



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

**Date:** May 15, 2020  
**To:** Michael Howard, Administrative Law Judge, Administrative Law Division  
**From:** Mathew Perkinson, Assistant Director, Transportation Safety Division  
**Re:** **TV-200312 Joy Moving Company, Inc.**  
Evaluation of Safety Management Plan, Recommendations regarding the company's safety rating, and the cancellation of its household goods operating authority (THG068307)

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On March 3, 2020, Commission staff (Staff) completed a routine safety investigation of Joy Moving Company, Inc. (Joy Moving or Company) resulting in a proposed unsatisfactory safety rating.

Commission rules prohibit motor carriers from operating beginning on the 61<sup>st</sup> 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 Title 49 C.F.R. § 385.5 and 385.7. In this case, Joy Moving has until June 1, 2020, to come into compliance with applicable laws and rules by obtaining commission approval of a safety management plan.

**The proposed unsatisfactory safety rating was based on five violations of critical regulations – Title 49 C.F.R § 391.51(a), 395.8(a)(1), 396.3(b), 396.17(a), and WAC 480-15-555.** “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. Two violations of Title 49 C.F.R. § 391.51(a) – Failing to maintain driver qualification file on each driver employed.
2. Sixty violations of Title 49 C.F.R. § 395.8(a)(1) – Failing to require driver to prepare a record of duty status using the appropriate method.
3. Two violations of Title 49 C.F.R. § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance.
4. Two violations of Title 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle not periodically inspected.
5. One violation of WAC 480-15-555 – Failing to acquire criminal background check of prospective employee.

In an April 13, 2020 Notice of Intent to Cancel Certificate, the commission instructed the Company to submit its proposed safety management plan no later than May 13, 2020.

On May 13, 2020, Joy Moving 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 Title 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 in Title 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 Joy Moving's safety management plan and concludes it is acceptable and meets the requirements of Title 49 C.F.R. § 385. Because of the Company's actions, Staff recommends the commission not cancel the Company's permit, upgrade the Company's safety rating to conditional, and extend its provisional operating authority for good cause until Staff conducts a follow-up compliance review at least six months from the date of the Order.

Staff confirmed with Joy Moving that the company waives its right to a hearing. Staff recommends that the brief adjudicative proceeding scheduled for May 20, 2020, be cancelled.

The Company took all the required steps to bring its safety operations into compliance with commission regulations. Joy Moving 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, and vehicle maintenance files including the annual inspection were included with the plan.