



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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June 23, 2022

Amanda Maxwell, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. PMC Moving, LLC*
Commission Staff's Response to Request for Review
Docket TV-220303

Dear Ms. Maxwell:

On May 9, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against PMC Moving, LLC, (PMC Moving or Company) in the amount of \$41,400 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees; WAC 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 393 – Parts and Accessories Necessary for Safe Operation and 49 C.F.R. Part 396 – Inspection, Repair and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopts 49 C.F.R. Part 391 – Qualification of Drivers.

On May 13, 2022, PMC Moving filed with the Commission its application for mitigation of penalties. In the request for mitigation, PMC Moving admits the violations, describes corrective actions it implemented to prevent recurrence, provides copies of valid medical certificates for four of its drivers,¹ asks that the penalties be reduced, and requests a hearing to present evidence before an administrative law judge for a decision.

On May 19, 2022, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for a hearing because PMC Moving did not contest the violations and the Company's "primary reason" for filing its application for mitigation was to receive a reduced penalty. Consistent with the Commission's Enforcement Policy,² Staff recommended a reduced

¹ The valid medical certificates provided were for drivers Nick Urbach, Tyler Prall, John Mitchell, and Paul Freeman.

² Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

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penalty of \$21,000, and further recommended that \$10,000 of the reduced penalty be suspended for a period of two years before being waived, subject to conditions.

On June 9, 2022, the Commission entered Order 01, Granting Mitigation to \$20,850, Imposing and Suspending Penalties Subject to Conditions (Order 01). Specific to the 390 violations of 49 C.F.R. § 391.45(a), Order 01 reduced the \$39,000 penalty to \$19,500. Further, Order 01 directed PMC Moving to “either pay the \$10,850 portion of the penalty that is not suspended or file jointly with Staff a proposed payment arrangement within 10 days of the effective date of this Order.”

On June 21, 2022, PMC Moving filed with the Commission a request to reduce the mitigated penalty entered in Order 01. The Company argues that 67 of the 390 violations of 49 C.F.R. § 391.45(a) should be expunged “according to the research I have done and your Compliance Investigator,” and requests a payment arrangement for the “recalculated fine.”

In response to PMC Moving’s recent filing, Staff disputes the Company’s interpretation of 49 C.F.R. § 391.45(a) that would exempt an owner/operator from requiring driver medical certification. In addition, Staff refutes that the compliance investigator informed the Company that an owner/operator is not subject to the requirements of 49 C.F.R. § 391.45(a). Staff recommends that the Commission uphold its findings in Order 01, and is willing to work with PMC Moving on jointly filing a proposed payment arrangement.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety