

	US DOT # 3237475	Legal: SOUTH SOUND MOVING LLC Operating (DBA): SOUTH SOUND MOVERS			
MC/MX #:		State #: THG-068620		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:	N/A		Non-HM	Business: Individual	
Shipper:	N/A		N/A	Gross Revenue: \$245,824.00	
Cargo Tank:	N/A			for year ending: 12/31/2020	
Company Physical Address:					
8809 State Route 16 NW GIG HARBOR, WA 98332-8441					
Contact Name: Robert York					
Phone numbers: (1) 253- 514-3008		(2)		Fax	
E-Mail Address: ryork@southsoundmovers.com					
Company Mailing Address:					
8809 State Route 16 NW GIG HARBOR, WA 98332-8441					
Carrier Classification					
Authorized for Hire			Private Property		
Cargo Classification					
Household Goods					
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	2	0	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:		2	Total Drivers: 2		
>= 100 Miles:		0	CDL Drivers: 0		





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Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

edward.steiner@utc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Robert York

Title: Owner

Name:

Title:



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Part B Violations

1 STATE CRITICAL	Primary: WAC 480-15-555 Secondary: RCW 81.80.130 CFR Equivalent: 392.2	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked 3
Description Failing to conduct or retain paperwork containing criminal background check for a household goods employee in the state of Washington as required. Example Driver name: Michael Brussard Trip date: 04/30/2021 Description of violation: Carrier failed to investigate employee's criminal background prior to hiring and using on household goods jobs. Michael Brussard was hired June 2018, criminal background check was not conducted until May 5, 2021, Francesco Holt was hired June 2018, criminal background check was not conducted until May 5, 2021, and Nathan Neal was hired September 2020, criminal background check was not conducted until May 12, 2021.					
2 STATE CRITICAL	Primary: 395.8(a)(1)	Discovered 60	Checked 60	Drivers/Vehicles In Violation	Checked 2
Description Failing to require a driver to prepare a record of duty status using the appropriate method Example Driver name: Michael Brussard Trip date: 04/30/2021 Description of violation: Carrier failed to maintain driver records of duty status. Also in violation: Driver name: Francesco Holt Trip date: 04/09/2021					
3 STATE	Primary: 391.21(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation	Checked 2
Description No or incomplete driver employment application. Example Driver name: Francesco Holt Trip date: 04/09/2021 Description of violation: Carrier failed to maintain driver employment application for Francesco Holt.					
4 STATE	Primary: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a). Example Driver name: Michael Brussard Trip date: 04/30/2021 Description of violation: Carrier failed to maintain driving record inquiry in driver's qualification file. Missing 2020 driver record inquiry for drivers Michael Brussard and Francesco Holt. Also in violation: Driver name: Francesco Holt Trip date: 04/09/2021					





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Part B Violations

5 STATE	Primary: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

Driver name: Michael Brussard

Trip date: 04/30/2021

Description of violation: Carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances. Missing 2020 driver certification of violations.

Also in violation:

Driver name: Francesco Holt

Trip date: 04/09/2021

6 STATE	Primary: 396.21(b)(1)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description

Failing to retain periodic inspection report for 14 months from date of inspection.

Example

Vehicle Identification Number: 1FVACWDC97HX16852

Trip date: 05/01/2021

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated 2,000		Number of Vehicle Inspected (CR): 2
Recordable Accidents 0		OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00		Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is : CONDITIONAL	Rating Factors	Acute	Critical
	Factor 1: S	0	0
	Factor 2: S	0	0
	Factor 3: U	0	3
	Factor 4: S	0	0
	Factor 5: N	0	0
	Factor 6: S	-	-





Part B Requirements and/or Recommendations

1. The Washington Utilities and Transportation Commission (UTC) adopted the Federal Motor Carrier Safety Administration (FMCSA) rules of 49 CFR and regulations pertaining to the 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 safety rating based on corrective actions:

Within sixty (60) days from receipt of your proposed safety 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 corrective actions and make a final decision. Your Safety Management Plan should be submitted within the first 30 days after receiving this report.

Your submission should be as detailed as possible:

You must develop a safety management plan:

1. The plan must address all violations on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included.
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. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
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 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

You must submit your request to:

Investigator Edward Steiner
Email: Edward.Steiner@UTC.WA.GOV

2. **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 means 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





Part B Requirements and/or Recommendations

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.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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 visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN - Carrier owner Robert York failed to ensure proper completion of Record of Duty status.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- 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 Hours-of-Service (HOS) violations.

4. 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.

5. Criminal background checks for prospective employees.

(1) Each carrier must complete a criminal background check for every person the carrier intends to hire. This check must be completed prior to the prospective employee being hired and working as a household goods moving





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company employee.

(2) The carrier must keep evidence that it has completed a criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years thereafter.

(3) No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.





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Part C

Reason for Review: Compliance Review
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
		ü	ü	ü	ü	ü	ü	ü	ü									

Prior Reviews

Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: Robert York

Corporate Contact Title: Owner

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Mr. Robert York

Title: Owner

Carrier/Shipper Name: South Sound Moving LLC

Date: June 30, 2021

REASON FOR THE INVESTIGATION:

As part of the 2021 Motor Carrier Safety work plan, this investigation was assigned to Special Investigator Edward Steiner. This carrier operates in intrastate commerce.

SCOPE OF THE INVESTIGATION:

This investigation is a comprehensive intrastate investigation and was assigned to Special Investigator Edward Steiner on May 4, 2021. The carrier was contacted on May 4, 2021, and a full investigation was scheduled for May 12, 2021, with Mr. York. SMS was checked on May 11, 2021, and it was noted that no BASICs were in alert status.

CARRIER OPERATION DESCRIPTION:

South Sound Moving LLC is a provisional household goods carrier that operates in Gig Harbor, WA. The carrier began operations in the area in 2018. Mr. York attended household goods training on October 22, 2020. The carrier currently owns two vehicles and employs two drivers. The carrier's gross revenue for fiscal year ending December 31, 2020, was reported as \$245,824. The carrier has not been involved in any emergency relief efforts in the last 365 days. The carrier informed investigator that he has not been tracking company mileage but estimated 2,000 - 3,000 miles driven in 2020.

PRE-INVESTIGATION:

On May 4, 2021, a carrier information packet was emailed to the carrier listing the records that would need to be reviewed and the information the carrier would need to make available. The carrier was requested to fill-out and return a carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months and a list of all commercial motor vehicles utilized in the last 12 months prior to the start of this investigation. The carrier packet was returned on May 5, 2021. On May 12, 2021, documents requested that were available, were provided to the investigator for review. The document request included a list of all accidents for the past 365 days from the date of review, driver qualification files for all drivers used within the past 12 months, insurance documentation, all records of duty status (logbooks/timecards) for the previous six months, all maintenance files and records for each unit. A copy of the carrier's



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profile was obtained through MCMIS on May 11, 2021.

CDLIS (DRIVER LICENSE) CHECK:

In accordance with the eFOTM, all CDL drivers were required to be checked. South Sound Moving LLC employed three non-commercial drivers in the past 365 days. Driver licenses for Robert York, Michael Brussard and Francesco Holt were checked through CDLIS revealing the licenses to be current.

AUTHORITY:

The carrier is an authorized household goods carrier operating in intrastate commerce. The carrier operates under the USDOT Number 3237475. South Sound Moving LLC has intrastate authority through the commission under provisional permit number THG-068620.

INSURANCE:

South Sound Moving LLC is required to maintain a minimum level of public liability of \$750,000. A check with the carrier's insurance agent shows a \$1,000,000 Auto Liability effective February 2, 2021, with Progressive Insurance Company. See Part 387 below for details.

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on May 11, 2021, and the carrier has no drivers with red flag violations in the last 365 days.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

South Sound Moving LLC does not transport any hazardous materials. A Hazardous Materials Supplemental Review was not required.

INVESTIGATION:

The following investigation is a comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.

Part 376 Lease and Interchange of Vehicles:

South Sound Moving LLC does not lease vehicles.

Part 380 Special Training:

South Sound Moving LLC does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

Part 382 Controlled Substance and Alcohol Testing:

South Sound Moving LLC does not operate vehicles with a GVWR above 26,001 lbs. and is not required to have a controlled substance and alcohol program.

Part 383 Commercial Driver's License:

The carrier does not currently employ CDL drivers.

Part 387 Financial Responsibility:

The carrier's automobile liability is insured through Progressive Insurance Company. Insurance agent Jade at United Commercial Insurance was contacted at telephone number (208) 229-8222, verifying the carrier maintained \$1,000,000 in Auto Liability coverage effective February 2, 2021, (policy # 00442257-4). The insurance agent further verified the carrier maintained \$25,000 in cargo insurance effective February 2, 2021, with Pennsylvania Manufacture's Association Insurance Company (policy # 812001-9798893Y). Insurance agent Jade verified the carrier had no history of claims on file. The company's Form E on file with the commission was effective February 21, 2019.

Part 390 General FMSCR:

The carrier has not been involved in any DOT-recordable accidents within the last 365 days.

MCS-150 form was last updated on May 7, 2021.





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Part 391 Qualification of Drivers:

The carrier employed a total of three drivers that operated in the state of Washington during the last 365 days. In the previous six months only two of the three drivers operated a commercial vehicle. Per eFOTM guidelines, a sample size of two Driver Qualification Files were to be inspected based on the number of current drivers. The drivers checked were Michael Brussard and Francesco Holt.

Two violations of 391.51(b)(4) occurred when the carrier failed to maintain driving record inquiry in driver's qualification file. Carrier did not maintain 2020 driver record inquiry for drivers Michael Brussard and Francesco Holt.

Two violations of 391.51(b)(6) occurred when the carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Missing 2020 driver certification of violations.

One violation of 391.21(a) occurred when the carrier failed to maintain driver employee DOT application. Driver Francesco Holt's application not completed and maintained.

In accordance with FMCSA Memorandum MC-ECS-2012-004 medical certificates for 25 percent of the driver qualification file sample size. One driver was selected for verification.

Driver Name: Michael Brussard

Date of Birth: April 7, 1988

ME's License/Certificate Number: MD61046603

Date of Issuance of the MEC: October 20, 2020

National Registry Identification Number: 7512061718

Phone Number: (253) 475-5908

Date and Time Contacted: May 28, 2021 @ 4:37 pm

Person Contacted: Tanairy

Results: MEC Check Confirmed

Part 392 - Driving of Commercial Motor Vehicles:

South Sound Moving LLC operates in intrastate commerce. Carrier advised on no handheld cellphones and texting.

Three critical type violations for WAC 480-15-555, failing to acquire a criminal background check for prospective employees. Employee Michael Brussard was hired June 2018, criminal background check was not conducted until May 5, 2021, Francesco Holt was hired June 2018, criminal background check was not conducted until May 5, 2021, and Nathan Neal was hired September 2020, criminal background check was not conducted until May 12, 2021.

Part 395 - Hours of Service:

The carrier employed two drivers during the previous six months. In accordance with eFOTM procedures, a sample size of two Record of Duty Status (RODS) based on the number of current drivers is required to be checked for a 30-day period. South Sound Moving LLC operated most service under the short-haul exemption of Part 395.1(e) within the last 365 days.

For this investigation, a 30-day period was chosen from April 1 - April 30, 2021. This required that 60 RODS be checked. The drivers checked were Michael Brussard and Francesco Holt. The carrier failed to require drivers to prepare records of duty status.

Sixty critical violations of 395.8(a)(1) occurred when the carrier failed to require drivers to prepare a record of duty status as required.

Part 393 & 396 - Maintenance and Inspection:

The carrier currently owns two vehicles that are classified as a commercial motor vehicle in intrastate commerce for the last 365 days.

Vehicle Maintenance Records:

In accordance with eFOTM, a sample size of two vehicle maintenance files were requested for review. No violations discovered.

One violation of 396.21(b)(1) occurred when the carrier failed to retain periodic inspection report for 14 months from date of inspection.





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Driver Vehicle Inspection Reports (DVIRs):

The carrier owns two vehicles requiring DVIR's to be completed. No violations discovered.

Vehicle Inspections:

No out of service violations noted on Aspen reports.

CLOSING INTERVIEW:

The closing interview was conducted on June 30, 2021, with Mr. Francesco Holt, carrier manager. This investigation resulted in a proposed "Conditional" rating. The carrier was cooperative throughout the entire scope of this investigation. Safety Management Plan instructions and sample were provided to the carrier. Technical assistance was also provided to the carrier during the process of this review.

DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was informed on how to access an electronic copy of "Achieving a Satisfactory Motor Carrier Safety Record" and "Fitness Rating Explanation."

FOLLOW-ON ACTION:

Recommend administrative penalties for critical violations and requiring company to submit a Safety Management Plan.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:





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Safety Fitness Rating Explanation

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. Federal and State violations are combined for rating purposes. However, only the federal or federal equivalent section number is shown below. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1	General (CFR Parts 387, 390)	0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory
VIOLATIONS AFFECTING RATING	POINTS	
NONE	-----	
TOTAL POINTS: 0 = SATISFACTORY		

FACTOR 2	Driver Qualification (CFR Parts 382, 383, 391)	0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory
VIOLATIONS AFFECTING RATING	POINTS	
NONE	-----	
TOTAL POINTS: 0 = SATISFACTORY		

FACTOR 3	Operational/Driving (CFR Parts 392, 395)	0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory
VIOLATIONS AFFECTING RATING	POINTS	
S 392.2	1 (C)	
S	1 (C)	

TOTAL POINTS: 3 = UNSATISFACTORY		

FACTOR 4	Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))	
VIOLATIONS AFFECTING RATING	POINTS	Fewer than 3 inspections
NONE	-----	
TOTAL POINTS: 0 = SATISFACTORY		

Fewer than 3 Inspections	3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3 0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory	OOS Less than 34%	OOS 34% or Higher
	Satisfactory	Conditional
	Conditional	Unsatisfactory
	If a pattern of Non-Compliance with a Critical or an Acute Violation	If a pattern of Non-Compliance with a Critical or an Acute Violation

FACTOR 5	Hazardous Material (CFR Parts 397, 171, 172, 173, 177, 180)
Not Applicable - Not a carrier of Hazardous Material	
NONE	

FACTOR 6	Accident (Recordable Accident Rate)
((Recordable Accidents) X (1 million)) ÷ (Total Miles) = Rate	
(0 X 1,000,000) ÷ 2,000 = 0 = SATISFACTORY	
URBAN CARRIER - All Driver operate within <100 air miles	
ACCIDENT RATE	FACTOR RATING
0.000 - 1.700	= Satisfactory
>1.700	= Unsatisfactory





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Safety Fitness Rating Explanation

OVERALL SAFETY FITNESS RATING

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory

Conditional

1

0

= CONDITIONAL

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

	Unsatisfactory	Conditional	OVERALL RATING
	0	2 or fewer	Satisfactory
	0	3 or more	Conditional
0	1	2 or fewer	Conditional
	1	3 or more	Unsatisfactory
	2	0 or more	Unsatisfactory

