

TC091642
5759

ATTACHMENT

CHARTER AND EXCURSION CARRIER REGULATORY FEES

(A minimum fee of \$25.00 is required)

Bicycling and Hiking Tours, LLC

Name of applicant: ~~SPORT ADVENTURES~~

Trade name (s) (if applicable): N/A

Phone Number: 206.325.5569 Fax Number: 206.328.1937

Physical Address

Mailing Address (if different from Business Address)

Street: 3810 E. GALER ST

Street: SAME

City: SEATTLE

City:

State/Zip: WA 98112

State/Zip:

There is a minimum fee of \$25.00 that an auto transportation company with charter and excursion carrier service must pay.

Number of Vehicles: 2 X \$25.00 = \$ 50⁰⁰

PLEASE BILL \$50⁰⁰ TO:
VISA CARD #

0019737



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

Bicycling and Hiking Tours LLC
3810 E. Galer St.
Seattle WA 98112

January 22, 2010

Notice of Deficient Application

Return this document with the completed/corrected items listed below for prompt processing of your application for operating authority.

- X Obtain a Uniform Motor Carrier Certificate of Insurance (Form E) from your insurance company. The insurance must show your name **EXACTLY** as it is shown above.

- X After we have a Uniform Motor Carrier Certificate on file, our Compliance staff we will contact you to set up a CVSA safety inspection of your vehicle(s).

Who do I contact if I have questions?

You may call me at 360-664-1170 or e-mail at tleipski@utc.wa.gov. Our fax number is 360-586-1181.

Sincerely,

Tina Leipski
Licensing Services

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application for an	)	DOCKET TC-091965
Auto Transportation Authority by)	
	)	ORDER 01
BICYCLING AND HIKING TOURS)	
LLC)	
)	
	)	ORDER GRANTING
	)	FORBEARANCE FROM RATE
Requesting forbearance from rate and	)	AND SERVICE REGULATION AS
service regulation as an auto	)	AN AUTO TRANSPORTATION
transportation company under RCW	)	COMPANY AND REQUIRING
81.68 and requiring application to	)	THE COMPANY TO FILE AN
provide recreational transportation	)	APPLICATION FOR A CHARTER
under RCW 81.70.	)	PERMIT
.....)	

BACKGROUND

- 1 On October 16, 2009, Sport Adventures filed an application for an auto transportation authority in Docket TC-091965. Sport Adventures subsequently changed its name to Bicycling and Hiking Tours LLC, (Bicycling and Hiking Tours or Company).

- 2 Bicycling and Hiking Tours seeks to operate a bicycle and hiking tour service in the greater Seattle area. The Company will transport its clients and equipment to area trailheads.

- 3 The Washington State Legislature passed Engrossed Senate Bill 5894, Chapter 557, Laws of 2009, during the regular 2009 Session and the Governor signed the bill into law. The new law amends RCW 81.68.015 to allow the Commission to find, with or without a hearing, that a company's service does not serve an essential transportation purpose, is solely for recreation, and would not adversely affect the operations of the holder of an auto transportation certificate, and that the exemption from regulation is otherwise in the public interest.

- 4 There are four criteria the Company must meet for the Commission to grant forbearance under RCW 81.68.015 (ESB 5894, Chapter 557, Laws of 2009):

- a. The service does not serve an “essential” transportation purpose. “Essential service” used in this context is deemed by the Commission to mean indispensable or necessary transportation of people and cargo.
- b. The service is solely for recreation. “Recreational service” used in this context is deemed by the Commission to mean an auto transportation service that is used solely at the option of the user for non-essential transportation.
- c. The service would not adversely affect the operations of the holder of an auto transportation certificate under RCW 81.68. That is, does the service proposed to be exempt parallel service offered by an existing authorized auto transportation company and could users of the existing service use the proposed exempt service as a substitute.
- d. Exemption from rate and service regulation under RCW 81.68 is in the public interest. The public interest is served when the facts warrant relief from rate and service regulation.

5 Commission Staff’s analysis determined that Bicycle and Hiking Tour’s transportation service is not an essential service. The Company proposes to operate buses that shuttle passengers, bicycles and hiking gear to Seattle-area trailheads. Bikers and hikers may reach these recreation areas by means other than use of Bicycle and Hiking Tour’s vehicles; use of the Company’s service is optional. Staff has reviewed the certificates of all auto transportation companies regulated under RCW 81.68 and thinks the proposed service would not adversely affect the operations of those companies. Considering all the facts and information presented in the Company’s application, Staff recommends the Commission grant the Company relief from rate and service regulation as an auto transportation company. The Company may provide recreational transportation service to and from Seattle-area trailheads upon approval of its application and issuance of a charter certificate pursuant to RCW 81.70.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules,

regulations, practices, accounts, securities, and transfers of public service companies, including auto transportation companies. *RCW 80.01.040; RCW 81.01; RCW 81.04; RCW 81.28; RCW 81.68 and RCW 81.70.*

- 7 (2) The service Bicycling and Hiking Tours proposes falls within the scope of an auto transportation company and a public service company subject to Commission jurisdiction.
- 8 (3) This matter was brought before the Commission at its regularly scheduled meeting on January 14, 2010.
- 9 (4) Staff requests that the Commission, on its own motion, forbear from rate and service regulation of Bicycling and Hiking Tours as an auto transportation company under RCW 81.68 in order to provide recreational transportation as a charter or excursion carrier under RCW 81.70.
- 10 (5) After review and analysis of the application filed in Docket TC-091965 by Bicycling and Hiking Tours, and giving due consideration to all facts presented by the Company and the criteria codified in RCW 81.68.015 (Engrossed Senate Bill 5894, Chapter 557, Laws of 2009), the Commission finds that the service offered by Bicycling and Hiking Tours does not serve an essential transportation purpose, is solely for recreation, would not adversely affect the operations of the holder of an auto transportation certificate, and that the exemption from regulation is otherwise in the public interest.
- 11 (6) Granting Bicycling and Hiking Tours forbearance from rate and service regulation, pursuant to RCW 81.68.015, is consistent with the public interest and should be granted. Accordingly, Bicycling and Hiking Tours must obtain a charter certificate under RCW 81.70 before operating a recreational transportation service in the greater Seattle area.

ORDER

THE COMMISSION ORDERS:

- 12 (1) The Commission forbears from rate and service regulation of Bicycling and Hiking Tours LLC, under RCW 81.68.
- 13 (2) Bicycling and Hiking Tours LLC, must obtain a charter certificate under RCW 81.70 before operating a recreational transportation service in the greater Seattle area.
- 14 (3) The Commission delegates to the Secretary the authority to approve by letter all compliance filings required in this Order.
- 15 (4) The Commission retains jurisdiction over the subject matter and Bicycling and Hiking Tours LLC, to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective January 14, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary



UTILITIES AND TRANSPORTATION COMMISSION

Licensing

Completed Activity Report Motor Carrier Safety

Upload? Yes No

1. Investigator(s): Richard Smith 2. Assignment No.: 110029

3. Current Date: 1-29-2010 4. Date of Activity: 1-28-2010

5. Carrier Name: Bicycling & Hiking Tours LLC

CH-63818

6. Permit: N/A 7. If new entrant, date of temporary authority _____

8. MOTCAR No.: 1D 5759 9. Carrier is: Intrastate Only
 Interstate Only
 Both Intra and Interstate

10. Industry Code: 232

11. DOT No.: Applying 12. MC No.: _____

13. **Destination Check**

Attached is a copy of the Destination Check Safety Plan.

- Number of buses inspected: # of 9-15 passenger _____ # of 16+ passenger _____
- Number of vehicle inspections: Level 1 _____ Level 2 _____ Level 3 _____ Level 5 _____
- Describe any special emphasis placed on the destination check and the results:

- What might we do differently to increase our success at the next destination check:

14. **Safety Complaint**

Attach a copy of the Individual Safety Complaint Plan.

- What activity did staff complete for this safety complaint:
 - Compliance review
 - Technical assistance
 - Number of vehicle inspections: Level 1 _____ Level 2 _____ Level 5 _____
 - Unannounced terminal visit
 - Other (please explain): _____

15. **New Entrant – Charter, Auto Transportation**

- Is this carrier referred by FMCSA, operating intra and interstate: Yes No
- Is this carrier based in another state, requesting intrastate authority: Yes No
- Is this carrier based in Washington, requesting intrastate authority: Yes No
- Did staff complete the following:
 - ◆ Inspect all vehicles between three and nine months? Yes No
 - Number of vehicle inspections: Level 1 _____ Level 2 _____ Level 5 1
 - ◆ Conduct a CR/SA between three and nine months? Yes No CR SA

16. **New Entrant– HHG**

- Is this carrier referred by FMCSA, operating intra and interstate: Yes No
- Is this carrier based in another state, requesting intrastate authority: Yes No
- Is this carrier based in Washington, requesting intrastate authority: Yes No
- Did staff complete the following:
 - ◆ Inspect all vehicles between three and eighteen months? Yes No
 - Number of vehicle inspections: Level 1 _____ Level 2 _____ Level 5 _____
 - ◆ Conduct a CR/SA between three and eighteen months? Yes No CR SA
 - ◆ Conduct technical assistance within three months? Yes No

17. **Individual Safety Plan Only:**

Attach a copy of the Individual Carrier Safety Plan.

- What activity did staff complete for this safety complaint:
 - Compliance review
 - Technical assistance
 - Number of vehicle inspections: Level 1 _____ Level 2 _____ Level 5 _____
 - Unannounced terminal visit
 - Other (please explain): _____

18. **Compliance Review Data:**

- Safety Rating: Satisfactory Unsatisfactory Conditional
- Number of vehicles operated: _____
- Number of drivers operated: _____
- Total miles for prior year: _____
- Recordable accidents for prior year: _____
- Accident Ratio: _____

19. Part B Violations:

Part	Violations	Part	Violations	Part	Violations
382/40		383		387	
390		391		392	
395		396		397	

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20. Vehicle Inspection Data:

	MC	MB 1-15	MB 16+	SB 1-8	SB 9-15	SB 16+	VAN 1-8	VAN 9-15	TRK	TT	TRA
Inspections								1			
Defective Vehicles								0			
OOS Vehicles								0			
Location								Term			
Level								L-5			

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21. Vehicle Inspection Violations:

	MC	MB 1-15	MB 16+	SB 1-8	SB 9-15	SB 16+	VAN 1-8	VAN 9-15	TRK	TT	TRA
Brakes											
Steering											
Lights											
Tires, wheels, rims											
Horn											
Windshield and Wipers											
Mirrors											
Emergency Equip, Exits											
Coupling Devices											
Frame											
Suspension											
Exhaust											
Other											

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22. Driver Inspection Violations:

Medical Card	Medical Waiver	Hours of Service	Drivers License

23. Relevant carrier history, if any: New Entrant vehicle inspections for temporary authority.

24. Findings: One Van (15 passengers) for Bicycling & Hiking Tours LLC was fully inspected and found to be free of any defects or violations. A CVSA decal was issued to the vehicle. I met with owner Steve Perry and provided extensive ETA, issuing the UTC manual "Your Guide to Achieving a Satisfactory Safety Rating". Each page of the manual was reviewed with Mr. Perry.

25. Recommended Action:

- No further action.
 - Notify the company in writing of the findings by providing a copy of the CR, vehicle inspection report, safety audit or other similar document.
 - Require the company to submit a compliance plan in response to the 15-day letter requirement.
 - Recheck – Compliance review (Date: _____)
 - Revisit to recheck a specific issue (Date: _____)
- Describe: _____

- Send the company a compliance letter. Require a response: Yes No
- Issue administrative penalties in the amount of \$
- Issue a complaint.
- Stop company operations.

26. Is this carrier considered a high risk carrier as a result of this activity?

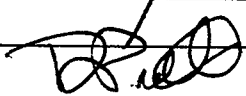
- Carrier accident ratio is higher than aggregate ratio.
- Carrier had an out-of-service ratio 25% or higher at the last vehicle inspection.
- Carrier had a defect ratio 75% or higher at the last vehicle inspection.
- Carrier received more than one conditional or unsatisfactory compliance review rating in more than one of the last four compliance reviews (or less than four if four are not completed).
- Other (please explain): _____

27. Additional Comments: I recommend temporary authority be granted to this carrier.
Close and file.

Investigator's signature: Richard Smith 

Initial review by: DPatt Date: 1/29/10

Reviewer's recommendation: Agree with recommendations

* OK to issue ~~temporary~~ authority


Final review by: _____

Date: _____

Reviewer's recommendation: _____

Date closed: 2/1/10 By: ASC

cc: Rich Smith

Company name Licensing
Bicycling + Hiking Tours Assignment # 11 0029

Staff Assigned Rich Smith

UNIFORM DRIVER/VEHICLE INSPECTION REPORT

1278642

PERSONNEL NO. J-580 DIST / DET HQ

LEVEL: 1 2 3 4 5 X

GENERAL				HAZARDOUS MATERIALS			
DATE <u>01 28 10</u>	TIME (MILITARY) BEGUN <u>10:12</u>	TIME (MILITARY) FINISHED <u>11:31</u>	HAZARD CLASS / DIVISION NO. _____				
LOCATION: SR/MP <u>Terminal</u>		SCALEHOUSE NO.	CNTY CODE <u>17</u>	REPORTABLE QTY? Y N	HAZARDOUS WASTE? Y N		
				PLACARD REQUIRED? Y N	CARGO TANKS? Y N		

CARRIER

CARRIER NAME (Include DBA when applicable)
SPORTS ADVENTURES aka Bicycling & Hiking Tours -

ADDRESS
3810 E GALER ST

CITY Seattle STATE WA ZIP CODE 98112 INTERSTATE YES NO DOT NO. _____ ICC NO. _____

DRIVER

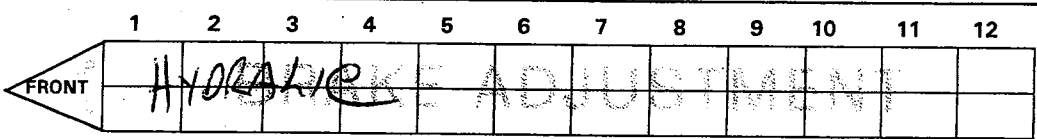
DRIVER NAME _____ LICENSE NO. _____ STATE _____ EXP. YEAR _____

DATE OF BIRTH ____/____/____ MED. CERT. Y N SHIPPER NAME _____ SHIPPING NO. _____
WAVAR Y N

VEHICLE

REGISTERED OWNER NAME/ADDRESS
SAME AS ABOVE G.V. 5985 PBT RATE _____
15PAS

UNIT	TYPE	YEAR/MAKE	CO. UNIT NO.	LICENSE NO. / VIN NO.	STATE
1	<u>BU</u>	<u>2002 CHEV</u>	<u>1</u>	<u>0752LS</u>	<u>WA</u>
2				<u>1GAHG39R521242807</u>	
3					
4					



CFR	VIOLETIONS	D	1	2	3	4	Unit # O/S	Complied
	<u>No Violations</u>							

CVSA DECALS UNIT 1 12159828 UNIT 2 _____ UNIT 3 _____ UNIT 4 _____ NOIC NO. _____

DRIVER SIGNATURE [Signature]

OFFICER SIGNATURE [Signature]

____ Vehicle may not be operated until O/S defects noted above are repaired.
____ Driver may not drive until in compliance.