

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

BEELINE TOURS LTD. d/b/a SEATTLE EXPRESS	DOCKET TC-170883
Complainant,	ORDER 01
v.	INITIAL ORDER
BHUPINDER SINGH BRAR d/b/a BRAR AIRPORT TOWNCAR SERVICE,	
Respondent.	

**BACKGROUND**

- 1 On August 9, 2017, Beeline Tours LTD. d/b/a Seattle Express (Beeline or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Formal Complaint against Bhupinder Singh Brar d/b/a Brar Airport Towncar Service (Brar Airport Towncar). Beeline alleges, among other things, that Brar Airport Towncar provides scheduled passenger transportation service that infringes on Beeline's certificated authority.
- 2 Specifically, the Complaint alleges that Brar Airport Towncar transports groups of unrelated passengers between the Red Roof Inn in SeaTac, Washington, and Cruise Terminals 66 and 91 in Seattle. Beeline argues that Brar Airport Towncar holds a charter and excursion carrier certificate issued by the Commission, which does not permit it to transport unrelated groups of passengers between fixed termini. Accordingly, Beeline alleges that Brar Airport Towncar is operating as an auto transportation company without the authority required for such operations in violation of Revised Code of Washington (RCW) 81.68.020 and RCW 81.68.040. Moreover, Beeline asserts that it is the only carrier authorized by the Commission to provide auto transportation service between hotels in the City of SeaTac and Cruise Terminals 66 and 91.
- 3 On August 31, 2017, Brar Airport Towncar filed a response to Beeline's Formal Complaint (Response). In its Response, Brar Airport Towncar asserts that it provides only the services it is authorized to provide, and expressly denies that it transports unrelated passengers.
- 4 On September 29, 2017, the Commission issued a Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements (Notice of BAP), set for November 2,

2017. The Notice of BAP requested that Brar Airport Towncar produce any and all trip reports, invoices, schedules, statements, and documents relating to trips between the Red Roof Inn and Cruise Terminals 66 and 91 for the Commission's consideration at the hearing.

5 On November 2, 2017, the Commission conducted a brief adjudicative proceeding before administrative law judge Rayne Pearson.

6 Beeline presented testimony and exhibits documenting Brar Airport Towncar's scheduled passenger service between the Red Roof Inn and Cruise Terminals 66 and 91. Michael Rogers, Company owner, testified that he contacted the Red Roof Inn to inquire about auto transportation service to the cruise piers and was told that a shuttle departed daily at 11 a.m. Mr. Rogers explained that in August 2017, he boarded the shuttle with a number of other passengers and rode to Pier 66. Mr. Rogers further testified that he contacted the Red Roof Inn to discuss providing auto transportation service and was told the hotel has an existing relationship with another carrier.

7 Bhupinder Singh Brar, company owner, testified on behalf of Brar Airport Towncar. Mr. Brar conceded that he provided scheduled service to unrelated passengers between the Red Roof Inn and Cruise Terminals 66 and 91 on several occasions.<sup>1</sup> Mr. Brar explained that he owns a 29 passenger bus, and confirmed that the photo of the bus sponsored by Mr. Rogers, which bears the name "Horizon Limousines," belongs to Brar Airport Towncar.<sup>2</sup> On cross-examination, Mr. Brar testified that the trade name "Horizon Limousines" is registered with the Commission as a DBA for Brar Airport Towncar. Although Mr. Brar produced a notebook with handwritten dates and names, he did not produce any of the documents requested in the Notice of BAP, such as invoices or trip reports.

8 Finally, Mr. Brar acknowledged that he was aware that his conduct was unlawful and apologized for providing service his company was not authorized to provide.

### DISCUSSION AND DECISION

9 **Complaint.** We find that Brar Airport Towncar operated as an auto transportation carrier without the authority to conduct such operations on at least two occasions. Mr. Brar acknowledged, and the evidence unequivocally shows, that Brar Airport Towncar transported unrelated passengers between the Red Roof Inn and Cruise Terminals 66 and 91. Although Brar Airport Towncar holds a certificate to provide charter and excursion carrier service, these operations exceeded that authority.

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<sup>1</sup> Brar, TR 33:20-22; 42:17-25.

<sup>2</sup> See Exh. MR-2.

- 10 WAC 480-30-036 defines “charter carrier” as “every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after leaving the place of origin.” Because Brar Airport Towncar’s passengers were unrelated and paid separately, the company’s conduct does not fall within the scope of charter carrier operations.
- 11 Similarly, Brar Airport Towncar’s operations do not qualify as “excursion service,” defined as “every person engaged in the transportation of persons for compensation over any public highway in the state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service must not pick up or drop off passengers after leaving and before returning to the area of origin.” Mr. Brar conceded that his service was one-way and did not return to the point of origin.
- 12 WAC 480-30-036 defines auto transportation companies as “every corporation or person . . . owning, controlling, operating, or managing any motor-propelled vehicle used in the business of transporting persons and their baggage on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini . . . and not operating exclusively within the incorporated limits of any city or town.” The rule defines “between fixed termini” as the fixed points between which an auto transportation company provides service. Accordingly, we find that Brar Airport Towncar’s scheduled service between the Red Roof Inn and SeaTac Airport violated RCW 81.68.020 and RCW 81.68.040, which prohibit carriers from providing auto transportation service without first obtaining a certificate of public convenience and necessity from the Commission.
- 13 RCW 81.04.380 provides that every public service company “shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title.” A public service company that violates any provision of Title 81 RCW is subject to penalties of up to \$1,000 per violation. Here, Beeline submitted uncontested evidence that Brar Airport Towncar violated RCW 81.68.020 and RCW 81.68.040 when it transported a group of unrelated passengers between the Red Roof Inn and Pier 66 on in August 2017. Moreover, Mr. Brar admitted that he has provided this same service on at least one other occasion. Accordingly, we assess a \$2,000 penalty for two violations of RCW 81.68.020 and RCW 81.68.040.
- 14 **Production of Documents.** Pursuant to RCW 81.04.070, the Commission has the authority to inspect the accounts, books, papers, and documents of any public service company. To assist the Commission with determining whether Brar Airport Towncar has operated, or continues to operate, as an auto transportation carrier without the required authority, the Notice of BAP required the company to produce records of its trips

between the Red Roof Inn and Cruise Terminals 66 and 91. As noted above, Brar Airport Towncar did not bring the requested documents to the hearing. We find that Brar Airport Towncar's failure to produce the requested information violates RCW 81.04.380.

Accordingly, we assess a \$1,000 penalty for Brar Airport Towncar's failure to comply with the requirement to produce certain documents as set out in the Commission's Notice of BAP.

15 Because Brar Airport Towncar failed to provide information for the Commission's consideration at hearing, the Commission directs its regulatory staff (Staff) to conduct an investigation into Brar Airport Towncar's operations to determine the extent to which the company has violated RCW 81.68.020 and RCW 81.68.040, or otherwise exceeded the scope of its charter and excursion carrier authority. Once the investigation is complete, Staff may bring a formal complaint instituting a special proceeding to classify Brar Airport Towncar as an auto transportation carrier and recommend penalties based on the number of violations discovered during its review.

16 Brar Airport Towncar is advised that future violations of RCW 81.68.020 and RCW 81.68.040 will be subject to further enforcement action, including additional penalties of up to \$1,000 per violation.

17 **Unregistered Trade Name.** Finally, we find that Brar Airport Towncar is using a trade name – Horizon Limousines, LLC – that is not registered with the Commission. The website for Horizon Limousines, the address for which is displayed on Brar Airport Towncar's 29 passenger bus, advertises party bus service provided under the company's charter and excursion carrier authority.<sup>3</sup> Accordingly, Brar Airport Towncar must file with the Commission an application to amend its certificate to include any and all trade names under which it currently provides service regulated by the Commission.

### FINDINGS AND CONCLUSIONS

18 (1) The Commission is an agency of the state of Washington vested by statute with the authority to regulate the rates, rules, regulations, and practices of passenger transportation companies, including auto transportation companies and charter and excursion carriers.

19 (2) Brar Airport Towncar is a charter and excursion carrier subject to Commission regulation.

20 (3) On August 9, 2017, Beeline filed a Formal Complaint against Brar Airport Towncar alleging that it was providing auto transportation service without first obtaining a certificate of and public necessity from the Commission, as required.

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<sup>3</sup> [www.limosandpartybus.com](http://www.limosandpartybus.com)

- 21 (4) Beeline presented undisputed evidence that Brar Airport Towncar transported unrelated passengers between fixed termini in August 2017.
- 22 (5) Brar Airport Towncar acknowledged that it transported unrelated passengers between fixed termini on multiple occasions.
- 23 (6) Brar Airport Towncar violated RCW 81.68.020 and RCW 81.68.040 on at least two occasions.
- 24 (7) Brar Airport Towncar failed to produce documents related to its trips between the Red Roof Inn and Cruise Terminals 66 and 91, as the Commission directed in its Notice of BAP.
- 25 (8) Brar Airport Towncar's failure to produce the requested documents violates RCW 81.04.380.
- 26 (9) Brar Airport Towncar should be penalized \$3,000 for three violations of Title 81 RCW.
- 27 (10) Commission Staff should be directed to initiate an investigation into Brar Airport Towncar's operations to determine the extent to which they exceeded the Company's authority.
- 28 (11) Brar Airport Towncar's trade name, Horizon Limousines, LLC, is not registered with the Commission.
- 29 (12) Brar Airport Towncar should file an application with the Commission to amend its certificate to include any and all registered trade names within five days of the effective date of this Order.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 30 (1) The Commission assesses a penalty of \$2,000 against Bhupinder Singh Brar d/b/a Brar Airport Towncar Service for violating RCW 81.68.020 and RCW 81.68.040 when it provided auto transportation service on at least two occasions without first obtaining a certificate of convenience and necessity from the Commission to provide such service.
- 31 (2) The Commission assesses a penalty of \$1,000 against Bhupinder Singh Brar d/b/a Brar Airport Towncar Service for violating RCW 81.04.380 when it failed to produce documents as required by the Commission.

- 32 (3) The \$3,000 penalty is due and payable with 10 days of the effective date of this Order.
- 33 (4) Bhupinder Singh Brar d/b/a Brar Airport Towncar Service must register its trade name, Horizon Limousines, LLC, with the Commission with five days of the effective date of this Order.
- 34 (5) Commission Staff will initiate an investigation into the operations of Bhupinder Singh Brar d/b/a Brar Airport Towncar Service.

DATED at Olympia, Washington, and effective November 28, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).