20 (1) GM Move Transport LLC's safety management plan is approved.
- 21 (2) GM Move Transport LLC's provisional period is extended until such time as the
Company achieves a satisfactory safety rating.
- 22 (3) The brief adjudicative proceeding scheduled for June 10, 2021, is cancelled.

DATED at Lacey, Washington, and effective June 1, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*
ANDREW J. O'CONNELL
Administrative Law Judge