



21

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(206) 753-6423 • (SCAN) 234-6423 • TDD (206) 586-8203

May 4, 1994

Dennis W. Cooper, Code Reviser  
PO Box 40551  
Legislative Building  
Olympia, WA 98504-0551

Dear Sir:

Subject: Amendments to WAC 480-30  
Docket No. 940123

In Register number 94-07-137, the Commission proposed changes to several rules, including WAC 480-30-100. The Commission wishes to withdraw the proposed amendment to WAC 480-30-100. The Commission is contemplating making more extensive changes to WAC 480-30-100; we will be starting a new rulemaking in the near future.

Sincerely,

Steve McLellan  
Secretary

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
F1' FD)

MAY 0 5 1994

TIME: 4:12 <sup>AM</sup> <sub>PM</sub>  
WSR 94-11-020



32

SERVICE DATE

MAY 12 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Amending	)	DOCKET NO. TC-940123
WAC 480-30-032, 480-30-050, and	)	
480-30-095 relating to	)	GENERAL ORDER NO. R-415
applications for auto	)	ORDER AMENDING AND
transportation certificates,	)	ADOPTING RULE
notice requirements for fare	)	PERMANENTLY
increases, auto transportation	)	
equipment safety and operation of	)	
motor vehicles	)	
.....)	)	

The Washington Utilities and Transportation Commission takes this action under Notice WSR #94-07-137, filed with the Code Reviser on March 23, 1994. The Commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The Commission scheduled this matter for oral comment and adoption under Notice WSR #94-07-137, for 9:00 a.m., Wednesday, April 27, 1994 in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission until April 18, 1994.

Written comments were presented by the Jack Davis and by Commission Staff. The phrase "absent a showing of good cause" was added to the amendatory language in WAC 480-30-032 to address Mr. Davis' concern that the language of the noticed version was too rigid.

The rule change proposal was considered for adoption at the Commission's regularly scheduled open public meeting on April 27, 1994, before Chairman Sharon L. Nelson and Commissioner Richard Hemstad. Oral comments were made by Commission Staff. After considering the written and oral comment, the Commission adopted WAC 480-30-032 as modified in response to written comment, and WAC 480-30-050 and 480-30-095 as noticed.

In reviewing the entire record, the Commission determines that WAC 480-30-032, 480-30-050, and 480-30-095 should be amended to read as set forth in Appendix A as of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

MAY 05 1994

TIME: 4:16 PM  
WSR 94-11-001

O R D E R

THE COMMISSION ORDERS That WAC's 480-30-032, 480-30-050, and 480-30-095 are amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

THE COMMISSION FURTHER ORDERS That this order and the attached rule, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

THE COMMISSION Adopts the Commission Staff memoranda, presented at the times the Commission considered noticing and adopting this proposal, as its Brief Explanatory Statement of the reasons for adoption, and for any variances between noticed and adopted versions, under RCW 34.05.355.

DATED at Olympia, Washington, this 3<sup>rd</sup> day of May 1994.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*Sharon L. Nelson*

SHARON L. NELSON, Chairman

*Richard Hemstad*

RICHARD HEMSTAD, Commissioner

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

**WAC 480-30-032 Notice of application; protests; contemporaneous applications.** (1) Notice shall be made of the filing of applications for authority to provide auto transportation service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide auto transportation service under this chapter in the territory of the application, all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding. Any person who is eligible to file a protest to an application but fails to do so, absent a showing of good cause, is precluded from participating in any hearing upon the application or in any further stage of the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days after the mailing of the notice of filing of the initial application in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days after mailing of the notice of filing of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the pending application and any other application which qualifies for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

35

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

**WAC 480-30-050 Tariff, naming rates and fares.** (1) Every auto transportation company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, (~~1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002~~) (stating the commission's mailing address)."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies.

(5) No auto transportation company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

AMENDATORY SECTION (Amending Order R-357, Docket No. TC-900481, filed 12/31/91, effective 1/31/92)

**WAC 480-30-095 Equipment--Safety.** In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

36

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, part 393, part 396, and part 397, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW. Exceptions: All auto transportation companies operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2((7)) and 393.76((~~7~~, ~~396.17~~ through ~~396.23~~, and ~~397.21~~)). Further, with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."