

**TC 161262 – Passenger Transportation Company Rulemaking
Stakeholder Comments regarding UTC review of WAC 480-30**

Company	WAC Section	Comment	Staff Response
Bremerton-Kitsap Airporter, Inc.	General Regulation 480-30	The Uber and Lyft transportation systems are today, essentially a taxi service and the Washington Auto Transportation companies are mostly bus type operations. Until Uber develops their product line so they then compete with existing auto transportation companies, I do not believe they should be regulated just as the taxi companies should not and are not, regulated by the WUTC.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
Seatac Shuttle, LLC	General Regulation 480-30	<p>The TNC companies, most prominent of which are UBER and LYFT, are unregulated and pose a possible threat to public safety and well being. For the commission to propose a rulemaking that reduces the regulatory oversight of the currently regulated companies to allow competition only suggests a lowering of the bar of public safety.</p> <p>The focus, rather, should be on bringing TNCs into a regulatory environment that levels the playing field and provides at least the same level of protection afforded the public through current autotransportation safety regulations.</p> <p>TNCs have no routes, no territories, no requirement to serve the public, no maintenance requirements, no inspection requirements, no insurance requirements, no DOL driver vetting, no service hours, no driver’s qualification or licensing requirements. Which of these required oversight safety items provided to the public by the UTC should you eliminate?</p>	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
	Vehicles and Drivers 480-30-213	Removing this provision in the WAC would permit new entry and perhaps some operators to use vehicles that they do not have direct control over resulting in lax or ignored maintenance and tracking.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.

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	General Safety 480-30	<p>CFRs dictate hours of service, use of log books, maintenance, and driver’s qualifications to name few items. All of these items are designed for the safety of the drivers, the company, the vehicles and the traveling public. We fail to see how lowering the bar in any way helps or provides for the good of the public. Rather, the TNCs need to be brought to account and face many of the same regulatory factors the auto transportation companies must comply with for the public good.</p> <p>The WAC was put in place to ensure that the companies and the public are safe, TNCs are about one thing, price. People are willing, though few know the facts, to place all other considerations behind the availability of a cheap ride.</p>	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
	General Safety 480-30	Select features such as insurance, inspections, maintenance, drug testing and driver licensing should be required and enforced.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
Rocket Transportation	General Regulation 480-30	<p>TNC’s take advantage of the easy licensing process with very little oversight over safety. They should be regulated similarly to auto transportation companies as far as safety.</p> <p>I appreciate the commission taking the time to review this matter affecting the regulated companies and the public.</p>	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
Airporter Shuttle	General Safety 480-30	A basic premise will always be followed by the market, and that is if the price of any service is not competitive, customers will chose one of the alternate methods. In the case of scheduled transportation the public is well protected against high prices because there are so many alternate methods that a person may use to get to Seatac airport.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.

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		<p>In addition to company health and market pricing, passenger safety is also an important justification for auto transportation regulation. Our industry’s safety results confirm that the UTC regulation is working well and should therefore not be changed. Many industries have the luxury of a single safety focus, but in transportation there is a bilateral focus on both vehicles and drivers. This bilateral focus is unique and with unique, comes extra expense.</p> <p>Further, auto transportation companies often carry two dozen or more passengers in a single vehicle, on call car companies like Lift and Uber will have one or two passengers onboard. The travelling public is expecting the UTC to assure them of a safe ride and the issue itself becomes more acute when large vehicles are involved because the downside risk is so much greater. We are convinced that this assurance of public safety is best made through maintaining the existing regulation.</p> <p>We encourage the UTC to keep the existing regulations because they are working for both the travelling public and for the auto transportation companies that are serving them well.</p>	
<p>Pacific Northwest Distributing LLC</p>	<p>Vehicles and Drivers 480-30-213</p>	<p>Owning every vehicle used is prohibitive to keep up with what customers need in different situations.</p> <p>Removing the ownership requirements for Airport shuttles and other ground transportation would make them uninsurable as businesses, so anything but holding TNCs to the same standard of ownership would not be fair or feasible.</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>

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		There currently is no adequate insurance that offers commiserate coverage to individuals, without a company making every driver a partner in the company.	
	Vehicle and Driver Safety Requirements 480-30-221 Adoption by Reference 480-30-999	As an airport shuttle those WACs are very reasonable and attainable precautions we are happy to adhere too. The current requirements for yearly vehicle inspections and access to vehicle maintenance logs are measures of accountability that are reasonable precaution for the safety of our passengers using any form of transportation.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
	Insurance Requirements 480-30-191	Our company is held to a reasonable standard of accountability for our drivers, that TNC parent companies are not, through commercial insurance. Our current insurance requirements protect consumers if an accident occurs. If a company has a wreck or destroys customer property they are entitled to more than the state minimum requirements for individual drivers.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.
Shuttle Express	Vehicles and Drivers 480-30-213	Requiring a certificate holder to use only vehicles leased or owned by it severely cripples the ability of a certificate holder to compete with other transportation options. In regards to the vehicles being operated by employees, again the other options are not under the regulatory requirements to have employees operate the vehicles causing the control of the facilitating company to be lessened and the responsibility to be shifted to the individual operator instead of the company generating the profit and control.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.

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		<p>The commission should modify WAC 480-30-213 by adding an exception under (1) allowing that “A certificate holder may operate its trips utilizing un-owned vehicles that meet or exceed the minimum safety and vehicle standards and are licensed as a limousine vehicle in Washington State after submission and approval of the exemption request by the commission. The certificate holder remains responsible for all commission regulations with activity performed under the exemption, and the exemption may be revoked for cause by the Commission.”</p> <p>Modifying the vehicle requirement would have no negative impact on public health and safety. By requiring that the vehicles already be licensed to meet the standards of the limousine safety rules, the Commission is thereby protecting its obligation by ensuring a vehicle approved to transport passengers for transportation is being used.</p> <p>The Commission should modify WAC 480-30-213 by adding an exception under (2) allowing that “A certificate holder may operate its trips utilizing non-employee drivers that meet or exceed the minimum safety and driving standards and are licensed as limousine chauffeur or for-hire operators in Washington State after submission and approval of the exemption request by the Commission. The certificate holder remains responsible for all commission regulations with activity performed under the exemption, and the exemption may be revoked for cause by the Commission.”</p> <p>Modifying the driver requirements would have no negative impact on public health and safety. Drivers with valid</p>	

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		<p>chauffeur credentials and/or for hire licenses must already meet background screening, driving record, minimum age, and medical standards on an initial and annual basis, which in some cases has higher standards than the current rules regarding auto transportation providers employee drivers. This rule change however should transfer the responsibility for any safety issues from the independent operator to the certificate holder. This will ensure that the certificate holder ultimately be held responsible for the driver and vehicle used to provide certificated service to protect the public interest.</p>	
	<p>Insurance Requirements 480-30-191</p>	<p>The Commission could easily ensure this regulation and protection for the public by requiring that any operator utilizing this exception secure insurance, of the highest level required by the commission, for all hired autos. Regulations already require that licensed limousine vehicles maintain insurance coverages of \$1,050,000 CSL, and the additional coverage provided by a certificate holder for all owned and hired vehicles would cover to the required \$5,000,000 CSL regardless of the vehicle size. This coverage would allow the certificate holder’s coverage to extend to any non-owned autos and non-employees for the purposes of work performed under their certificate thus ensuring WAC 480-30-191 levels of coverage for any passenger utilizing auto transportation services and thereby increasing the public health and safety of those utilizing this exception service.</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>
	<p>Vehicle and Driver Safety Requirements 480-30-221 Adoption by Reference</p>	<p>While several CFR’s, as they’re adopted in WAC 480-30-221, impact an auto transportation companies’ ability to compete with other transportation options, one specific change of the CFR’s made by the WAC impacts the use of vehicles and drivers that are similar to other transportation</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>

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	<p>480-30-999</p> <p>Commercial Vehicles Defined</p> <p>480-30-211</p> <p>CFR 390</p>	<p>options. In WAC 480-30-221, 49 CFR Part 390’s adoption also includes a change to the definitions used by the CFR. The change in definition of “Commercial Motor Vehicle”, as defined in WAC 480-30-211, causes all vehicles and drivers used by a certificate holder to fall under these regulations. These same CFR’s apply to other transportation providers as well, but in a different scope due to the change in definition. Many of the competing operators utilize vehicles that, as defined by the CFR’s, are NOT commercial motor vehicles due to their size and capacity and thus are not held to federal standards for safety, documentation, or use. These same vehicles, if operated by a certificate holder, would however fall under the rules due to the definition change causing additional requirements to be met and reducing the ability to compete effectively.</p> <p>The most efficient way to waive the irrelevant or incompatible CFR regulations, while retain the relevant ones, is to modify the definition in WAC 480-30-221 that extends all the adopted USDOT regulations to all vehicles (per the definition in WAC 480-30-211), not just to vehicles carrying more than 8 passengers, which is the CFR’s definition of “Commercial Motor Vehicle” in Part 390 of CFR Title 49.</p> <p>By adjusting the Part 390 definition, the commission would still regulate auto transportation companies, could enforce all CFR’s as the USDOT rules apply to them, but would have eliminated the double standard of no federal regulations for some vehicles while they are under stronger</p>	

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	<p>Operation of Motor Vehicles, general 480-30-216(8)(b)</p>	<p>state regulations than the same service provided by unregulated providers of identical vehicles.</p> <p>WAC 480-30-216 (8) (b) requires posting of no smoking signs in vehicles. Should the commission allow non-owned vehicles, it would be unreasonable to require those unowned vehicles to comply with this rule as the certificate holder has no direct control over the postings in or on the vehicle, especially when competing operators are not required to comply yet state law restricts smoking in commercial vehicles as they are considered a place of business.</p> <p>WAC 480-30-216 (8)(b) should be modified to read “Each company must post signs in its owned or leased vehicles informing passengers that smoking is not permitted.” This would remove a requirement for unowned vehicles where labor law conflicts with direct control could be at issue.</p> <p>There would be no public health or safety impact should this change occur. State law already forbids smoking in or within 25’ of a workplace or public doorway, and the posting of signage is redundant.</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>
	<p>Vehicle and Driver Identification 480-30-231</p>	<p>WAC 480-30-231 also creates a substantial competition issue as an operator who utilizes non-employee drivers or unowned vehicles may not be able to enforce the posting of company information, vehicle unit identification, USDOT numbers, or employee identification. Requiring non-employee and unowned vehicles to comply with some regulations may inadvertently place the certificate holder into question with regard to their employer/contractor relationship and risk challenge under existing labor laws. Additionally, licensed limousine operators are in fact prohibited from putting any markings on the exterior of</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>

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		<p>their vehicle which puts them in conflict with the auto transportation rules.</p> <p>Modify to allow an exclusion as follows “(3) 480-30-231 does not apply to non-employees or vehicles that are not owned or leased by a certificate holder under an approved application for exemption of WAC 480-30-213.”</p>	
	<p>General Regulation 480-30</p>	<p>Regulations vary between agencies depending on the regulations required. At their lowest, for-hire vehicles and drivers have minimal requirements for insurance, payment acceptance, business licenses, and medical examinations. TNC operators generally utilize for-hire drivers as there is a much lower barrier to entry for an ordinary citizen with minimal fee and training. Conversely, to utilize a limousine license and receive chauffeur credentials, many requirements of the WUTC and Washington State Patrol are similar. In some cases, such as with regards to background screening, the for-hire and limousine requirements are much more stringent with limousine operators being required to submit to a Washington State Patrol background screen with specific disqualifying offenses, while the Commission requirements meet the federal standards which require inquiry to previous employers where the federal drug testing or safety sensitive position requirements were maintained.</p> <p>Additionally, drug testing requirements are much higher for limousine carriers with all limousine operators being required to submit to both pre-employment and random ongoing drug screening, while Commission rules (through adoption of CFR’s) only require drivers of CDL licensed vehicles to be involved in pre-employment and random drug screening.</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>

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		<p>Finally, the Commission has never regulated non-terminal based shared ride service with unaffiliated passengers. The inherent safety risk of these types of trips has not, to our knowledge, been called into question nor been of large concern to the Commission and its safety requirements.</p> <p>We believe the commission should maintain its regulatory control over public service companies, as it holds the ultimate responsibility to protect the public health and safety.</p>	
<p>Pacific Northwest Transportation</p>	<p>Vehicles and Drivers 480-30-213</p>	<p>Current rules do not allow the flexibility to secure a vehicle with driver from another company to meet peak demands that exceed fleet capacity, or emergencies:</p> <ul style="list-style-type: none"> (1) when delayed flights cause unexpected overloads; (2) weather or road conditions require timely response; (3) vehicle breakdowns require quick response. <p>In the first instance fleet and insurance costs would be reduced, and, in the second instance, customer service would be greatly enhanced!</p> <p>Allow vehicles and drivers from charter bus 81.70 RCW, limousine 46.72A RCW, and other companies to be rented or leased.</p>	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue. Staff looks forward to discussing it at the March 2 workshop.</p>