



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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**Date:** October 11, 2024

**To:** Hayley Callahan, Administrative Law Judge, Administrative Law Division

**From:** Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety Division

**Re:** TV-240620 Airus Movers LLC

Evaluation of Safety Management Plan, recommendations regarding the company's safety rating, and the cancellation of household goods mover operating authority (THG-070531)

On August 13, 2024, Commission staff (Staff) completed a routine safety investigation of Airus Movers LLC, (Airus or the Company) which resulted in a proposed unsatisfactory safety rating.

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 action to address the identified violations, and that its operations currently meet the safety standard and factors in 49 C.F.R. § 385.5 and 385.7. In this case, Airus has until October 12, 2024, to come into compliance with applicable laws and rules by obtaining Commission approval of a safety management plan (SMP).

**The proposed unsatisfactory safety rating was based on six violations of critical regulations – 49 C.F.R. § 391.45(a), 391.51(a), 395.8(a)(1), 396.3(b), 396.17(a), and WAC 480-15-555(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 critical regulations are linked to inadequate safety management controls and higher than average accident rates.

**Critical violations discovered during investigation:**

1. Nine violations of WAC 480-15-555(1) for failure to complete a criminal background check for every person the carrier intends to hire.
2. One hundred forty-three violations of 49 C.F.R. § 391.45(a) for using a driver not medically examined and certified.
3. Four violations of 49 C.F.R. § 391.51(a) for failing to maintain driver qualification file on each driver employed.

4. Forty-two violations of 49 C.F.R. § 395.8(a)(1) for failure to require a driver to prepare a record of duty status using the appropriate method.
5. Two violations of 49 C.F.R. § 396.3(b) for failing to keep minimum records of inspection and vehicle maintenance.
6. Two violations of 49 C.F.R. § 396.17(a) for using a commercial motor vehicle not periodically inspected.

In a September 5, 2024, Notice of Intent to Cancel, the Commission instructed Airus to submit its proposed SMP no later than September 18, 2024.

On September 19, 2024, Airus submitted the initial SMP for Staff's review.

On September 20, 2024, Staff notified the company that requirements for SMPs were missing from the plan and that Staff was available to answer any questions the Company had while developing the SMP.

On October 2, 2024, the Commission held the scheduled brief adjudicative proceeding. Staff testified to the violations identified in the investigation report and the Company's proposed unsatisfactory safety rating. Further, Staff testified that though Airus had not submitted an acceptable SMP, it would continue to review any future submittals from the company until the cancellation of the permit.

On October 10, 2024, Airus submitted a SMP addressing each violation noted during the investigation. Staff reviewed the SMP to ensure that it addressed the following seven requirement:

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 standards and factors specified in 49 C.F.R. § 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

to 49 C.F.R. § 385.5 and 385.7. A corporate officer, partner, or the owner of the company must sign the statement.

### **Summary and Recommendations**

Staff reviewed the Company's SMP and concludes it does not meet the legal requirements of 49 C.F.R. § 385 to justify an upgrade the proposed unsatisfactory safety rating. The plan fails to demonstrate that Airus has corrected the violations identified during the safety investigation or that appropriate safety management controls have been established to prevent future violations.

On October 11, 2024, Staff provided Airus with a detailed response of deficiencies found with the SMP, including violations identified within supporting documentation that was intended to illustrate corrective actions.

Documentation of driver qualifications, maintenance, hours of service records, and criminal background checks were included in the plan.

Staff recommends that the Commission cancel the Company's provisional household goods permit.