

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

FRIDAY HARBOR JOLLY TROLLEY,
INC., d/b/a FRIDAY HARBOR JOLLY
TROLLEY and LEAVENWORTH JOLLY
TROLLEY,

For Compliance with WAC 480-30-221

DOCKET TE-191003

NOTICE OF INTENT TO CANCEL
CERTIFICATE AS A PASSENGER
TRANSPORTATION COMPANY

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for January 9, 2020, at 1:30 p.m.)

- 1 Pursuant to RCW 81.70.270, the Washington Utilities and Transportation Commission (Commission) has authority to regulate passenger charter and excursion carriers, including passenger transportation companies, with respect to safety of operations. WAC 480-30-171 provides that the Commission may cancel a passenger transportation company's certificate and operating authority for cause. Commission staff (Staff) recommends that the Commission cancel the certificate of Friday Harbor Jolly Trolley, Inc., d/b/a Friday Harbor Jolly Trolley and Leavenworth Jolly Trolley, (Jolly Trolley or Company) for cause due to the Company's failure to comply with applicable laws and Commission rules pertaining to operation of passenger transportation companies, including safety requirements set in law or rule.
- 2 WAC 480-30-999 adopts by reference Title 49 of the Code of Federal Regulations (C.F.R.), pertaining to safety requirements for passenger transportation companies. WAC 480-30-221 specifically requires passenger transportation companies to comply with, among other provisions, 49 C.F.R. Parts 385, 382, 391, 392, 395, and 396. 49 C.F.R. § 385.13 prohibits motor carriers transporting passengers in a commercial motor vehicle from operating beginning on the 46th day after the date of a notice of proposed unsatisfactory rating. Pursuant to 49 C.F.R. 385.17(a), a carrier that receives a proposed unsatisfactory or conditional safety rating may request a change in its safety rating based on evidence that the company has taken corrective action to address the identified violations and that the company's operations currently meet the safety fitness standards.
- 3 On April 21, 2016, the Commission granted the Company a charter and excursion carrier certificate (No. CH-067128).
- 4 In November and December of 2019, Staff conducted an investigation of Jolly Trolley's compliance with the safety requirements in WAC 480-30. As a result of the compliance investigation, Staff documented 167 safety requirement violations, including 146 critical violations, and proposed an unsatisfactory safety rating for the Company. Staff notified the

Company of this proposed rating on December 4, 2019.

- 5 Jolly Trolley must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than January 18, 2020. If the Company fails to come into compliance by that date, the Commission will cancel its charter and excursion carrier services certificate effective January 20, 2020. Thereafter, as an unregistered company, Jolly Trolley would be prohibited from providing charter and excursion carrier services in the state of Washington.
- 6 **THE COMMISSION GIVES NOTICE: That it intends to cancel the certificate and authority of Jolly Trolley to provide services as a passenger charter and excursion carrier effective January 20, 2020, for cause, following a hearing on the factual allegations set out above, unless the Company obtains Commission approval of a safety management plan prior to that date.**
- 7 The Company has the right to request a hearing in this matter. Due to the short time-frame set by the impending deadline, and pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate for determining whether the Commission should cancel Jolly Trolley's charter and excursion carrier services certificate.
- 8 **THE COMMISSION GIVES NOTICE: That it will conduct a brief adjudicative proceeding in these matters at 1:30 p.m. on January 9, 2020, in the Commission's Richard Hemstad Hearing Room, 621 Woodland Square Loop S.E., Lacey, Washington, 98503.**
- 9 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 10 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 11 **Jolly Trolley must submit its proposed safety management plan no later than 5 p.m. on January 2, 2020. Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents no later than 5 p.m. on January 2, 2020, and bring four (4) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140.**

12 **THE COMMISSION GIVES NOTICE: That any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

13 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
P.O. Box 47250
Lacey, WA 98503

Representative: Nash Callaghan
Assistant Attorney General
621 Woodland Square Loop SE
P.O. Box 40128
Lacey, WA 98503
nash.callaghan@utc.wa.gov

Respondent: Friday Harbor Jolly Trolley, Inc., d/b/a Friday Harbor
Jolly Trolley and Leavenworth Jolly Trolley
PO BOX 1024
Friday Harbor, WA 98250-6989
fridayharborjollytrolley@yahoo.com

14 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective December 19, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Gregory J. Kopta
GREGORY J. KOPTA
Administrative Law Judge

¹ Judge Pearson can be reached at (360) 664-1136 or rayne.pearson@utc.wa.gov.

Inquiries may be addressed to:
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington Utilities and Transportation Commission, Attention: Mark L. Johnson, P. O. Box 47250, Olympia, WA 98504.

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____