



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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Date: October 28, 2020

To: Samantha Doyle, Administrative Law Judge, Administrative Law Division

From: Mathew Perkinson, Assistant Director, Transportation Safety Division

Re: TV-200625 and TV-200626 (Consolidated) Pro Movers LLC d/b/a Groovin Movin
Evaluation of Safety Management Plan, Recommendations regarding the company's safety rating, and the cancellation of household goods operating authority (THG066237)

On July 7, 2020, Commission staff (staff) completed a routine safety investigation of Pro Movers LLC d/b/a Groovin Movin (Pro Movers 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 49 CFR § 385.5 and 385.7. In this case, Pro Movers had until September 5, 2020, to come into compliance with applicable laws and rules by obtaining commission approval of a safety management plan.

On August 28, 2020, Pro Movers submitted a safety management plan during the course of a second brief adjudicative proceeding. Staff was instructed by the presiding administrative law judge to submit staff's evaluation of the plan by close of business on September 2, 2020.

On September 2, 2020, Staff filed its response to the company's proposed safety management plan, noting that the plan was deficient, failing to demonstrate that adequate corrective actions had been taken to justify an upgrade to the company's safety rating.

On September 4, 2020, Order 01 in Dockets TV-200625 and TV-200626 (consolidated) cancelled the company's provisional household goods moving permit (THG066237) effective September 8, 2020.

On October 1, 2020, Pro Movers' owner, Andrey Goncharuk, submitted an updated safety management plan addressing each violation noted during the safety investigation.

On October 2, 2020, Pro Movers applied for reinstatement of its provisional household goods permit.

The unsatisfactory safety rating was based on four violations of critical regulations – 391.45(a), 391.51(a), 395.8(a)(1), and WAC 480-15-555.

“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 violations discovered during investigation:

1. Thirteen violations of WAC 480-15-555 – Failing to complete a criminal background check of prospective employee.
2. Twenty-four violations of Title 49 CFR § 391.45(a) – Using a driver not medically examined and certified.
3. Two violations of Title 49 CFR § 391.51(a) – Failing to maintain driver qualification file on each driver employed.
4. One hundred seven violations of Title 49 CFR § 395.8(a)(1) – Failing to require driver to prepare a record of duty status using the appropriate method.

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 49 CFR § 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 CFR § 385.5 and 385.7. A corporate officer, partner, or the owner of the company must sign the statement.

Summary and Recommendations

Staff reviewed Pro Movers' safety management plan and concludes it is acceptable and meets the requirements of 49 CFR § 385. The plan demonstrates that Pro Movers has taken appropriate action to develop a compliant safety program. Documentation of driver qualifications, vehicle maintenance, and criminal background information was included with the plan. The Company has been inactive since cancellation and will use forms from the commission's "Achieving a Satisfactory Motor Carrier Safety Record" to address maintaining driver's hours of service records. The Company supplied staff with evidence that it created a compliance tracking system along with calendar reminders for future compliance dates.

Staff recommends that the company's previous safety rating of unsatisfactory be upgraded to conditional and that the commission authorize the company's application for re-instatement as a provisional household goods moving company.

Staff further recommends that Goncharuk attend the next scheduled household goods industry training provided by commission staff.