

**TC 161262 – Passenger Transportation Company Rulemaking
Stakeholder Comment and Workshop Summary Table 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. The term “authorized” has been in effect since at least 2006 without incident, and is consistent with other motor carrier regulations.
	WAC 480-30-191 (2) Column 2, row 2	Combined_ single limit (typo on “combined”	Thank you for pointing out the error. The error is corrected in the proposed 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 language in the proposed rules was modified to refer to “applicable” examinations and “applicable” experience to provide flexibility. The ASE certified master automotive technician standard alone may be too restrictive.
	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. The proposed rule requires that all drivers meet specific criteria. The company would be responsible for screening for those qualifications, for both employee drivers and contracted drivers.

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			Companies can coordinate with contractors to use the documents provided by contractors to the contractors' licensing agencies, to conduct the verification required under this section.
	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.	The proposed rule expands the record search to any state in which a license was held in the previous five years to address the fact that drivers may have a multi-state driving history. The records should be obtained directly from the licensing agencies, rather than relying on third parties whose records may not be accurate and complete.
	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.	The proposed rules include negligent driving in the first degree.
	NEW SECTION WAC 480-30-222 (5) (e)	Consider: "Is physically and mentally fit to operate a for-hire vehicle, and:"	Staff reviewed the USDOT standards for examinations and has revised the proposed rule to reflect the national standard.
	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	Staff researched the National Safety Council defensive driving courses and agrees that the Commission should determine which courses are equivalent. The proposed rules now include a requirement that equivalent courses be approved.

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		on the acceptable courses, but not leave it open for equivalency defined by anyone.	
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.” Supports insurance minimum of 1.5 million.	Thank you for pointing out the error. The error is corrected in the proposed rules. The proposed rule maintains the current insurance standard.
	Vehicle and Driver Safety Requirements 480-30-221	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.” 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.	Staff did not intend to apply the North American criteria to the smaller vehicles. The proposed rule reflects Staff’s position that out-of-service decisions should be based on non-compliance with WAC 480-30-222.
	480-30-222 Introduction	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	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

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	<p>480-30-222 (1)</p> <p>480-30-222 (4)</p> <p>480-30-222 (5)</p> <p>480-30-222 (6)</p> <p>480-30-222 (7)</p>	<p>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>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>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>Commenter asked for clarification on the location of records to be maintained, certificate holder or contractor?</p>	<p>agrees that the draft rule should be clarified regarding the time period for maintaining records. The proposed rule includes those clarifications.</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. The proposed rule has been changed to that effect.</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> <p>See response above.</p>

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	<p data-bbox="634 643 827 670">480-30-222 (8)</p> <p data-bbox="634 1032 827 1060">480-30-222 (9)</p>	<p data-bbox="854 253 1634 594">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. Commenter noted that the certificate holder has the ability, through contract, to require documents from the contractor within 1 business day. 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 data-bbox="854 643 1615 789">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="854 837 1615 984">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 1032 1615 1179">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="1658 643 2429 748">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="1658 837 2429 984">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="1658 1032 2462 1409">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. The proposed rule includes a clarification that the company must ensure a driver reports any accidents or collisions that occur while the driver is carrying passengers for compensation.</p>

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	480-30-222 (10)	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.”	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.
	Vehicle and Driver Identification 480-30-231 480-30-231 (c) 480-30-231 (2)	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 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. 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. 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.	Staff has had more discussions with the Department of Licensing regarding its interpretation of the law. The proposed rule includes a proviso that if the law prohibits vehicle “markings” then the rule does not apply; however, in that case, the driver must wear a name plate or tag and carry a sign when picking up the passenger. The construction of the sign is not specified, but it can be as simple as legible printing on a piece of paper or cardboard.
	480-30-246	Commented 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.	Staff appreciates the input and supports the recommendation but until the Legislature amends the auto transportation law, the rule cannot be amended.

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	480-30-999	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.	Staff appreciates the input but the state constitution requires that any adoption by reference be specific to a document published on a specific date
Seatac Shuttle, LLC			
	General Safety 480-30	Believes safety is weakened by reducing drug and alcohol testing, license can come from any state.	The draft rules apply a standard that is consistent with federal regulations and other motor carrier regulations.
	Insurance Requirements 480-30-191	Lowering the standard of insurance is a bad idea and doesn’t apply in business model (insurance covers entire fleet, not individual vehicle.)	The proposed rule maintains the current insurance standard.
	Tariff and Time Schedules, Posting 480-30-286	Doesn’t believe the tariff should be required in the vehicle or posted to the website because it is redundant.	The proposed rule would eliminate the requirement that companies carry a paper copy of the tariff or notice of tariff changes in company vehicles.
	Express Freight, Property Transportation 480-30-061	Remove reference to express freight. The UTC is preempted under federal law from regulating express freight.	The proposed rules would remove references to express freight in WAC 480-30.
Capital Aeroporter			
	Definitions 480-30-036	Would like the definition of Auto Transportation to include any type of service being provided.	The proposed rules are consistent with statutory definitions. Any other wording would require legislation.
	Definitions 480-30-036 CFR 390.5	Would like adopted definitions regarding size of vehicles to be consistent with Federal definition.	
Department of Licensing			
	Vehicle and Driver Identification 480-30-231	DOL regulates limousines and there should be no markings. Any sign in a limousine would be considered markings by DOL standards.	The proposed rule recognizes DOL’s position that a limousine must remain unmarked, while leaving the rule flexible

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			enough to adapt to a future change in the law or its interpretation.