



TV-240620

Received
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Oct 31, 2024

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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Date: October 30, 2024

To: Hayley Callahan, Administrative Law Judge, Administrative Law Division

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

Re: **TV-240620 Airus Movers LLC**

Evaluation of Safety Management Plan, recommendations regarding the company's safety rating, and the cancellation of household goods mover operating authority (THG-070531)

On October 2, 2024, the Commission held the scheduled brief adjudicative proceeding. Commission staff (Staff) testified that Airus Movers LLC (Airus Movers or Company) had not submitted an acceptable safety management plan (SMP), though Staff would continue to review future submittals from the Company.

On October 11, 2024, Staff submitted an evaluation of the SMP, notifying the administrative law judge that the SMP did not meet the legal requirements of Title 49 C.F.R. § 385 to justify an upgrade to Airus Movers' unsatisfactory safety rating. Staff recommended that the Commission cancel the Company's provisional household goods permit.

On October 21, 2024, the Commission issued Order 01, Cancelling Household Carrier Permit; Upholding Penalties. Order 01 held Airus Movers in default, notifying the Company of the 10-day response to motion for the Order to be vacated pursuant to WAC 480-07-450(2), cancelling the household goods permit and assessing a penalty of \$15,600.

On October 24, 2024, Airus Movers responded to the penalty assessment, requesting a reduction of the fine amount and setting up a payment plan. Additionally, the Company stated that they did not see the notice of the brief adjudicative proceeding, which caused them to miss the hearing.

On October 30, 2024, Airus Movers submitted an updated SMP addressing each violation noted during the investigation. Staff reviewed the SMP to ensure that it addressed the following seven requirement:

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 standards 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 to 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 the Company's SMP and concludes it meets the legal requirements of 49 C.F.R. § 385 to justify an upgrade to the unsatisfactory safety rating. The plan demonstrates that Airus Movers has taken corrective action to develop a compliant safety program and implemented systems, that if followed, should prevent future repeat violations.

Documentation of driver qualifications, maintenance, hours of service records, and criminal background checks were included in the plan. Additionally, the plan contains calendar reminders for future compliance dates and notes that Company's HR personnel will attend the January 2025 Commission-provided household goods training.

The Company took the required steps to bring its safety operations into compliance with Commission regulations. Airus Movers submitted a SMP that addresses each violation, identifies how the violations occurred, describes the steps the Company took to correct the violations, and put controls in place to ensure the Company maintains compliance. Staff recommends that the Commission upgrade the Company's previous safety rating of unsatisfactory to conditional.

With these corrective actions, Staff would support the Company should it attempt to reinstate its household goods permit.

In response to the mitigation request, the Company was cooperative during the safety investigation, provided Staff with evidence that it corrected these first-time violations, and implemented procedures to prevent future occurrences. Staff recommend that the \$15,600 assessed penalty be reduced to \$7,800. Further, Staff recommends \$3,900 of the reduced penalty be suspended for two years and then waived, with the following conditions:

1. Airus Movers maintains a conditional safety rating;
2. Staff perform a follow-up safety investigation at least six months from the date of the order;
3. The Company may not incur repeat critical violations up on reinspection; and
4. Airus Movers pays \$3,900 that is not suspended.

Staff and Airus Movers have come to a mutual agreement on a payment plan as follows:

Payment Plan		
Installment	Due Date	Amount
1	December 16, 2024	\$325
2	January 15, 2025	\$325
3	February 17, 2025	\$325
4	March 17, 2025	\$325
5	April 15, 2025	\$325
6	May 15, 2025	\$325
7	June 16, 2025	\$325
8	July 15, 2025	\$325
9	August 15, 2025	\$325
10	September 15, 2025	\$325
11	October 15, 2025	\$325
12	November 17, 2025	\$325

Staff recommend the Commission grant the Company's request for payment arrangements. Airus Movers is aware that if it fails to pay any installment by the due date, the entire remaining balance, including the suspended penalty, will immediately become due and payable without further Commission order.