

TC 161262 – Passenger Transportation Company Rulemaking
Stakeholder Comments regarding UTC review of WAC 480-30 Response to Draft Rules

| Company | WAC Section | Comment | Staff Response |
|---|---------------------------------------|---|--|
| King County – Records and Licensing Services Division (Sean Bouffiou) | WAC 480-30-191 (1) (a) | This does not require the insurance company to be an admitted carrier, just authorized. If that is the case, one could consider placing a minimum A.M.BEST rating to ensure the quality and financial health of the carrier. If the carrier is not admitted, the passenger may not be protected by the insurance pool. | The UTC relies on a list of authorized carriers provided by the Office of the Insurance Commissioner (OIC), which we understand is the list the OIC recommends using. Staff is open to more discussion on this point, but does not believe an amendment is necessary. |
| | WAC 480-30-191 (2) Column 2, row 2 | Combined_ single limit (typo on “combined” | Thank you for pointing out the error. It will be fixed in the final draft rules. |
| | WAC 480-30-216 (8) (a) | Consider inserting a reference to ecigarettes and vaping. Perhaps: “cigarettes, <u>ecigarettes or vaping devices</u> , or” | RCW 70.160.030 prohibits smoking in public places, which include public conveyances or transportation facilities. The current rule is intended to support that state policy. RCW 70.345.150, which restricts “vaping” does not have the same prohibition. Staff believes the current rule should be consistent with current state law. |
| | WAC 480-30-216 (8) (b) | Change the signage requirement to: “smoking/vaping is not permitted” | See comment above. |
| | NEW SECTION WAC 480-30-222 (2) | This should include the certification level. In Seattle/King County, the safety inspection must be performed by, or under the supervision of, an ASE Certified Master Mechanic. | The draft rule was based on the language in King County Ordinance 6.64.360(A) and 6.64.010(c)(1). Staff is gathering more information on the ASE certification program and how it compares to what is currently required for UTC-certificated passenger transportation companies. Staff will complete its work prior to the May 11 workshop. |
| | NEW SECTION WAC 480-30-222 (5) | This is an opportunity to provide local equivalence, so a For-hire Driver's License issued by a City or County in which the vehicle is primarily driven and that meets or exceeds the standard as noted in this section. | Since distributing the draft rules, Staff has reconsidered requiring companies to obtain additional licenses or certifications from state or local agencies. Staff recommends the rule require that all drivers meet specific criteria. The company would be responsible for screening for those |

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| | | | qualifications, for both employee drivers and contracted drivers. |
| | NEW SECTION WAC 480-30-222 (5) (b) | Consider replacing the reference to DOL and replacing it with ...by a copy of a multi-state driving history research report. | Staff is researching the reporting services recommended and will respond at the workshop. |
| | NEW SECTION WAC 480-30-222 (5) (c) | Consider inserting after reckless endangerment, <u>related to</u> or driving under the influence... Most Negligent Driving 1 st Degree convictions are have been reduced down from DUI charges. | Staff is open to adding negligent driving as a disqualifying crime but is concerned about limiting “reckless endangerment” to actions related to DUIs. |
| | NEW SECTION WAC 480-30-222 (5) (e) | Consider: “Is physically and mentally fit to operate a for-hire vehicle, and:” | Staff has reviewed the USDOT standards for certification and will offer an amendment consistent with those standards. |
| | NEW SECTION WAC 480-30-222 (5) (f) | Equivalent by what standards? There are many NSC courses. The 4 hour DDC4 is the course required in Sea/King. Consider adding at the end of the sentence, "approved by the Director" or the "Commission" King County is working with the NSC on what would be a more focused DDC course specific to urban driving, and for-hire driving. So there is a need to be a little more flexible on the acceptable courses, but not leave it open for equivalency defined by anyone. | Staff appreciates the question regarding equivalency, and is doing more research into the NSC courses. Staff does not support requiring the UTC to add course-approval to the licensing program’s responsibilities. |
| Shuttle Express | Bodily Injury and Property Damage Liability Insurance 480-30-191 | A drafting error was noted in the Insurance Limits table in (2). Commenter suggested changing the word “combine” to “combined.’ The edited portion would read, “\$1,500,000 combined <u>d</u> single limit coverage.” | Thank you for pointing out the error. It will be fixed in the final draft rules. |

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| | Vehicle and Driver Safety Requirements 480-30-221 | <p>Commenter expressed concerns in the application of the North American Uniform Out-of-Service criteria to vehicles that have a seating capacity under the federal threshold. Commenter believes the Commission is negating the decision in the classification of “motor vehicles” versus “commercial motor vehicles.”</p> <p>Recommended amendment by commenter would be to clarify a distinction between the vehicles that meet the federally prescribed seating capacity standards and vehicles that have a capacity of 7 or fewer passengers. The distinction could be in the addition of definitions for “commercial motor vehicle” and “motor vehicle” or an exemption included that would have the effect of stating vehicles with a seating capacity of 7 or fewer passengers and the drivers of those vehicles are exempt from 480-30-221 and instead regulated under 480-30-222.</p> | <p>Staff did not intend to apply the North American criteria to the smaller vehicles. Staff is developing an amendment to the draft rule to clarify the intent</p> |
| | 480-30-222 Introduction 480-30-222 (1) 480-30-222 (4) | <p>Commenter recommended that the term “company” should be clarified to read “certificated company” to remove ambiguity between the certificate holder and a potential contractor. Further recommended that a definition for “Company” and “Contractor” be included. In the definition of “contractor” the commenter suggested that all responsibilities of the contractor should be detailed.</p> <p>Commenter would like to add a time frame basis for the start date on the duration of records being the date the service was performed.</p> | <p>Staff agrees that the draft rule should be clarified to reflect that the certificated company is responsible for making all records available to UTC staff within forty-eight hours of a request, but that the records of a contractor can be maintained by the company or the contractor. Staff also agrees that the draft rule should be clarified regarding the time period for maintaining records.</p> |

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| | 480-30-222 (5) | <p>Commenter indicated that the language was confusing on the burden of maintaining records, the type and specificity of records required.</p> <p>Commenter recommended a requirement that the limousine chauffeur provision be active and valid at the time service is performed. In addition, the commenter suggested the Commission accept valid limousine chauffeur standing or county issued for-hire license in lieu of the qualifications listed by the Commission for vehicles with a seating capacity of 7 passengers or fewer.</p> | <p>Since distributing the draft rules, Staff has reconsidered requiring companies to obtain additional licenses or certifications from state or local agencies. Staff recommends the rule require that all drivers meet specific criteria. The company would be responsible for screening for those qualifications in the process of hiring or contracting with a driver, and verify and document that the driver is in compliance with the requirements of WAC 480=30-222(5) every twelve months thereafter.</p> |
| | 480-30-222 (6) | <p>Commenter suggested that the Commission identify whether the certificate holder or the contractor is responsible for ensuring compliance with the hours of service provisions. Commenter agrees with fighting fatigue but does not believe there should be an expectation of hours of service of the driver prior to accepting work from a company.</p> | <p>The company is responsible for ensuring contractor compliance with federal, state, or local law or regulation or commission orders. Determining the method for ensuring compliance is the company’s responsibility.</p> |
| | 480-30-222 (7) | <p>Commenter asked for clarification on the location of records to be maintained, certificate holder or contractor? It was recommended that the contractor would be a more realistic location for such records given that they have the ability to work for multiple companies.</p> <p>Commenter noted that the certificate holder has the ability, through contract, to require documents from the contractor within 1 business day.</p> <p>Also noted in this section is a missing basis for the timing of record retention, “for a period of not less than 6 months from the date of receipt.”</p> | <p>See response above.</p> |

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| | <p data-bbox="634 331 827 358">480-30-222 (8)</p> <p data-bbox="634 719 827 747">480-30-222 (9)</p> <p data-bbox="620 1029 827 1057">480-30-222 (10)</p> | <p data-bbox="854 293 1615 435">Commenter noted that section 8 should be verification of requirements by the contractor for the duration of the contract and an additional three years after the expiration of the contract.</p> <p data-bbox="854 488 1615 630">Commenter noted that the records requirement is unduly burdensome for the certificate holder. Recommended language that would provide records to the Commission within one business day.</p> <p data-bbox="854 683 1615 824">Commenter suggested an amendment that would clarify the Commission’s authority so that the contractor is only reporting to the Commission when it is operating under a certificate holder.</p> <p data-bbox="854 992 1615 1175">Commenter recommended, “Records related to accidents identified in (9) must be kept by contractor and made available to the certified company within 1 business day, for a period of at least three years from the date of the accident.”</p> | <p data-bbox="1655 293 2427 402">See the Staff response regarding WAC 480-30-222(5). Also see the response regarding company responsibility to determine methods for ensuring compliance.</p> <p data-bbox="1655 488 2427 630">See the Staff response regarding clarifying amendments to leave it to the company’s discretion where the records are kept, as long as they are available to the UTC within forty-eight hours of a request.</p> <p data-bbox="1655 683 2462 938">Staff believes the draft rule should be clarified that the driver should report to the company any accidents or collisions that occur while the driver is driving for compensation. That may include while working on behalf of another company. Staff believes it is important for a company to be informed of such events so it can determine whether the driver is still qualified.</p> <p data-bbox="1655 992 2427 1133">See the Staff response regarding clarifying amendments to leave it to the company’s discretion where the records are kept, as long as they are available to the UTC within forty-eight hours of a request.</p> |
| | <p data-bbox="516 1268 763 1370">Vehicle and Driver Identification 480-30-231</p> | <p data-bbox="854 1268 1626 1409">Commenter recommended that the display requirements be amended to allow for a display clearly through the front passenger-side windshield of the vehicle. Commenter has concerns that the display requirements are not consistent</p> | <p data-bbox="1655 1268 2427 1409">Staff does not support a change in the draft rule. Staff acknowledges that the current rule was waived for one company during a ten-month period, but does not support relaxing the standards permanently or for all companies.</p> |

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| | <p>480-30-231 (c)</p> <p>480-30-231 (2)</p> | <p>with the Washington State Department of Licensing limousine standards. Indicated that the marking could be temporary or semi-permanent, such as an adhesive sticker to avoid potential legal conflicts with other agencies.</p> <p>Commenter suggested that the sections may need to be combined with section (a). Also noted in the section was the need for guidance on vehicle identification being for the certificate holder or the contractor.</p> <p>Commenter asked for clarity on the requirements and whether a badge would be required? Would vehicle identification be sufficient? The issue is more complex when a driver works for multiple certificate holders.</p> | <p>Consumers, regulatory personnel and law enforcement officers should be able to quickly and easily identify the vehicles and the drivers as operating under the authority of a specific certificated company. The draft rule allows certificated companies to work with contractors to determine a safe and cost-effective approach to temporary signage. Since the use of a contractor is voluntary, Staff does not believe the draft rule imposes a cost on the company; the company can weigh the various costs and benefits of using a contractor before making a decision.</p> |
| | 480-30-246 | <p>Commenter noted that no language changes were offered by the Commission on the section, but recommended including the advertising language giving the Commission the ability to show a company is engaged in service through advertising.</p> | <p>Staff appreciates the input and supports the recommendation but until the Legislature amends the auto transportation law, the rule cannot be amended to the recommendation.</p> |
| | 480-30-999 | <p>Commenter recommended that the adoption by reference state that the Code of Federal Regulations is the “version in effect” so that the Commission can enforce any changes to the regulation.</p> | <p>Staff appreciates the input but the state constitution requires that any adoption by reference be specific to a document published on a specific date</p> |