

Service Date: December 21, 2016

STATE OF WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION 1300 S. Evergreen Park Dr.
S.W., P.O. Box 47250 • Olympia, Washington 98504-7250 (360) 664-1160 • www.utc.wa.gov

December 21, 2016

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS (By January 27, 2017) and NOTICE OF
WORKSHOP (Set for March 2, 2017, at 9:30 a.m.)

Re: Rulemaking to Consider Possible Revisions in WAC 480-30, Relating to Auto Transportation Service,
Docket TC-161262

TO ALL INTERESTED PERSONS:

On December 19, 2016, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider possible modifications to certain sections in Washington Administrative Code (WAC) 480-30, the Commission's rules on passenger transportation companies. The Commission filed the CR-101 under Docket TC-161262.

The Commission reviewed those rules in 2013 in Docket TC-121328. Since that time, the transportation options to and from Seattle-Tacoma International Airport have continued to expand. Commercial Transportation Service Providers like Uber and Lyft (also known as Transportation Network Carriers or TNCs) have begun providing service to and from the airport, joining auto transportation companies, taxis, limousines, buses, and light rail, the majority of which the Commission does not regulate. The Commission is concerned that its oversight of auto transportation companies is not keeping pace with changes in the market.

Accordingly, the Commission has opened this rulemaking to re-examine its regulation of these companies, in conjunction with discussions with other governmental entities, to consider the issues arising from this evolving market. Because parts of WAC 480-30 also regulate charter and excursion services, the Commission encourages companies that provide those services, as well as auto transportation companies, to participate in this rulemaking. Responses to the following questions would be most useful to the Commission in conducting its inquiry:

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1. WAC 480-30-213 requires that a passenger transportation certificate holder own or lease vehicles operated under authority of its certificate and that only the certificate holder or the certificate holder's employees operate the vehicles. a. If this rule impacts the ability of auto transportation companies to compete with other passenger transportation options, please explain how. **Does not allow the flexibility to secure a vehicle with driver from another company to meet peak demands that exceed fleet capacity, or emergencies: (1) when delayed flights cause unexpected overloads;(2) weather or road conditions require timely response; (3) vehicle breakdowns require quick response. In the first instance fleet and insurance costs would be reduced, and, in the second instance, customer service would be greatly enhanced!** b. If this rule impacts the ability of auto transportation companies to compete, how should the Commission modify the rule? **Allow vehicles and drivers from charter bus 81.70 RCW, limousine 46.72A RCW, and other companies to be rented or leased.** c. What effect would any such modifications have on public health and safety? **Since the statutory and administrative provisions regarding public health and safety are similar there should be nil effect.** How would the Commission fulfill its obligation to protect public health and safety if it adopted these modifications? **By incorporating the applicable WACs and RCWs.** Please provide this information for each modification you propose. d. If auto transportation companies were allowed to provide regulated service using vehicles they do not own or lease, or use drivers other than the certificate holder or employees, i. How would the certificate holder ensure adequate insurance coverage? **By including "hired auto" coverage in certificate holders' insurance.** ii. How would the Commission hold the certificate holder accountable for violations of the RCW or WAC? **Same as now.**

2. WAC 480-30-221 and WAC 480-30-999 require that a passenger transportation certificate holder comply with specified provisions in the code of federal regulations (CFRs). a. If there are CFRs that impact auto transportation companies' ability to compete with other passenger transportation options, please explain how. b. If there are CFRs that impact the ability of auto transportation companies to compete, how should the Commission modify its rules to eliminate, limit, or add to the requirements in these CFRs as they apply to auto transportation companies? Please note that the Commission cannot modify a CFR – it can only adopt CFRs by reference and make exceptions to that adoption. c. What effect would any such modifications have on public health and safety? How would the Commission fulfill its obligation to protect public health and safety if it adopted these modifications? Please provide this information for each modification you propose.

3. The Commission has established other state regulations regarding safety, insurance, and consumer protection, specifically WAC 480-30 Part 4 (WAC 480-30-191 through 201), Part 5 (WAC 480-30-206 through 236), and Part 8 (WAC 480-30-441 through 476). a. If there are regulations in WAC 480-30 Parts 4, 5, or 8 that impact the ability of auto transportation companies to compete with other passenger transportation options, please explain how. b. If there are regulations in WAC 480-30 Parts 4, 5, or 8 that impact the ability of auto transportation companies to compete, how should the Commission modify these

regulations to eliminate or minimize any adverse impacts on company competitiveness? c. What effect would any such modifications have on public health and safety? How would the Commission fulfill its obligation to protect public health and safety if it adopted these modifications? Please provide this information for each modification you propose.

4. The Department of Licensing, Washington State Patrol and some local governments have adopted regulations for the passenger transportation providers they regulate. a. How do these regulations compare to the Commission's requirements for auto transportation companies? b. If the Commission adopted the same or comparable regulations for vehicles auto transportation companies operate that have the same passenger capacity, how would the Commission fulfill its obligation to protect public health and safety?

The Commission invites initial written comments in response to these questions and will conduct a workshop to address the relevant issues.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's website at <http://www.utc.wa.gov/161262>. If you are unable to access the Commission's web page and would like an electronic copy of the CR-101 emailed to you, please contact the Records Center at (360) 664-1234.

WRITTEN COMMENTS

Written comments on the CR-101 inquiry must be filed with the Commission no later than 5:00 p.m., January 27, 2017. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. You may submit comments via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

The docket numbers of this proceeding (Docket TC-161262).
title and date of the comment or comments.

The commentin

An alternative method for submitting comments is mailing or delivering an electronic copy to the Commission's Records Center on a thumb drive, CD, or DVD in .pdf format (created using Adobe Acrobat or comparable software) or in Microsoft Word. Include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/161262>.

If you are unable to file your comments electronically the Commission will accept a paper document. If you have questions regarding this rulemaking, you may contact staff lead Chris Rose at (360) 664-1303, or by email at crose@utc.wa.gov.

STAKEHOLDER WORKSHOP

In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on March 2, 2017, beginning at 9:30 a.m., in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. At the workshop, Commission staff will review and discuss comments with the stakeholders.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may:

Call the Commission's Records Center at (360) 664-1139
records@utc.wa.gov

Email the Commission at
 Mail written comments to the address below

When contacting the Commission, please refer to Docket TC-161262 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

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

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket TC-161262. If you do not do this, you might not receive further information about this rulemaking.

STEVEN V. KING Executive Director and SecretaryAut