

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Application of

Chariot Transit, Inc.

to Provide Charter and Excursion
Transportation Services under RCW 81.70

No. TE-170203

**PETITION OF KING COUNTY FOR
AN ADJUDICATIVE PROCEEDING
PURSUANT TO RCW 34.05.413 AND
WAC 480-07-305**

INTRODUCTION

1 Pursuant to RCW 34.05.413 and WAC 480-07-305, King County requests the Commission commence an adjudicative proceeding to consider the application of Chariot Transit, Inc. (Chariot), to provide various transportation services in King County.

Dated May 26, 2017.

IDENTITY AND INTEREST OF MOVING PARTY

2 King County, pursuant to RCW 35.58, operates a system of “metropolitan public transportation” within King County. RCW 35.58.020(13); RCW 35.58.050(3). With some exceptions, private companies are prohibited from providing “local public passenger transportation service” within the metropolitan area. RCW 35.58.250. Accordingly, King County has an interest in the effective operation of its system of transportation as well as whether private companies seek to infringe on that system’s operations.

3 King County is represented by, and responses and other communications should be sent to:

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UTC Dkt. No. TE-170203
King County Petition for an
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May 26, 2017

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FACTUAL BACKGROUND

4 Chariot filed an application presumably pursuant to RCW 81.70 to provide various transportation services within King County. The Commission assigned it docket number TE-170203. In its application, in the section that requests the applicant to describe its proposed “business operations,” Chariot states that it seeks to “provide charter services in Washington to groups looking to arrange tours, organize outings, and plan adventures to various destinations. Chariot will also offer employers charter contracts for employee commuting solutions.”

5 While the first sentence in the description of proposed business operations seems to describe standard excursion service regulated under RCW 81.70, the scope of the services described in the second sentence is unclear. Determining whether providing services to employers for “employee commuting solutions” is an excursion service regulated under RCW 81.70, a charter service under that same chapter, or auto transportation service regulated under RCW 81.68 requires information about factors such as whether Chariot would charge individual fares, whether the transportation would start and end at the same location, whether passengers would travel together as a group, and whether it would involve transportation over a regular route between fixed termini. These are all factors found in the definitions of “charter party

carrier” and “excursion service carrier” in RCW 81.70.020 and the definition of “auto transportation company” in RCW 81.68.010.

6 Furthermore, the Commission recognizes in WAC 480-30-016(1) that the application may describe more than one type of service. WAC 480-30-016(2) lists a number of factors the Commission will consider when determining what service is described in the application for service:

- (2) When determining whether operations require an auto transportation or charter and excursion certificate the commission will consider factors including, but not limited to:
 - (a) What is the nature of the proposed transportation service?
 - (b) What is the origin and destination of the proposed transportation?
 - (c) Who will provide the service?
 - (d) Who will pay for the service?
 - (e) How will the rates be assessed? (Time of use, mileage or distance, passenger fares, flat fee, other.)
 - (f) How will the service be provided?
 - (g) Will the service be offered to the public?
 - (h) Will a passenger or group of passengers have exclusive use of the vehicle or will there be shared rides or mixed use?
 - (i) What type and size vehicle(s) will be used to provide the service?
 - (j) Who will own the vehicle(s)?
 - (k) Who will be responsible for the operation and control of the vehicle(s)?

7 These factors require considerable factual development in order to determine what service is being proposed and, therefore, what criteria and what process must be applied or used by the Commission. Likewise, depending on the facts, the Chariot proposal may include services falling within the meaning of “local public passenger transportation service” and therefore be prohibited by RCW 35.58.250.

8 Because of the scarcity of actual facts in Chariot’s application, and the need for development of facts to determine the appropriate regulatory framework for consideration of the application, it is appropriate for the Commission to commence an adjudicative proceeding.

PETITION FOR AN ADJUDICATIVE PROCEEDING

9 RCW 34.05.413(1) authorizes an agency to “commence an adjudicative proceeding at any time with respect to a matter within the agency’s jurisdiction.” RCW 34.05.413(3) authorizes agencies to develop procedures for the filing of petitions to commence adjudicative proceedings. In WAC 480-07-305, the Commission has set forth such procedures. That regulation states in part:

(2) **Who may seek to commence an adjudicative proceeding.** A person involved in an actual case or controversy subject to the commission's jurisdiction may apply to the commission to commence an adjudicative proceeding by submitting the appropriate form of pleading.

(3) **Types of pleadings that request an adjudicative proceeding.** The following pleadings, when properly and timely submitted for filing, constitute applications for adjudicative proceedings:

(a) Formal complaints submitted by persons other than commission staff.

(b) Petitions for commission action when the relief requested requires adjudication or when the commission determines the issues presented should be resolved through adjudication.

(c) Petitions for declaratory orders under RCW 34.05.240, when the commission determines that an adjudicative process is necessary to provide parties the opportunity to resolve contested issues.

(d) Requests for a hearing to contest, or seek mitigation of, penalties assessed without a prior hearing.

(e) Protests of, or objections to, applications for authority.

(f) Requests for hearing to contest a commission notice of intent to deny an unprotested application for authority.

10 Pursuant to WAC 480-07-305(2) and (3)(b), (e), and (f), King County requests the Commission set this matter for an adjudicative hearing.

Respectfully submitted,



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