

Agenda Date: December 12, 2013  
Item Number: B2

**Docket: TC-132141**

Company Name: Shuttle Express, Inc.,  
dba Shuttle Express, Go Shuttle Express, Limos by Shuttle Express, and  
Downtown Airporter

Staff: Gene Eckhardt, AD Solid Waste / Water / Transportation  
Dave Pratt, AD Transportation Safety and Compliance  
Betty Young, Compliance Investigator  
Penny Ingram, Regulatory Analyst

### **Recommendation**

Deny Shuttle Express, Inc.'s petition for exemption from WAC 480-30-213 (2), Vehicles and drivers, and WAC 480-30-456, Fair use of customer information filed on November 20, 2013.

### **Background**

The company's petition asks for a "temporary and conditional" exemption from WAC 480-30-213 (2), Vehicles and drivers, and WAC 480-30-456, Fair use of customer information, to permit the company to use independent contractors to supplement its shared ride service to and from SeaTac International Airport for the holiday period beginning on December 13, 2013, and ending on January 15, 2014. Shuttle Express has contracted with limousine and town car operators to transport Shuttle Express passengers when Shuttle Express cannot timely transport the passengers using its own vehicles and drivers. Shuttle Express calls this service "rescue service."

The company's "rescue service" would violate WAC 480-30-213 (2), which requires drivers to be company employees. Because the drivers providing "rescue service" are independent contractors, Shuttle Express is seeking an exemption from this rule. When a "rescue" is arranged, Shuttle Express provides customer information to the independent contractor without the written consent of the customer that is required in WAC 480-30-456. To facilitate "rescue" arrangements, Shuttle Express seeks an exemption from that rule.

### **Discussion**

Pursuant to statute, auto transportation companies must obtain a certificate from the commission. Shuttle Express's rescue service envisions deploying carriers without auto transportation certificates to provide auto transportation service. Such a service is contrary to chapter 81.68 RCW because the rescue service providers would not have auto transportation certificates. Staff believes the Company has other options to ensure service to its customers and comply with governing statutes and rules.

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