

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

Easy Move Transport LLC

For Compliance with WAC 480-15

DOCKET TV-210244

INITIAL ORDER 01

APPROVING SAFETY  
MANAGEMENT PLAN;  
EXTENDING PROVISIONAL  
PERIOD

**BACKGROUND**

- 1 On April 28, 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 Easy Move Transport LLC (Easy 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 Easy Move Transport's operations in April 2021 and documented 17 violations of safety requirements, which resulted in a proposed conditional safety rating for the Company. Based on its review, Staff recommended the Commission cancel Easy Move Transport's household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Easy Move Transport to file a proposed safety management plan by May 20, 2021. The Commission also set a brief adjudicative proceeding for June 3, 2021, at 1:30 p.m. to determine whether the Commission should cancel Easy Move Transport's household goods carrier permit.
- 3 Also on April 28, 2021, the Commission assessed a \$300 penalty (Penalty Assessment) against Easy Move Transport in Docket TV-210245 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 two violations of 49 C.F.R. § 391.51(a) for failing to maintain driver qualification files for each driver;
- a \$100 penalty for 12 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 \$100 penalty for one violation of WAC 480-15-555 for failing to conduct or retain paperwork containing a criminal background checks for one employee.

4 On April 29, 2021, Easy Move Transport paid the \$300 penalty in full.

5 On May 7, 2021, Easy Move Transport submitted a proposed safety management plan.

6 On May 13, 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,<sup>1</sup> cancel the brief adjudicative proceeding, and extend the Company's provisional period (Evaluation). Staff represents that the Company waived its right to a hearing.

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 Easy Move Transport took all 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 extend the Company's provisional permit period until such time as the Company can achieve a satisfactory safety rating.

8 On May 25, 2021, the Commission issued a Notice cancelling the brief adjudicative proceeding and informing the parties that the Commission would enter an order based on the parties' written submissions.

### DISCUSSION AND DECISION

9 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's April 2021 compliance

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<sup>1</sup> Staff's Evaluation recommends that Dockets TV-210244 and TV-210245 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-210245 is closed.

review of Easy Move Transport found 14 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 noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.

10 On May 7, 2021, the Company submitted its proposed safety management plan. Staff determined that Easy 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 Easy Move Transport’s safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree.

11 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 Easy Move Transport’s permit.

12 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

13 (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.

- 14 (2) Easy Move Transport is a household goods carrier subject to Commission regulation.
- 15 (3) Easy Move Transport committed 14 critical violations of WAC 480-15 and Title 49 C.F.R.
- 16 (4) Easy Move Transport did not dispute that the violations occurred.
- 17 (5) Easy 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, Easy Move Transport's safety management plan should be approved, and the Company's permit should not be cancelled.
- 18 (6) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend Easy Move Transport's provisional period until such time as the Company achieves a satisfactory safety rating.
- 19 (7) Easy Move Transport has waived its right to a hearing.

**ORDER**

THE COMMISSION ORDERS:

- 20 (1) Easy Move Transport LLC's safety management plan is approved.
- 21 (2) Easy Move Transport LLC's provisional period is extended until such time as the Company achieves a satisfactory safety rating.

DATED at Lacey, Washington, and effective June 3, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Judge