

**TC-161262 – Passenger Transportation Company Rulemaking  
March 2 Workshop Stakeholder Comment Summary  
(March 2, 2017)**

Company	Issue Area	Comment	Staff Response
<b>Capital Aeroporter</b> (Jim Fricke, John Fricke)	Driver Hours	Capitol Aeroporter requires all employed drivers to keep a log of hours driven, both for Capitol Aeroporter and any other company to enable the company to enforce the requirements. The log relies on driver honesty.	Please see new rule draft WAC 480-30-222(6).
	Safety requirements by size of vehicle	Safety regulations should be tailored to the “less than eight” occupants, but also recognize that limousines may be up to fifteen occupants. The Commission should address the larger limousines which otherwise might fall under the Code of Federal Regulations (CFR) standards. Services provided by vehicles with a passenger capacity of 15 or fewer should have more flexible safety requirements.	Please see new rule draft WAC 480-30-222.
	WAC 480-30-166	WAC 480-30-166 should be amended to allow ongoing contracts with charter companies, rather than just auto transportation companies, to provide substitute vehicles or service.	Please see draft amendments to WAC 480-30-141, 166 and 236
	Contracting	The written comments were intended to recommend allowing contracting with charter and limousine carriers. “Other” in the comments did not intend to cover all for-hire vehicles.	Thank you for the clarification.
	Driver “registry”	Did not comment.	N/A

<b>Community Transit Association of Northwest</b> (Steve Hutchins)	Driver hours	His company already has to keep detailed records on drivers for multiple agencies, but the companies are only responsible for the hours driven for them. The drivers' records could be compiled at the state level for tracking work hours.	Please see new rule draft WAC 480-30-222(6).
	Safety	There must be a vetting process for drivers and vehicles; don't compromise on safety.	Please see new rule draft WAC 480-30-222.
	Contracting	Some companies use vehicles other than limousines, and non-emergency medical vehicles may not meet all the requirements of the limousines. See the Community Transportation Association of the Northwest website for a list of best practices and standards used by its members.	Please see new rule draft WAC 480-30-222.
	Driver registry	There should be a driver registry with screening of the drivers.	Staff believes that while the agency may have legal authority to develop a driver registry, the proposal would be a significant expansion of the scope of the passenger transportation company program's work and would require additional staff and therefore revenue. The concept of a driver registry should be discussed with the Legislature in the context of the Joint Transportation Committee study proposed in SHB 1147 Section 204(3).
<b>Evergreen Taxi Association</b> (Steve Salins)	Safety	Enforcement is very important for safety. Written rules are important but unless enforcement is well funded and done "on the street" the rules will not be effective.	Staff agrees that enforcement is an essential component of effective regulation.

	Contracting	Independent contractors can be required by contract to comply with requirements imposed on the company by third parties such as insurance companies and governments. The company has the choice not to offer work to contractors who do not follow the regulations. Also, if the contractor uses his or her own vehicle, whether owned or leased, that helps establish that the contractor is not an employee.	Staff defers to the agencies that have jurisdiction over the definition of “employee” and “independent contractor.” Companies are encouraged to consult with legal counsel regarding particular situations. However, staff’s review of the Revised Code of Washington (RCW) and publications of the Department of Labor and Industries (L&I), and court cases lead the staff to believe that the draft rules will not impede the use of independent contractors.
	Driver registry	The driver registry will not help in tracking driver hours.	See staff’s response to the concept of a driver registry presented by CTANW. Whether and how driver hours would be tracked in the context of a driver registry should be part of the inter-agency workgroup’s discussion.
<b>Shuttle Express</b> (Jimmy Sherrell, Paul Kajanoff, Wesley Marks)	Driver Hours	Shuttle Express requires all employed drivers to keep a log of hours driven. But the company cannot control the drivers beyond when the driver is on duty with Shuttle Express. The company cannot impose driver hour requirements or record keeping requirements on independent contractors such as limousines without compromising their status as independent contractors. If drivers were governed by a specific law regarding hours of service, that would resolve the issue. However, Shuttle Express does vet the drivers with whom it contracts, and can choose not to use	Please see new rule draft WAC 480-30-222(6) and staff’s response to Evergreen Taxi Association comment.

	<p>Safety requirements by size of vehicle</p> <p>Contracting</p>	<p>contractors it believes are not safe. The company has “tons” of records proving the license status and vetting of the contractors. The company deals with its employees by controlling the hours of work for the company; cannot control beyond that.</p> <p>The UTC standards for vehicles are at the highest level; the next level is for limousines, and then vehicles at the for-hire level. The UTC should accept the state and local standards for limousines and (smaller) for-hires, but not at the Transportation Network Company (TNC) level of regulation. Shuttle Express would apply all of the CFR standards to its employees and owned vehicles, for administrative simplicity. The other standards would only be applied to the contractors. The goal of Shuttle Express is to hire or train employees to meet the highest CFR standards, including commercial driver’s licenses.</p> <p>Shuttle Express wants to use contractors who “meet the standards of UTC and/or the Department of Licensing (DOL)” (see email from Wesley Marks to Chris Rose dated March 10, 2017). “Shuttle Express’ current waiver allows us to use contractors who are registered limousine carriers, which is a requirement placed on the business operating the vehicles, not necessarily the driver of the vehicle. The driver is required to be qualified, but that qualification can come through the limousine credential program (such as through Alliance 20/20) or through the county For Hire licensing programs. The business must list and register (through DOL) all of their drivers, and is obligated to maintain the records proving that the driver is “properly</p>	<p>Please see new rule draft WAC 480-30-222.</p> <p>Please see new rule draft WAC 480-30-222, repeal of WAC 480-30-213 and changes to the leasing provisions of WAC 480-30-141, 166 and 236. Companies may choose to apply additional safety standards (such as found in 49 C.F.R.) if they choose.</p>
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	Signage		
	Driver “registry”	Would support a driver registry of “qualified” drivers for companies to use.	See staff’s response to the concept presented by CTANW.
<b>SeaTac Shuttle</b> (James Johnson)	Insurance	The insurance industry sets safety standards for drivers that the companies have to follow. For example, drivers must have two years of professional driving experience	Thank you for the information you provided. New draft rules WAC 480-30-221 and 222 are baseline

		in the vehicle they are driving. He agreed to send the UTC a copy of the requirements from the insurance company that SeaTac Shuttle uses.	requirements: companies and insurance providers can impose additional requirements.
<b>King County</b> (Sean Bouffiou)	Local requirements – for hire services	<p>King County has recently updated its requirements for the for-hire, transportation network company, taxis and limousine area. The County requires criminal background checks with fingerprinting, and FBI check, or an approved third party check that does not require fingerprinting. The County examined thousands of the background checks performed by the third party and found the work thorough and acceptable.</p> <p>State and local agencies have been discussing the need for statewide standards or consistency.</p>	<p>Thank you for the information you provided.</p> <p>Staff agrees that a comprehensive review of the regulation of passenger transportation would be beneficial. SHB 1147 Section 204(3) proposes such a review.</p>