

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending and Adopting Rules in)	DOCKET TE-151080
)	
Chapter 480-30 WAC)	GENERAL ORDER R-583
)	
Relating to Charter Bus Companies)	ORDER AMENDING AND ADOPTING RULES
)	PERMANENTLY
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 15-21-087, filed with the Code Reviser on October 21, 2015. The Commission has authority to take this action pursuant to RCW 80.01.040, RCW 80.04.160, RCW 80.54.020, and RCW 80.54.060.

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).

3 **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.

<p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: January 04, 2016 TIME: 1:07 PM</p> <p>WSR 16-02-076</p>

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including appendices, as its concise explanatory statement. This Order provides a complete but concise explanation of the agency's actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order adopts the following sections of the Washington Administrative Code:

Amend	WAC 480-30-011	Exempt operations.
Amend	WAC 480-30-036	Definitions, general.
Amend	WAC 480-30-076	Regulatory fees.
Amend	WAC 480-30-086	Certificates, general.
Amend	WAC 480-30-216	Operation of motor vehicles, general.
Adopt	WAC 480-30-244	Liquor permit required.
Amend	WAC 480-30-246	Sanctions for operating without a valid certificate.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:**
The Commission filed a Preproposal Statement of Inquiry (CR-101) on June 17, 2015, at WSR # 15-13-130. The statement advised interested persons that the Commission was considering entering a rulemaking to implement SSB 5362, passed and signed into law in the 2015 legislative session, which amends RCW 81.70 to include transportation of persons by party bus over any public highway within the state as a charter party carrier. The Commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by sending notice to all transportation companies holding certificates and the Commission's list of transportation attorneys. The Commission posted the relevant rulemaking information on its website at www.utc.wa.gov/151080 and solicited written comments from stakeholders by July 20, 2015. The Commission received no written comments.

8 On August 12, 2015, the Commission issued a notice soliciting written comments from stakeholders on draft rules by September 11, 2015. The Commission received comments from Lucky Limousine & Towncar Service LLC and Shuttle Express, Inc.

- 9 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on October 21, 2015, at WSR # 15-21-087. The Commission scheduled this matter for oral comment and adoption under that Notice at 9:30 a.m., Tuesday, December 15, 2015, in the Commission’s Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission by November 23, 2015.
- 10 The proposal would amend and adopt rules to implement SSB 5362, passed and signed into law in the 2015 legislative session. The proposed rules would affect WAC 480-30, relating to charter bus companies, as follows: define “party bus”; remove the current exemption for buses operating within a single city; regulate alcohol served or consumed on party buses; prohibit smoking on charter buses; change the due date for charter bus regulatory fees; define charter party services to include certain advertising activities; and allow a penalty up to \$5,000 for operating without a permit.
- 11 **WRITTEN COMMENTS:** The Commission received a written comment in response to the WSR # 15-21-087 Notice from JPH International Inc. d/b/a A&A Limousine & Bus Service. Summaries of all written comments and the Commission’s responses are contained in Appendix A, attached to, and made part of, this Order.
- 12 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on Tuesday, December 15, 2015, before Chairman David W. Danner, Commissioner Philip B. Jones, and Commissioner Ann E. Rendahl. The Commission heard oral comments from Suzanne Stillwell, representing Commission Staff. No other interested person made oral comments.
- 13 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should adopt the rules as proposed in the CR-102 at WSR # 15-21-087 with the changes described below and in Appendix A.
- 14 **CHANGES FROM PROPOSAL:** The Commission adopts the proposal with the following changes from the text noticed at WSR # 15-21-087:

WAC 480-30-011

First sentence – insert “conducted wholly within the limits of an incorporated city or town, or auto transportation

company operations” after “Auto transportation company operations.”

This change was made to clarify that auto transportation companies are not impacted by removing the exemption in WAC 480-30-011(1)(a) for operations conducted wholly within the limits of an incorporated city or town. SSB 5362 only pertains to charter and excursion companies and not auto transportation companies.

- 15 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-30 should be amended and adopted to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2), on the thirty-first day after filing with the Code Reviser.

ORDER

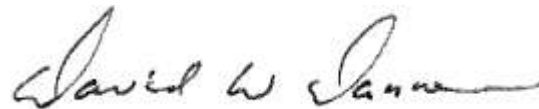
- 16 **THE COMMISSION ORDERS:**

- 17 The Commission amends WAC 480-30-011, WAC 480-30-036, WAC 480-30-076, WAC 480-30-086, WAC 480-30-216, WAC 480-30-246, and adopts WAC 480-30-244 to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after filing with the Code Reviser pursuant to RCW 34.05.380(2).

- 18 This Order and the rule set out below, after being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, January 4, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman

A handwritten signature in black ink, appearing to read "Philip B. Jones". The signature is fluid and cursive, with a long horizontal stroke at the end.

PHILIP B. JONES, Commissioner

A handwritten signature in blue ink, appearing to read "Ann E. Rendahl". The signature is cursive and clearly legible.

ANN E. RENDAHL, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 6, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Appendix A
Comment Summary Matrix

Appendix B
Chapter 480-30 WAC RULES