



- 5 The Commission often includes a discussion of those matters in its rule adoption order. In addition, most rulemaking proceedings involve extensive work by Commission Staff that includes memoranda summarizing stakeholder comments, Commission decisions, and Staff recommendations in each of those areas.
- 6 In this docket, to avoid unnecessary duplication, the Commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing, accompanying the CR-102 notice, and at the open meeting where the Commission considered whether to begin a rulemaking. Together, the documents provide a complete, concise explanation of the agency actions and its reasons for taking those actions.
- 7 **REFERENCE TO AFFECTED RULES:** This Order repeals the following sections of the Washington Administrative Code:

- 480-30-010 Definitions.
- 480-30-020 Licenses, and rules and regulations.
- 480-30-030 Certificates -- Auto transportation companies.
- 480-30-032 Notice of application; protests; contemporaneous applications.
- 480-30-040 Express.
- 480-30-045 Auto transportation company C.O.D. shipments tariff requirements -- Bond required -- Handling of shipments.
- 480-30-050 Tariff, naming rates and fares.
- 480-30-060 Schedule of time and route.
- 480-30-070 Liability and property damage insurance or surety bond.
- 480-30-080 Self insurance.
- 480-30-090 Equipment of motor vehicles.
- 480-30-095 Equipment -- Safety.
- 480-30-097 Equipment -- Inspection -- Ordered for repairs.
- 480-30-100 Operation of motor vehicles.
- 480-30-105 Depot and terminal facilities.
- 480-30-110 Regulatory fees.
- 480-30-120 Uniform system of accounts and annual reports.
- 480-30-130 Rules and regulations -- General application.
- 480-40-010 Definitions.

- 480-40-020 Licenses.
- 480-40-030 Certificates.
- 480-40-040 Liability and property damage insurance.
- 480-40-050 Self insurance.
- 480-40-060 Equipment of motor vehicles.
- 480-40-065 Equipment -- Inspection -- Ordered for repairs.
- 480-40-070 Operation of motor vehicles.
- 480-40-075 Equipment -- Safety.
- 480-40-100 Out-of-service criteria.
- 480-40-110 Registered carriers.
- 480-40-120 Registration of interstate authority.
- 480-40-130 Regulatory fees – Receipt -- Intrastate passenger charter carriers and excursion service carriers.
- 480-40-999 Adoption by reference.

8 This Order amends the following section of the Washington Administrative Code:

- 480-30-999 Adoption by reference.

9 This Order adopts the following sections of the Washington Administrative Code:

- 480-30-001 Purpose of chapter
- 480-30-006 Application of rules.
- 480-30-011 Exempt operations.
- 480-30-016 Determination of authority.
- 480-30-021 Additional requirements.
- 480-30-026 Severability.
- 480-30-031 Procedural rules.
- 480-30-036 Definitions, general.
- 480-30-041 Change of address.
- 480-30-046 Exemptions from rules in chapter 480-30 WAC.
- 480-30-051 Mapping, auto transportation company.
- 480-30-056 Records retention, auto transportation company.
- 480-30-061 Express freight, property transportation.
- 480-30-066 Accounting requirements, auto transportation company.
- 480-30-071 Reporting requirements.

- 480-30-076 Regulatory fees.
- 480-30-081 Motor vehicle fund, auto transportation company.
- 480-30-086 Certificates, general.
- 480-30-091 Certificates, application fees.
- 480-30-096 Certificates, application filings, general.
- 480-30-101 Certificates, federal grant of authority, auto transportation company.
- 480-30-106 Certificates, acquisition of control.
- 480-30-111 Certificates, starting service.
- 480-30-116 Certificates, application docket, protests, and intervention, auto transportation company.
- 480-30-121 Certificates, applications, charter and excursion carrier.
- 480-30-126 Certificates, applications, auto transportation company.
- 480-30-131 Certificates, overlapping applications, auto transportation company.
- 480-30-136 Certificates, application hearings, auto transportation company.
- 480-30-141 Certificates, sale, lease, assignment, transfer or mortgage, auto transportation company.
- 480-30-146 Certificates, name change.
- 480-30-151 Certificates, refiling application prohibited, auto transportation company.
- 480-30-156 Certificates, temporary, auto transportation company.
- 480-30-161 Certificates, notice of purchase or condemnation, auto transportation.
- 480-30-166 Certificates, service agreements, auto transportation company.
- 480-30-171 Certificates, suspending and canceling.
- 480-30-181 Certificates, reinstatement.
- 480-30-186 Certificates, service interruptions or discontinued operations, auto transportation company.
- 480-30-191 Bodily injury and property damage liability insurance.
- 480-30-196 Insurance cancellation.
- 480-30-201 Self-insurance.
- 480-30-206 Vehicle licensing.
- 480-30-211 Commercial vehicle defined.
- 480-30-213 Vehicles and drivers.
- 480-30-216 Operation of motor vehicles, general.

- 480-30-221 Vehicle and driver safety requirements.
- 480-30-226 Intrastate medical waivers.
- 480-30-231 Vehicle and driver identification.
- 480-30-236 Leasing vehicles.
- 480-30-241 Commission compliance policy.
- 480-30-246 Sanctions for operating without a valid certificate.
- 480-30-251 Charter and excursion carriers not subject to provisions of Part 7.
- 480-30-256 Tariffs and time schedules, federal preemption.
- 480-30-261 Tariffs and time schedules, definitions used in.
- 480-30-266 Tariffs and time schedules, general.
- 480-30-271 Tariffs and time schedules, must file before starting service.
- 480-30-276 Tariffs and time schedules, companies must comply with the provisions of filed tariffs and time schedules.
- 480-30-281 Tariffs and time schedules, content.
- 480-30-286 Tariffs and time schedules, posting.
- 480-30-291 Tariffs, rates, general.
- 480-30-296 Tariffs and time schedules, rejection.
- 480-30-301 Tariffs and time schedules, one business-day notice to the commission.
- 480-30-306 Tariffs and time schedules, seven calendar day notice to the commission.
- 480-30-311 Tariffs and time schedules, requiring thirty calendar day notice to the commission.
- 480-30-316 Tariffs and time schedules, customer notice requirements.
- 480-30-321 Tariffs and time schedules, notice verification and assistance.
- 480-30-326 Tariffs and time schedules, less than statutory notice handling.
- 480-30-331 Tariffs and time schedules, format and size requirements.
- 480-30-336 Tariffs and time schedules, changes must be identified.
- 480-30-341 Tariffs and time schedules, title pages.
- 480-30-346 Tariffs and time schedules, page format.
- 480-30-351 Tariffs and time schedules, maps with tariffs.
- 480-30-356 Tariffs and time schedules, tariff rules.
- 480-30-361 Tariffs and time schedules, changes.
- 480-30-366 Tariffs and time schedules, supplements.
- 480-30-371 Tariffs and time schedules, supplements or new filings required.

- 480-30-376 Tariffs and time schedules, filings after name change or change in ownership.
- 480-30-381 Tariffs and time schedules, filing procedures.
- 480-30-386 Tariffs and time schedules, approval.
- 480-30-391 Tariffs and time schedules, ticket agent agreements must be filed and approved.
- 480-30-396 Tariffs and time schedules, free and reduced rates.
- 480-30-401 Tariffs and time schedules, substitute page filings.
- 480-30-406 Tariffs and time schedules, withdrawing a filing.
- 480-30-411 Tariffs and time schedules, suspension by the commission.
- 480-30-416 Tariffs, joint tariffs and through-ticketing arrangements.
- 480-30-421 Tariffs, general rate increase filings.
- 480-30-426 Tariffs, general rate increase filings, work papers.
- 480-30-431 Tariffs, general rate increase filings and fuel cost update.
- 480-30-436 Tariffs, special or promotional fare tariff filings.
- 480-30-441 Charter and excursion carriers not subject to provisions of Part 8.
- 480-30-446 Availability of information.
- 480-30-451 Refusal of service.
- 480-30-456 Fair use of customer information.
- 480-30-461 Service or rate complaints.
- 480-30-466 Credits or refunds as compensation in consumer complaints or problems.
- 480-30-471 Ticketing requirements.
- 480-30-476 Baggage liability and claims for loss or damage.
- 480-30-900 General requirements for interstate operations.
- 480-30-910 Registered carriers.
- 480-30-920 Registered exempt carriers.
- 480-30-930 Registration fee and receipts.
- 480-30-940 Insurance requirements for interstate operations.

10

**PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

**THEREUNDER:** The Commission filed a Preproposal Statement of Inquiry (CR-101) on May 28, 2002, at WSR # 02-12-020. The statement advised interested persons that the Commission was considering entering a rulemaking to review rules relating to passenger transportation companies in Chapters 480-30 and 480-40 WAC for content and readability consistent with Executive Order 97-02.

- 11 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and the Commission's lists of all auto transportation companies, passenger charter carriers, persons interested in transportation issues, as well as to attorneys representing these companies.
- 12 Pursuant to the notice, the Commission received comments from the following companies, organizations, and interested persons: David Estes, representing Pacific Northwest Distributing LLC; Brooks E. Harlow, representing Washington Airporter Operators Association and Evergreen Trails, Inc.; and Michael Civitelli, representing Port of Seattle (Seattle-Tacoma International Airport).
- 13 The Commission staff prepared and distributed an issues paper to stakeholders with another opportunity to submit written comments prior to a stakeholder workshop on September 12, 2002. The Commission held a second stakeholder workshop September 30, 2003, to discuss draft passenger transportation company rules and address stakeholder comments. The following companies and organizations participated in the stakeholder workshops: David Gudgel, Gray Line of Seattle; Tom Tanaka and Michael Civitelli, Port of Seattle; Brooks Harlow, Washington Airporter Operators Association; Dick and Helen Asche, Bremerton-Kitsap Airporter; James Fricke, Capitol Airporter; Jimmy Sherrell, Shuttle Express.
- 14 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on February 15, 2006, at WSR # 06-05-113. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 06-05-113 at 3:00 p.m., Wednesday, March 29, 2006, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice also provided interested persons the opportunity to submit written comments to the Commission.
- 15 **COMMENTERS (WRITTEN COMMENTS):** The Commission received written comments from Mr. Michael Lauver, representing Seatac Shuttle LLC, d/b/a Vashon Shuttle Service, and Mr. Jimmy Sherrell, representing Shuttle Express, Inc.

- 16 **RULEMAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice in WSR # 06-05-113 at a rulemaking hearing scheduled on March 29, 2006, before Chairman Mark H. Sidran and Commissioner Patrick J. Oshie. Mr. John Rowley, representing Shuttle Express, Inc., made oral comments during the meeting. Mr. Rowley acknowledged the time and effort put into addressing the rule changes and asked that the Commission consider some of the additional changes proposed in the stakeholder comments. He reaffirmed the written comments previously submitted by Shuttle Express, Inc., regarding the use of “sub-carriers.”
- 17 **SUGGESTIONS FOR CHANGE THAT ARE REJECTED/ACCEPTED:** Filed comments suggested changes to over thirty sections of the proposed rules. Each of those suggested changes and the Commission’s reason for rejecting or accepting the suggested change are included in Appendix A attached to, and made a part of, this order.
- 18 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend the rules in the CR-102 Notice at WSR # 06-05-113 with the changes described below.
- 19 **CHANGES FROM PROPOSAL:** The Commission adopts the proposal with the following changes from the text noticed at WSR #06-05-113:

**WAC 480-30-146 Certificates, name change.** Subsection (3) is revised to eliminate any confusion about partnerships by removing the phrase “addition or deletion of partners.”

**WAC 480-30-196 Insurance cancellation.** Subsection (1) is revised to more accurately reflect the Commission’s policy by stating that the Commission may “withhold issuance of a certificate or dismiss a company’s application for a certificate.”



**WAC 480-30-316 Tariffs and time schedules, customer notice requirements.**

Subsection (2)(c) is revised to clarify that when a company maintains an internet web site it must post customer notices on the “company’s” internet web site rather than just on the internet.

**WAC 480-30-356 Tariffs and time schedules, tariff rules.** Subsection (3)(d)(i) is revised to acknowledge the exceptions in subsections (3)(d)(ii) and (3)(d)(iii).

Subsection (3)(h) is revised to clarify that the rules in a company’s tariff must identify “whether” the company provides alternative transportation when the company is unable to provide transportation “at the time and place specified in the reservation that the company has accepted for that passenger.”

**WAC 480-30-406 Tariffs and time schedules, withdrawing a filing.** Subsection (2) which states, “The commission may deny withdrawal of a filing when denial is in the public interest” is removed. Revising the rule eliminates confusion and does not affect the purpose of the rule or the ability of the Commission to approve or deny a request.

20 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC sections 480-30-010, 480-30-020, 480-30-030, 480-30-032, 480-30-040, 480-30-045, 480-30-050, 480-30-060, 480-30-070, 480-30-080, 480-30-090, 480-30-095, 480-30-097, 480-30-100, 480-30-105, 480-30-110, 480-30-120, 480-30-130, 480-40-010, 480-40-020, 480-40-030, 480-40-040, 480-40-050, 480-40-060, 480-40-065, 480-40-070, 480-40-075, 480-40-100, 480-40-110, 480-40-120, 480-40-130, and 480-40-999 should be repealed, WAC 480-30-999 should be amended, and WAC sections 480-30-001, 480-30-006, 480-30-011, 480-30-016, 480-30-021, 480-30-026, 480-30-031, 480-30-036, 480-30-041, 480-30-046, 480-30-051, 480-30-056, 480-30-061, 480-30-066, 480-30-071, 480-30-076, 480-30-081, 480-30-086, 480-30-091, 480-30-096, 480-30-101, 480-30-106, 480-30-111, 480-30-116, 480-30-121, 480-30-126, 480-30-131, 480-30-136, 480-30-141, 480-30-146, 480-30-151, 480-30-156, 480-30-161, 480-30-166, 480-30-171, 480-30-181, 480-30-186, 480-30-191, 480-30-196, 480-30-201, 480-30-206, 480-30-211, 480-30-213, 480-30-216, 480-30-221, 480-30-226, 480-30-231, 480-30-236, 480-30-241, 480-30-246, 480-30-251, 480-30-256, 480-30-261, 480-30-266, 480-30-271, 480-30-276, 480-30-281, 480-30-286, 480-30-291, 480-30-296, 480-30-301, 480-30-306, 480-30-311, 480-30-316, 480-30-321, 480-30-326, 480-30-

331, 480-30-336, 480-30-341, 480-30-346, 480-30-351, 480-30-356, 480-30-361, 480-30-366, 480-30-371, 480-30-376, 480-30-381, 480-30-386, 480-30-391, 480-30-396, 480-30-401, 480-30-406, 480-30-411, 480-30-416, 480-30-421, 480-30-426, 480-30-431, 480-30-436, 480-30-441, 480-30-446, 480-30-451, 480-30-456, 480-30-461, 480-30-466, 480-30-471, 480-30-476, 480-30-900, 480-30-910, 480-30-920, 480-30-930, and 480-30-940 should be adopted to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, effective on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

## ORDER

### 21 THE COMMISSION ORDERS:

22 (1) The Commission repeals WAC sections 480-30-010, 480-30-020, 480-30-030, 480-30-032, 480-30-040, 480-30-045, 480-30-050, 480-30-060, 480-30-070, 480-30-080, 480-30-090, 480-30-095, 480-30-097, 480-30-100, 480-30-105, 480-30-110, 480-30-120, 480-30-130, 480-40-010, 480-40-020, 480-40-030, 480-40-040, 480-40-050, 480-40-060, 480-40-065, 480-40-070, 480-40-075, 480-40-100, 480-40-110, 480-40-120, 480-40-130, and 480-40-999.

23 (2) The Commission amends and adopts WAC sections 480-30-001, 480-30-006, 480-30-011, 480-30-016, 480-30-021, 480-30-026, 480-30-031, 480-30-036, 480-30-041, 480-30-046, 480-30-051, 480-30-056, 480-30-061, 480-30-066, 480-30-071, 480-30-076, 480-30-081, 480-30-086, 480-30-091, 480-30-096, 480-30-101, 480-30-106, 480-30-111, 480-30-116, 480-30-121, 480-30-126, 480-30-131, 480-30-136, 480-30-141, 480-30-146, 480-30-151, 480-30-156, 480-30-161, 480-30-166, 480-30-171, 480-30-181, 480-30-186, 480-30-191, 480-30-196, 480-30-201, 480-30-206, 480-30-211, 480-30-213, 480-30-216, 480-30-221, 480-30-226, 480-30-231, 480-30-236, 480-30-241, 480-30-246, 480-30-251, 480-30-256, 480-30-261, 480-30-266, 480-30-271, 480-30-276, 480-30-281, 480-30-286, 480-30-291, 480-30-296, 480-30-301, 480-30-306, 480-30-311, 480-30-316, 480-30-321, 480-30-326, 480-30-331, 480-30-336, 480-30-341, 480-30-346, 480-30-351, 480-30-356, 480-30-361, 480-30-366, 480-30-371, 480-30-376, 480-30-381, 480-30-386, 480-30-391, 480-30-396, 480-30-401, 480-30-406, 480-30-411, 480-30-416, 480-30-421, 480-30-426,

480-30-431, 480-30-436, 480-30-441, 480-30-446, 480-30-451, 480-30-456, 480-30-461, 480-30-466, 480-30-471, 480-30-476, 480-30-900, 480-30-910, 480-30-920, 480-30-930, 480-30-940, and 480-30-999 to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

- 24 (3) This Order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, June 7, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

*Note: The following is added at Code Reviser request for statistical purposes:*

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 101, amended 1, repealed 32.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.