

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

LEAVENWORTH SHUTTLE & TAXI,
LLC

For Compliance with WAC 480-30-221

DOCKET TE-161021

NOTICE OF INTENT TO CANCEL
CERTIFICATE AS A CHARTER AND
EXCURSION CARRIER

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for October 20, 2016 at 9:30 a.m.)

- 1 Pursuant to RCW 81.70.270, the Washington Utilities and Transportation Commission (Commission) has authority to regulate charter and excursion carriers with respect to safety of equipment, driver qualifications, and safety of operations. WAC 480-30-171(2) provides that the commission may cancel a charter party carrier's certificate if the carrier fails to comply with safety requirements.
- 2 Over the course of July 2016, the Commission's staff (Staff) conducted a review of the compliance of Leavenworth Shuttle & Taxi, LLC (Leavenworth Shuttle or Company) with the safety requirements in WAC 480-30-221, which adopts Title 49 of the Code of Federal Regulations (CFR). As a result of the compliance investigation, Staff documented six critical violations of those requirements. On September 7, 2016, Staff notified the Company that Staff proposes to give Leavenworth Shuttle an unsatisfactory safety rating based on these violations.
- 3 Federal law incorporated into the Commission's rules prohibits motor carriers transporting passengers in a commercial motor vehicle from operating beginning on the 46th day after the date of the notice of a proposed unsatisfactory rating. A carrier may request a change in its safety rating based on evidence that the company has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard as specified in 49 CFR 385.5 and 385.7.
- 4 Leavenworth Shuttle must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than October 24, 2016. If the Company fails to come into compliance by that date, the Commission will cancel its charter and excursion carrier certificate effective October 25, 2016. Thereafter as an unregistered company, Leavenworth Shuttle would be prohibited from providing charter and excursion services in the state of Washington.

5 **THE COMMISSION GIVES NOTICE That it intends to cancel the certificate and authority of Leavenworth Shuttle to provide charter and excursion services effective October 25, 2016, unless the Company obtains Commission approval of a safety management plan prior to that date.**

6 The Company has the right to request a hearing in this matter. Due to the short time-frame determined by the upcoming deadline, and pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Leavenworth Shuttle's charter and excursion carrier certificate.

7 **THE COMMISSION GIVES FURTHER NOTICE that it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on Thursday, October 20, 2016, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

9 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

10 **Leavenworth Shuttle must submit its proposed safety management plan no later than 5:00 p.m. on Monday, October 10, 2016.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on Thursday, October 13, 2016**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

12 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Brett P. Shearer
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187
bshearer@utc.wa.gov

Respondent: Leavenworth Shuttle & Taxi, LLC
PO Box 1041
Leavenworth, WA 98826

13 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington and effective September 28, 2016.

STEVEN V. KING
Executive Director and Secretary

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (**PLEASE SUPPLY ALL REQUESTED INFORMATION**)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____