

# Shuttle Express Comments on TC-161262

[480-30-022](#)

Shuttle Express has no comments in regard to the proposed new section.

[480-30-036](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-056](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-141](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-166](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-191](#)

Shuttle Express has no comments in regard to the proposed draft changes, but wishes to recognize a drafting error in the table of section (2). The right column, third row should state “\$1,500,000 **combined** single limit coverage”.

[480-30-206](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-211](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-213](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-216](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-221](#)

Shuttle Express wishes to express concern regarding paragraph (5). By applying the North American Uniform Out-of-Service criteria to vehicles and drivers of which it doesn't apply, the

commission effectively reverses the change it has made in regard to the classification of motor vehicles versus commercial motor vehicles. Shuttle Express recommends a change to language or clarification that the definitions used in the North American Out-of-Service criteria meet the CFR guidelines, and/or the adopted definitions of “Commercial Motor Vehicle” and “Motor Vehicle” in the proposed changes to WAC 480-30-036. Alternatively, since (1) indicates that the new section (480-30-222) provides guidance to vehicles with capacity of or fewer than 7 passengers, the Commission may elect to note the section as “EXEMPTION: For vehicles with a seating capacity of seven or fewer passengers and the drivers of those vehicles, WAC 480-30-221 does not apply, but instead their safety is governed by WAC 480-30-222.”

## 480-30-222

Shuttle Express has the following comments:

Introduction – “company’s” should be clarified to say “certificated company” to remove any ambiguity between the certificate holder and potential contractor. Further, definitions could be inserted into this section to define “Company” as above, as well as “contractor” where the responsibilities of the contractor are described.

- (1) This section should indicate the time frame basis; i.e. “The company must keep records of the limousine license or for-hire certificate for three years from the date service was provided by the vehicle.”
- (4) This section creates some confusion for us. Is the intent, as described, to require the certificated company or the contractor to maintain the copies of inspection, repair, and maintenance of the vehicle? Further, no specific records are identified, and as such could be viewed to mean all records from an engine replacement to a carwash or oil change need to be maintained for 3 years. Also, as section (1) above, no definition of the time basis is made creating confusion regarding the start or end time of the record retention.
- (5) This section could be clarified in two ways. First, the limousine chauffeur requirement should indicate that it must be a valid limousine chauffeur requirement at the time service is performed. Secondly, the additional qualifications stated are defined requirements of a county for-hire license. Simply requiring a valid limousine chauffeur or valid county issued for-hire license would remove the specific qualifications, and allow for the potential future changes to those individual rules and requirements without having to open another CR-101 for WAC 480-30.
- (6) This paragraph should specify who allows the driver to remain in control. Is the intent that a certificated company restricted to allowing their use of the driver who has control of the vehicle or instead the driver/contractor being under control of the vehicle at their own direction? While Shuttle Express agrees with the restrictions to fight fatigue, at present there is no present expectation to provide written evidence before use of the

number of hours the vehicle has been under the driver's control prior to accepting work from another company. See also concerns listed below in (7).

- (7) Are these records required to be maintained at the certificated company or by the contractor company? It is much more realistic for an independent contractor, who may work for several companies, to be required to maintain documentation that, upon request, shows the driver was in control of the vehicle for the correct time requirements. Further, certificated companies can require, through contract, that the documents are maintained by the contractor and supplied to the certificated company within 1 business day, upon request, which could then be provided to the UTC as required. Finally, the records paragraph also is missing the time basis for the 6 months, and should be codified from the federal rules (49 CFR 395.8 "...for a period of not less than 6 months from the date of receipt.") or similar to them.
- (8) As the standards for a limousine chauffeur are separated from a for hire license (paragraph (5)), the requirements under (8) should simply include that verification of requirements be maintained by the contractor for the duration of the contract and for three years thereafter. Placing the burden on a certificated company to get and maintain copies of any driver used for contracting may be unduly burdensome, similar to the rules regarding lease interchange requirements currently under review by the US Department of Transportation. Is this paragraph to assume that any driver used, even once, is required to maintain at the certificated company's headquarters, a copy of a full compliance file regarding their use, even if transitory? Again, certificated companies can require by contract that the company contracting with maintain these documents and provide them, upon 1 business day notice, for review by appropriate request if necessary without obligating the company to maintain all files for all drivers used at all times.
- (9) This paragraph should be modified to provide the restriction of "...when contractor is operating under the authority of the certificated company's WUTC issued certificate." We are assuming the Commission is not intending to usurp authority for reporting of any collisions that happen outside its authority level or while a vehicle is potentially being used for personal use reasons, not in the actions of operating as a contractor for a certificated company.
- (10) Again, this should be adjusted as follows: "Records related to accidents identified in (9) must be kept by contractor and made available to the certificated company within 1 business day request for a period of at least three years from the date of the accident."

480-30-226

Shuttle Express has no comments in regard to the proposed draft changes.

## 480-30-231

Shuttle Express recommends the following changes:

- (a) For the display requirements, we recommend that the requirement not be that the information is displayed on both sides of the vehicle, but rather that it be displayed clearly through the front passenger-side windshield of the vehicle. Currently, other companies that utilize licensed limousine vehicles must display some type of trade dress on the vehicle, and the WA Department of Licensing allows windshield display to suffice for markings as they are not attached to the exterior of the vehicle, but are visible to passengers as well as other drivers approaching the vehicle. This marking could be temporary (such as a sign) or semi-permanent (such as an adhesive sticker or sign that can be easily removed) without violating the requirements of a lack of marking on the vehicles. As the vehicles could be operating under dual authority (DoL and WUTC), the attachment, even temporarily, of signage to the exterior of the vehicle may cause conflicting legal requirements for certain vehicles.
  - (c) This requirement, as it relates to contractors, may need to be combined with (a) above. Also, there is no indication of which company's identification number is required, whether it is a vehicle identification assigned by the company owning and licensing the vehicle, or the number assigned by the certificated company.
  - (e) As with above, this should be clarified to be "certificated company" or "passenger transportation company" as defined previously and to prevent any ambiguity with a contractor company.
- (2) Is it suggested that the contractor used by a passenger transportation company be provided a badge indicating that they are a contractor for the company? Limousine chauffeurs and for-hire drivers are provided badges by the appropriate authority, and as such would they be required to identify using two badges at once? Would the vehicle identification be sufficient for contractors as their personal identification shows the company that they are employed by and thus under contract through. Subsequently, a driver for one auto transportation company working on behalf of another auto transportation company would then be required to have an identification badge or uniform from the second company as well as the first to meet this requirement.

## 480-30-236

Shuttle Express has no comments in regard to the proposed draft changes.

## 480-30-246

While no draft changes were submitted for this section, Shuttle Express believes the Commission should take this opportunity to provide itself with the appropriate authority to enforce the rules it is changing through this CR-101. As such, Shuttle Express recommends the

commission amend section (1) by bringing in the definitions of engaging in service from (2)(a), as well as (2)(b) and (2)(c). While charter and excursion service carriers are held to the standard of not soliciting, advertising, or offering service which they're not entitled to serve, Auto transportation companies are only held to this standard once a commission representative or other law enforcement agency has observed the actions. This different standard for charter and excursion operators as compared to auto transportation companies seems to go against the intent of protecting the public, where an auto transportation company could actually cause as much if not more harm to the public in their actions. Shuttle Express believes that operating, or holding out to operate, without a certificate is just as dangerous for auto transportation as it is for charter and excursion carriers and such all operators who would be regulated under RCW Title 81 should thus be under the same requirements and penalties for operating without a certificate.

[480-30-286](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-316](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-356](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-396](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-450](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-456](#)

Shuttle Express has no comments in regard to the proposed draft changes.

[480-30-999](#)

Shuttle Express recommends adjustment to the "version in effect" information to include the version at the time of writing, as well as any superseding documents published thereafter. Since the Commission is required, as part of its grant and federal enforcement requirements, to enforce the rules as they stand at the time of inspection, we recommend that the commission adopts by reference any updates as published in the two documents referenced to provide a single point of reference and authority for investigations. Should the documents be revised to take currently unknown or unregulated issues into account, a CR-101 would not be required as

the documents automatically update based on the official publishing date of the subject reference materials.