

BREMERTON-KITSAP AIRPORTER, INC.

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MAR 15 2010

WASH. UT. & TP. COMM

March 11, 2010

**Mr. David W. Danner
Washington Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250**

Re: Docket TC 100147, Order 01, Order Denying Mitigation

Dear Mr. Danner,

I received the order denying mitigation this date. Accordingly, our check in the amount of \$600.00 is enclosed.

For the record, I wish to make the following comments in response to applicable paragraphs of the order.

Para 3. -B-K Airporter acknowledges that 30 passengers were on the 24 passenger bus for our last run out of the airport, which was scheduled to depart at 12:30AM on December 30, 2009. The driver states that a large group of anxious passengers converged on the bus immediately upon his arrival at the airport. They immediately boarded the bus after their baggage was loaded at the rear of the bus. It was not a matter of the driver not wanting to anger any of the potential customers, but rather how to deal (by himself) at 1:00AM with a potentially angry group of people who effectively “commandeered” his bus. Having been a driver of our airporter vans some 25-30 years ago, I am acutely aware of our passengers counting people going to Kitsap County while waiting for the van inside the terminal building. When they see the van enter the parking lot, they immediately converge on the driver and board the van to ensure that they have a ride. The complainant in this matter felt that his round trip ticket guaranteed him a seat on the bus, which of course is not true, but nevertheless was his argument.

Para. 7- We agree that Airporter busses can be outfitted with proper equipment to permit passengers to safely stand in a stable fashion, however it is an unnecessary expense since our policies and procedures do not permit overloading the busses and we have taken steps to prevent it from happening during normal operating conditions. Moreover, it cannot be

determined whether the six standing passengers stood the entire 35 mile distance or some or all may have exchanged positions with seated passengers.

Para. 8- We believe that under the circumstances, our driver alone did attempt to enforce first come -first served procedures. Our agent who issues boarding passes between the hours of 11:00AM and 8:20PM had long ago gone home. Other senior B-K drivers indicate that given the circumstances, if standing passengers were ordered off the bus, a “riot” would certainly ensue. We agree that safety considerations prevail but still feel that our driver was “between a rock and a hard place” and would have to take actions by himself without any help from airport enforcement personnel.

Para. 9-10.- We feel that loading a cutaway bus to 150% of its rated capacity is unsafe with or without appropriate safety devices. Moreover, in addition to exceeding the vehicle manufacturer’s weight restrictions, where do you put an additional 12 passengers on a cutaway bus? Or, to be even more absurd, where do you place six more passengers on an 11 passenger van? WAC 480-30-216 should be changed.

Para. 11- We do not know if all six passengers stood for the entire distance of more than 35 miles. (see para. 7 above).

Para. 12 (6)- It is not reasonable to require an auto transportation company to have a driver and equipment standing by to insure the “reasonable” operation of established routes and fixed time schedules at all times. B-K Run #20 is historically the least populated run of the day, every day.

Para. 16.- Is the Commission staff recommending disciplinary action be taken against our driver in this instance? Drivers will again be instructed and current Policies and Procedures reviewed at the next Safety Meeting held later this month.

Para. 17- We strongly urge that the 150% rule be stricken from WAC 480-30-216. Instead the passenger seating configuration of the vehicle and manufacturer’s weight restrictions should apply.

Sincerely,



Richard E. Asche
President