



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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Date: February 21, 2019

To: Rayne Pearson, Director, Administrative Law

From: Mathew Perkinson, Motor Carrier Safety Manager

Re: TV-180198 3Z Movers LLC

Evaluation of Safety Management Plan and recommendations regarding the Company's safety rating and the cancellation of its provisional household goods company operating authority (THG-065160).

On January 10, 2019, Staff completed a safety investigation of 3Z Movers, LLC (3Z Movers or Company), which resulted in a proposed *conditional* safety rating. As the Company has yet to achieve a satisfactory safety rating for permanent status, the Commission issued a Notice of Intent to Cancel Permit against 3Z Movers on January 15, 2019. In this notice, the Commission stated:

[T]he Commission determines that it will afford 3Z Movers the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that the Company has taken corrective action to address the identified violations.

Commission rules prohibit motor carriers like 3Z Movers from operating beginning on the 61st day after the date of the notice of a proposed unsatisfactory rating. 3Z Movers was notified of its proposed safety rating change on January 10, 2019. 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, 3Z Movers has until March 12, 2019, to come into compliance with applicable laws and rules by obtaining Commission approval of a safety management plan.

The proposed conditional safety rating was based on nine violations of a critical regulation – CFR 395.8(a)(1). “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. The critical violations discovered during the investigation are as follows:

1. Nine violations of Title 49 CFR Part 395.8(a)(1) – Failing to require a driver to prepare a record of duty status using the appropriate method. The Company did not require

driver Boubacar Zida to properly prepare records of duty using a log book, timesheet, or other approved device.

3Z Movers received notice of its proposed conditional safety rating on January 10, 2019, and the 60 day period to request and receive a safety rating upgrade ends on March 11, 2019. The Company also received information explaining the requirements it had to meet in its safety management plan.

In a January 15, 2019, Notice of Intent to Cancel Certificate, the Commission instructed the Company to submit its proposed safety management plan no later than February 19, 2019.

On February 15, 2019, 3Z Mover's owner, Boubacar Zida, submitted a safety management plan addressing each violation noted during the routine safety investigation.

Evaluation of Safety Management Plan

1. The plan must address each acute, critical, or serious violation discovered during the most recent compliance investigation. Corrective actions to address other violations noted during the investigation must also be included.

- The safety management plan addresses all violations noted during the most recent safety investigation. The plan includes remedies that display that the Company understands all of the regulations of which it was found to be in violation.

2. Identify why the violations were permitted to occur.

- 3Z Movers explains that it was unaware of the requirements for owner/operators to have files on themselves. Boubacar Zida acknowledges that each violation occurred due to lack of knowledge of the safety regulations.

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).

- 3Z Movers has taken action to correct all violations noted in the safety investigation. Boubacar Zida has properly prepared driver timesheets from January 11, 2019, to present.
- 3Z Movers created a qualification file for each driver employed. The qualification file contained a driver's employment application, driver's road test certificate, driver's record abstract, copy of medical certification, and verification of the medical examiner on the National Registry.

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 that function effectively to ensure acceptable compliance with applicable safety requirements.

- 3Z Mover's plan implements new policies and procedures that incorporate forms supplied by the Commission. The safety management plan illustrates that the Company comprehends what the appropriate corrective actions and systems are needed to ensure that similar violations will not reoccur.
- 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.**
- 3Z Movers attempted to obtain an annual DOT inspection for the one vehicle in its fleet. Repairs are pending, scheduled for February 23, 2019. Inspector's qualifications were obtained for the mechanic performing the inspection.
 - Boubacar Zida supplied a working calendar to notify when scheduled reviews and maintenance are required.
- 6. Include any additional documentation relating to motor company safety and the prevention of crashes that you believe supports your request.**
- No additional documentation was submitted with the plan to support the 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 specified in 49 CFR 385.5 and 385.7. A corporate officer, partner, or the owner of the Company must sign the statement.**
- The plan states that 3Z Movers will operate in compliance with the Federal Motor Carrier Safety Regulations and Hazardous Material Regulations. The owner, Boubacar Zida, certifies that the Company operations currently meet the safety standards and factors specified in 49 CFR 385.5 and 385.7.

Summary and Recommendations

Staff reviewed 3Z Movers proposed safety management plan and concludes it is acceptable and meets the requirements of 49 CFR, Part 385. The Company is current regarding payments related to Order 01 (TV-180198) which requires Staff to conduct a follow-up review by May 2020. Because of the Company's actions, Staff recommends that the Commission not cancel the Company's certificate and extend its provisional operating authority for good cause until Staff conducts the ordered follow-up review with the following conditions:

1. The Company maintains a *conditional* safety rating.
2. The Company's owner, Boubacar Zida, attends a Commission sponsored household goods training on April 17, 2019.
3. The pay the \$1,900 penalty that resulted from this investigation and is due and payable immediately; however, staff would not object to payment arrangements if requested.

4. The Company must achieve a satisfactory safety rating at the ordered follow-up review in 2020 or have its certificate cancelled.

The Company took all the required steps to bring its safety operations into compliance with Commission regulations. 3Z Movers submitted a safety management plan that addresses each violation, identifies how they occurred, describes the steps taken to correct them, and puts controls in place to ensure the Company maintains compliance. Documentation of records of duty status, vehicle maintenance forms, annual inspections, employment applications, driver's road test and driving abstracts were provided.