

MEMORANDUM

September 29, 2008

To: Mark Sidran, Chairman
Patrick Oshie, Commissioner
Philip Jones, Commissioner

FROM: Steve King, Director, Safety and Consumer Protection
Rulemaking Team Members (Betty Young, David Pratt, Jonathan
Thompson, and Marguerite Russell)

SUBJECT: Rulemaking Docket TN-080875 – Nonprofit Bus Rulemaking

RE: Adoption Hearing, October 1, 2008

Background

The Commission initiated this rulemaking on June 4, 2008, to examine the need to remove the annual vehicle fee for non-profit transportation providers from WAC 480-31-080(1) and allow the Commission more flexibility in setting the fee by order each year.

By law, the Commission may charge fees to private, nonprofit transportation providers that are approximately the same as the reasonable cost of regulation (RCW 81.66.030).

WAC 480-31-080(1) currently states:

A private, nonprofit transportation provider must pay to the commission the sum of ten dollars annually for each vehicle operated. The provider must pay the annual fee with the filing of the annual report.

Because the rule sets the regulatory fee at ten dollars per vehicle, it limits the amount the Commission can charge, regardless of the cost of regulation. Changing the rule to state that the Commission will establish the fee by order, as it currently does for the charter/excursion carrier industry, allows the Commission more flexibility in adjusting the fee, either up or down, to meet the intent of RCW 81.66.030.

CR-102 Comments

The Commission issued a CR-102, Notice of Proposed Rulemaking and an Opportunity to Submit Written Comments, on August 1, 2008. We received no comments in response to the notice.

Conclusion

The Commission may consider adoption of the proposed rule in WAC 480-31-080(1) from the language in the Commission's CR-102 proposed rules.

Attachments