



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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Date: June 17, 2019

To: Rayne Pearson, Director, Administrative Law Division

From: Mathew Perkinson, Assistant Director, Transportation Safety Division

Re: TV-190299 Tiraogo Simpure d/b/a TS Moving Services
Evaluation of Safety Management Plan, Recommendations regarding the company's safety rating, and the cancellation of its household goods operating authority (THG067675)

On April 23, 2019 staff completed a routine safety investigation of TS Moving Services which resulted in a proposed *conditional* safety rating.

As the company has yet to achieve a satisfactory safety rating for permanent status, the commission determines that it will afford TS Moving Services the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that the company has taken corrective action to address the identified violations.

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 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. In this case, TS Moving Services has until June 23, 2019, to come into compliance with applicable laws and rules by obtaining commission approval of a safety management plan.

The proposed conditional safety rating was based on one violation of critical regulations – 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. Thirty violations of Title 49 CFR Part 395.8(a)(1) – Failing to require driver to prepare a record of duty status.

In an April 30, 2019, Notice of Intent to Cancel Certificate, the commission instructed the company to submit its proposed safety management plan no later than June 4, 2019. Staff did not receive an acceptable plan prior to the brief adjudicative proceeding that was held on June 11, 2019. Staff was

instructed by Administrative Law Judge Laura Chartoff to submit a written evaluation of the company's safety management plan by no later than June 18, 2019.

On June 14, 2019, TS Moving Services 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

Staff reviewed TS Moving Services proposed safety management plan and concludes it is acceptable and meets the requirements of 49 CFR, Part 385. Because of the company's actions staff recommends the commission not cancel the company's permit and extend its provisional operating authority for good cause until staff conducts a follow-up review in one year.

The company took all the required steps to bring its safety operations into compliance with commission regulations. TS Moving Services submitted a safety management plan that addresses each violation, identifies how they occurred, describes the steps taken to correct them, and put controls in place to ensure the company maintains compliance.

Documentation of records of duty status, driver qualifications, a criminal background check of the company's employee, vehicle maintenance forms including the annual inspection, and proof of cargo insurance were included in the plan.