



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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Date: March 4, 2016

To: Judge Rayne Pearson

From: David Pratt, Assistant Director for Transportation Safety
Mathew Perkinson, Safety Compliance Investigator

Re: TC-152296 – Sani Mahama Maurou, d/b/a SeaTac Airport 24
Evaluation of Safety Management Plan and recommendation to cancel Charter,
Excursion, and Auto Transportation operating authority (Permit C-65615)

In December 2015, staff completed a compliance review investigation of Sani Mahama Maurou, d/b/a SeaTac Airport 24. The compliance review investigation resulted in a proposed *unsatisfactory* safety rating for SeaTac Airport 24 effective January 22, 2016.

The factors that led to the proposed unsatisfactory rating were 47 violations of critical regulations.

This review also resulted in penalty recommendations (TC-160187) against the company due to the large number of critical violations discovered.

“Critical” regulations are those identified as such where noncompliance relates to management and/or operational controls. These are indicative of breakdowns in a carrier’s management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.

The 47 critical violations discovered during the compliance review investigation are as follows:

1. **2 violations (247 occurrences) of 391.45(b)(1)** – Using a driver not medically examined and certified during the preceding 24 months. Staff found that Mr. Ndow Yankuba drove a total of 114 times and Mr. Sani Maurou drove a total of 133 times. The two drivers drove a total of 247 times without valid medical certificates during the past 6 months.
2. **2 violations of 391.51(a)** – Failing to maintain driver qualification file on each driver employed. The carrier failed to maintain driver qualification files for two drivers, Ndow Yankuba and Sani Maurou.
3. **2 violations of 396.3(b)** – Failing to keep minimum records of inspection and vehicle maintenance. The company was unable to provide any records of inspections or maintenance on two vehicles.

4. **41 violations of 396.11(a)** – Failing to require driver to prepare a driver vehicle inspection report. The carrier failed to require its drivers to prepare required vehicle inspection reports.

The carrier also received two other non-critical violations.

1. **1 violation of 387.31(d)** – Failing to maintain at principal place of business required proof of financial responsibility for passenger carriers. The carrier did not maintain proof of insurance at his business office.
2. **1 violation of 396.17(a)** – Using a commercial motor vehicle not periodically inspected. The carrier did not have any documentation of periodic inspections.

Carriers that receive proposed unsatisfactory safety ratings have 45 days to request and receive a change to the proposed unsatisfactory safety rating. The request must be based upon evidence that the company has taken corrective actions to address the violations identified and that company operations currently meet the safety fitness standard as specified in 49 CFR Parts 385.5 and 385.7.

SeaTac Airport 24 received notice of its proposed unsatisfactory safety rating on January 22, 2016 and the 45 day period to request and receive a safety rating upgrade ends on March 7, 2016. The company also received a packet of information explaining the requirements it was to meet in its safety management plan.

In a February 9, 2016, Notice of Intent to Cancel Certificate, the commission instructed the company to submit its proposed safety management plan no later than 5:00 p.m. Friday, February 26, 2016.

The company submitted a partial draft safety management plan for staff's review on Tuesday, February 23. Staff provided feedback to Mr. Maurou the same day via telephone. As of the close of business Friday, February 26, staff had not received any final proposed safety management plan from SeaTac Airport 24.

However, late in the day, Monday, February 29, 2016, staff received a proposed safety management plan from the company. Below is staff's evaluation of that plan.

Evaluation of Safety Management Plan – SeaTac Airport 24

1. The plan must address each acute, critical, or serious violation on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included.
 - The safety management plan addressed each of the violations. However, staff believes the plan is incomplete and does not provide evidence or documentation that all the violations have been corrected. Of the 6 violation types, only 2 have been corrected.

2. Identify why the violations were permitted to occur.
 - Staff does not believe Mr. Maurou has accepted any responsibility for the violations.
 - In his plan, addressing each of the violations, Mr. Maurou repeatedly states that he has not received enough training in this matter. Staff disagrees. Mr. Maurou received extensive technical assistance on 10/9/2014 from Commission safety investigators John Foster and Aaron Salinas. Staff's report indicates they inspected two vehicles and covered hours of service, driver qualifications, vehicle maintenance (including annual inspections), insurance requirements, and vehicle inspection reports. A copy of the safety guide, "Achieving a Satisfactory Rating" also was provided and it outlines how to comply with safety regulations. And during the 1/22/2016 closing conference for the current compliance review, staff again provided technical assistance on the same topics.
 - In his initial application for authority, dated 3/7/2014 – under section 7 – Safety and Operations, Mr. Maurou signed his name 12 times indicating he was responsible for understanding and complying with the Federal Motor Carrier Safety Regulations and Washington State laws and rules. In section 8 – Declaration of Applicant, Mr. Maurou signed his name indicating he understood the responsibilities of a passenger transportation company and was in compliance with all local, state, and federal regulations governing business in Washington State.
 - As an operator of a passenger transportation company, Mr. Maurou is expected to know the rules and regulations he is required to follow.
 - It appears to staff that Mr. Maurou has not taken the time to learn the safety requirements his company is obligated to follow.

3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
 - Mr. Maurou did not provide evidence or documentation that all of the violations have been corrected. Of the 6 violation types, only 2 have been corrected.
 - CFR 391.51(a) requires carriers to maintain driver qualification files that include specific documents. Mr. Maurou's plan indicates he has created files and he provided copies of the materials that will be maintained in the files. *Several documents are missing, including:*
 - A note relating to the annual review of the driver's driving record as required by 391.25(c)(2). This is only required for Mr. Maurou as the other driver was hired within the last 12 months.
 - A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
 - A note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by 391.23(m).
 - CFR 391.45(b)(1) requires drivers to be medically examined and certified. Mr. Maurou provided medical cards for both drivers. However the medical card for Mr. Maurou is not valid as it was not obtained from a qualified medical provider who is on the National Registry of Certified Medical Examiners. Mr. Maurou was

made aware of this requirement and how to find a doctor who is on the National Registry.

- CFR 396.17(a) pertains to periodic inspections of vehicles. Mr. Maurou's plan did not provide any evidence or documentation that he has had periodic inspections completed.
 - CFR 396.3(b) requires carriers to keep minimum records of inspection and vehicle maintenance. No evidence or documentation was provided to show that this violation was corrected. The plan did include documents showing that the carrier is starting to maintain records of vehicle maintenance, but did not provide any documentation that the carrier has a scheduled maintenance plan. CFR 396.3(b)(2) requires a means to indicate the nature and due date of the various inspection and maintenance operations to be performed.
 - Mr. Maurou provided evidence that he corrected the violation on CFR 387.31(d) when he stated that he now maintains a copy of his insurance policy in his business office. He also provided a copy of his current insurance.
 - Mr. Maurou provided evidence that he corrected the violations on CFR 396.11(a) when he provided one example of a completed Driver Vehicle Inspection Report.
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.
- Mr. Maurou has not demonstrated he has adequate safety management controls in place. As described above, he has not provided documentation that his driver qualification files meet compliance standards, and has not provided documentation that he had periodic inspections completed on his vehicles. Additionally, Mr. Maurou's medical card is invalid and he has no scheduled maintenance plan. And throughout his plan, he indicates that he set up calendar reminders but did not provide any documentation showing it has been done.
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.
- Mr. Maurou's plan did not include any references to training to ensure these violations do not re-occur. However, staff believes he should provide training to his other driver to ensure he understands how to comply with safety requirements.
 - Mr. Maurou's plan indicated that he has created spreadsheets to track medical card expiration dates and vehicle inspection dates.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
- Mr. Maurou provided a statement that his company has not had an accident, vehicle stall or breakdown.

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 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.
 - Mr. Maurou included a statement declaring that his company strives to follow rules and regulations and that his company will operate within federal and state regulations. He also stated that SeaTac Airport 24 currently meets the safety fitness standard and factors specified in 49 CFR 385.5 and 385.7. However, as described above, he did not provide evidence or documentation that his operations are now in compliance and that all the violations noted have been corrected.

Summary:

- SeaTac Airport 24 did not submit a proposed safety management plan by February 26, 2016 as required in a February 9, 2016, Notice of Intent to Cancel Certificate issued by the commission.
- However, SeaTac Airport 24 submitted a proposed safety management plan late in the day on Monday, February 29, 2016.
- Staff reviewed SeaTac Airport 24's proposed safety management plan and concludes that it is unacceptable and does not meet the requirements of 49 CFR, Part 385. The reasons for staff's position are listed above.
- Staff recommends the Commission cancel SeaTac Airport 24's Charter, Excursion, and Auto Transportation operating authority (Permit C-65615) effective Tuesday, March 8, 2016.