



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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**Date:** August 31, 2023

**To:** Michael Howard, Administrative Law Judge, Administrative Law Division

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

**Re: TV-230584 Zen Moving PLLP d/b/a 2 Pure Moving – Man With A Truck Moving**  
Evaluation of Safety Management Plan, Recommendations regarding the company's safety rating, and the cancellation of household goods operating authority (THG-069802)

On July 12, 2023, Commission staff (Staff) completed a routine safety investigation of Zen Moving PLLP d/b/a 2 Pure Moving – Man With A Truck Moving (Zen Moving or 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 actions to address the identified violations, and that its operations currently meet the safety standard and factors in Title 49 C.F.R.(49 C.F.R.) § 385.5 and 385.7. In this case, Zen Moving has until September 11, 2023, 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 five violations of critical regulations – Washington Administrative Code (WAC) 480-15-555(1), 49 C.F.R. § 391.45(a), 391.51(a), 395.8(a)(1), and 396.17(a).**

“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 a critical regulation are linked to inadequate safety management controls and higher than average accident rates.

**Critical violation discovered during investigation:**

1. Thirteen violations of WAC 480-15-555(1) – Failure to complete a criminal background check for every person the carrier intends to hire.

2. Ninety-one violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.
3. Four violations of 49 C.F.R. § 391.51(a) – Failing to maintain driver qualification file on each driver employed.
4. One hundred-fifty violations of 49 C.F.R. § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status using the appropriate method.
5. Five violations of 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle (CMV) not periodically inspected.

On August 3, 2023, the Commission issued a penalty assessment against Zen Moving in the amount of \$11,100 because of violations discovered during the safety investigation. The penalty includes:

1. A \$1,300 penalty for thirteen violations of WAC 480-15-555(1) for failing to complete a criminal background check for every person the carrier intended to hire.
2. A \$9,100 penalty for ninety-one violations of 49 C.F.R. § 391.45(a) for using a driver not medically examined and certified.
3. A \$100 penalty for four violations of 49 C.F.R. § 391.51(a) for failing to maintain driver qualification file on each driver employed.
4. A \$100 penalty for one hundred-fifty violations of 49 C.F.R. § 395.8(a)(1) for failing to require a driver to prepare a record of duty status using the appropriate method.
5. A \$100 penalty for one violation of 49 C.F.R. § 393.41 for using a CMV with no or defective parking brake system, leading to an out-of-service condition.
6. A \$300 penalty for three violations of 49 C.F.R. § 396.3(a)(1) for using CMVs with parts and accessories in need of repair, leading to out-of-service conditions.
7. A \$100 penalty for five violations of 49 C.F.R. § 396.17(a) for using CMVs not periodically inspected.

In an August 11, 2023, Notice of Intent to Cancel, the Commission instructed Zen Moving to submit its proposed SMP no later than August 18, 2023 .

On August 11, 2023, Zen Moving filed its response to the penalty assessment, admitting the violations, and paying the \$11,100 penalty in full.

On August 31, 2023, Zen Moving submitted a SMP addressing each violation noted during the investigation. Staff only recommends approving a SMP 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 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 49 C.F.R. § 385.5 and 385.7. A corporate officer, partner, or the owner of the company must sign the statement.

On August 31, 2023, Zen Moving submitted a "Waiver of Hearing" letter to the docket.

### **Summary and Recommendations**

Staff reviewed Zen Moving's SMP and determined it is acceptable and meets the requirements of 49 C.F.R. § 385.

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

The Company took the required steps to bring its safety operations into compliance with Commission regulations. Zen Moving submitted a SMP that addresses each violation, identifies how the violations occurred, describes the steps taken to correct them, and put controls in place to ensure the Company maintains compliance. Staff recommends:

- the Commission does not cancel Zen Moving's provisional permit;
- upgrade the proposed unsatisfactory safety rating to conditional; and

- the Commission extends the Company's provisional period until such a time that Zen Moving achieves a satisfactory safety rating, or the Commission finds good cause to cancel the Company's operating authority.

Staff has verified with the Company that it waives its right to a hearing and is recommending that the Brief Adjudicative Proceeding scheduled for September 1, 2023, be cancelled.