BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against: TC BLACK LLC	DOCKET TE-260543 DECLARATION OF KATHRYN MCPHERSON

I, Kathryn McPherson, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over 18 years of age and competent to testify to the facts contained herein.

2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a compliance investigator in the Transportation Safety Division. As a compliance investigator, my responsibilities include conducting investigations into the operations of regulated and unregulated transportation companies. As part of those duties, I investigate charter party and excursion service carriers that may be operating without the required Commission-issued certificate.

3. On March 5, 2026, while conducting routine research, I discovered TC Black LLC (TC Black or Company) advertising on its business website, www.tricitiesblack.com,[1] for services as a charter party or excursion carrier. Staff reviewed the Commission's companies directory and discovered the Company had no records with the Commission and thus did not have a certificate authorizing it to provide charter party or excursion services.[2]

4. On March 5, 2026, Staff researched company activities and discovered multiple advertisements on social media, including Facebook[3] and Instagram.[4] Both advertisements show advertisements for services requiring a certificate, including executive van services with a seating capacity of more than nine passengers.

[1] See Attachment A – Company website.

[2] See Attachment B – Copy of companies directory search.

[3] See Attachment C – Copy of Facebook page.

[4] See Attachment D – Copy of Instagram page.

5. On March 5, 2026, Staff reviewed the Company's Department of Revenue (DOR) records.[5] DOR records show a unified business identifier number of 604-546-023. TC Black's location and mailing address is listed as 1702 W 25th Place, Kennewick, Washington 99337. DOR records reflect that the Company holds a for-hire endorsement, but no limousine endorsement from the Department of Licensing (DOL), which would qualify the Company for exclusion from the requirement for charter party and excursion carrier certificate based on Revised Code of Washington (RCW) 81.70.030. Staff reviewed DOL records and discovered that the Company has multiple vehicles with passenger capacity greater than nine, thus requiring authority from the Commission.[6] Staff reviewed records from the Secretary of State (SOS) Corporation and Charities Filing System and discovered that the governing person of TC Black is listed as David McClain (McClain).[7]

6. On March 6, 2026, Staff sent TC Black an email with a non-compliance investigation letter.[8] The letter provided the Company with technical assistance information regarding charter party and excursion carrier permitting, and directed the Company to stop providing charter and excursion services until such time as it obtains operating authority. The letter was emailed to contact@tricitiesblack.com, with a response time of March 20, 2026.

7. On March 6, 2026, the Company responded to the email from Staff, stating it did not believe TC Black required authority from the Commission. Staff continued the email dialogue with the Company, explaining the laws pertaining to charter authority.[9]

8. On March 6, 2026, Staff spoke with McClain by phone to discuss the difference between DOL's for-hire and limousine endorsements. Staff discussed exclusions from RCW 81.70.220, including the limousine endorsement. McClain stated he was operating wine tours and a for-hire endorsement is all he needed. Staff stated that he is not only operating wine tours. McClain stated they hold $1.5 million insurance policy. During the conversation, McClain said he would research the rules himself. Staff agreed to reach out to the DOL compliance team for clarification.[10]

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[5] See Attachment E – Copy of DOR records with no limousine endorsement.

[6] Attachment F – DOL records.

[7] Attachment G – SOS office records.

[8] Attachment H – Non-Compliance letter.

[9] Attachment I – Emails with Company on March 6, 2026.

[10] Attachment J – Staff notes from phone call with McClain.

9. On March 6, 2026, Staff emailed DOL staff for clarification.[11]

10. On March 6, 2026, Staff sent a follow-up email to the phone conversation with the Company, which included technical assistance information regarding passenger transportation.[12]

11. On March 10, 2026, Staff received a response by email from a DOL compliance team member concurring with Commission Staff's opinion that the Company should have a limousine endorsement or a certificate from the Commission.[13]

12. Between March 13, 2026, and March 24, 2026, Staff communicated with State House Representative Barnard at the request of McClain regarding the specific regulation requirements of TC Black's operations. Staff provided technical assistance regarding RCW 81.70.220, detailing that Staff will work with the Company should it choose to communicate.[14]

13. On March 25, 2026, McClain emailed Staff requesting closure and stating that they had spoken with Representative Barnard and "fully understand your UTC compliance concerns…that my larger motor vehicles would classify as a 'charter party carrier.'" In the email, the Company continued to disagree that it is required to obtain a permit with the Commission and stated that the Company had opted to register with Unified Carrier Registration with Federal Motor Carrier Safety Administration (FMCSA).[15]

14. On March 31, 2026, Staff Supervisor Jason Sharp (Sharp) emailed McClain stating that Sharp reviewed the March 25 email and disagreed with McClain's interpretation of RCW 81.70.220. Sharp restated TC Black's requirement to comply with RCW 81.70.220 or meet the criteria for the exclusions in RCW 81.70.030.[16]

15. On March 31, 2026, McClain responded by email to Sharp, stating his disagreement with Sharp's interpretation of Commission rules.[17]

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[11] Attachment K – Email to DOL March 6, 2026.

[12] Attachment L – Follow up technical assistance to Company March 6, 2026.

[13] Attachment M – Response from DOL compliance.

[14] Attachment N – Staff notes from phone calls.

[15] Attachment O – Email from Company March 25, 2026.

[16] Attachment P – Email from Supervisor March 31, 2026.

[17] Attachment Q – Email from Company March 31, 2026.

16. On April 1, 2026, Sharp responded to McClain, providing additional technical assistance that included clarification of FMCSA rules for interstate transportation and an explanation that intrastate transportation is the Commission's jurisdictional responsibility. The email explained that Company compliance includes removing advertisements for charter services, ceasing and desisting operations, or applying for authority as a charter and excursion carrier or limousine authority.[18]

17. On June 17, 2026, using a fictitious name, Staff messaged TC Black via the Company's Instagram page requesting services for an executive van rental to transport a wedding party on August 29 for approximately six to eight hours. The Company responded, stating it would be $174 per hour for either the 11-passenger sprinter van or the 14-passenger bougie bus.[19]

18. Based on paragraphs 3 through 17 above, Staff determined that TC Black operated as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission. The Company also advertised and offered to provide charter party or excursion services. In total, Staff found two violations of RCW 81.70.220.

DATED this 26th day of August 2026, at Lacey, Washington.

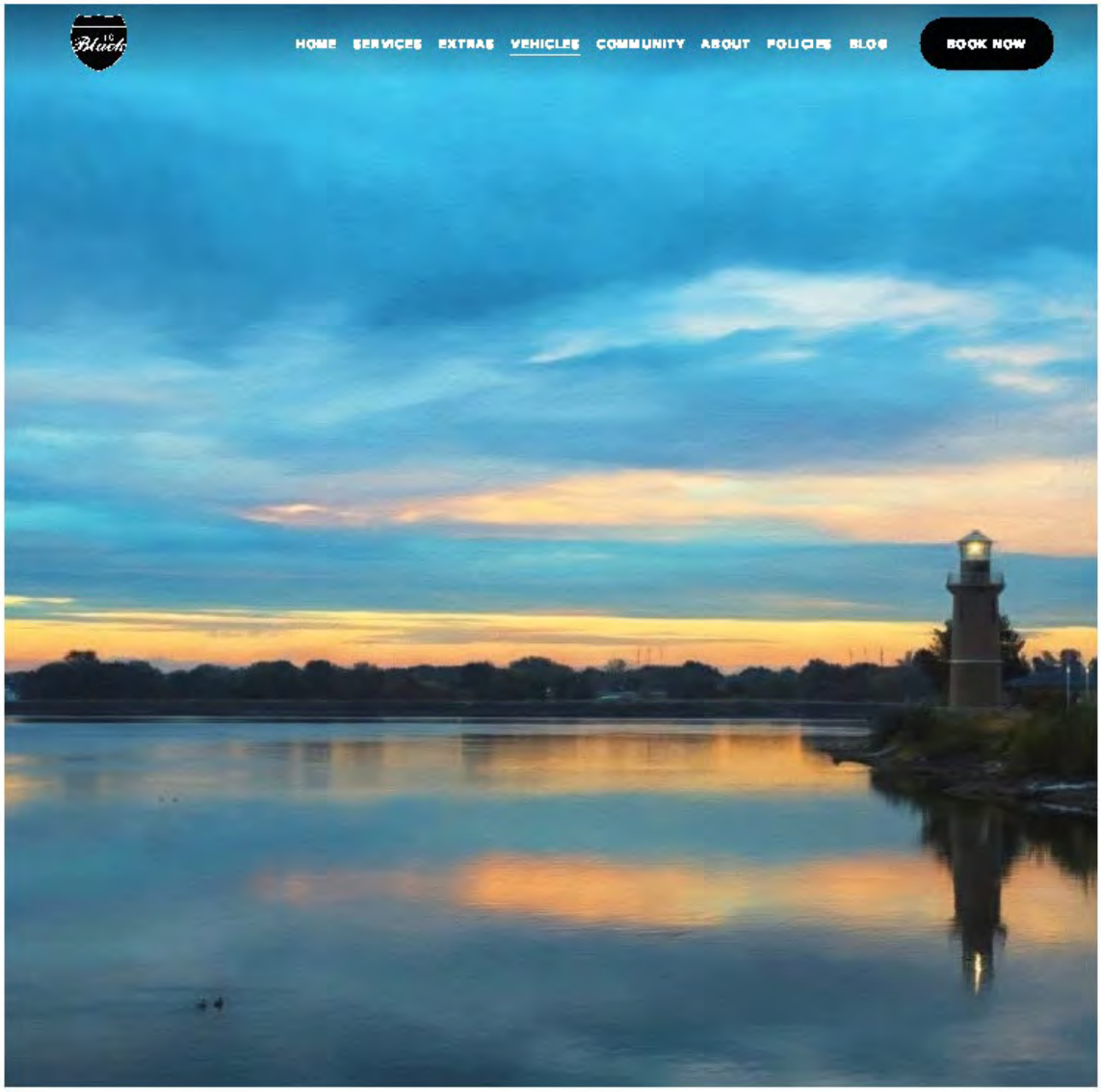
/s/ *Kathryn McPherson*
KATHYRN MCPHERSON

[18] Attachment R – Email from Supervisor April 1, 2026.

[19] Attachment S - Offer of service.

Attachment A

Attachment A



[redacted]

The first car ever in the TC Black fleet back in 2018 was such a hit that when it came time to be replaced, we stuck with what got us here! Six years later, say hello to our new Volvo S90 B6 Ultimate, the top of the line S90 with the client focused "Lounge Package", heated leather rear seats, legroom that STILL destroys the competition, and seating for up to 3 guests. Panoramic sunroof, privacy tint, and rear climate and VIP seat controls are just a few of the attributes that set this ride apart. Don't forget the magical crystal gear shifter, but NO TOUCHY!

The 2023 GMC Yukon XL is equipped with a second row bench seat that can accommodate up to 7 passengers. Included are luxury amenities like leather, heated rear seats, ginormous panoramic sunroof, and wood accents. This newest generation of GM SUV has more 3rd row legroom than those in the past. Yay for tall people! Also, yay for short people…

And ignore that chrome grill and wheels, they're blacked out now.

This Escalade ESV Sport is as black as they come, including the Onyx package with black wheels and monochromatic emblems. If you want to turn heads, this is the ride for you. Seats 6 passengers.

The Cadillac Escalade ESV Platinum Sport Edition has what you'd expect from a top of the line SUV: embroidered leather seating for 6 with heated front and rear captain seats, sunroof, black suede headliner, room in the back for storing all your luggage, and of course AWD to escape any slippery situations. Maybe the 5 tv screens are excessive, but you're riding in a Cadillac Escalade, so excessive is kind of what you're going for!

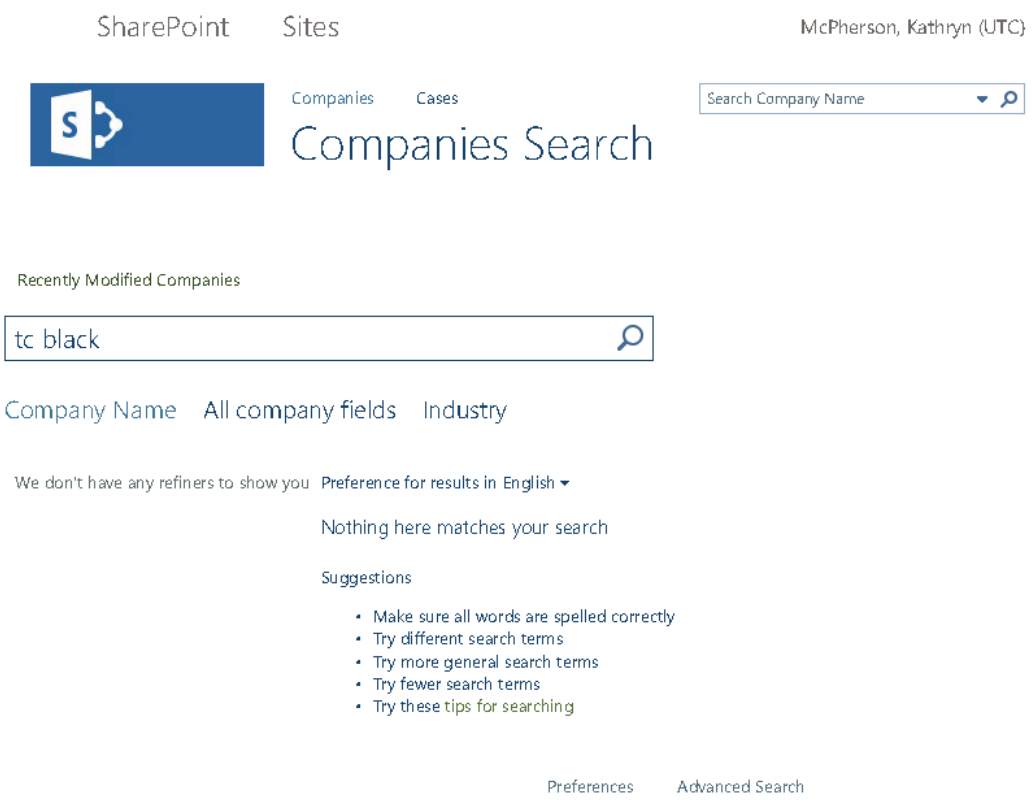
LEARN MORE

Our Ford Transit 350 XLT passenger van (codename B.I.G.) can transport up to 14 guests with 4 rows of forward facing black leather seats (**this is NOT a limousine**). The last row can be removed to facilitate up to 10 passengers with extra luggage/gear. Perfect for corporate groups, wine tours, travel to concerts, weddings, you name it!

The Mercedez-Benz Sprinter 2500 passenger van can transport up to 11 guests with 3 rows of forward facing black leather seats (**this is NOT a limousine**). There is room behind the last row for luggage/gear/cases of wine, a little more headroom than the Transit, and dedicated rear air conditioning unit for the hot Tri-Cities summer.

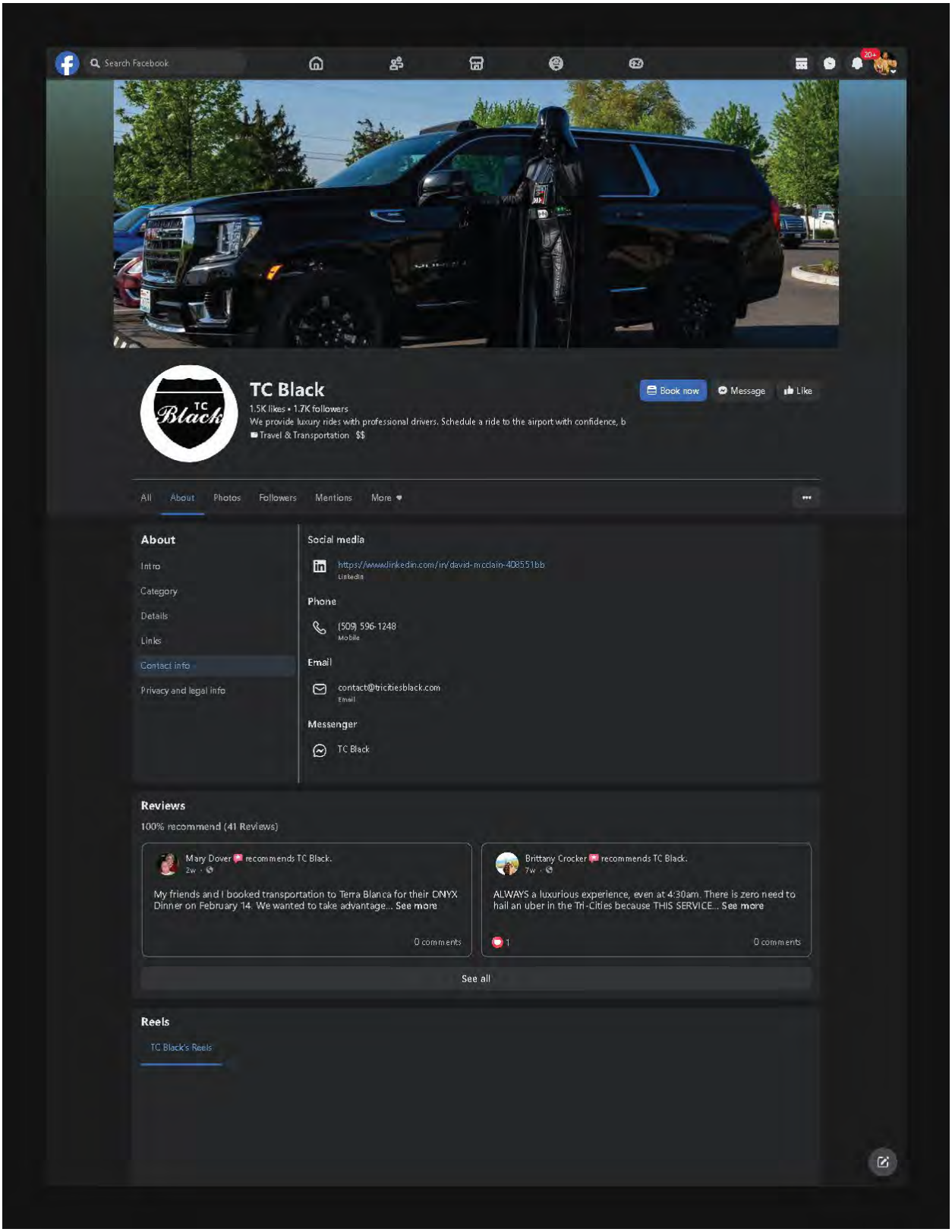
Attachment B

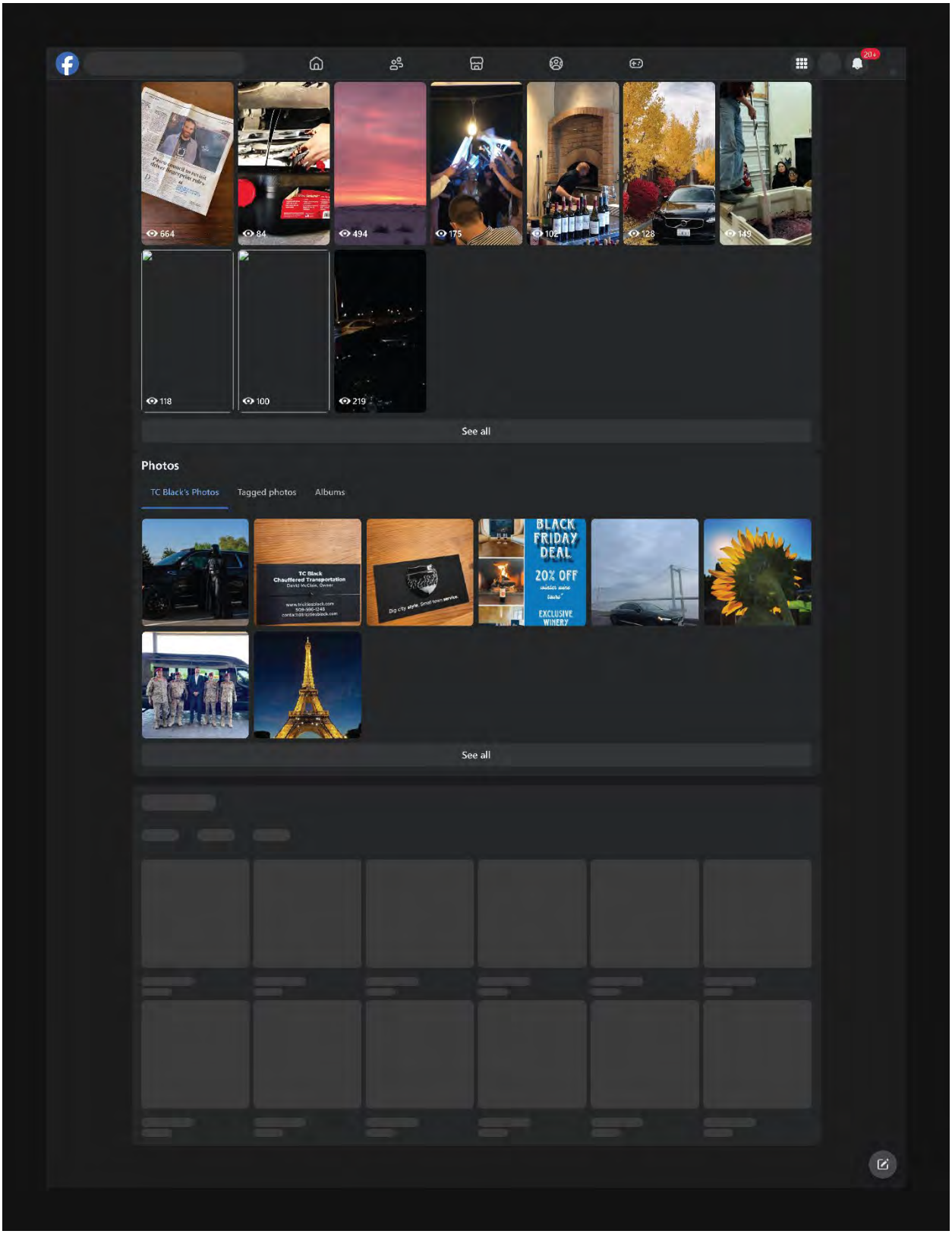
Attachment B



Attachment C

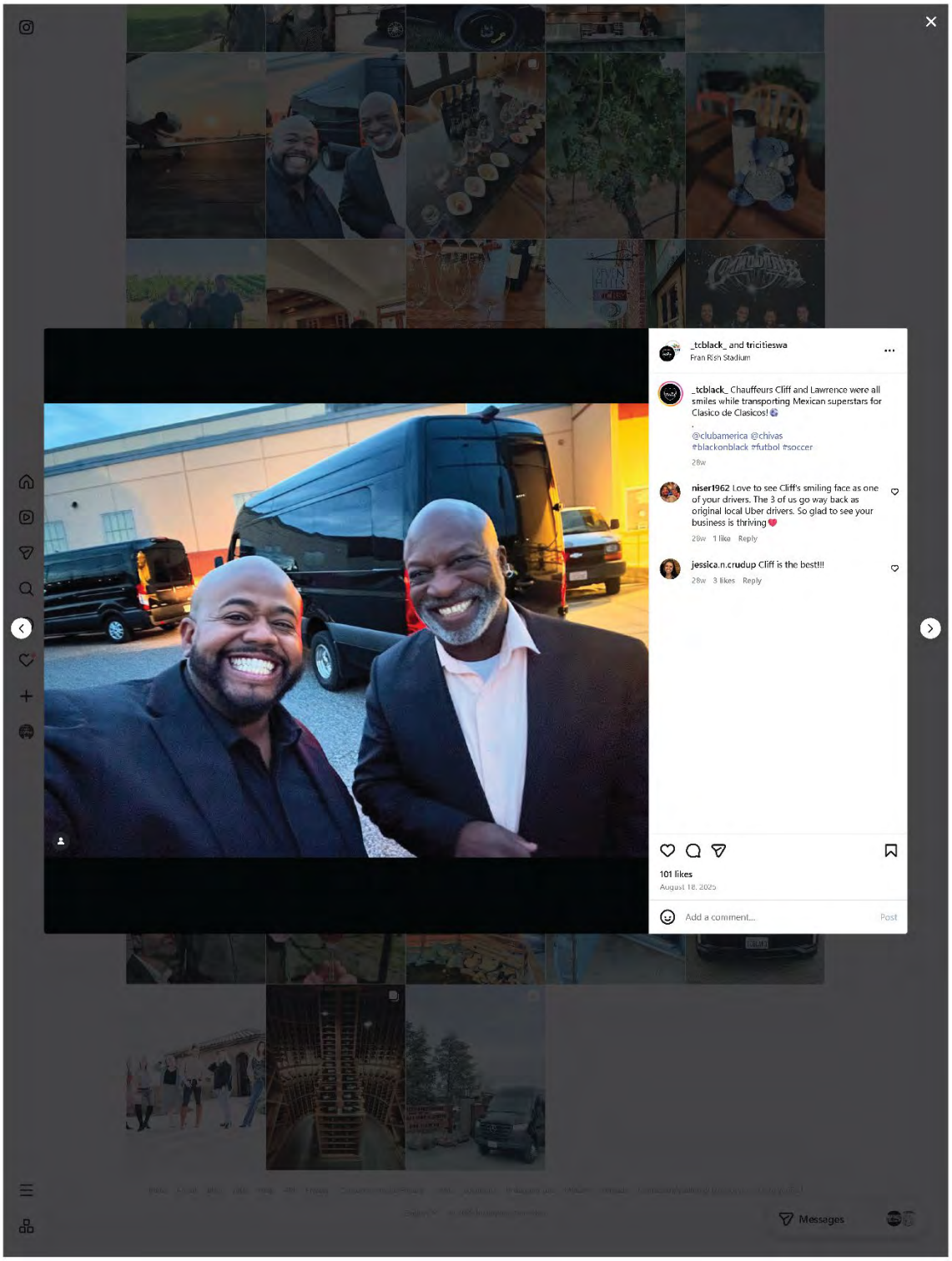
Attachment C




664
84
494
175
102
128
148
118
100
219
See all
Photos
TC Black's Photos
Tagged photos
Albums
TC Black
Chauffered Transportation
BLACK FRIDAY DEAL
20% OFF
EXCLUSIVE WINERY
See all

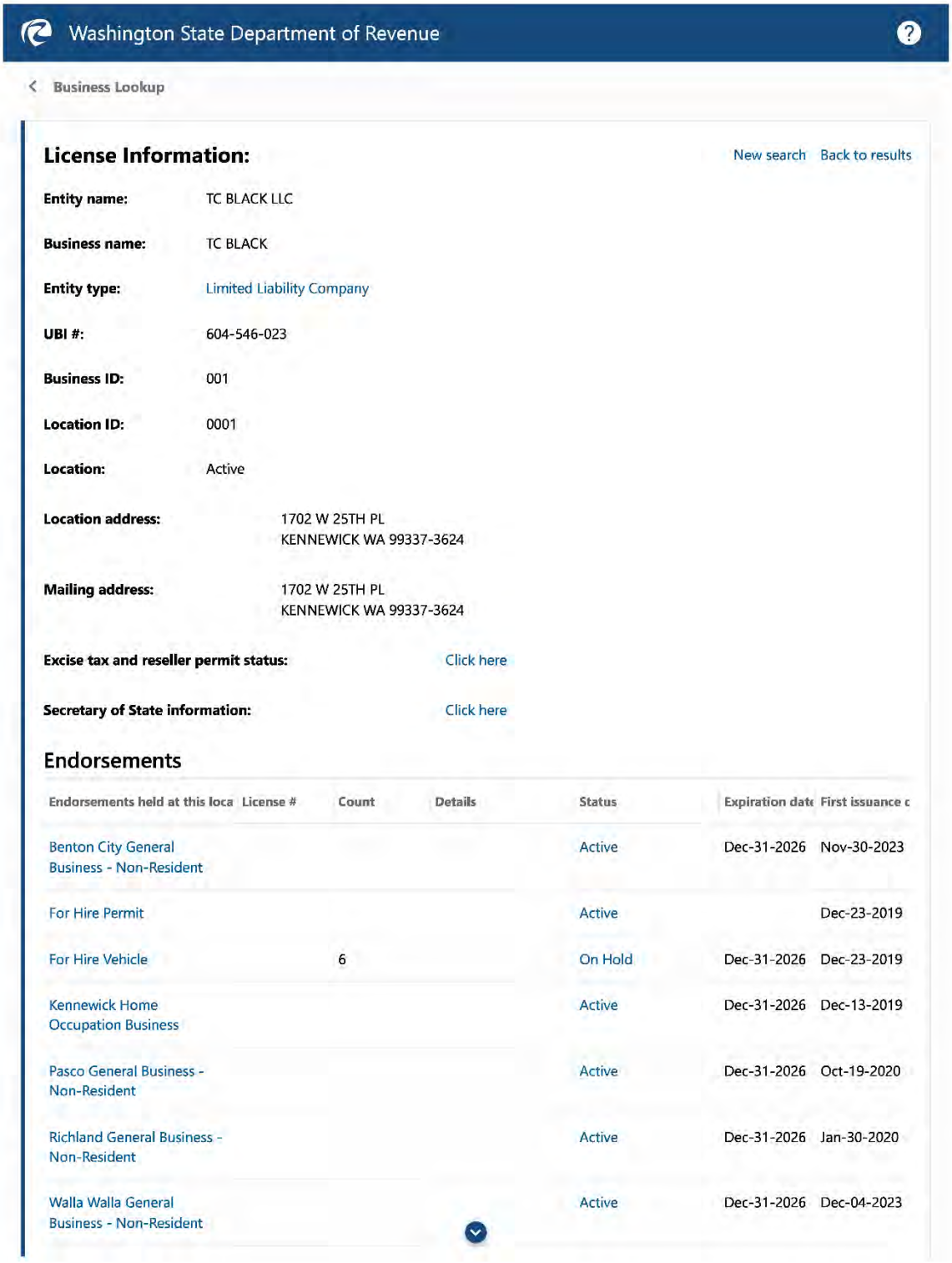
Attachment D

Attachment D



Attachment E

Attachment E



Washington State Department of Revenue

Business Lookup

License Information:

New search Back to results

Entity name: TC BLACK LLC

Business name: TC BLACK

Entity type: Limited Liability Company

UBI #: 604-546-023

Business ID: 001

Location ID: 0001

Location: Active

Location address: 1702 W 25TH PL
KENNEWICK WA 99337-3624

Mailing address: 1702 W 25TH PL
KENNEWICK WA 99337-3624

Excise tax and reseller permit status: Click here

Secretary of State information: Click here

Endorsements

Endorsements held at this loca	License #	Count	Details	Status	Expiration date	First issuance d
Benton City General Business - Non-Resident				Active	Dec-31-2026	Nov-30-2023
For Hire Permit				Active		Dec-23-2019
For Hire Vehicle		6		On Hold	Dec-31-2026	Dec-23-2019
Kennewick Home Occupation Business				Active	Dec-31-2026	Dec-13-2019
Pasco General Business - Non-Resident				Active	Dec-31-2026	Oct-19-2020
Richland General Business - Non-Resident				Active	Dec-31-2026	Jan-30-2020
Walla Walla General Business - Non-Resident				Active	Dec-31-2026	Dec-04-2023

Endorsements held at this loca	License #	Count	Details	Status	Expiration date	First issuance d
Yakima General Business - Non-Resident				Active	Dec-31-2026	Nov-29-2023
Zillah General Business - Non-Resident				Active	Dec-31-2026	Dec-07-2023

Owners and officers on file with the Department of Revenue

Owners and officers	Title
TC BLACK LLC	

Registered Trade Names

Registered trade names	Status	First issued
TC BLACK	Active	Dec-13-2019

The Business Lookup information is updated nightly. Search date and time: 3/5/2026 8:56:57 AM

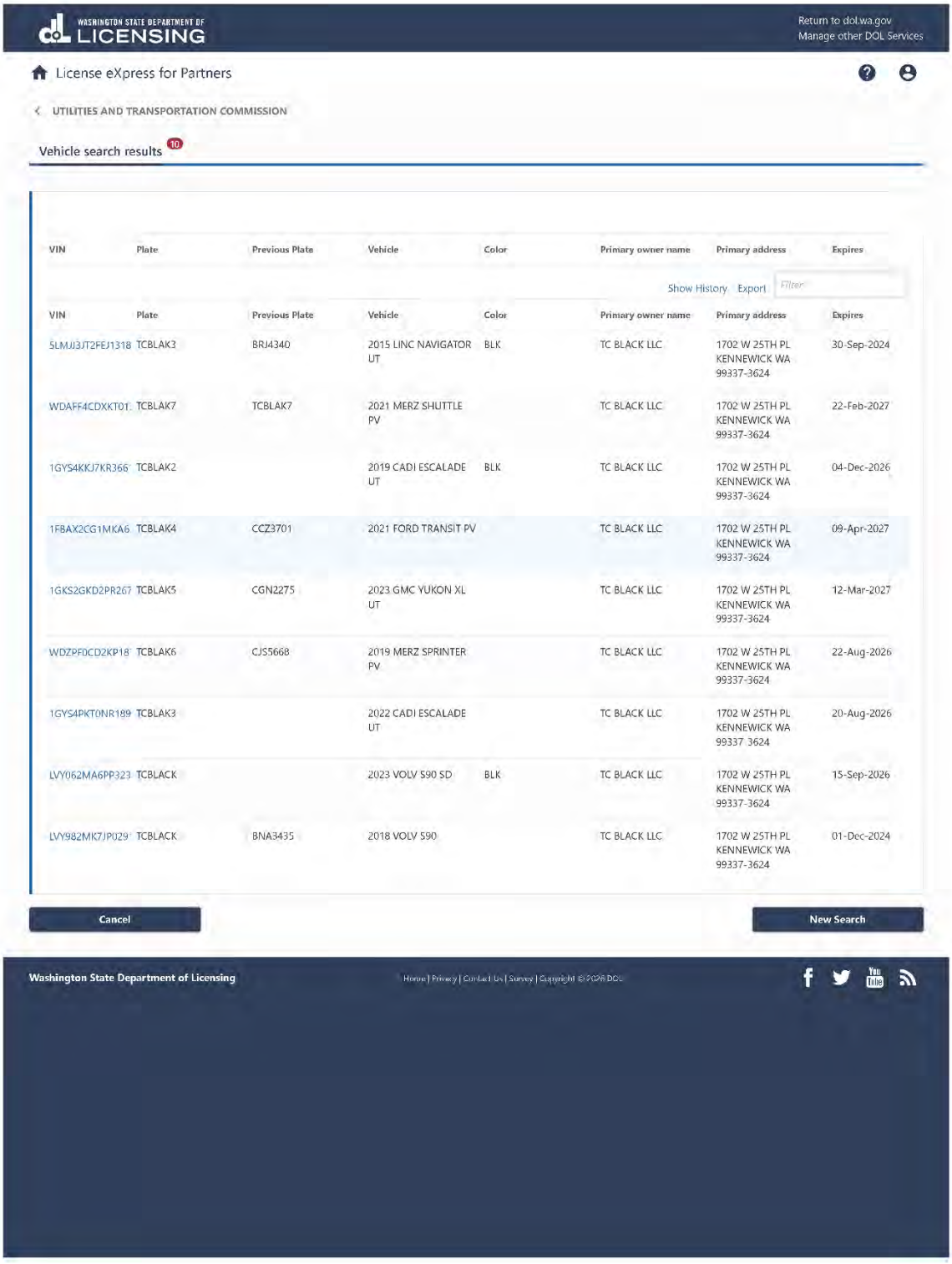
Contact us

How are we doing?
Take our survey!

Don't see what you expected?
Check if your browser is supported

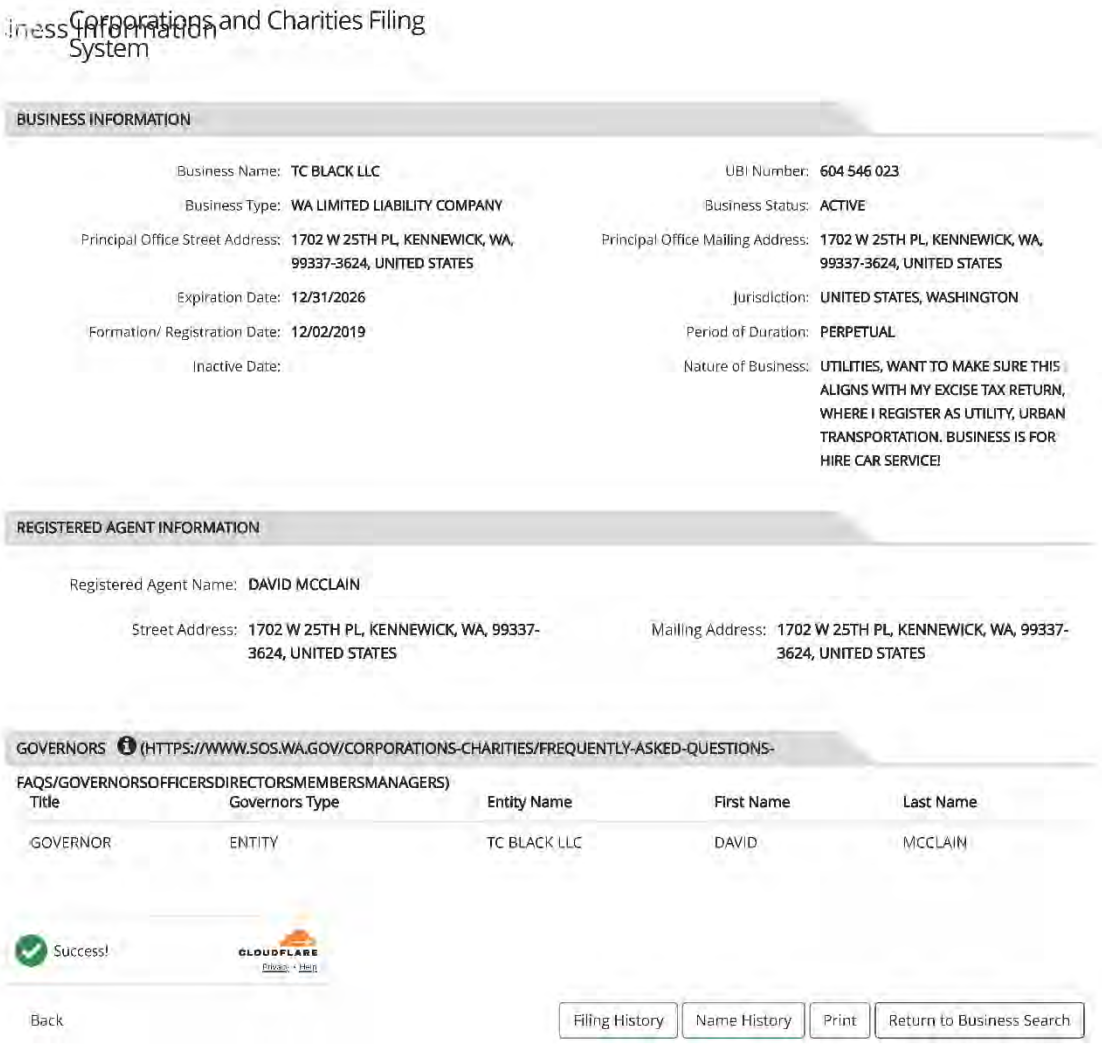
Attachment F

Attachment F



Attachment G

Attachment G



Corporations and Charities Filing System

BUSINESS INFORMATION

Business Name:	TC BLACK LLC	UBI Number:	604 546 023
Business Type:	WA LIMITED LIABILITY COMPANY	Business Status:	ACTIVE
Principal Office Street Address:	1702 W 25TH PL, KENNEWICK, WA, 99337-3624, UNITED STATES	Principal Office Mailing Address:	1702 W 25TH PL, KENNEWICK, WA, 99337-3624, UNITED STATES
Expiration Date:	12/31/2026	Jurisdiction:	UNITED STATES, WASHINGTON
Formation/ Registration Date:	12/02/2019	Period of Duration:	PERPETUAL
Inactive Date:		Nature of Business:	UTILITIES, WANT TO MAKE SURE THIS ALIGNS WITH MY EXCISE TAX RETURN, WHERE I REGISTER AS UTILITY, URBAN TRANSPORTATION. BUSINESS IS FOR HIRE CAR SERVICE!

REGISTERED AGENT INFORMATION

Registered Agent Name:	DAVID MCCLAIN		
Street Address:	1702 W 25TH PL, KENNEWICK, WA, 99337-3624, UNITED STATES	Mailing Address:	1702 W 25TH PL, KENNEWICK, WA, 99337-3624, UNITED STATES

GOVERNORS (HTTPS://WWW.SOS.WA.GOV/CORPORATIONS-CHARITIES/FREQUENTLY-ASKED-QUESTIONS-FAQS/GOVERNORSOFFICERSDIRECTORSMEMBERSMANAGERS)

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	ENTITY	TC BLACK LLC	DAVID	MCCLAIN

Success!

CLOUDFLARE

Back

Filing History | Name History | Print | Return to Business Search

Attachment H

Attachment H

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
621 Woodland Square Loop S.E. • Lacey, Washington 98503
P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY 1-800-833-6384 or 711

March 06, 2026

David McClain
TC Black LLC
1702 West 25th Place
Kennewick, Washington 99337
contact@tricitiesblack.com

RE: Charter and Excursion Service Carrier

Dear David McClain:

The Washington Utilities and Transportation Commission (Commission) believes that your company is providing passenger transportation services that require charter and excursion authority from the Commission. To advertise, solicit, offer, or enter into an agreement to provide charter and excursion services without a certificate is illegal and subject to a penalty of up to $5,000 per violation.

The purpose of this letter is to learn more about your passenger transportation services, help you understand charter and excursion regulations, and direct your company to respond to avoid any potential penalties.

Compliance investigation
Staff discovered advertisements for services that require a certificate from the Commission on TC Black LLC's (TC Black or Company) webpage, Instagram, and Facebook. TC Black's website offers to book sprinter vans. Instagram and Facebook show vehicles requiring a permit from the Commission to offer passenger transportation. Staff verified with the Department of Licensing (DOL) and noted multiple vehicle ownership requiring a permit from the Commission, as TC Black does not have a limousine endorsement from DOL.

What you need to do
To avoid enforcement action by the Commission, your company must:

- Immediately remove any advertisement offering charter and excursion services;
- Stop providing charter and excursion services; and

- Either submit a completed application, enclosed or online at Charter and Excursion - Intellistack, file proof of insurance, and include the application fee; or
- Respond in writing by **March 20, 2026**, explaining your company's operations and why you do not require operating authority from the Commission.

Charter and excursion regulations
The Commission regulates charter and excursion carriers in the state of Washington in the public interest.[1]

A charter carrier means every person engaged in the transportation of persons for compensation over any public highway in this state 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 chartered group after leaving the place of origin.[2]

An excursion carrier means every person engaged in the transportation of persons for compensation over any public highway in this 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. The excursions may be regularly scheduled and compensation for the transportation offered or afforded must be computed, charged, or assessed on an individual fare basis.[3]

In relation to both charter and excursion carriers, a motor vehicle means every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, used on the public highways for the transportation of persons for compensation.[4]

Application for charter and excursion authority
To provide charter and excursion service, your company must first apply for charter and excursion authority. Your company cannot operate as a charter and excursion carrier in the state of Washington until the Commission grants you a certificate.

Direct your written response to compliance investigator Kathryn McPherson by email to kathryn.mcpherson@utc.wa.gov or by mail to P.O. Box 47250, Olympia, WA 98504. If you have any questions, Kathryn McPherson can be reached by phone at (360) 867-8305.

Sincerely,

McPherson, Kathryn (UTC) Digitally signed by McPherson, Kathryn (UTC) Date: 2026.03.06 10:20:42 -08'00'

Kathryn McPherson, Compliance Investigator
Motor Carrier Safety Compliance Investigations, Transportation Safety

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[1] See RCW 80.01.040.
[2] See RCW 81.70.020 and WAC 480-30-036.
[3] *Id.*
[4] *Id.*

Attachment I

Attachment I

From: TC Black
To: McPherson, Kathryn (UTC)
Subject: Re: Non-Permitted Carrier Investigation
Date: Friday, March 6, 2026 12:10:28 PM
Attachments: ~WRD0000.jpg
image001.png

External Email

Please know in advance that I'm not fighting for the sake of fighting, but that I believe as am and have been following all proper rules, laws, and legislation

https://www.tricitiesblack.com/

On Fri, Mar 6, 2026 at 11:23 AM McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov> wrote:

> Your prompt response is much appreciated David. Thank you.
>
> Yes. You may operate with a For Hire offering wine tours. But your company is not offering exclusively wine tours in your services options. Specifically, you mention point to point transportation with your sprinter vans – not covered under for hire. You are required to have an endorsement from DOL or a permit from the Commission. Also, per your Instagram: Comfortably seats 14 plus all your luggage. It's ready for your group wine tour, trip to Pullman or Seattle, or of course VIP shuttle service! These services also require a limousine endorsement or permit from the Commission. Your Facebook shows transportation unrelated to wine tour: Gratuitous picture of the Republic of Yemen Border Guards that visited over the weekend. Honored to help with the transportation. Your Facebook page also describes options of transportation: Have a large group, but still want a luxury feel, without the limo seating and wet bar? Then check out our 14 passenger Transit. With all forward facing leather seats, it's ideal for corporate transportation.
>
> Actions needed from your company:
>
> - Remove any advertising on your socials and website for anything other than wine tours,
> - Updated your DOL endorsements to include a limousine endorsement, or
> - Apply for a permit with the Commission at Charter and Excursion - Intellistack

Please let me know your decisions by March 20, 2026. If you have any questions, feel free to contact me. Thank you again for your quick cooperation in ensuring your company is compliant with Washington state laws.

Sincerely,

Kathryn McPherson

Passenger Carrier Compliance Investigator

(360) 867-8305

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

From: TC Black <contact@tricitiesblack.com>
Sent: Friday, March 6, 2026 10:43 AM
To: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>
Subject: Re: Non-Permitted Carrier Investigation

External Email

Hello Kathryn, this is a big scary email. When I started this company, my understanding from reviewing the law is that ways to license to transport passengers in Washington was:

1. Limousine

2. Charter

3. For Hire

4. Taxi

5. TNC

I chose "For Hire" as the best fit for my business. When challenged a few years in with threats of needing to register as a limo company, I found the offensive material (occasional mention of a limo I believe), and just cleaned those things up to make sure I was on the up and up, which satisfied the DOT.

This year I decided to get my Interstate license to be able to provide service in Eastern Oregon in my sprinter van, so I've been working through that process, and actually just finished my CAP to have all my interstate requirements met. Now THIS surprise! Can you explain to me why you/someone thinks I need to relicense from For Hire to Charter/Excursion? Thank you in advance, I'm trying to do all the right things here but it's getting overwhelming (and expensive)!

David

Image removed by sender.

https://www.tricitiesblack.com/

On Fri, Mar 6, 2026 at 10:23 AM McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov> wrote:

> The Washington Utilities and Transportation Commission (UTC) is reaching out to provide technical assistance to your company regarding compliance with Washington state laws for transportation services. Our goal is to help you understand and address potential compliance issues before further action becomes necessary. Attached to this email, you will find:

§ A compliance letter outlining the relevant statutes and your required next steps.

§ Supporting documents to assist you in understanding the compliance process.

§ An application for authority, which is necessary to operate legally in Washington. An application is also available at Charter and Excursion - Intellistack.

We strongly encourage you to review the attached materials and take the outlined steps toward compliance. The UTC prioritizes voluntary cooperation over enforcement actions and is committed to providing resources and guidance to assist your company in resolving these issues.

Please respond by March 20, 2026, to confirm receipt and inform us of your planned actions. Should you have any questions or require further clarification, our team is here to assist.

Thank you,

Kathryn McPherson

Passenger Carrier Compliance Investigator

Transportation Safety Division

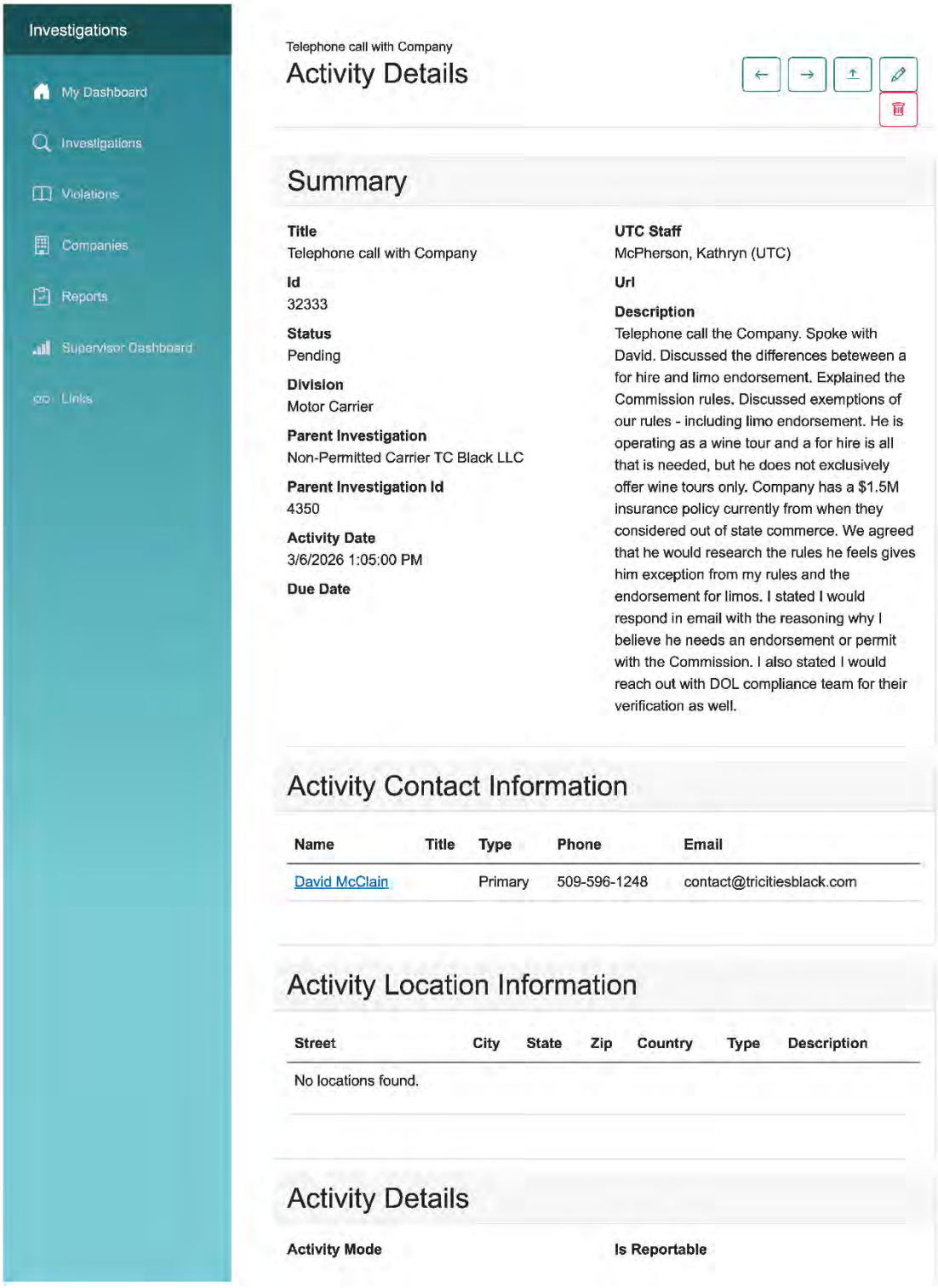
(360) 867-8305

kathryn.mcpherson@utc.wa.gov
www.utc.wa.gov
reportillegalpassengertransporter@utc.wa.gov

> This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Attachment J

Attachment J



Phone Call

Activity Type
Technical Assistance

False

Has Litigation Hold
False

Has Retention Hold
False

Record Details

Modified
3/6/2026 3:17:22 PM

Modified By
McPherson, Kathryn (UTC)

Created
3/6/2026 3:17:22 PM

Created By
McPherson, Kathryn (UTC)

Attached Files

Upload | Download All

The following files are attached to this activity. To add finalized files, click the Upload button above.

Name	Created On	Path	Size (Bytes)
No attachments found.			

Linked Drafts

Link Draft

The following drafts are associated with this activity. Active drafts are being revised. Finalized drafts are no longer relevant and have their finalized file attached above.

Name	Active/Finalized
No linked drafts found.	

Legacy Information

This section contains values from legacy fields only. Useful information shown here should be added to the activity via the "Edit" button above.

OldContactName

OldContactPhone

OldContactAddress

OldContactEmail

Attachment K

Attachment K

McPherson, Kathryn (UTC)

From: McPherson, Kathryn (UTC)
Sent: Friday, March 6, 2026 1:28 PM
To: Croley, Ian (DOL)
Subject: RE: Seeking information agency to agency

Hi Ian.

I have an investigation. The company is operating with a for Hire permit. They own and operate Sprinter Vans that may fall under the authority of the Commission. The company is arguing that because they provide wine tours, they do not need a limo endorsement or certification from the Commission under information found at Licensing Requirements for Wine Tour Transportation Providers | Washington State Department of Licensing. I state they must have a limousine endorsement under **RCW 81.70.030** or certificate in accordance with RCW 81.70.220: Certificate or registration required—Penalty.

The company does provide wine tours, but not exclusively. The company transports for other events, airport transportation, weddings, or as the owner said – anywhere needed.

Can you confirm that this company should have a limousine endorsement or permit with the Commission? Or provide an exemption…

The company is TC Black LLC, UBI 604-546-023

Sincerely,

Kathryn McPherson
Passenger Carrier Compliance Investigator
(360) 867-8305

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Attachment L

Attachment L

From: McPherson, Kathryn (UTC)
To: TC Black
Subject: RE: Non-Permitted Carrier Investigation
Date: Friday, March 6, 2026 2:36:00 PM
Attachments: image001.jpg
image002.png

Good afternoon Mr. McClain,

After our conversation I did some research to assist in determining if your company can operate under a for Hire endorsement. In addition to the information below, I also have reached out to the compliance department for DOL and am waiting a response.

From what I researched, you have a for Hire endorsement. I do not believe this qualifies as an exemption to either having a permit with the Commission or a limousine endorsement with DOL. I have highlighted the discrepancies that lead to my determination you need compliance with the Commission or the Limo endorsement:

From our discussion, and displayed online on socials and your website, you provide an away of transportation services. Airport transfers, group travel/transportation, wine tours, weddings, or other events. Your company books online for these services falling into the prearranged basis, single contract (one group), specific or particular destinations determined by the contractee.

RCW 46.04.276: Limousine carrier.
Limousine carrier.
"Limousine carrier" means a person engaged in the transportation of a person or group of persons, who, under a single contract, acquires, on a prearranged basis, the use of a limousine to travel to a specified destination or for a particular itinerary. The term "prearranged basis" refers to the manner in which the carrier dispatches vehicles.

Per Washington RCW under DOL, if your vehicles fall under UTC jurisdiction, there is an exemption for limousine endorsement. I could not find an exemption that includes For Hire.

RCW 46.72.010: Definitions.
When used in this chapter:
(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles under chapter **46.74** RCW, limousine carriers licensed under chapter **46.72A** RCW, vehicles used by nonprofit transportation providers for persons who are aging or persons with a disability and their attendants under chapter **81.66** RCW, vehicles used by auto transportation companies licensed under chapter **81.68** RCW, vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices, and vehicles used by charter party carriers of passengers and excursion service carriers licensed under chapter **81.70** RCW;
(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

Should you have a limousine endorsement, your Company is not required to have a permit with the Commission.

RCW 81.70.030: Exclusions.

(3) Limousine charter party carriers of passengers under chapter 46.72A RCW.

Again, I have reached out to compliance with DOL. Should there be an alternative RCW or WAC that eliminates the requirement for you to permit with us or have a limo endorsement, I will share that information with you. I am confident we will determine the best course of action for your company's compliance.

Sincerely,

Kathryn McPherson
Passenger Carrier Compliance Investigator
(360) 867-8305

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

From: TC Black <contact@tricitiesblack.com>
Sent: Friday, March 6, 2026 12:10 PM
To: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>
Subject: Re: Non-Permitted Carrier Investigation

External Email

Please know in advance that I'm not fighting for the sake of fighting, but that I believe as am and have been following all proper rules, laws, and legislation

https://www.tricitiesblack.com/

On Fri, Mar 6, 2026 at 11:23 AM McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov> wrote:

> Your prompt response is much appreciated David. Thank you.
>
> Yes. You may operate with a For Hire offering wine tours. But your company is not offering exclusively wine tours in your services options. Specifically, you mention point to point transportation with your sprinter vans – not covered under for hire. You are required to have an endorsement from DOL or a permit from the Commission. Also, per your

Attachment M

Attachment M

From: Croley, Ian (DOL)
To: McPherson, Kathryn (UTC)
Subject: RE: Seeking information agency to agency
Date: Tuesday, March 10, 2026 9:29:18 AM
Attachments: image001.png
image006.png
image007.png
image002.png

Good morning,

Sorry for the delay . I was out of the office a bit recently and am just now getting to some of the outside emails.

They have a for hire endorsement currently, but it does sound as though they may be doing Limousine activity. We have a page dedicated to Wine tours https://dol.wa.gov/professional-licenses/limousines/licensing-requirements-wine-tour-transportation-providers. Some of this depends on the vehicle they use and the marking on the vehicle. If the vehicle is unmarked it lends toward Limousine service. As a For Hire operator they cannot advertise the use of limousines for winery tours unless they are also licensed as a Limousine Carrier.

Limousine Licensing
If you offer paid wine tours in a chauffeur-driven, unmetered, and unmarked limousine, you need a Limousine Carrier license and vehicle certificate.

- Unmarked stretch limousines and sport utility vehicles, classic cars, many models of large luxury sedans, sport utility vehicles, and vans can all be licensed as a limousine. The Department of Licensing and Department of Revenue websites describe the specific limousine types.
- Limousine trips must be chauffeur-driven and prearranged, which includes telling the customer the fare before the trip begins. The chauffeur must be trained, qualified and on record with the Department of Licensing for the limousine carrier.
- As a licensed limousine carrier, you may advertise limousine winery tour services, but you cannot advertise on the vehicle, or for hire services. All advertising must list your UBI number.

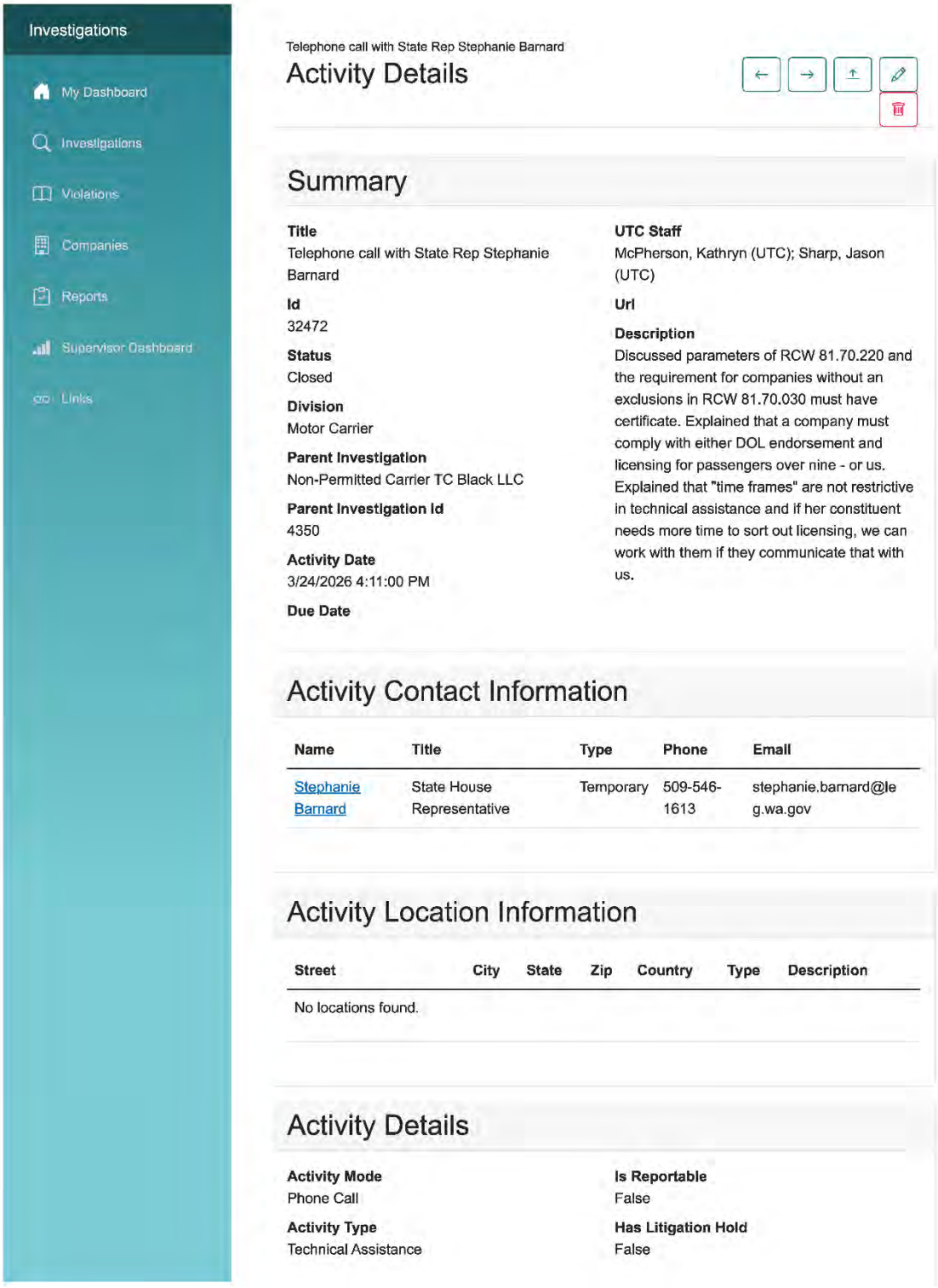
Charter Party and Excursion Service Carrier Licensing
If you offer wine tours in a vehicle carrying 7 or more passengers and are not licensed as a for hire or a limousine, you may need a Charter Party or Excursion Service Carrier certificate from the Utilities and Transportation Commission (UTC). These vehicles can include vans, shuttles, party buses, and buses.

Let me know if you need further information or if you would like to have a chat.

Thank you,

Attachment N

Attachment N



Has Retention Hold
False

Record Details

Modified
3/31/2026 11:26:03 AM

Created
3/31/2026 11:26:03 AM

Modified By
McPherson, Kathryn (UTC)

Created By
McPherson, Kathryn (UTC)

Attached Files

Upload | Download All

The following files are attached to this activity. To add finalized files, click the Upload button above.

Name	Created On	Path	Size (Bytes)
No attachments found.			

Linked Drafts

Link Draft

The following drafts are associated with this activity. Active drafts are being revised. Finalized drafts are no longer relevant and have their finalized file attached above.

Name	Active/Finalized
No linked drafts found.	

Legacy Information

This section contains values from legacy fields only. Useful information shown here should be added to the activity via the "Edit" button above.

OldContactName

OldContactPhone

OldContactAddress

OldContactEmail

Attachment O

Attachment O

From: TC Black
To: Sharp, Jason (UTC); McPherson, Kathryn (UTC); Barnard, Stephanie (LEG); Harris, Jennifer
Subject: TC Black compliance; request investigation closure
Date: Wednesday, March 25, 2026 5:21:45 PM
Attachments: UCR and FMCSA operating authority.pdf

External Email

Good afternoon Jason and Kathryn.

I have spent some time talking with Representative Barnard and Senior Counsel Harris, and carefully reviewed RCW and WAC. I've previously submitted documents and made legal arguments which I hope you both have fully read. As previously emailed, the limo matter has already been addressed and concluded satisfactorily with DOL.

I now fully understand your UTC compliance concern, with RCW 81.70.020 (1 and 6) stating that my larger motor vehicles would classify as a "charter party carrier". This is the basis of your "Compliance Investigation" section in the official compliance letter I received. **To that effect, I submit to you RWC 81.70.220:**

(1) No person may engage in the business of a charter party carrier or excursion service carrier of passengers over any public highway without first having obtained a certificate from the commission to do so **or having registered as an interstate carrier**.

I am in full compliance with Federal Interstate carrier regulations as of March 13th, 2026. I have attached my UCR registration and FMCSA interstate operating authority letter. My interstate authority meets or exceeds safety requirements put forth by UTC, and that authority came with a not-insignificant financial cost. To proceed with UTC fees and regulations would be redundant.

Therefore, having shown by state law that I do not require a certificate from the commission, I request the UTC confirm my compliance in writing and close this investigation with no further actions required.

Respectfully,

David McClain

https://www.tricitiesplack.com/

Attachment P

Attachment P

From: Sharp, Jason (UTC)
To: TC Black
Cc: McPherson, Kathryn (UTC); Barnard, Stephanie (LEG); Harris, Jennifer
Subject: RE: TC Black compliance; request investigation closure
Date: Tuesday, March 31, 2026 10:11:01 AM

Mr. McClain,

UTC staff (Staff) has reviewed your email and disagrees with your interpretation of RCW 81.70.220. What the statute is stating is that if a person is to engage in business as a charter party carrier or excursion service carrier of passengers on public highways (defined as every public street, road, or highway in the state), they must first obtain a certificate from the UTC for intrastate operations, or authority through the Federal Motor Carrier Safety Administration (FMCSA) for interstate operations.

Staff do not agree with your interpretation that because you have registered and received interstate authority through the FMCSA that you do not need operating authority via a certificate through the UTC for intrastate operations. The FMCSA does not have regulatory oversite of intrastate operations as the federal regulations are applicable to interstate commerce. See Title 49 Code of Federal Regulations § 390.3 on General Applicability.

Staff encourages you to review Washington Administrative Code 480-30-900. This highlights the requirement for complying with applicable laws and rules for intrastate and interstate operations.

If your company operates in interstate commerce and meets the general applicability requirements reference above, then you should have authority through FMCSA. However, that does not negate the requirement for your company to be appropriately certificated for intrastate charter transportation. The authority for issuing charter or excursion services remains with the UTC.

In conclusion, Staff reiterates its prior technical assistance. Based on your company's advertising and stated services with Staff, to continue operating as an intrastate passenger transportation carrier, meeting the definition of charter party or excursion services (RCW 81.70.020), your company will need to apply and be granted a certificate through the UTC or meet an exclusion set out in RCW 81.70.030.

Staff remain available to assist you with compliance of Washington state laws. Licensing staff is available for assistance with applications or questions by email at transportation@utc.wa.gov. You may also reach out to Kathryn for further assistance.

Respectfully,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety Division
(360) 701-1603 Cell

Jason.sharp@utc.wa.gov
www.utc.wa.gov

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Attachment Q

Attachment Q

From: TC Black
To: Sharp, Jason (UTC)
Cc: McPherson, Kathryn (UTC); Barnard, Stephanie (LEG); Harris, Jennifer
Subject: Re: TC Black compliance; request investigation closure
Date: Tuesday, March 31, 2026 3:46:48 PM

External Email

UTC exists to ensure:

- Public safety
- Adequate insurance coverage
- Qualified drivers
- Vehicle inspection & maintenance
- Consumer protection (complaints, refunds, etc.)
- Compliance with adopted federal safety rules (49 CFR)

I meet EVERY one of those bullets by complying with federal regulations, so WHY does the UTC persist in trying to force this change? Why, when I use existing law to justify my position, does the commission continue to spend both of our valuable time and energies in a pointless loop of who can interpret state law the best? UTC continues to use broad statements and simple references to all-encompasing state laws to make its argument, whereas I provide details down to the letter that seem to brushed aside with little to no consideration.

Your exact quote of the statute reaffirms my position. There is nothing to interpret with an "OR" statement. 81.70.220 is perfectly clear in stating that I do NOT need a certificate from the UTC.

Nevertheless, I will continue to speak specifically to your references to WAC/RCW/CFR as follows:

49 CFR is an all encompassing transportation code that I am in full compliance with as evident by my passing of my Safety Audit performed by Washington State Patrol. If UTC is trying to establish its position by differentiating between inTERstate and inTRAstate, I refer you to WAC 480-30-221 which says 49 CFR "Entire Part x (all parts) is adopted and applies to Washington intrastate
operations." Again, I have demonstrated compliance with 49 CFR, and thus interstate AND intrastate operation.
The certificate application for UTC literally just quotes the entirety of 49 CFR for safety regulation purposes, including the insurance requirements, of which I meet ALL.

I have reviewed WAC 480-30-900 as you requested. If UTC is trying to use that, then it should be used as written without any interpretation. There is NO requirement for a certificate, only a requirement to REGISTER with the UTC. The statute clearly states to register with UTC and pay fees to federal UCR (done), as the State of Washington has agreed to be a part of the UCR network. This is reinforced by 480-30-910, and 480-30-930 states the registration fee is $10/vehicle.

While I maintain my request to NOT be controlled by UTC, I will agree to a simple registration and $30 (3 vehicles) fee if UTC can facilitate that and close this compliance issue. Otherwise we will need to move forward with an exemption under 480-07-110 if we can't agree to disagree.

https://www.tricitiespolack.com/

On Tue, Mar 31, 2026 at 10:11 AM Sharp, Jason (UTC) <jason.sharp@utc.wa.gov> wrote:

> Mr. McClain,
>
> UTC staff (Staff) has reviewed your email and disagrees with your interpretation of RCW 81.70.220. What the statute is stating is that if a person is to engage in business as a charter party carrier or excursion service carrier of passengers on public highways (defined as every public street, road, or highway in the state), they must first obtain a certificate from the UTC for intrastate operations, or authority through the Federal Motor Carrier Safety Administration (FMCSA) for interstate operations.
>
> Staff do not agree with your interpretation that because you have registered and received interstate authority through the FMCSA that you do not need operating authority via a certificate through the UTC for intrastate operations. The FMCSA does not have regulatory oversite of intrastate operations as the federal regulations are applicable to interstate commerce. See Title 49 Code of Federal Regulations § 390.3 on General Applicability.
>
> Staff encourages you to review Washington Administrative Code 480-30-900. This highlights the requirement for complying with applicable laws and rules for intrastate and interstate operations.
>
> If your company operates in interstate commerce and meets the general applicability requirements reference above, then you should have authority through FMCSA. However, that does not negate the requirement for your company to be appropriately certificated for intrastate charter transportation. The authority for issuing charter or excursion services remains with the UTC.
>
> In conclusion, Staff reiterates its prior technical assistance. Based on your company's advertising and stated services with Staff, to continue operating as an intrastate passenger transportation carrier, meeting the definition of charter party or excursion services (RCW 81.70.020), your company will need to apply and be granted a certificate through the UTC or meet an exclusion set

Attachment R

Attachment R

From: Sharp, Jason (UTC)
To: TC Black
Cc: McPherson, Kathryn (UTC); Barnard, Stephanie (LEG); Harris, Jennifer
Subject: RE: TC Black compliance; request investigation closure
Date: Wednesday, April 1, 2026 8:09:51 AM

Mr. McClain,

Staff has provided you with technical assistance related to operations meeting the definition of a Charter party/Excursion carrier service.

I want to reiterate what my previous email included. Having interstate authority through the Federal Motor Carrier Safety Administration (FMCSA) does not eliminate the requirement for Charter Party/Excursion carriers from having intrastate authority through the commission. The FMCSA does not have jurisdiction to regulate intrastate transportation. That is the responsibility of the UTC. The UTC regulates many passenger companies that have both a certificate for intrastate operation as well as MC authority for interstate.

You mention seeking an exemption following the process outlined in WAC 480-07-110. That is a route you can take, though I will be upfront about staff's opposition to granting the exemption as that would lead to no safety oversite of intrastate regulations and not be in the public interest.

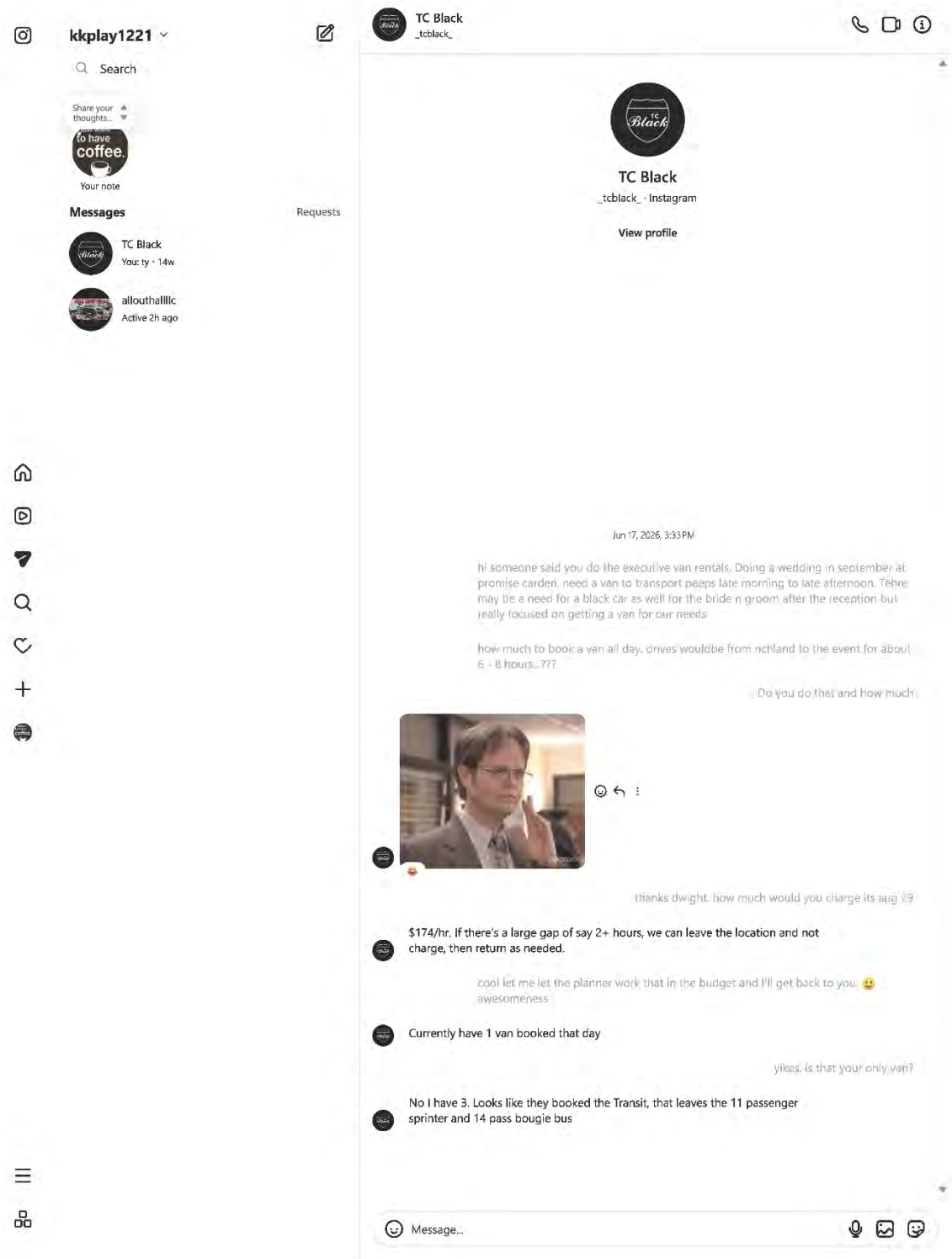
Again, staff's goal has been to advise you as to the requirements for passenger carriers in Washington state. Our hope is that your company avoids future enforcement action by the Commission. To do so, your company must:

- Immediately remove any advertisement offering charter and excursion services.
- Stop providing charter and excursion services; and
- Either submit a completed application (Charter and Excursion Application), or
- Register and receive an endorsement as a limousine company through Department of Licensing, or
- Seek an exemption to rule.

Respectfully,

Jason

From: TC Black <contact@tricitiesblack.com>
Sent: Tuesday, March 31, 2026 3:47 PM
To: Sharp, Jason (UTC) <jason.sharp@utc.wa.gov>
Cc: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>; Barnard, Stephanie (LEG) <Stephanie.Barnard@leg.wa.gov>; Harris, Jennifer <Jennifer.Harris@leg.wa.gov>
Subject: Re: TC Black compliance; request investigation closure

Attachment S

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