
	US DOT # 3180551	Legal: MIRACLE MAN MOVERS LLC		
		Operating (DBA):		
MC/MX #: 125912		State #: THG068778		Federal Tax ID:
Review Type: Compliance Review (CR)				
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types		Interstate	Intrastate	
Carrier:	Non-HM	Non-HM	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: \$365,000.00	
Cargo Tank:	N/A		for year ending: 12/31/2021	
Company Physical Address:				
14602 NE FOURTH PLAIN BLVD #J VANCOUVER, WA 98682				
Contact Name: Anna Bullock				
Phone numbers: (1) 509- 551-7776		(2)	Fax	
E-Mail Address: anna@miraclemanmovers.com				
Company Mailing Address:				
14602 NE FOURTH PLAIN BLVD #J VANCOUVER, WA 98682				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Household Goods				
Equipment				
	Owned	Term Leased	Trip Leased	Owned
				Term Leased
				Trip Leased
Truck	1	1	0	
Power units used in the U.S.:2				
Percentage of time used in the U.S.:100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:		5	Total Drivers: 5	
>= 100 Miles:			CDL Drivers: 0	



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Part A

QUESTIONS regarding this report may be addressed to the Office of Motor Carriers at:

Sandra Yeomans
P.O. Box 47250, Olympia, WA 98504-7250
[cell \(360\)701-1602](tel:3607011602) or sandra.yeomans@utc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Anna Bullock

Title: Office Staff

Name: Christopher D Bullock

Title: CEO



	MIRACLE MAN MOVERS LLC U.S. DOT #: 3180551	State #: THG068778	Review Date: 08/11/2022
	Part B Violations		

1 STATE ACUTE	Primary: 396.17(g) CFR Equivalent: 396.17(g)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2 Checked 2
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Description
Failing to promptly repair parts and accessories in accordance as set forth in appendix G of Part 396.

Example
Vehicle: 1HTMMAAM6BH282925
Trip date: 4/30/2022
Description of Violation: Failing to repair headlights and left side turn signal on vehicle.

Vehicle: 1HTMMMML9JH422730
Trip date: 4/20/2022
Description of Violation: Failing to repair passenger side mirror when broken.

2 STATE CRITICAL	Primary: WAC 480-15-555 Secondary: RCW 81.80.132 CFR Equivalent: 392.2	Discovered 14	Checked 31	Drivers/Vehicles In Violation 14 Checked 31
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Description
Failure to complete a criminal background check for every person the carrier intends to hire.

Example
Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to acquire background checks preceding employment.

Also in violaiton: Jason Putnam, Timothy Thompson, Xavier Gibson, Michael Bozovich, Mawuto Aloto, Omar Garoner, Dyamie Cortez Areasa , Paval Zagonenko, Ryan Schook, Nicholas Frans, Robert Perrgo, T Walker Anderson, and Christopher Dick.

3 STATE CRITICAL	Primary: 395.8(a)(1) CFR Equivalent: 395.8(a)(1)	Discovered 60	Checked 150	Drivers/Vehicles In Violation 2 Checked 5
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Description
Failing to require driver to make a record of duty status.

Example
Driver name: Christopher Bullock
Trip date: 6/9/2022
Description of violation: Failing to require driver to make a record of duty status including start time, stop time, and total hours for the day.

Driver name: T. Anderson
Trip date: 3/11/2022
Description of violation: Failing to require driver to make a record of duty status including start time, stop time, and total hours for the day.



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	Part B Violations		

4 STATE	Primary: 391.11(b)(8) Secondary: 391.11(a) CFR Equivalent: 391.11(b)(8)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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Description
Using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.
Driver name: Jose A Fonseca
Trip date: 5/3/2022
Description of violation: Failing to conduct a road test and issue a certificate to new driver.

Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to conduct a road test and issue a certificate to new driver.

Driver name: Christopher Bullock
Trip date: 6/9/2022
Description of violation: Failing to conduct a road test and issue a certificate to new driver.

5 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
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Description
Using a driver who has not completed and furnished an employment application.

Example
Driver name: Jose A Fonseca
Trip date: 5/3/2022
Description of violation: Incomplete driver application.

Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Incomplete driver application.

6 STATE	Primary: 391.23(a)(2) CFR Equivalent: 391.23(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
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Description
Failing to investigate driver's background within 30 days of employment.

Example
Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to investigate previous employment for safety and performance.

7 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
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Description
Failing to investigate driver's background.

Example
Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to acquire driver's initial abstract.



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	Part B Violations		

8 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Example
Driver name: Christopher Bullock
Trip date: 6/9/2022
Description of violation: Failing to acquire driver motor vehicle report every 12 months.

9 STATE	Primary: 391.51(a) CFR Equivalent: 391.51(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description
Failing to maintain driver qualification file on each driver employed.

Example
Driver name: T. Anderson
Trip date: 3/11/2022
Description of violation: Failing to compile a driver qualification file for each driver employed.

10 STATE	Primary: WAC 480-15-480 Secondary: RCW 81.04.080 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Failing to provide annual report to Utilities and Transportation by May 1 of each year.

Example
Driver name: Jose A Fonseca
Trip date: 5/3/2022
Description of violation: Failing to file an annual report with the commission by May 1 of each year.



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Part B Violations		

11 STATE	Primary: 395.3(b)(2) CFR Equivalent: 395.3(b)(2)	Discovered 10	Checked 150	Drivers/Vehicles In Violation 2	Checked 5
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Description
Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 70 hours in 8 consecutive days. Dates of 8-day period: 04/13/22-4/21/22 Driver name: Jose A Fonseca Date/Time Violation Began: 4/21/22 6:13 PM Total Hours Driven in Violation: 1:13
Dates of 8-day period: 4/14/22-4/22/22 Driver name: Jose A Fonseca Date/Time Violation Began: 4/22/22 12:56 PM Total Hours Driven in Violation: 2:58
Dates of 8-day period: 4/15/22-4/23/22 Driver name: Jose A Fonseca Date/Time Violation Began: 4/23/22 7:13 PM Total Hours Driven in Violation: 1:57
Dates of 8-day period: 4/20/22-4/28/22 Driver name: Jose A Fonseca Date/Time Violation Began: 4/28/22 7:03 PM Total Hours Driven in Violation: 1:13
Dates of 8-day period: 4/21/22-4/29/22 Driver name: Jose A Fonseca Date/Time Violation Began: 4/29/22 7:15 PM Total Hours Driven in Violation: 1:10
Dates of 8-day period: 4/22/22-4/30/22 Driver name: Jose A Fonseca Date/Time Violation Began: 4/30/22 /8:33 PM Total Hours Driven in Violation: :52
Dates of 8-day period: 4/12/22-4/20/22 Driver name: Aubrey Cooper Jr. Date/Time Violation Began: 4/20/22 6:57 PM Total Hours Driven in Violation: 1:34
Dates of 8-day period: 4/13/22-4/21/22 Driver name: Aubrey Cooper Jr. Date/Time Violation Began: 4/21/22 11:56 AM Total Hours Driven in Violation: :22
Dates of 8-day period: 4/21/22-4/29-22 Driver name: Aubrey Cooper Jr. Date/Time Violation Began: 4/29/22 6:17 PM Total Hours Driven in Violation: 1:13
Dates of 8-day period: 4/22/22-4/30/22 Driver name: Aubrey Cooper Jr. Date/Time Violation Began: 4/30/22 6:24 PM Total Hours Driven in Violation: 2:50



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	Part B Violations		

12 STATE	Primary: 395.8(j)(2) CFR Equivalent: 395.8(j)(2)	Discovered 4	Checked 5	Drivers/Vehicles In Violation Checked 4 5
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Description
Failing to obtain from driver, used for the first time or intermittently, a signed statement giving the total time on duty during the preceding 7 days and time at which last relieved from duty.

Example
Driver name: Jose A Fonseca
Trip date: 5/3/2022
Description of violation: Failing to obtain signed statement of preceding seven day for first time driver.

Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to obtain signed statement of preceding seven day for first time driver.

Driver name: Christopher Bullock
Trip date: 6/9/2022
Description of violation: Failing to obtain signed statement of preceding seven day for intermittent driver.

Driver name: T. Anderson
Trip date: 3/11/2022
Description of violation: Failing to obtain signed statement of preceding seven day for first time and intermittent driver.

13 STATE	Primary: 396.3(b) CFR Equivalent: 396.3(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation Checked 1 2
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Description
Failing to keep minimum records of inspection and maintenance.

Example
Vehicle: 1HTMMAAM6BH282925
Trip date: 4/30/2022
Description of Violation: Failing to have a maintenance file.

14 STATE	Primary: 396.11(a)(3)(ii) CFR Equivalent: 396.11(a)(3)(ii)	Discovered 52	Checked 60	Drivers/Vehicles In Violation Checked 2 2
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Description
Failing to certify that repairs were made or were not necessary.

Example
Driver Name: Aubrey Cooper Jr.
Vehicle: 1HTMMML9JH422730
Trip date: 4/20/2022
Description of Violation: Failing to mark if repairs are made or not necessary on driver vehicle inspection report.



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	Part B Violations		

15 STATE	Primary: 396.13(c) CFR Equivalent: 396.13(c)	Discovered 52	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to require driver to sign the last vehicle inspection report when defects or deficiencies were noted.
Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to have next day driver sign driver vehicle inspections reports.

16 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description
Using a commercial motor vehicle not periodically inspected.
Example
Vehicle: 1HTMMAAM6BH282925
Trip date: 4/30/2022
Description of Violation: Failing perform annual inspection each 12 months.

17 STATE	Primary: RCW 81.04.070 CFR Equivalent: 391.1	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers, and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent, or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his or her authority from the commission to make such inspection.
Example
Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to provide information requested by the inspector in a timely manner.

18 STATE	Primary: WAC 480-15-590 CFR Equivalent: 392.2	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to keep copies of all leases in permanent files for at least one year after the lease expires.
Example
Driver name: Aubrey Cooper Jr.
Trip date: 5/4/2022
Description of violation: Failing to maintain leases on lease equipment for April 6, 2022 and April 8, 2022.

Safety Fitness Rating Information: Total Miles Operated 8,501 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 2 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0
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Part B Violations		

Your proposed safety rating is : CONDITIONAL	<table border="1"> <thead> <tr> <th colspan="2">Rating Factors</th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>U</td> <td>0</td> <td>3</td> </tr> <tr> <td>Factor 4:</td> <td>C</td> <td>1</td> <td>0</td> </tr> <tr> <td>Factor 5:</td> <td>N</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 6:</td> <td>S</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	S	0	0	Factor 3:	U	0	3	Factor 4:	C	1	0	Factor 5:	N	0	0	Factor 6:	S	-	-
Rating Factors		Acute	Critical																										
Factor 1:	S	0	0																										
Factor 2:	S	0	0																										
Factor 3:	U	0	3																										
Factor 4:	C	1	0																										
Factor 5:	N	0	0																										
Factor 6:	S	-	-																										

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.


However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.



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Part B Requirements and/or Recommendations		

1. The Utilities and Transportation Commission (UTC) adopted the Federal Motor Carrier Safety Administration (FMCSA) rules of 49 CFR and regulations pertaining to Commercial Motor Vehicle's safety, along with the Revised Code of Washington, and Washington Administrative Codes pertaining to Commercial Motor Vehicle safety and regulations.

How to request an upgrade to your INTRASTATE NON-HAZMAT safety rating based on corrective actions:

Within 60 days from receipt of your proposed rating, you must request in writing, a change in the rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review your corrections and make a final decision on your permit status.

Your submission should be as detailed as possible and must:

1. Address each violation on the most recent Compliance Review that was an acute and/or critical violation. Any corrective actions you include to address other violations noted on your review may also be considered.
2. Identify why the violations cited 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 with your petition. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of missing drug/alcohol tests.
4. Outline actions taken to ensure that similar violations do not reoccur in the future.

YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7. To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.

5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, 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 you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385. and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.


You must submit your request to:
Utilities and Transportation Commission
Attn: Jason Sharp
jason.sharp@utc.wa.gov
Work: (360) 701-1603

2. **VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking**

DESCRIPTION OF PROCESS BREAKDOWN: Miracle Man Movers LLC does not monitor or track repairs needed to vehicles that are listed on the driver vehicle inspection reports (DVIR). The investigator received 90 days of DVIR's from both vehicles used by Miracle Man Movers. In the verifying of the 30 days required it was noted that both vehicles had required repairs that were not corrected. For the month of April, the 30 days inspected, the needed repairs were listed on all DVIR's.

BASIC SPECIFIC RECOMMENDED REMEDIES



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Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.

Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.

Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.

Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.

Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.

Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.

Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.

Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRS), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.

When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures


DESCRIPTION OF PROCESS BREAKDOWN: Miracle Man Movers LLC does not have policies and procedures in place to verify driver fitness before placing driver in service. Miracle Man Movers used non-driving employees, as verified by Anna Bullock, employed by the company to drive on multiple occasions. This resulted in drivers operating a commercial vehicle without driver qualification files in place or obtaining medical certification. This action can potentially be a hazard to the public.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver



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Part B Requirements and/or Recommendations		

qualification.

Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.

Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.

Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.

Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.

Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

4. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Miracle Man Movers LLC does not have a system in place to monitor or track the amount of on duty time for each driver. The drivers repeatedly violate the 70 hours in eight days violation. Divers driving over hours causes fatigue and potential for public harm.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.

Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.


Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.

Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.

Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.



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Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.

When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Miracle Man Movers LLC used non-driving employees as drivers on multiple occasions. The employees were not trained in making record of duty status. Christopher Bullock is the owner and a driver and did not make a record of duty status. In both cases the operators of commercial motor vehicles were not trained or communicated to the need for records of duty status.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

Convey expectations to all applicable staff for adhering to driver-fitness regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training and establish communication channels such as newsletters and/or meetings focused on conflicts between driver requirements and current qualifications.

Ensure that all driver-qualification data, including Motor Vehicle Record (MVR) results, inspections, changes in credentials, and driver-reported violations, are properly communicated to managers, supervisors, and dispatchers to enable them to make appropriate assessments about each driver's fitness.

Ensure that managers and supervisors regularly communicate and demonstrate their commitment to using only fit and qualified drivers.

Communicate the carrier's Driver Fitness percentile to all staff and explain to them individually what they can do to help improve the percentile.

Ensure that hiring officials and employees who are responsible for safety have current knowledge, training, and experience regarding driver fitness regulations (both interstate and intrastate where applicable) and interpretations. Train these individuals on successful compliance practices of other companies.

Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.


Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.

Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to driver fitness regulations and company policies and procedures.

Train all staff who are required to monitor and track driver fitness compliance on the appropriate company policies, including those related to discipline and incentives.

Reinforce training about driver-fitness policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.



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6. Each carrier must complete and maintain a criminal background check for every person the carrier intends to hire for the full time of employment and three years thereafter. No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statement, or the manufacture, sale, or distribution of a controlled substance within the past five years.
7. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
8. Carrier must file an annual report with the Utilities and Transportation Commission to pay regulatory fees no later than May 1 of each year. .
9. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
10. New & intermittently used drivers must provide a signed statement showing their total time on-duty for the seven days preceding any trip. These records must be kept on file for 6-months.
11. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
12. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
13. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
14. Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.
15. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.


Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations mean violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should



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visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the UTC during this review may be used to calculate any civil penalty proposed because of this review.

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation later unless adequate evidence of corrective action is forwarded to our office:

Sandi Yeomans
Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
Email: sandra.yeomans@utc.wa.gov

