



July 12, 2017

TO: Dave Danner, Chairman
Ann Rendahl, Commissioner
Jay Balasbas, Commissioner

FROM: Passenger Transportation Company Rulemaking Team - Chris Rose, Team Lead,
Greg Kopta, Dave Pratt, Jason Lewis, Mat Perkinson, Mike Young, Scott Sevall,
and Julian Beattie

CC: Steve King, Executive Director

SUBJECT: Passenger Transportation Company Rulemaking, Docket TC-161262

RE: Adoption Hearing, July 20, 2017

RECOMMENDATION

Staff recommends that the Utilities and Transportation Commission (Commission) adopt the revised rules as published in the CR-102 filing with the Code Reviser, as shown in the proposed rules attached to this memo.

BACKGROUND

The Commission filed a CR 101 and Notice of Rulemaking on December 21, 2016 to review the rules in WAC 480-30, which regulates passenger transportation companies. The CR-101 Notice of Opportunity to File Written Comments and Notice of Workshop was served on all auto transportation, charter, and excursion companies regulated by the UTC along with several state agencies and local governments that regulate some portion of the passenger transportation sector. The Commission subsequently held two workshops and issued two drafts of possible rule changes. The responses to the original notice and the comments at the workshops and regarding the two drafts were used to develop the proposed rules that were issued under the CR 102.

STAKEHOLDER COMMENTS

On June 2, 2017, the Commission issued a Notice of Opportunity to File Written Comments on Proposed Rules and the Notice of Proposed Rule Adoption Hearing. The comment deadline in the Notice was July 5, 2017. At the deadline, the Commission received a letter from Bremerton-Kitsap Airpporter with four comments regarding the proposed rules. The letter requested the Commission eliminate the need for "Flag Stops"; remove the requirement for documentation for late service, since it is an administrative burden and there are a number of factors that cause

delays; reduce the requirements related to the tariffs and time schedules, free and reduced rates for customer class information when it relates to military, charity or religious groups because of the flexible fares rule; and the removal of “no smoking” sign requirements. In addition, the Commission received a letter from Shuttle Express indicating the company had no further comments on the proposed rules.

The staff proposes responses to the comments in the comment summary matrix attached to this memo.

PROPOSED CHANGES

The proposed rules being considered by the Commission differ from existing regulations under WAC 480-30 as follows:

Use of Contractors

The proposed rules authorize companies to use contractors or contracted vehicles.

Vehicles with Seven or Fewer Passengers

The proposed rules would establish new and separate requirements for vehicles and drivers of those vehicles with a capacity of seven or fewer passengers (including the driver).

Identification of Vehicles and Drivers

The proposed rules, under WAC 480-30-231, would establish the requirements for vehicle and driver identification. After consulting with the Department of Licensing, the Commission is proposing a rule that states that a vehicle does not have to be marked if other applicable law prohibits such markings. In those circumstances, the driver of the vehicle must display a sign showing the name of the certificated company and the name of the passenger after the driver leaves the vehicle to greet the customer.

Tariffs

The proposed rules offered by the Commission offer a paperwork reduction for companies by eliminating the requirement that every vehicle carry a copy of the company’s tariff and a notice of any proposed changes to the tariff.

Americans with Disabilities Act (ADA)

The proposed rules would add a new section, WAC 480-30-450, on nondiscrimination and compliance with the ADA along with comparable Washington statutes, and federal rules.

PROPOSED CHANGES TO THE PROPOSED RULES

After reviewing the comments and the proposed rules in preparation for the adoption hearing, we conclude that there is no need to change the proposed rules in response to the comments received. There is one punctuation correction on page 3 of the definition section for “commercial motor vehicle” part (c). At the end of (c) there should have been a “; or” instead of a period, as seen below.

“(c) Is designed to transport sixteen or more passengers, including the driver; or”

CONCLUSION

After reviewing the comments filed in response to the proposed rules, we recommend the Commission adopt the proposed rules as filed with the Code Reviser on June 2, 2017, attached to this memo. The proposed rules reasonably address the concerns expressed by the companies, while achieving the Commission's goals of updating regulations to address market constraints.

ATTACHMENTS: Proposed Rules

Matrix Summary of Comments and the Commission's Responses