

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

SHUTTLE EXPRESS, INC.,

Respondent.

DOCKET TC-200151

ORDER 01

COMPLAINT

1 The Washington Utilities and Transportation Commission (Commission) on its own motion,  
and through Commission staff (Staff), allege as follows:

**I. PARTIES**

2 The Commission is an agency of Washington state authorized by state law to regulate the  
rates, services, facilities, and practices of public service companies, including auto  
transportation companies, under the provisions of Title 81 RCW. RCW 81.68.030 authorizes  
the Commission to regulate the rates, fares, charges, classifications, rules, and regulations  
for every auto transportation company.

3 Shuttle Express, Inc., (Shuttle Express or Company) is an auto transportation company  
subject to Commission regulation.

**II. BACKGROUND**

4 The Commission has information from which it believes and therefore alleges that Shuttle  
Express has violated the Commission's statutes and regulations, namely, WAC 480-30-056,  
WAC 480-30-346, and WAC 480-30-276.

5 RCW 81.04.110 authorizes the Commission to file a complaint on its own motion, setting  
forth any act done or failed to be done by any public service corporation in violation, or  
claimed to be in violation, of any provision of law or of any rule or order of the  
Commission. RCW 81.04.380 states that the Commission may impose a penalty of up to  
\$1,000 against a public service company if the company fails to comply with any provision  
of Title 81 RCW or any order, rule, direction, demand, or requirement of the Commission.  
RCW 81.04.380 further clarifies that every violation by a public service company shall  
constitute a separate and distinct offense.

- 6 The following facts establish probable cause for the Commission to complain against Shuttle Express in accordance with applicable law.

### **III. FACTUAL ALLEGATIONS**

- 7 On October 16, 2019, Staff received information suggesting that Shuttle Express was not operating its scheduled services as required under the Company's Tariff No. 11. Subsequently, Staff began an investigation to determine whether Shuttle Express was in compliance with Commission statutes, rules, and orders.
- 8 On February 18, 2020, Staff requested several records from Shuttle Express. Staff asked the Company to provide daily trip records for Shuttle Express's door-to-door service, and asked that the records specifically include the route travelled, the number of passengers carried on each trip, the point at which each passenger boarded and disembarked from the vehicle, and the fare charged to each customer. Staff also asked the Company to provide records regarding scheduled service including the route travelled, the tariff schedule operated, the number of passengers carried, the point each passenger boarded and disembarked from the vehicle, the fare charged to each customer, and any condition causing the vehicle to deviate from the Company's filed time schedule by more than 30 minutes. Staff requested that the Company provide records from November 1, 2019, to December 31, 2019.
- 9 On February 19, 2020, the Company provided Staff with an Excel file containing a spreadsheet of Company records pertaining to the Company's auto transportation service from December 1, 2019, to January 31, 2020. Although the records provided by the Company covered a date range that was different than the range Staff requested, Staff nonetheless decided to use the records provided by the Company because they covered a two-month period.
- 10 Staff reviewed 4,024 trip records contained in Shuttle Express's Excel file and determined that none of the recorded trip records indicated what schedule or route the trip was operated under.
- 11 Staff further determined that Shuttle Express combined scheduled service and door-to-door service for 189 of the trips reviewed and combined different scheduled service routes for nine of the trips reviewed, for a total of 198 combined service/schedule trips. Although the records provided by Shuttle Express did not indicate what schedule was operated, Staff was able to determine which schedules applied by cross-referencing the addresses contained in the trip records with the points contained in Shuttle Express's tariff schedules.
- 12 As part of its investigation, Staff also reviewed the time schedules contained in Shuttle Express's tariff to determine how many times Shuttle Express was required to run its scheduled service routes during the period reviewed. Staff reviewed the Company's

scheduled service times and routes under Schedules 3, 4, 7, 9, 10, 11, and 17, which operate throughout the entire year. Schedule 3 states that a vehicle leaves at every hour, 24 hours a day, while Schedules 4, 7, 9, 10, 11, and 17 state that a vehicle leaves every 30 minutes, 24 hours a day.

- 13 Staff determined that under Schedule 3, Shuttle Express is required to make 24 trips per day, and that under Schedules 4, 7, 9, 10, 11, and 17, the Company is required to make 48 trips per day. Over the 62-day period that Staff reviewed, Shuttle Express was required to make 1,488 trips pursuant to Schedule 3, and 2,976 trips pursuant to each of Schedules 4, 7, 9, 10, 11, and 17, for a total of 19,344 scheduled service trips.
- 14 After reviewing the records provided by Shuttle Express, Staff determined that Shuttle Express made 253 scheduled service trips from December 1, 2019, to January 31, 2020.

#### **IV. JURISDICTION**

- 15 The Commission has jurisdiction over the subject matter of this complaint under RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.380, chapter 81.68 RCW, and chapter 34.05 RCW.

#### **V. APPLICABLE LAWS AND REGULATIONS**

- 16 Under RCW 81.04.010(11), the term “common carrier” includes all auto transportation companies. RCW 81.04.010(16) further defines “public service company” to include every common carrier.
- 17 RCW 81.04.160 authorizes the Commission to adopt rules regarding the services provided by public service companies. Additionally, RCW 81.68.030 authorizes the Commission to adopt rules and regulations pertaining to auto transportation companies.
- 18 WAC 480-30-056(3)(a)(i) requires an auto transportation company to maintain complete and accurate customer service records, including daily trip records, by route or unit of equipment. WAC 480-30-056(3)(a)(i)(A) specifically requires an auto transportation company to include the schedule operated as part of a daily trip report.
- 19 WAC 480-30-346(2)(d) requires an auto transportation company’s filed time schedules to “show the route served, including the exact location of each regular stop, each flag stop, and any point to which service is provided.”
- 20 WAC 480-30-276(2) requires an auto transportation company to “provide service along all routes, and to all points, listed on the company’s filed time schedules. Further, an auto transportation company must make a good faith effort to operate in compliance with the times of arrival and/or departure shown on the company’s filed time schedule.”

21 RCW 81.04.380 provides that a public service company that fails to comply with any order, rule, demand, or requirement of the Commission shall be subject to a penalty not to exceed \$1,000.

**VI. FIRST CAUSE OF ACTION (4,024 Violations of WAC 480-30-056(3)(a)(i)(A))**

22 The Commission, through its Staff, realleges the allegations contained in paragraphs 7 through 14 above.

23 Under WAC 480-30-056(3)(a)(i)(A), an auto transportation company must maintain daily trip records by route or unit of equipment that include the schedule operated.

24 Based on Staff's review of the records provided by the Company, Shuttle Express violated WAC 480-30-056(3)(a)(i)(A) on 4,024 separate occasions by failing to include the schedule or route operated in 4,024 trip records.

**VI. SECOND CAUSE OF ACTION (198 Violations of WAC 480-30-346(2)(d))**

25 The Commission, through its Staff, realleges the allegations contained in paragraphs 7 through 14 above.

26 Under WAC 480-30-346(2)(d), an auto transportation company's filed time schedules in its tariff must show the route served, including any point to which service is provided.

27 Shuttle Express violated WAC 480-30-346(2)(d) on 198 separate occasions by stopping at points not included in the time schedule for the routes operated.

**VII. THIRD CAUSE OF ACTION (19,091 Violations of WAC 480-30-276(2))**

28 The Commission, through its Staff, realleges the allegations contained in paragraphs 7 through 14 above.

29 Under WAC 480-30-276(2), an auto transportation company must provide service to all routes and points listed in the company's filed time schedules, as well as make a good faith effort to operate in compliance with the arrival and departure times shown on the company's filed time schedule.

30 Shuttle Express violated WAC 480-30-276(2) on 19,091 separate occasions by failing to provide service in accordance with its filed time schedules.

**VIII. FOURTH CAUSE OF ACTION (WAC 480-30-056(3)(a)(i))**

31 The Commission, through its Staff, realleges the allegations contained in paragraphs 7 through 14 above.

32 Under WAC 480-30-056(3)(a)(i) an auto transportation company is required to maintain daily trip records by route or by unit of equipment.

33 Staff submits that, as an alternative to its third cause of action in paragraphs 28-30, if Shuttle Express demonstrates that it did in fact provide scheduled service during some or all of the 19,091 instances identified by Staff, then Shuttle Express necessarily and alternately violated WAC 480-30-056(3)(a)(i) by failing to maintain daily trip records of those trips.

### **VII. REQUEST FOR RELIEF**

34 Staff requests that the Commission find that Shuttle Express violated Commission rules and impose a penalty of up to \$409,030 as follows: up to \$20,120 for 4,024 violations of WAC 480-30-056(3)(a)(i)(A), representing \$5 per violation; up to \$198,000 for 198 violations of WAC 480-30-346(2)(d), representing \$1,000 per violation; and \$190,910 for 19,091 violations of WAC 480-30-276(2), representing \$10 per violation.

35 If the Commission determines that Shuttle Express did not violate WAC 480-30-276(2), but did violate WAC 480-30-056(3)(a)(i) with respect to some or all of the 19,091 violations alleged in paragraphs 28-30, then Staff requests that the Commission impose a penalty of up to \$10 per violation of WAC 480-30-056(3)(a)(i).

36 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

### **VIII. PROBABLE CAUSE**

37 Based on a review of the factual allegations above, and consistent with RCW 80.01.060, RCW 81.01.010, and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

DATED at Lacey, Washington, and effective May 15, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division