

Chapter 480-30 WAC

PASSENGER TRANSPORTATION COMPANIES

WAC

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480-30-015	Adoption by reference defined. [Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. WSR 99-20-013 (Order R-465, Docket No. A-980247), § 480-30-015, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01-040. WSR 94-14-014 (Order R-420, Docket No. T-940457), § 480-30-015, filed 6/23/94, effective 7/24/94; WSR 93-15-035 (Order R-392, Docket No. T-921165), § 480-30-015, filed 7/13/93, effective 8/13/93; WSR 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-015, filed 12/31/91, effective 1/31/92.] Repealed by WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.	480-30-045	Auto transportation company C.O.D. shipments tariff requirements—Bond required—Handling of shipments. [Statutory Authority: RCW 80.01.040 and 81.68.030. WSR 80-12-025 (Order R-152, Cause No. TC-1369), § 480-30-045, filed 8/27/80.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
480-30-020	Licenses, and rules and regulations. [Statutory Authority: RCW 80.01.040. WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-020, filed 10/31/90, effective 12/1/90; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-020, filed 7/11/84; Order R-5, § 480-30-020, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.	480-30-050	Tariff, naming rates and fares. [Statutory Authority: RCW 80.01.040. WSR 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-050, filed 5/5/94, effective 6/5/94; WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-050, filed 10/31/90, effective 12/1/90; WSR 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-050, filed 12/23/87; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-050, filed 7/11/84; Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
480-30-030	Certificates—Auto transportation companies. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-030, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01-040. WSR 93-15-037 (Order R-390, Docket No. T-921404), § 480-30-030, filed 7/13/93 effective 8/13/93; WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-030, filed 10/31/90, effective 12/1/90; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-030, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. WSR 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-030, filed 8/9/79; Order R-78, § 480-30-030, filed 10/15/75; Order R-50, § 480-30-030, filed 8/8/73; Order R-5, § 480-30-030, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.	480-30-060	Schedule of time and route. [Statutory Authority: RCW 80.01.040. WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-060, filed 10/31/90, effective 12/1/90; WSR 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-060, filed 12/23/87; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-060, filed 7/11/84; Order R-5, § 480-30-060, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
480-30-032	Notice of application; protests; contemporaneous applications. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-30-032, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. WSR 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-032, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. WSR 91-22-034	480-30-061	Express freight, property transportation. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-061, filed 6/8/06, effective 7/9/06.] Repealed by WSR 17-16-114 (Docket TC-161262, General Order R-590), filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270.
		480-30-070	Liability and property damage insurance or surety bond. [Statutory Authority: RCW 80.01.040. WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-070, filed 10/31/90, effective 12/1/90; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-070, filed 7/11/84; Order R-109, § 480-30-070, filed 10/19/77; Order R-5, § 480-30-070, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
		480-30-080	Self insurance. [Order R-5, § 480-30-080, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
		480-30-090	Equipment of motor vehicles. [Statutory Authority: RCW 80.01.040. WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-090, filed 7/11/84; Order R-5, § 480-30-090, filed 6/6/69, effective 10/9/69.] Repealed

- by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-095 Equipment—Safety. [Statutory Authority: RCW 80.01-040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-095, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. WSR 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-095, filed 5/5/94, effective 6/5/94; WSR 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-095, filed 12/31/91, effective 1/31/92; WSR 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-095, filed 2/23/89. Statutory Authority: RCW 81.68.030. WSR 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-095, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. WSR 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-095, filed 8/14/80.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-097 Equipment—Inspection—Ordered for repairs. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-097, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01-040. WSR 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-097, filed 12/31/91, effective 1/31/92; WSR 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-097, filed 2/27/90, effective 3/30/90.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-100 Operation of motor vehicles. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-100, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. WSR 94-14-013 (Order R-421, Docket No. T-940589), § 480-30-100, filed 6/23/94, effective 7/24/94; WSR 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-100, filed 12/31/91, effective 1/31/92; WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-100, filed 10/31/90, effective 12/1/90; WSR 90-13-119 (Order R-319, Docket No. TC-900312-R), § 480-30-100, filed 6/21/90, effective 7/22/90; WSR 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-100, filed 2/27/90, effective 3/30/90; WSR 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-100, filed 2/23/89; WSR 85-23-002 (Order R-244, Cause No. TV-1913), § 480-30-100, filed 11/7/85; WSR 85-20-047 (Order R-241, Cause No. TC-1904), § 480-30-100, filed 9/25/85; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-100, filed 7/11/84. Statutory Authority: RCW 81.68.030. WSR 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-100, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. WSR 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-100, filed 8/14/80; Order R-5, § 480-30-100, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70-270.
- 480-30-105 Depot and terminal facilities. [Order R-13, § 480-30-105, filed 11/28/69; Order R-8, § 480-30-105, filed 9/11/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-110 Regulatory fees. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. WSR 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-30-110, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040. WSR 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-110, filed 10/31/90, effective 12/1/90; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-110, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. WSR 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-110, filed 8/9/79; Order R-78, § 480-30-110, filed 10/15/75; Order R-5, § 480-30-110, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-120 Uniform system of accounts and annual reports. [Statutory Authority: RCW 80.01.040. WSR 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-30-120, filed 12/15/89, effective 1/15/90; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-120, filed 7/11/84. Statutory Authority: RCW 80.01.040 and 81.68.030. WSR 81-04-008 (Order R-156, Cause No. TC-1421), § 480-30-120, filed 1/28/81; Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-130 Rules and regulations—General application. [Statutory Authority: RCW 80.01.040. WSR 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-130, filed 12/23/87; WSR 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-130, filed 7/11/84; Order R-5, § 480-30-130, filed 6/6/69, effective 10/9/69.] Repealed by WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.
- 480-30-206 Vehicle licensing. [Statutory Authority: RCW 80.01-040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-206, filed 6/8/06, effective 7/9/06.] Repealed by WSR 17-16-114 (Docket TC-161262, General Order R-590), filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04-160, 81.68.030 [81.68.030], and 81.70.270.
- 480-30-211 Commercial vehicle defined. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-211, filed 6/8/06, effective 7/9/06.] Repealed by WSR 17-16-114 (Docket TC-161262, General Order R-590), filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270.
- 480-30-213 Vehicles and drivers. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70-270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-213, filed 6/8/06, effective 7/9/06.] Repealed by WSR 17-16-114 (Docket TC-161262, General Order R-590), filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270.
- 480-30-920 Registered exempt carriers. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70-270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-920, filed 6/8/06, effective 7/9/06.] Repealed by WSR 13-05-023 (Docket A-121496, General Order R-569), filed 2/11/13, effective 3/14/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

PART 1—GENERAL ADMINISTRATIVE RULES

WAC 480-30-001 Purpose of chapter. (1) The legislature has declared that companies operating as auto transportation companies or as charter and excursion carriers in the state of Washington are engaged in businesses that affect the public interest and should be regulated. The purpose of these rules is to administer and enforce chapters 81.68 and 81.70 RCW by establishing the following standards that apply to auto transportation companies and to charter and excursion carriers, to the extent allowed by the individual chapters of law:

- Public safety;
- Fair practices;
- Just, reasonable and sufficient rates;
- Nondiscriminatory application of rates;

- Adequate and dependable service;
- Consumer protection; and
- Compliance with statutes, rules and commission orders.

(2) This chapter replaces rules formerly contained in chapters 480-40 and 480-30 WAC.

(3) In addition to administering and enforcing chapters 81.68 and 81.70 RCW, the rules under this chapter are established to comply with federal law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-001, filed 6/8/06, effective 7/9/06.]

WAC 480-30-006 Application of rules. (1) The rules in this chapter apply to passenger transportation companies subject to the jurisdiction of the commission under chapter 81.04, 81.68, or 81.70 RCW. The rules apply to all passenger transportation companies, unless a part, rule, or reference within a rule states otherwise. These rules also include various requirements that apply to the companies' customers and to companies applying for certificates.

(2) The tariffs filed by auto transportation companies must conform to these rules. If the commission accepts a tariff or schedule that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-30-046. Tariffs that conflict with these rules and are not specifically approved by the commission are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by filing an informal complaint under WAC 480-07-910 or by filing a formal complaint under WAC 480-07-370.

(4) No deviation from these rules will be permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-006, filed 6/8/06, effective 7/9/06.]

WAC 480-30-011 Exempt operations. The commission does not regulate the following passenger transportation operations under this chapter:

(1) Auto transportation company operations conducted wholly within the limits of an incorporated city or town, or auto transportation company operations from a point in a city or town in the state of Washington for a distance of not more than three road miles beyond the corporate limits of the city or town in which the trip began. The operations must not be part of a journey beyond the three-mile limit, either alone or in conjunction with another vehicle or vehicles.

(2) Commuter ride sharing or ride sharing for persons with special transportation needs under RCW 46.74.010, provided the ride-sharing operation does not compete with nor infringe upon comparable service that was actually provided by an auto transportation company under chapter 81.68 RCW before the ride-sharing operation started.

(3) Municipal corporations and other government entities.

(4) Public transit agencies.

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(5) Persons operating vehicles under exclusive contract to a public transit agency.

(6) Persons owning, operating, controlling, or managing taxi cabs, hotel buses, or school buses, when operated as such.

(7) Passenger vehicles carrying passengers on a noncommercial basis, including but not limited to, nonprofit corporations.

(8) Private carriers who, in their own vehicles, transport passengers as an incidental adjunct to some other established private business owned or operated by them in good faith.

(9) Transporting transient air flight crew or in-transit airline passengers between an airport and temporary hotel accommodations under an arrangement between the airline carrier and the passenger transportation company.

(10) Substituting ground transportation for air transportation under an arrangement between the airline carrier and the passenger transportation company in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes.

(11) Transporting passengers who have had or will have had a prior or subsequent movement by air under a through ticket or common arrangement with an airline or with a connecting out-of-state passenger transportation company.

(12) Any other carrier or company that does not come within the term:

(a) "Auto transportation company" as defined in RCW 81.68.010;

(b) "Charter party carrier" as defined in RCW 81.70.020; or

(c) "Excursion service carrier" as defined in RCW 81.70.020.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-011, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-011, filed 6/8/06, effective 7/9/06.]

WAC 480-30-016 Determination of authority. (1) In some instances, a person desiring to transport passengers may be subject to regulation as an auto transportation company under the provisions of chapter 81.68 RCW, a charter and excursion carrier under the provisions of chapter 81.70 RCW, or both chapters, depending on the nature of the services offered and provided.

(2) When determining whether operations require an auto transportation or charter and excursion certificate the commission will consider factors including, but not limited to:

(a) What is the nature of the proposed transportation service?

(b) What is the origin and destination of the proposed transportation?

(c) Who will provide the service?

(d) Who will pay for the service?

(e) How will the rates be assessed? (Time of use, mileage or distance, passenger fares, flat fee, other.)

(f) How will the service be provided?

(g) Will the service be offered to the public?

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(h) Will a passenger or group of passengers have exclusive use of the vehicle or will there be shared rides or mixed use?

(i) What type and size vehicle(s) will be used to provide the service?

(j) Who will own the vehicle(s)?

(k) Who will be responsible for the operation and control of the vehicle(s)?

(3) Any person may submit to the commission a detailed written description of a proposed service to transport passengers and request an informal staff determination of the authority required to provide the described service.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-016, filed 6/8/06, effective 7/9/06.]

WAC 480-30-021 Additional requirements. (1) These rules do not relieve any passenger transportation company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any passenger transportation company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-021, filed 6/8/06, effective 7/9/06.]

WAC 480-30-022 Contractors. A passenger transportation company may contract with a person or company to perform tasks that are subject to the rules under this chapter. If the passenger transportation company's contractor or any of its subcontractors engages in conduct that violates any federal, state, or local law or regulation, or any commission order, while performing tasks under the contract, the passenger transportation company is subject to commission enforcement actions as if the passenger transportation company itself engaged in that conduct. The passenger transportation company is responsible for maintaining measures designed to prevent and detect a violation of statutes or rules within the commission's authority to enforce by a contractor or any of its subcontractors. The passenger transportation company must make available records regarding its use of the contractor on request by the commission that fully enable the commission to audit, investigate, and determine the company's compliance with applicable law while using the contractor.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-022, filed 7/31/17, effective 8/31/17.]

WAC 480-30-026 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is still valid.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-026, filed 6/8/06, effective 7/9/06.]

WAC 480-30-031 Procedural rules. The commission's procedural rules are contained in chapter 480-07 WAC. If a

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rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies. Copies of chapter 480-07 WAC are available from the commission records center on request.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-031, filed 6/8/06, effective 7/9/06.]

WAC 480-30-036 Definitions, general. (1) See WAC 480-30-261 for definition of terms used primarily in tariffs and time schedules and WAC 480-30-216 for definitions used in driver and vehicle safety rules.

(2) Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Agent" means a person authorized to transact business for, and in the name of, another.

"Airporter service" means an auto transportation service that starts or ends at a station served by another type of transportation such as, air or rail transportation. Airporter service is often a premium service that involves handling luggage. Although stops may be made along the way, they are usually limited to picking up or discharging passengers and luggage bound to or from the airport or depot served.

"Alternate arrangements for passengers" means the travel arrangements made by an auto transportation company that has accepted a trip booking or reservation from a passenger and that is unable to provide the agreed transportation. The alternate arrangements may require travel by another carrier or mode of transportation at no additional cost to the passenger beyond what the passenger would have paid for the original transportation arrangement.

"Application docket" means a commission publication providing notice of all applications requesting auto transportation operating authority, with a description of the authority requested. The commission sends this publication to all persons currently holding auto transportation authority, to all persons with pending applications for auto transportation authority, to affected local jurisdictions or agencies, and to all other persons who asked to receive copies of the application docket.

"Area" means a defined geographical location. Examples include, but are not limited to:

- (a) A specified city or town;
- (b) A specified county, group of counties, or subdivision of the state, e.g., western Washington;
- (c) A zone, e.g., company designated territory; or
- (d) A route, e.g., area within four road miles of Interstate 5.

"Auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever owning, controlling, operating, or managing any motor-propelled vehicle used in the business of transporting persons and their baggage on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

"Between fixed termini or over a regular route" means the fixed points between which an auto transportation company provides service or the route over which an auto

transportation company ordinarily operates any motor-propelled vehicle, even though there may be variance whether the variance is periodic or irregular.

"Bus" means a motor vehicle designed, constructed, and/or used for the transportation of passengers.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"By-reservation-only service" means transportation of passengers by an auto transportation company, with routes operated only if passengers have made prior reservations.

"Certificate" means:

(a) The certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.68 RCW to operate as an auto transportation company; or

(b) The certificate issued by the Washington utilities and transportation commission under chapter 81.70 RCW to operate as a charter and excursion carrier in the state of Washington.

"Certificated authority" means:

(a) The territory and services granted by the commission and described in an auto transportation company's certificate of public convenience and necessity; or

(b) Operations in the state of Washington for charter and excursion service carriers.

"Charter party carrier" or **"charter carrier"** means every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after leaving the place of origin. A person who is engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.

"Claim" means a demand made on a company for payment resulting from a loss sustained through the company's negligence or for inadequate service provided by the company.

"Closed-door service" means a portion of a route or territory in which an auto transportation company is not allowed to pick up or deliver passengers. Closed-door service restrictions must be clearly stated in an auto transportation company's certificate.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers if the vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms (26,001 pounds) or more, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds); or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms (26,001 pounds) or more; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. Sec. 5103 (b)) and which require the motor vehicle to be placarded

under the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports passengers by motor vehicle over the public highways for compensation.

"Common purpose" means that a group of persons is traveling together to achieve a common goal or objective. For example, a group of persons traveling together to attend a common function or to visit a common location. For the purposes of these rules it does not mean a group of persons who have no common goal other than transportation to, or from, the airport.

"Company" means an entity authorized by the commission to transport passengers, for compensation, using a motor vehicle, over the public highways of the state.

"Complaint" means one of two types of actions by a person against a passenger transportation company that the commission regulates:

(a) **"Informal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-910. Informal complaints are normally investigated and resolved by commission staff.

(b) **"Formal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-370. In a formal complaint, the burden of proof resides with the complaining party who must prove its assertions in a formal commission proceeding.

"Connecting service" means an auto transportation company service over a route, or routes, that require passengers to transfer from one vehicle to another vehicle operated by either the same company or a different company before reaching the ending point.

"Contract" as used in this chapter means any agreement between a passenger transportation company and another person to obtain property or services the company uses to provide passenger transportation services including, but not limited to, sales agreements, service agreements, employment agreements, mortgages, loans, and leases for real or personal property.

"Customer" means a person who purchased transportation services from an auto transportation company or a person, corporation, or other entity that prearranges for transportation services with a charter party carrier or purchases a ticket for transportation services aboard an excursion service carrier.

"Direct route" means an auto transportation company service over a route that goes from the beginning point to the ending point with limited, if any, stops along the way, and traveling only to points located on the specific route without requiring a passenger to transfer from one vehicle to another.

"Discontinuance of service":

(a) **"Permanent discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to permanently discontinue all, or part of, its service and relinquish that certificate or portion of that certificate. See WAC 480-30-186.

(b) **"Temporary discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to discontinue all, or part of, its service for a specified, limited period of time.

"Door-to-door service" means an auto transportation company service provided between a location identified by the passenger and a point specifically named by the company in its filed tariff and time schedule.

"Double-decker bus" means a motor vehicle with more than one passenger deck.

"Excursion service carrier" or **"excursion carrier"** means every person engaged in the transportation of persons for compensation over any public highway in the state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service must not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may be regularly scheduled. Compensation for the transportation offered or afforded must be computed, charged, or assessed by the excursion service company on an individual fare basis.

"Express passenger service" means auto transportation company service provided between fixed points or stations with few, if any, stops along the route, and is designed to get passengers from origin to destination more quickly than normally scheduled passenger service.

"Federal Motor Carrier Safety Administration" means an agency of the United States Department of Transportation (USDOT) and successor agency to the former Interstate Commerce Commission.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Fixed termini" means points of origin and destination that are set, static locations or defined geographic areas. Examples include a city or town, a building or an airport. In addition "fixed termini" can include service between an airport and unlimited points within a defined geographic area.

"Flag stops" means a point along an auto transportation company's normally traveled routes where the company stops only if it receives notification that a passenger wishes to board the vehicle at that point. An auto transportation company must list available flag stops in the company's tariffs and time schedules. Flag stops may only be named at points that provide waiting passengers safe access to the vehicle.

"Group" means:

- (a) Two or more passengers traveling together;
- (b) A class of passengers to whom special rates and/or rules apply. For example, active military personnel.

"Intermediate point" means a point located on a route between two other points that are specifically named in an auto transportation company's certificate or tariff.

"Intermediate service" means service to an intermediate point.

"Interruption in service" means a period of time during which an auto transportation company cannot provide service listed in its certificate, its filed tariff, or its filed time

schedule. An interruption in service is normally short lived, lasting no more than a few hours or a few days.

"Liquor permit holder" means a holder of an appropriate special permit to provide liquor issued under chapter 66.20 RCW, who is twenty-one years of age or older and who is responsible for compliance with the requirements of WAC 480-30-244 and chapter 66.20 RCW during the provision of transportation services.

"Motor vehicle" or **"vehicle"** means:

(a) As related to auto transportation companies: Every self-propelled vehicle used on the public highways, for the transportation of persons for compensation.

(b) As related to charter and excursion carriers: Every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, used on the public highways, for the transportation of persons for compensation.

"Named points" means cities, towns, or specific locations that are listed in an auto transportation company's certificate, tariff, or time schedule.

"Nonstop service" means transportation of passengers from point of origin to point of destination without stopping at any intermediate points.

"On-call service" means unscheduled auto transportation company service provided only to those passengers that have by prior arrangement requested service prior to boarding.

"Party bus" means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus.

"Passenger facility" means a location at which an auto transportation company stations employees and at which passengers can purchase tickets or pay fares for transportation service.

"Passenger transportation company" means an auto transportation company or charter and excursion carrier.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Premium service" means a type of service provided by an auto transportation company that is outside normal service. Examples include express service, direct route service, and nonstop door-to-door service.

"Private carrier" means a person who transports passengers in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Public highway" means every street, road, or highway in this state.

"Public transit agency" means a municipal corporation or agency of state or local government formed under the laws of the state of Washington for the purpose of providing transportation services including, but not limited to, public transportation benefit areas, regional transit authorities, municipal transit authorities, city and county transit agencies.

"Residence" means the regular dwelling place of an individual or individuals.

"Route" means a highway or combination of highways over which an auto transportation company provides passenger service. There are two types of routes:

(a) **"Irregular route"** means travel between points named in an auto transportation company's certificate via any highway or combination of highways the company wishes to operate over. The certificate issued to the company does not list highways to be used, but the company defines routes in its tariffs and time schedules.

(b) **"Regular route"** means an auto transportation company providing passenger transportation over a route named in the certificate issued to the company by the commission.

"Scheduled service" means an auto transportation company providing passenger service at specified arrival and/or departure times at points on a route.

"Single contract" means an agreement between a charter carrier and a group of passengers to provide transportation services at a set price for the group or trip. Under a single contract, passengers are not charged individually.

"Small business" means any company that has fifty or fewer employees.

"Special or promotional fares" means temporary fares for specific services offered for no more than ninety days.

"Suspension" means an act by the commission to temporarily revoke a company's certificated authority; or an act by the commission to withhold approval of an auto transportation company's tariff filing.

"Tariff" or **"tariff schedule"** means a document issued by an auto transportation company containing the services provided, the rates the company must assess its customers for those services, and the rules describing how the rates apply.

"Tariff service territory" means a company-defined geographic area of its certificated authority in which a specific tariff applies.

"Temporary certificate" means the certificate issued by the Washington utilities and transportation commission under RCW 81.68.046 to operate as an auto transportation company for up to one hundred eighty days or pending a decision on a parallel filed auto transportation company certificate application.

"Temporary certificate authority" means the territory and services granted by the commission and described in an auto transportation company's temporary certificate.

"Ticket agent agreements" means a signed agreement between an auto transportation company and a second party in which the second party agrees, for compensation, to sell tickets to passengers on behalf of the auto transportation company. See WAC 480-30-391.

"Time schedule" means a document filed as part of an auto transportation company's tariff, or as a separate document, that lists the routes operated by the company including the times and locations at which passengers may receive service and any rules specific to operating those routes.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-036, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-036, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050,

81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-036, filed 6/8/06, effective 7/9/06.]

WAC 480-30-041 Change of address. A company must notify the commission in writing of any change in physical business address, business mailing address, business telephone number, fax number, or email address. This notice must be filed by letter, fax, or email within fifteen days following the change.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-041, filed 6/8/06, effective 7/9/06.]

WAC 480-30-046 Exemptions from rules in chapter 480-30 WAC. The commission may grant an exemption from the provisions of any rule in this chapter consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modification to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-046, filed 6/8/06, effective 7/9/06.]

WAC 480-30-051 Mapping, auto transportation company. (1) **Software and scale compatibility.** The commission uses geographic information system (GIS) software to track regulated public utility and transportation company operating territories. Auto transportation company maps must meet minimum standards to ensure that those maps are compatible with the commission's GIS mapping system. When required by this chapter to file a map, an auto transportation company must file that map in one of the methods described in (a) and (b) of this subsection.

(a) **Electronic maps.** An auto transportation company may file an electronic map that is compatible with the commission's hardware and software. Before filing its map electronically, a company must contact the commission to determine whether its mapping software is compatible with that used by the commission.

(b) **Paper maps.** An auto transportation company may file a paper map or combination of paper maps using:

(i) Official state highway maps or comparable highway maps;

(ii) United States Geological Survey (USGS) maps at a scale of 1:250,000;

(iii) United States Geological Survey (USGS) maps at a scale of 1:24,000, when necessary to clearly resolve any inconsistencies or to reflect local service territories.

(c) **Availability of maps.** USGS maps are available through the Washington state department of natural resources and various private vendors. The official state highway map is available from the Washington state department of transportation.

(2) **Map detail.** Any map submitted to the commission must:

(a) Clearly show counties, cities, freeways, highways, roads, streets, county lines, and any other feature described in the application or certificate;

(b) Be clearly labeled to identify the features described in the certificate;

(c) Have a north arrow;

- (d) Have a map legend briefly describing the features on the map;
- (e) Have a scale bar showing the distance on the map equal to a defined number of feet, miles or other unit; and
- (f) Have a title box that includes the company's name as shown on the company's auto transportation certificate, the company's registered trade name, the identification number of the filing to which the map applies, and a contact name and phone number.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-051, filed 6/8/06, effective 7/9/06.]

WAC 480-30-056 Records retention, auto transportation company. (1) **General provisions.** An auto transportation company must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in subsection (2) of this section or unless a longer retention period is required by another governmental body.

(2) **Retention schedule table.** The following schedule shows periods that auto transportation companies must preserve various records.

Type of Record:	Retention Period:
1. Original certificate	Until cancellation.
2. Contracts	Until expiration, or termination, as applicable, plus three years.
3. All employment records	Until end of employment plus one year.
4. Long-term debt records	Until redemption plus three years.
5. General and subsidiary ledgers and indexes	Until discontinuance of use plus three years.
6. General journals	Until discontinuance of use plus three years.
7. General cash books	Until discontinuance of use plus three years.

(3) **Customer service records.** An auto transportation company must maintain complete and accurate customer service records.

- (a) Company service records include, but are not limited to:
 - (i) Daily trip records, by route or by unit of equipment, that show:
 - (A) The schedules operated;
 - (B) The number of passengers carried on each schedule;
 - (C) The point each passenger boarded and disembarked from the vehicle;
 - (D) The fare charged each customer (for example full-fare, children's fare, round-trip fare, free or reduced fare);
 - (E) Any condition causing the vehicle to deviate from the company's filed time schedule by more than thirty minutes. For example, traffic backed up at an accident site, inclement weather, or equipment failure.
 - (ii) Records of revenues received.
 - (iii) Bills or invoices issued.

- (iv) Records of all reservations.
- (v) Records of all tickets issued.
- (vi) Records of all passenger service provided at free and/or reduced rates.
- (vii) Identification of vehicle by vehicle identification number (VIN) if the vehicle is not owned by the company.
- (viii) Each driver's name and current driver's license number (with state of issue) if the company does not employ the driver.

(b) Customer service records must be kept on file in the general office of the company for at least three years and are subject to commission inspection.

(c) Customer service records must be kept in chronological, numerical, or service route order.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-056, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-056, filed 6/8/06, effective 7/9/06.]

PART 2—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

WAC 480-30-066 Accounting requirements, auto transportation company. (1) The commission publishes a uniform system of accounts (USOA) for auto transportation companies. The commission supplies copies of the USOA on request.

(a) The USOA defines accounting, financial, and other procedures the commission uses to determine if rates are fair, just, reasonable, and sufficient.

(b) The USOA contains accounting definitions, listings, and explanations of balance sheet and income statement accounts.

(2) The commission recommends companies maintain their financial and accounting records according to the USOA. Regardless of what accounting system a company uses, the company must maintain its books and records in a manner sufficient to complete the commission-issued annual report form, using figures that reconcile with the USOA.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-066, filed 6/8/06, effective 7/9/06.]

WAC 480-30-071 Reporting requirements. (1) **Auto transportation company annual reports.** An annual report is an end-of-the-year summary of financial and operational activity that each regulated auto transportation company is required to file with the commission.

(a) Each year the commission provides an annual report form and instructions to each company at its address of record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual report. A company that does not receive an annual report form must contact the commission to obtain a copy of the form.

(b) A company must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must agree with source documents maintained at company offices.

(c) The commission may grant an extension of time allowing the company to file its annual report after the May 1 due date if the commission receives a request for extension before May 1.

(d) The commission may issue penalty assessments or take action to suspend or cancel a certificate if a company fails to file its required annual report.

(e) A company selling, canceling, transferring, or in some other manner discontinuing operations must submit an annual report for that portion of the year in which the company operated.

(f) The commission will provide an annual report form for companies charging flexible fares subject to WAC 480-30-420, requiring financial reporting only of the gross intrastate revenues reported to the state department of revenue for the previous calendar year, data to facilitate the commission's review under WAC 480-30-075, and such safety data as the commission may require.

(2) **Charter and excursion carrier annual safety reports.** An annual safety report is a summary of motor vehicle and safety operating information that each charter and excursion carrier is required to file with the commission.

(a) Each year the commission provides an annual safety report form and instructions to each company at its address of record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual safety report. A company that does not receive an annual safety report form must contact the commission to obtain a copy of the form.

(b) A company must file a complete, accurate annual safety report showing all requested information by May 1 of each year. Information provided on the annual safety report must agree with source documents maintained at company offices.

(c) The commission may grant an extension of time allowing the company to file its annual safety report after the May 1 due date if the commission receives a request for extension before May 1.

(d) The commission may issue penalty assessments or take action to suspend or cancel a certificate if a company fails to file its required annual safety report.

(3) **Other reports.** The commission may require a company to file periodic or other special reports.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-071, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-071, filed 6/8/06, effective 7/9/06.]

WAC 480-30-075 Review of the effects of adopted rule amendments. (1) Beginning January 1, 2019, the commission will evaluate the effects of WAC 480-30-140, 480-30-420, and the amendments to WAC 480-30-071, 480-30-096, 480-30-116, 480-30-126, 480-30-136, and 480-30-286. The issues that may be considered include, but are not limited to:

(a) Whether the amendments increased opportunities to maintain and expand safe, fair, adequate, dependable and fairly priced auto transportation services to the public;

(b) Whether the amendments reduced the cost to the companies of complying with the tariff and application regulations in this chapter and the cost to the agency of enforcing the regulations;

(c) Whether the amendments reduced the duration of time required to process tariffs and applications;

(d) Whether the amendments increased opportunities for new and existing companies to provide service;

(e) A comparison of fares charged by companies under WAC 480-30-420 and fares charged by companies under the standard tariff rules, and by other public and private transportation service providers;

(f) Whether there has been an increase in consumer complaints about unreasonable or unfair fares; and

(g) Whether the changes have resulted in an increase in ridership.

(2) The commission will accomplish the evaluation required under subsection (1) of this section through a rule-making proceeding under chapter 34.05 RCW.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-075, filed 8/21/13, effective 9/21/13.]

WAC 480-30-076 Regulatory fees. A regulatory fee is an annual assessment paid by each company to cover the costs of regulation.

(1) **Auto transportation company regulatory fees.** The maximum auto transportation company regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum fee that an auto transportation company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any auto transportation company with less than five thousand dollars in gross intrastate operating revenue.

(d) Each auto transportation company must pay its regulatory fee by May 1st of each year.

(2) **Charter and excursion carrier regulatory fees.** The charter and excursion carrier regulatory fee is established by commission order.

(a) The minimum fee a charter and excursion carrier must pay is the amount established for a single vehicle.

(b) Each charter and excursion carrier must pay its regulatory fee on or before May 1st of each year.

(3) **Extension of time to pay regulatory fees.** The commission cannot grant extensions for payment of regulatory fees.

(4) **Penalties for late fees.** If a company does not pay its regulatory fee by the due date established in this rule, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-076, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General

Order No. R-533, Docket No. TC-020497), § 480-30-076, filed 6/8/06, effective 7/9/06.]

WAC 480-30-081 Motor vehicle fund, auto transportation company. (1) In addition to regulatory fees, each auto transportation company must pay mileage fees on each vehicle it operates with a seating capacity over six passengers. RCW 46.16.125 establishes the following mileage fees:

- (a) Fifteen cents for each one hundred vehicle miles; or
- (b) Twenty cents for each one hundred vehicle miles if the vehicle is propelled by steam, electricity, natural gas, diesel oil, butane, or propane.

(2) The commission transmits mileage fees collected under the provisions of RCW 46.16.125 to the state treasurer to be deposited in the motor vehicle fund.

(3) If a company fails to pay the mileage fees, the company is subject to a penalty of one hundred percent of the payment due.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-081, filed 6/8/06, effective 7/9/06.]

PART 3—CERTIFICATES

WAC 480-30-086 Certificates, general. (1) **Certificate required.** A person must have a certificate from the commission before operating as a passenger transportation company in the state of Washington.

(2) **Company name.** The company name is the name of the certificate holder.

(a) A company electing to conduct operations under a trade name must first register the trade name with the commission.

(b) A company must conduct all operations under the company name, a registered trade name, or both. Operations includes, but is not limited to, advertising, ticketing, and identifying vehicles.

(c) A company may not operate under a company name or trade name that is similar to that of another company if use of the similar name misleads the public or results in unfair or destructive competitive practices.

(3) **Display.** A company must keep its original certificate on file at its principal place of business open to inspection by any customer, law enforcement officer, or authorized commission representative who asks to see it.

(4) **Replacement.** The commission will replace a lost or destroyed original certificate at no charge.

(5) **Description of certificated authority.** When a company's certificate authority includes boundaries such as cities, towns, streets, avenues, roads, highways, townships, ranges or other descriptions, the boundaries remain established as they existed at the time the commission granted the authority.

(6) **Operating within certificated authority.**

(a) A company must operate strictly within the authority described in its certificate.

(b) The commission may take administrative action against a company operating outside its certificated authority. Refer to WAC 480-30-241 for information regarding the commission's compliance policy.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-086,

(7/31/17)

filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-086, filed 6/8/06, effective 7/9/06.]

WAC 480-30-091 Certificates, application fees. (1) The purpose of an application filing fee is to partially cover handling and processing expenses.

(2) The commission establishes the following fees for application filings:

Auto transportation company certificate application \$200

Application for certificate to provide regular route or fixed termini service. Forms include: Application for new certificate, to reinstate a previously canceled certificate, to transfer all or a portion of a certificate to a new owner or business structure, to lease all or a portion of a certificate. Note: Auto transportation company certificates include statewide charter and excursion carrier service. No additional application is required.

Auto transportation company certificate extension application \$150

Application for extension of certificate authority to add new or additional regular route or fixed termini service to an existing auto transportation certificate.

Auto transportation company temporary certificate application \$150

Application for new temporary authority or temporary authority to operate pending a commission decision on a parallel filed certificate application.

Charter and excursion carrier certificate application \$200

Application for single certificate to provide both charter and excursion carrier service statewide. Forms include: Application for new certificate, to reinstate a previously canceled certificate, to transfer an existing certificate to a new owner or business structure.

Certificate name change application \$35

Application to change a company's corporate name, change a trade name, add a new trade name, or change the surname of an individual owner or partner.

Auto transportation company certificate mortgage application \$35

Application for permission to mortgage or otherwise encumber an auto transportation company certificate.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-091, filed 6/8/06, effective 7/9/06.]

WAC 480-30-096 Certificates, application filings, general. (1) A person must submit its certificate application on forms provided by the commission.

(2) Applications must include all requested information, attachments, signed statements, and filing fees.

(a) The commission may reject or defer consideration of an application until the applicant provides all required information;

(b) The commission may reject or defer consideration of an application until the applicant pays any outstanding fees, fines, or penalties; or

(c) The commission may reject or dismiss an application if it includes false, misleading, or incomplete information.

(3) Applications for auto transportation certificate authority must include, but are not limited to:

(a) A complete description of the proposed service including, but not limited to:

(i) The line, route, or service territory described in terms such as streets, avenues, roads, highways, townships, ranges, cities, towns, counties, or other geographic descriptions;

(ii) Whether the service will be:

- "Door-to-door service" - Service provided between locations identified by the passengers and points specifically named by the company in its filed tariff and time schedule. Door-to-door service requires a time schedule in compliance with WAC 480-30-281 (2)(c) and may be restricted to "by reservation only"; and/or

- "Scheduled service" - Service provided between locations specifically named by the company (e.g., the X Hotel at 4th and Main) and points specifically named by the company in its filed tariff and time schedule. Scheduled service requires the company to file a time schedule in compliance with WAC 480-30-281 (2)(b) and may be restricted to "by reservation only."

(b) A map of the proposed line, route, or service territory that meets the standards described in WAC 480-30-051;

(c) A statement of the applicant's assets and liabilities;

(d) A proposed tariff and time schedule for the proposed service;

(e) A statement of conditions from the applicant and statements from members of the public that demonstrate that public convenience and necessity requires the proposed service;

(f) Ridership and revenue forecasts for the first twelve months of operation;

(g) A projected balance sheet and income statement for the first twelve months of operation;

(h) A list of equipment currently owned or leased, or proposed to be purchased or leased, to be used in providing the proposed service;

(i) A statement of the applicant's prior experience and familiarity with the commission's statutes and rules, specifically safety requirements that govern the operations it proposes; and

(j) Evidence of compliance with state tax, labor, employment, business, and vehicle licensing laws and rules. The commission will accept valid, verifiable account numbers

showing the applicant has established accounts with other state agencies.

(4) The provisions of this rule do not apply to applications for auto transportation company certificate authority to provide intrastate service over an interstate regular route under a federal grant of authority. Refer to WAC 480-30-101.

(5) An application for new authority filed by a person not currently holding a certificate may propose a tariff that in addition to the applicant's proposed fares includes a request that the company be granted flexible fare authority under WAC 480-30-420 with the proposed maximum fares shown in compliance with the rule. Before the commission grants such authority, it will determine that the proposed base fares are fair, just, reasonable, and sufficient.

(6) A person holding a certificate applying for a name change or mortgage is not required to comply with WAC 480-30-096(3).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-096, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-096, filed 6/8/06, effective 7/9/06.]

WAC 480-30-101 Certificates, federal grant of authority, auto transportation company. (1) This rule governs applications for auto transportation company certificates for authority to provide intrastate regular route service under a federal grant of authority under the provisions of 49 U.S.C. § 13902.

(2) A company operating under a federal grant of authority must comply with state filing requirements no later than thirty days after the date the company first begins providing transportation entirely within the state.

(3) The commission will grant an auto transportation company application for certificate consistent with the federal grant of authority and limited to intrastate operations that are conducted together with regularly scheduled interstate operations on the same route.

(a) An application for a certificate filed under the provisions of this rule must be submitted on forms provided by the commission and accompanied by the required auto transportation company certificate application filing fee in WAC 480-30-091.

(b) A copy of the federal order granting authority and any other documents or correspondence relevant to the federal grant of authority must accompany the application.

(c) The application may be published on the commission's application docket for informational purposes only, but is not subject to protest by any party.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-101, filed 6/8/06, effective 7/9/06.]

WAC 480-30-106 Certificates, acquisition of control. (1) **Notice required.** Any person acquiring control of a passenger transportation company through acquisition of the stock of that company must notify the commission in writing within thirty days of the acquisition.

(2) **Content of notice.** Notice may be accomplished by filing a letter with the commission. The letter must include at least the following information:

- (a) The name, registered trade names, and certificate number of the acquired company.
- (b) The date of acquisition.
- (c) The names of the majority stockholders and the percent of stock each holds.
- (d) The name, address, telephone number, fax number, and email address of a contact person within the company to whom questions may be directed.
- (e) The location (mailing address and physical address) where books and records of the acquired company will be retained.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-106, filed 6/8/06, effective 7/9/06.]

WAC 480-30-111 Certificates, starting service. (1) Filing an application under WAC 480-30-096 does not authorize the applicant to start operations of the type requested or in the territory described in the application. The commission must grant the application and issue a certificate before a company may start the requested service.

(2) This rule does not apply to applications for auto transportation company certificates under a preemptive federal grant of authority to provide intrastate service over an interstate route.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-111, filed 6/8/06, effective 7/9/06.]

WAC 480-30-116 Certificates, application docket, and objections, auto transportation company. (1) **Application docket.** The commission publishes a notice of pending certificate applications in the application docket. The commission mails the application docket to each existing auto transportation company certificate holder, to each person with a pending auto transportation company certificate application and to any other interested person who has asked to receive copies of the application docket. It includes notice of auto transportation company certificate applications for:

- (a) New certificate authority.
- (b) Extension of existing certificate authority.
- (c) Transfer or lease of all or a portion of certificate authority.

(2) **Objections.** An existing auto transportation company may object to an application for new authority or an extension of authority published in the application docket only if the company holds a certificate that authorizes the same service and the company provides the same service published in the application docket. No company may file an objection to applications for transfers or lease of all or a portion of certificate authority.

- (a) **Form of objections.** Objections must:
 - (i) Be filed within thirty days of the date the commission mailed the application docket.
 - (ii) Be filed according to the provisions of WAC 480-07-370.
 - (iii) Be served on the applicant and the applicant's attorney, if the attorney has filed with the commission a notice of appearance.

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(iv) Specify why the company believes it is providing the same service to the satisfaction of the commission and why it is filing the objection.

(v) Specify the approximate number of witnesses the objecting company intends to present and an estimate of hearing time required for the objecting company's presentation.

(vi) Include the name and address of each person on whose behalf the objection is filed including that person's certificate number, a copy of the certificate authority, and identification of the portion or portions of the objector's certificate that is the basis for the objection, and specifically identify the portion or portions of the objector's certificate that authorizes the same service requested by the applicant.

(vii) Describe any restrictive amendment that could eliminate the objecting company's interest in the application.

(b) **Failure to file objection on time.** A person who fails to file an objection within the thirty-day notice period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application, or that good cause exists for the failure to make a timely objection.

(3) The adjudication of applications subject to an objection filed under RCW 81.68.040 will be accomplished in the simplest and most expeditious manner consistent with state law. The adjudication will be limited to the question of whether the objecting company holds a certificate to provide the same service in the same territory, whether the objecting company provides the same service, and whether an objecting company will provide the same service to the satisfaction of the commission.

(4) **Applications not subject to the docket and objection provisions of this rule.** This rule does not apply to:

- (a) Applications for charter and excursion carrier certificates;
- (b) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-30-181, when the application is filed within thirty days of the certificate cancellation date;
- (c) Applications for name change;
- (d) Applications to mortgage an auto transportation company certificate; and
- (e) Applications for an auto transportation company certificate under a federal grant of authority to provide intrastate service over an interstate route.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-116, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-116, filed 6/8/06, effective 7/9/06.]

WAC 480-30-121 Certificates, applications, charter and excursion carrier. (1) A person applying for a certificate to provide charter and excursion carrier services must be fit, willing, and able to provide service and to comply with state law and the safety and insurance requirements of this chapter.

(2) The commission will issue to any qualified applicant a certificate to provide charter and excursion carrier services in Washington upon receipt of:

(a) A complete application filing as required by WAC 480-30-096;

(b) Proof of insurance as required by WAC 480-30-191; and

(c) Proof of a passing Commercial Vehicle Safety Alliance (CVSA) safety inspection of each motor vehicle to be operated by the applicant under its certificate.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-121, filed 6/8/06, effective 7/9/06.]

WAC 480-30-126 Certificates, applications, auto transportation company. (1) A person applying for a certificate to provide auto transportation company services must have the knowledge, experience, and resources to conduct the service it proposes in its application. The applicant must be fit, willing and able to comply with state law and the requirements of this chapter.

(2) The commission must determine that the public convenience and necessity, as defined in WAC 480-30-140(1), requires the proposed service when considering an application for a new certificate or extension of an existing certificate. An applicant must support its application with statements by independent members of the public who need the service or are knowledgeable about the need for service in the territory in which the applicant seeks authority, or a statement by a representative of a city, county or regional transportation planning organization who is knowledgeable about the need for service in the territory in which the applicant seeks authority.

(3) Auto transportation company certificate applications are subject to the application docket notice and objection provisions of WAC 480-30-116.

(4) The commission may set for hearing any auto transportation company certificate application.

(5) If no existing company files an objection under RCW 81.68.040, the commission may grant an original application or an extension of authority, if:

(a) The applicant demonstrates a need for service not provided by an existing auto transportation company holding a certificate by filing statements by independent members of the public who need the service or are knowledgeable about the need for service in the territory in which the applicant seeks authority, or a statement by a representative of a city, county or regional transportation planning organization who is knowledgeable about the need for service in the territory in which the applicant seeks authority;

(b) The applicant demonstrates the financial ability to provide the proposed service. "Financial ability" means that the applicant has sufficient financing or assets to begin operations and continue them for a reasonable period while developing business. This determination does not require a comprehensive analysis of cost and revenue estimates of the full scope of proposed operations and balancing start-up and long-run operating costs over an extended period; and

(c) The applicant demonstrates that it is willing and able to comply with commission laws and rules.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-126, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006

(General Order No. R-533, Docket No. TC-020497), § 480-30-126, filed 6/8/06, effective 7/9/06.]

WAC 480-30-131 Certificates, overlapping applications, auto transportation company. (1) The commission may consolidate applications for certificated auto transportation authority for joint consideration if:

(a) The authority requested in the applications overlaps in whole or in part; and

(b) The subsequent application was filed within thirty days of the date the initial application appears on the application docket.

(2) Applications for overlapping authority not filed within thirty days after the initial application appears on the application docket will be decided after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(3) When applications consolidated by the commission for joint consideration also contain requests for territory or services not overlapping that requested in the other application, and the nonoverlapping services or territory may be appropriately severed, the commission may decide the nonoverlapping portions of the application separately from the portions that do overlap.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-131, filed 6/8/06, effective 7/9/06.]

WAC 480-30-136 Procedure for applications subject to objection, information required of applicant and objecting company. (1) The commission will consider applications for which an objection has been received through brief adjudicative proceedings under WAC 480-07-610, unless the presiding officer determines, based on the facts and circumstances presented, that a hearing or different process is required.

(2) After one or more companies file an objection to an application, the commission will issue a notice of brief adjudication to the objecting company and the applicant, and request the filing of additional information to determine the nature of the objection proceeding. This information may include, but is not limited to:

(a) Statements from independent witnesses provided by an objecting company to demonstrate that the objecting company is providing the same service as the proposed service, to the satisfaction of the commission.

(b) Statements from independent witnesses provided by an objecting company to demonstrate that the traveling public will be harmed by the granting of the application.

(c) Additional supplementary information, evidence or testimony provided by the applicant to demonstrate that public convenience and necessity requires the proposed service.

(3) In considering an objection filed by a company holding a certificate, the commission will determine whether or not the objecting company will provide the same service to the satisfaction of the commission.

(a) If the commission determines that the objecting company holds a certificate to provide the same service in the same territory, that the service is the same as proposed in the application, and that the objecting company is providing the

same service to the satisfaction of the commission, the commission will not issue a certificate.

(b) If the commission determines that the objecting company will not provide the same service to the satisfaction of the commission, the commission may grant the application.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-136, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-136, filed 6/8/06, effective 7/9/06.]

WAC 480-30-140 Standards for determining "public convenience and necessity," "same service," and "service to the satisfaction of the commission." (1) Public convenience and necessity.

(a) In the context of auto transportation services, "public convenience and necessity" means that every member of the public should be reasonably afforded the opportunity to receive auto transportation service from a person or company certificated by the commission.

(b) In reviewing applications under this chapter, the commission may, among other things, consider differences in operation, price, market features, and other essential characteristics of a proposed auto transportation service, tailoring its review to the individual circumstances of the application in evaluating whether the public convenience and necessity requires the commission to grant the request for the proposed service and whether an existing company is providing the same service to the satisfaction of the commission. The commission will also consider whether increased competition will benefit the traveling public, including its possible impact on sustainability of service.

(2) Same service. When determining whether one or more existing certificate holders provide the same service in the territory at issue, the commission may, among other things, consider:

(a) The certificate authority granted to the existing companies and whether or not they are providing service to the full extent of that authority;

(b) The type, means, and methods of service provided;

(c) Whether the type of service provided reasonably serves the market;

(d) Whether the population density warrants additional facilities or transportation;

(e) The topography, character, and condition of the territory in which the objecting company provides service and in which the proposed service would operate;

(f) For scheduled service, the proposed route's relation to the nearest route served by an existing certificate holder. The commission views routes narrowly for the purpose of determining whether service is the same. Alternative routes that may run parallel to an objecting company's route, but which have a convenience benefit to customers, may be considered a separate and different service; and

(g) Door-to-door service and scheduled service in the same territory will not be considered the same service.

(3) Service to the satisfaction of the commission.

(a) The determination of whether the objecting company is providing service to the satisfaction of the commission is

dependent on, but not limited to, whether the objecting company:

(i) Holds authority to provide, and provides, the same service as proposed by the applicant in the same territory or the same subarea within the territory, for door-to-door service, or along the same route, for scheduled service, in which the service is proposed;

(ii) Has made a reasonable effort to expand and improve its service to consumers within the same territory or the same subarea within the territory, for door-to-door service, or along the same route, for scheduled service, in which the service is proposed;

(iii) Provides the service in a manner that is convenient, safe, timely, direct, frequent, expeditious, courteous and respectful, meets the advertised or posted schedules, fulfills commitments made to customers, meets consumer preferences or needs for travel, is responsive to consumer requests by reviewing the company's tariff and certificate in response to requests and when reasonable, proposing changes to the commission, and meets other reasonable performance expectations of consumers;

(iv) Has provided the same service as proposed by the applicant in the same territory or the same subarea within the territory, for door-to-door service, or along the same route, for scheduled service, in which the service is proposed, at fares competitive with those proposed by the applicant.

(b) Whether an objecting company will provide service to the satisfaction of the commission is based on the objecting company's performance regarding the criteria in (a) of this subsection prior to the date an application for proposed service is filed with the commission. The consideration period will depend on the circumstances, but will generally be for no more than one year. The commission will take into consideration extraordinary events, such as severe weather or unforeseeable disasters, when weighing the performance of an objecting company and consumer response to that performance. The commission will also take into consideration whether the testimony shows a pattern of behavior and whether the company has policies and procedures in place to mitigate or resolve alleged or actual service issues.

(c) In considering whether the objecting company has provided service to the satisfaction of the commission, the commission will consider statements or testimony from members of the public that they choose not to use the objecting company's services because the company fails to meet any of the satisfaction criteria identified in (a) of this subsection to the witness' satisfaction, unless the service failure was caused by extraordinary events as determined by the commission. Objecting companies may present witnesses to counter claims of an applicant and to substantiate the level of service and customer satisfaction provided.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-140, filed 8/21/13, effective 9/21/13.]

WAC 480-30-141 Transferring or encumbering all or part of a passenger transportation company's certificate or authority. (1) The commission must approve any sale, assignment, lease, transfer, or mortgage of an auto transportation, charter carrier, or excursion carrier company's cer-

tificate, or any portion of the operating authority described in a company's passenger transportation company certificate.

(2) To obtain commission approval for sale, assignment, lease, transfer, or mortgage, the parties to the transaction must jointly file an application with the commission seeking such approval.

(3) This rule does not apply to a change in ownership resulting from an acquisition of control of a corporation through stock sale or purchase. Refer to WAC 480-30-106.

(4) This rule does not apply to contracts between a passenger transportation company and another person or company for a driver or vehicle, or both, to provide service on behalf of the passenger transportation company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-141, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-141, filed 6/8/06, effective 7/9/06.]

WAC 480-30-146 Certificates, name change. (1) A company must file a name change application under the provisions of WAC 480-30-096 to:

- (a) Change its corporate name;
- (b) Change its trade name;
- (c) Add a trade name to a certificate; or
- (d) Change the surname of an individual owner or partner to reflect a change resulting from marriage or other legal action.

(2) When filing a name change application, the applicant must include:

- (a) Copies of any corporate minutes or other legal documents authorizing the name change; and
- (b) Proof that the new name is properly registered with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) If a name change results from a change in ownership the company must file an application to transfer the certificate according to the provisions of WAC 480-30-141.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-146, filed 6/8/06, effective 7/9/06.]

WAC 480-30-151 Certificates, refiling application prohibited, auto transportation company. A person whose application for auto transportation company authority has been denied after hearing, dismissed for failure to appear at a hearing, or who has been found to be in default, may not refile the application for a period of six months from the date of the final order dismissing or denying the application.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-151, filed 6/8/06, effective 7/9/06.]

WAC 480-30-156 Certificates, temporary, auto transportation company. (1) **Temporary certificates prohibited.** The commission is prohibited from granting a temporary certificate to operate in territory that is:

- (a) Contained in an existing certificate, unless the existing certificate holder is not providing service to the satisfaction of the commission or does not object to the temporary certificate.

- (b) Contained in a pending certificate application unless the temporary certificate application filing is made by the applicant or the applicant does not object to the temporary certificate.

(2) **Requirements.** Temporary certificate applications must meet the requirements of WAC 480-30-096.

(3) **Public interest.** The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. In determining if the requested temporary authority is consistent with the public interest, the commission may consider factors including, but not limited to:

- (a) The fitness of the applicant.
- (b) The need for the requested service.
- (c) Availability of existing service.
- (d) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(4) **Support statements required.** Applicants for temporary certificates must include signed support statements from potential customers identifying all pertinent facts relating to need for the proposed service.

(5) **Investigation of applications.** Commission staff will investigate the facts surrounding an application and need for the proposed service before making a recommendation that the commission grant or deny an application for temporary certificate.

(6) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate.

(7) **Length of service allowed under temporary certificate.** The commission may grant a temporary certificate for up to one hundred eighty days based on an estimate regarding how long it will take to complete review of the permanent certificate application. If a company files an auto transportation company certificate application and a temporary certificate application within thirty days of each other or files an auto transportation company certificate application within thirty days of the order granting the temporary certificate, then the temporary certificate will continue until the commission grants, denies, or dismisses the parallel certificate application, or until the temporary certificate is otherwise canceled, whichever happens first.

(8) **Docketing.** The commission will publish on its application docket a list of temporary certificate applications that the commission has received.

(9) **Objections.** An existing auto transportation company or applicant for certificate may file an objection opposing the grant or denial of a temporary certificate.

(10) **Form of objections.** Objections must:

- (a) Be filed with the commission in writing within twenty days after the date the commission mails its notice;
- (b) Contain a statement of the specific grounds on which the objection is made;
- (c) Contain a statement of the objecting company's interest in the proceeding;
- (d) Be served on the applicant; and
- (e) Be served on the applicant's representative, if one is stated in the notice.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), §

480-30-156, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-156, filed 6/8/06, effective 7/9/06.]

WAC 480-30-161 Certificates, notice of purchase or condemnation, auto transportation. (1) An auto transportation company must notify the commission in writing within thirty days of a public transit agency purchasing or condemning all or a portion of the company's certificated authority.

(2) Notice must include a cover letter identifying the company, the affected authority, and a copy of the document such as an ordinance, resolution, franchise, contract, or court order that results in the purchase or condemnation of the certificated authority.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-161, filed 6/8/06, effective 7/9/06.]

WAC 480-30-166 Agreements between auto transportation companies to provide service. (1) An auto transportation company may enter into an agreement to allow another certificated auto transportation company to operate in the first company's territory or over its route(s) when the first company holds exclusive authority in the territory or over the route(s) to be served.

(2) The commission must approve the agreement before any service is provided. To apply for commission approval, the companies must jointly file a copy of the written agreement at least fifteen days before the proposed effective date of the agreement. Companies may request the fifteen-day approval period be waived in the case of an emergency.

(3) The agreement filed with the commission must clearly state:

(a) The first company will charge customers for service provided by the second company at rates contained in the first company's filed tariff.

(b) The first company will pay the second company for providing service in compliance with terms stated in the agreement.

(c) The beginning and ending dates of the agreement.

(d) A provision for early termination of the agreement that includes at least five days' notice to the commission and to each party.

(4) This rule does not apply to contracts between a passenger transportation company and another person or company for a driver or vehicle, or both, to provide service on behalf of the passenger transportation company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-166, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-166, filed 6/8/06, effective 7/9/06.]

WAC 480-30-171 Certificates, suspending and canceling. (1) **Cause for suspension.** The commission may suspend a certificate for cause. Cause includes, but is not limited to:

(a) Failure to maintain evidence of required liability insurance coverage for all areas of a passenger transportation company's operations;

(7/31/17)

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to comply with the rates and rules contained in an auto transportation company's filed tariff;

(d) Failure to comply with an auto transportation company's filed time schedule;

(e) Failure or refusal to comply with operating standards that protect the public health, safety, or welfare;

(f) Allowing others to operate under a provider's certificated authority without having first obtained commission approval, unless approval is not required under WAC 480-30-141 or 480-30-166;

(g) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice; or

(h) Repeated failure or refusal to comply with laws and rules pertaining to operations of passenger transportation companies.

(2) **Cause for cancellation.** The commission may cancel a certificate for cause. Cause includes, but is not limited to:

(a) Operating without proper insurance;

(b) Failure to file an annual report or pay required fees;

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

(d) Continued violations of laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the passenger transportation company will not comply with those laws and rules following a specified period of suspension;

(e) Failure to supply requested information needed by the commission in the performance of its regulatory functions; or

(f) Submission of false, misleading or inaccurate information.

(3) **Notice of pending suspension and cancellation.** When the commission believes cause exists to suspend or cancel a certificate, it will issue a notice to the passenger transportation company of the commission's intention to suspend or cancel the authority.

(4) **Contest of suspension and cancellation.** A passenger transportation company may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-171, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-171, filed 6/8/06, effective 7/9/06.]

WAC 480-30-181 Certificates, reinstatement. (1) The commission may reinstate a certificate canceled for cause under the provisions of WAC 480-30-171 if the company:

(a) Corrects all conditions leading to the cancellation; and

(b) Files an application to reinstate authority with the proper application fee within thirty days of the cancellation order service date.

(2) The commission may reinstate a certificate suspended under the provisions of WAC 480-30-171 if the company satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-181, filed 6/8/06, effective 7/9/06.]

WAC 480-30-186 Certificates, service interruptions or discontinued operations, auto transportation company. (1) Interruptions in service.

(a) An auto transportation company must file a written report with the commission and must post appropriate public notice of any interruption in regular service that is likely to continue for more than twenty-four hours.

(i) The written report must contain a full description of the cause for the interruption.

(ii) The written report and notice to the public must state the anticipated duration of the interruption.

(iii) Notice to the commission may be made via regular mail, by fax, or by email.

(b) If an auto transportation company fails to notify the commission of any interruption in service that lasts five or more consecutive days, the commission will consider that the company has forfeited its certificate rights and the commission may institute administrative action to cancel the company's certificate of public convenience and necessity. Exception: The commission may allow resumption of operations after an interruption lasting five or more days if the auto transportation company can show that it was not responsible for the failure to provide service and that failure to notify the commission resulted from conditions outside the control of the company.

(2) **Discontinuance of service.** An auto transportation company must not temporarily or permanently discontinue operations authorized under its certificate without prior approval from the commission.

(a) A company requesting commission approval to discontinue operations must give at least thirty days' written notice to its customers, officials of cities and counties where affected passengers reside, and the commission.

(b) The auto transportation company must file a written request with the commission for approval to discontinue operations. The written request for commission approval must contain at least the following:

(i) The name, telephone number, mailing address, fax number (if any) and email address (if any) of a contact person;

(ii) An explanation of the company's reasons for requesting approval to discontinue operations;

(iii) An explanation of consequences for the company if the commission does not approve the request to discontinue operations;

(iv) A statement of the number of passengers, by class of service provided, who will lose service if the commission approves the discontinuance of operations;

(v) An explanation of options available to the customers who will lose service; and

(vi) If the request is for approval to temporarily discontinue service, the written request must contain a statement

declaring the date by which the company will return to service.

(c) Upon receipt of a request to discontinue operations, the commission will assign a docket number to the filing and will act on the request under the commission's normal open meeting process.

(i) In considering the request for approval to discontinue operations, the commission may consider the information required in this section, in addition to other information it deems necessary on a case-by-case basis.

(ii) The commission may attach conditions to any grant of discontinuance of operations that it deems necessary to protect the rights and interests of the public.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-186, filed 6/8/06, effective 7/9/06.]

PART 4—INSURANCE

WAC 480-30-191 Bodily injury and property damage liability insurance. (1) Insurance coverage. A company must have bodily injury and property damage liability insurance covering each motor vehicle used to provide passenger transportation services under the authority of the company's certificate in Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-30-171.

(2) **Insurance limits.** The minimum limits of required bodily injury and property damage liability insurance for motor vehicles operated by companies are:

Motor vehicles that:	Must have bodily injury and property damage insurance or surety bond with the following minimum limits:
Have a passenger seating capacity of fifteen or less (including the driver).	\$1,500,000 combined single limit coverage.
Have a passenger seating capacity of sixteen or more (including the driver).	\$5,000,000 combined single limit coverage.

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate to operate as a passenger transportation company.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than thirty days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to sixty days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least ten days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

(i) The commission as the named insurance certificate holder;

(ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The insurance policy effective and expiration dates;

(vi) The insurance limits of coverage; and

(vii) The agent's or other insurance representative's signature.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-191, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-191, filed 6/8/06, effective 7/9/06.]

WAC 480-30-196 Insurance cancellation. If a company's insurance filing is canceled, and a new filing that provides continuous coverage is not filed before the cancellation effective date, the commission may:

(1) Dismiss a company's certificate application or withhold issuance of a certificate;

(2) Suspend or cancel a company's certificate under the provisions of WAC 480-30-171.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-196, filed 6/8/06, effective 7/9/06.]

WAC 480-30-201 Self-insurance. (1) A company conducting interstate passenger transportation services that has qualified as a self-insurer under 49 U.S.C. § 13906 may be exempt from the bodily injury and property damage liability insurance filing provisions under these rules, provided the company files with the commission:

(a) A certified copy of the order issued by the Federal Motor Carrier Safety Administration showing that the company has qualified as a self-insurer;

(b) A certified statement that the company is operating under that self-insuring authority; and

(c) A certified statement that the self-insuring authority granted by the Federal Motor Carrier Safety Administration is in full force and effect.

(2) Upon the effective date of an order by the Federal Motor Carrier Safety Administration canceling a company's rights to act as a self-insurer, that company must file with the commission proper bodily injury and property damage liability insurance or surety bond as required by WAC 480-30-191.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-201, filed 6/8/06, effective 7/9/06.]

PART 5—EQUIPMENT AND DRIVERS

WAC 480-30-216 Operation of motor vehicles, general. (1) **Discrimination prohibited.** All companies providing passenger transportation service under the provisions of this chapter must provide that service consistent with federal and Washington state nondiscrimination laws and rules.

(2) **Inspection of baggage and other materials passengers wish to be carried in or on a motor vehicle.** Auto transportation companies are responsible for the safety and comfort of all passengers transported. To ensure the safety and comfort of passengers and employees it may be necessary for companies to inspect baggage and other materials to be transported in or on motor vehicles.

(a) Companies must include in their filed tariffs, in information provided to passengers, and on their tickets, information that advises passengers that all baggage and other materials to be carried in or on a motor vehicle is subject to inspection by the company.

(b) The information required by (a) of this subsection must include a list of examples of materials that will not be accepted for transportation. Examples may include, but are not limited to, the following items:

(i) Articles whose transportation as baggage are prohibited by law or regulation;

(ii) Fragile or perishable articles;

(iii) Articles whose dimensions exceed the size limitations in the company's filed tariff;

(iv) Packages, bags, or parcels that are leaking;

(v) Firearms;

(vi) Articles that have foul and obnoxious odors; or

(vii) Items that cause annoyance, discomfort, or harm to persons or property.

(3) **Service requirement.**

(a) An auto transportation company is a public service company with an obligation to provide service to the satisfaction of the commission to all customers within its certificated authority.

(b) Except to the extent allowed by WAC 480-30-451, no driver or operator of a motor vehicle used in the transportation of passengers by an auto transportation company shall refuse to carry any person presenting him or herself at a regular stopping place who tenders the appropriate fare. Exception: Companies limiting operations to passengers with prior reservations are not subject to this provision.

(4) **Passenger loading capacity.** No motor vehicle used in the transportation of passengers will carry more passengers than can be carried safely. In no case will a motor vehicle

transport more than one hundred fifty percent of its rated seating capacity.

(5) **Standing passengers.** No passenger will be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is properly equipped, no passenger will be permitted to stand for a distance exceeding thirty-five miles.

(6) **Double-decker bus.** Any company that operates a double-decker bus must comply with the maximum height vehicle requirement of RCW 46.44.020.

(7) **Reserve equipment.** All auto transportation companies must own, lease, or contract for sufficient reserve equipment to ensure the company is reasonably able to provide its certificated service.

(8) **Smoking in motor vehicles.**

(a) Smoking or carrying lit cigars, cigarettes, or other smoking materials is prohibited in vehicles.

(b) Each company must post signs in its vehicles informing passengers that smoking is not permitted.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590),

§ 480-30-216, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-216, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-216, filed 6/8/06, effective 7/9/06.]

WAC 480-30-221 Vehicle and driver safety requirements. (1) A passenger transportation company must ensure that all vehicles and drivers used to provide passenger transportation services under the authority of the company's certificate comply with all federal, state, and local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Except for vehicles with a seating capacity of seven or fewer passengers (including the driver) and the drivers of those vehicles, in which case the company must comply with the requirements in WAC 480-30-222, companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.), adopted by reference, that are shown in the following chart. Information about 49 C.F.R., including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 C.F.R. Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, is adopted and applies to Washington intrastate operations.
Part 379 -	Preservation of Records	Entire Part 379 is adopted and applies to Washington intrastate operations.
Part 380 -	Special Training Requirements	Entire Part 380 is adopted and applies to Washington intrastate operations.
Part 385 -	Safety Fitness Procedures	Entire Part 385 is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they have the meanings assigned to them in WAC 480-30-036. (2) Whenever the term "director" is used in Title 49 C.F.R., it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted, with the following exceptions:
		(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively intrastate. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.

49 C.F.R. Part:		Notes:
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must: Ensure that all motor vehicles used to provide certificated service are maintained in a safe and sanitary condition and are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, contractors, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, contractors, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is prohibited by the hazardous materials rules in Title 49 C.F.R. from being transported on passenger-carrying vehicles.

(5) All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are at all times subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of passenger transportation service any motor vehicle with a seating capacity of eight or more passengers (including the driver) or the driver of that vehicle if the vehicle or driver meets any condition listed in the *North American Uniform Out-of-Service Criteria*. A company must not allow a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-30-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-221, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-221, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-221, filed 6/8/06, effective 7/9/06.]

WAC 480-30-222 Vehicles with capacity for seven or fewer passengers (including the driver). A company must ensure compliance with the requirements of this section for all vehicles with a capacity of seven or fewer passengers (including the driver) used to provide passenger transportation service under the authority of the company's certificate and for all drivers of those vehicles. Regardless of whether a record required under this section is maintained by the certificated company or its contractor, the certificated company must make the record available to the commission upon request within forty-eight hours of the request.

(1) All vehicles must be inspected annually by a mechanic who has successfully passed the applicable examinations of, and met the applicable experience requirements prescribed by, the National Institute for Automotive Service Excellence, and certified by the mechanic as safe to operate.

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(2) At the beginning and end of each day's work, the driver must check each vehicle the driver operates to determine if the lights, brakes, tires, steering, seat belts, and other safety and operating equipment are working properly. The driver must document the inspection the driver performs at the end of each day.

(3) Records of inspection, repair, and maintenance indicating the date and nature of the inspection, repair or maintenance must be kept by the certificated company or contractor for a period of three years.

(4) Drivers used to operate vehicles with a capacity of seven or fewer passengers (including the driver) must have the following qualifications at all times when operating a vehicle on behalf of a certificated company:

(a) Be licensed to drive in the state of Washington;

(b) Be a safe driver as demonstrated by a complete driving record from the Washington department of licensing and a complete driving record from any other state in which the driver held a driver's license in the previous five years;

(c) Have not been convicted within the past five years of hit-and-run, reckless driving, attempting to elude an officer by using a vehicle, vehicular assault, vehicular homicide, reckless endangerment, negligent driving in the first degree, or driving under the influence of alcohol or a controlled substance, and have not been convicted within the past five years of a crime pertaining to physical violence or crimes reasonably related to the driver's honesty including, but not limited to, robbery, fraud, theft, extortion, assault, or identity theft, as demonstrated by a state criminal background check;

(d) Have not been required to register as a sex offender or been convicted of a sex offense or been convicted of a kidnapping offense against a minor;

(e) Have been medically examined and certificated by a medical examiner who is listed on the National Registry of Certified Medical Examiners, and be physically and mentally qualified to operate a passenger carrying vehicle for compensation; and

(f) Have passed a defensive driving course certified by the National Safety Council or passed an equivalent course approved by the commission.

(5) The certificated company must verify and document the driver's qualifications under this section prior to initially allowing the driver to operate a vehicle under the company's authority and at least once every twelve months thereafter during the time of employment or the contract.

(6) A driver shall not be in control of a vehicle more than twelve consecutive hours. The twelve hours can be spread over a fifteen hour period within twenty-four hours. Thereafter, the driver shall not drive a vehicle until the driver takes eight consecutive hours off duty.

(7) The certificated company or contractor must keep or require its contractors to keep, and provide or make available to the commission on request, the following records for the specified time periods:

(a) All documents related to driver hours for a period of at least six months;

(b) Verification of each driver's qualifications for the duration of the driver's employment or contract with the certificated company and for three years thereafter; and

(c) All documents related to any vehicle collisions or other accidents that occur while driving for compensation for a period of at least three years from the date of the accident. Such records must include copies of all accident reports and any other documents that identify the date and geographic location of the accident, the driver name, the number of fatalities or persons injured and a description of those injuries. The certificated company must ensure that its contractors immediately notify the certificated company of any accident or motor vehicle violation that occurs while driving for compensation.

(8) The commission will place a motor vehicle or driver out-of-service for the purposes of use by a certificated company if the vehicle or driver fails to meet any of the requirements in this section.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-222, filed 7/31/17, effective 8/31/17.]

WAC 480-30-226 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A passenger transportation company may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating over 26,000 lbs.;

(ii) Transporting sixteen or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of sixteen or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A passenger transportation company may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-30-222, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The doctor's opinion is that the driver's condition is likely to remain stable for the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 lbs.;

(ii) Transporting fifteen or fewer passengers, including the driver; or

(iii) With a manufacturer's seating capacity of fifteen or fewer passengers, including the driver.

(3) **Driver qualification files.** A passenger transportation company that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a copy of the doctor's statement of intrastate medical waiver.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-226, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-226, filed 6/8/06, effective 7/9/06.]

WAC 480-30-231 Vehicle and driver identification.

(1) Unless otherwise prohibited by law, a passenger transportation company must ensure that all motor vehicles used to provide passenger transportation services are clearly and easily identifiable as being operated under the authority of the company.

(a) Each motor vehicle must display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. A company with both intrastate and interstate operations may display its U.S. Department of Transportation identification number in addition to, or in place of, its commission-issued certificate number.

(b) Each motor vehicle operated in regular route service with scheduled stops must display a suitable destination sign.

(c) Each motor vehicle operated in transportation of passengers must display on the vehicle a company identification or unit number.

(d) All identifications must be clearly legible, conspicuous, and of a size that is easily readable.

(e) For all vehicles owned by the company, all identifications must be permanent.

(2) An auto transportation company must ensure that all drivers operating motor vehicles in the transportation of passengers are clearly and easily identifiable as driving under the authority of the company. Identification may include, but is not limited to, an identification badge or a uniform with a name tag identifying the driver by name or number. If applicable law prohibits the vehicle from being marked as required under subsection (1) of this section, the driver must have an identification badge or name tag clearly visible on the driver's person and must carry a sign at the point of pickup with the name of the certificated company and the name of the passenger(s) to be picked up clearly printed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-231, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-231, filed 6/8/06, effective 7/9/06.]

WAC 480-30-236 Leasing vehicles. (1) A passenger transportation company operating a leased vehicle must have a written lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A copy of the lease is carried in each leased vehicle, unless the vehicle's registration names the certificate holder as registered owner or lessee.

(b) A copy of the lease is kept in the company's files during the effective period of the lease and for at least one year after the lease expires.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-236, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-236, filed 6/8/06, effective 7/9/06.]

PART 6—COMPLIANCE

WAC 480-30-241 Commission compliance policy. (1)

The commission is authorized to administer and enforce laws and rules relating to passenger transportation companies. The commission may delegate authority to the commission staff to inspect equipment, drivers, records, files, accounts, books, and documents. The commission may also delegate to its staff authority to place vehicles and drivers out-of-service and to arrest without warrant, or issue citations to any person found violating this chapter in the presence of its staff as provided under RCW 81.04.460.

(2) The commission encourages voluntary compliance with statutes, rules, and commission orders.

(3) The commission will enforce statutes, rules, and commission orders through:

(a) A program emphasizing education and technical assistance.

(b) A compliance program including:

(i) Investigation and resolution of complaints;

(ii) Safety compliance reviews of drivers and equipment;

(iii) Economic compliance audits including, but not limited to, rates and billing practices of auto transportation companies;

(iv) Coordinated roadside enforcement; and

(v) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(4) Where necessary to ensure compliance with statutes, rules, and commission orders, the commission may pursue:

(a) Administrative actions that the commission believes will best ensure future compliance by the violating company, including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter 81.04 RCW;

(b) Suspension or cancellation of a company's certificate:

(i) When the commission believes education and penalties have not been, or will not be, effective to secure compliance;

(ii) For willful violations of legal requirements; or

(iii) For serious actions including, but not limited to, misrepresentation;

(c) Enforcement action against violators based on information collected by commission staff; or

(d) Proceedings in district and superior court.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-241, filed 6/8/06, effective 7/9/06.]

WAC 480-30-244 Liquor permit required. (1) A charter party carrier or excursion service carrier operating a party

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bus must be in compliance with the requirements of RCW 81.70.380.

(2) A charter party carrier or excursion service carrier operating a party bus must be in compliance with Title 66 RCW.

(3) A copy of the liquor permit obtained by any party under Title 66 RCW must be maintained with the contract of carriage for at least six months from the ending date of the trip.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-244, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-244, filed 1/4/16, effective 2/4/16.]

WAC 480-30-246 Sanctions for operating without a valid certificate. (1) Operating without a certificate - Auto transportation companies.

(a) If a representative of the commission or other law enforcement agency observes a company operating as a passenger transportation company without a certificate from the commission, that company is subject to a gross misdemeanor citation, for which the company must appear in court.

(b) If the commission receives information that a company is operating as a passenger transportation company without a certificate, and a commission representative or other law enforcement agency has not observed those operations, the commission may:

(i) Issue a citation through the court; or

(ii) Contact the company and provide education and technical assistance concerning applicable regulations. This includes giving the company a copy of the applicable laws, rules, and certificate application forms.

(c) If the company continues to operate without a certificate after commission education and technical assistance is offered, the commission may begin an administrative proceeding to classify the company as a regulated company under RCW 81.04.510. If, as a result of that proceeding, the commission formally classifies the company as an auto transportation company or a charter and excursion carrier operating without the required certificate, the commission will issue a cease and desist order under RCW 81.04.510.

(d) If a company operates in violation of a commission order, the commission may impose penalties and/or take legal action in court.

(2) Operating without a certificate - Charter and excursion service carriers.

(a) For the purposes of this section, "engage in the business of a charter party carrier or excursion service carrier" includes advertising or soliciting, offering or entering into an agreement to provide such service.

(b) Each advertisement reproduced, broadcast or displayed via a particular medium constitutes a separate violation.

(c) Any person who engages in the business of a charter party carrier or excursion service carrier in violation of (a) of this subsection is subject to a penalty of up to five thousand dollars per violation.

(3) **Operating while certificate is suspended - Auto transportation company.** A company that operates after the commission suspends the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court;

(b) Monetary penalty assessments or other commission administrative actions; or

(c) Commission proceedings to cancel the company's certificate.

(4) **Operating after certificate is canceled - Auto transportation company.** A company that continues to operate after the commission cancels the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court; and

(b) Enforcement proceedings in superior court.

(5) **Operating while certificate is suspended or canceled - Charter party or excursion service carriers.**

(a) Operations includes advertising or soliciting, offering or entering into an agreement to provide such service.

(b) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.

(c) Any person who engages in the business of a charter party carrier or excursion service carrier in violation of subsection (2)(a) of this section is subject to a penalty of up to five thousand dollars per violation.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-246, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-246, filed 6/8/06, effective 7/9/06.]

PART 7—TARIFFS, TIME SCHEDULES, RATES, AND RATE FILINGS

WAC 480-30-251 Charter and excursion carriers not subject to provisions of Part 7. The rules in Part 7 of this chapter relating to tariffs, time schedules, rates, and rate filings apply only to auto transportation companies. Charter and excursion carriers are not subject to the provisions of this part.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-251, filed 6/8/06, effective 7/9/06.]

WAC 480-30-256 Tariffs and time schedules, federal preemption. (1) The commission interprets the provisions of 49 U.S.C. § 14501 as preempting the requirements of state laws and regulations relating to intrastate fares for the transportation of passengers by an interstate motor carrier of passengers operating over a regular route authorized by the Federal Motor Carrier Safety Administration (FMCSA). Because of this federal preemption, the commission will no longer require the filing of rate tariffs or time schedules for the transportation of passengers in Washington intrastate commerce by interstate motor carriers of passengers, if that transportation is provided over a regular route authorized by the FMCSA.

(2) Auto transportation companies operating in Washington intrastate commerce on routes not authorized by the

FMCSA are subject to the tariff and time schedule rules contained in this chapter.

(3) Auto transportation companies operating over routes authorized by the FMCSA and over routes not authorized by the FMCSA must file tariffs and time schedules for those routes not authorized by the FMCSA.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-256, filed 6/8/06, effective 7/9/06.]

WAC 480-30-261 Tariffs and time schedules, definitions used in. Definitions of general terms and terms specific to driver and equipment safety are contained in WAC 480-30-036 and 480-30-216, respectively. Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Charge" means a fare or rate assessed by an auto transportation company for providing a service other than the transportation of a passenger(s). For example: The charge for carrying extra baggage on board the bus.

"Checked baggage" means passenger baggage that is accepted for transportation but is not carried in the passenger compartment of the vehicle.

"Fare" means an amount in the company's tariff assessed for services provided by an auto transportation company. The term "rate" has the same meaning.

"Joint fare" means a fare or rate assessed by an auto transportation company for the transportation of a passenger(s) that applies from a point located on one auto transportation company's route to a point located on another auto transportation company's route, made by agreement or arrangement between the companies. A joint fare agreement is also known as a through-ticketing agreement.

"Local fare" means a fare or rate charged by an auto transportation company for the transportation of a passenger(s) between stations within a single company's authority.

"Long and short haul clause" means a clause that prohibits an auto transportation company from charging more for a shorter than for a longer haul over the same route.

"Rate" means an amount in a company's tariff assessed for services provided by an auto transportation company. The term "fare" has the same meaning.

"Sales commission" means a fee paid to an agent for selling tickets on behalf of an auto transportation company.

"Seasonal fares and seasonal time schedules" means tariffs or time schedules naming different fares, routes, or arrival and/or departure times for different periods of the year. For example: A company may offer more scheduled routes during certain periods than it does in others; or, a company may assess different fares in heavily traveled months than it does during off-peak months.

"Through fare" means a single fare or rate applying from point of origin to point of destination that combines two or more fares or rates in one auto transportation company's tariff or fares or rates from two or more auto transportation companies.

"Ticket price" means a fare or rate assessed by an auto transportation company for the transportation of a passenger(s).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), §

480-30-261, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-261, filed 6/8/06, effective 7/9/06.]

WAC 480-30-266 Tariffs and time schedules, general. (1) **Tariffs and time schedules no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, those auto transportation companies that are required to file Washington intrastate tariffs and time schedules are no longer subject to tariff and time schedule provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). Auto transportation companies are instead subject to, and must comply with, the tariff and time schedule requirements of this chapter.

(2) **Additional regulatory requirements.** Auto transportation companies are also subject to additional rules regarding tariff and time schedule filings contained in chapter 480-07 WAC, including, but not limited to:

- (a) WAC 480-07-160 Confidential information; and
- (b) WAC 480-07-145 Filing documents in adjudicative proceedings.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-266, filed 6/8/06, effective 7/9/06.]

WAC 480-30-271 Tariffs and time schedules, must file before starting service. (1) **Tariffs.** No auto transportation company subject to tariff filing requirements of Part 7 of this chapter will provide service until it files a tariff with the commission and the commission approves that tariff or allows it to become effective by operation of law.

(2) **Time schedules.** No auto transportation company subject to time schedule filing requirements of Part 7 of this chapter will provide service until it files a time schedule with the commission and the commission approves that time schedule or allows it to become effective by operation of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-271, filed 6/8/06, effective 7/9/06.]

WAC 480-30-276 Tariffs and time schedules, companies must comply with the provisions of filed tariffs and time schedules. (1) **Tariffs.** Except as authorized by the commission pursuant to WAC 480-30-420, no auto transportation company may assess rates that are higher, lower, or different from those contained in the company's filed tariff. Further, no auto transportation company may accept a payment for service provided that is higher, lower, or different from the rates contained in the company's filed tariff.

(2) **Time schedules.** An auto transportation company must provide service along all routes, and to all points, listed on the company's filed time schedule. Further, an auto transportation company must make a good faith effort to operate in compliance with the times of arrival and/or departure shown on the company's filed time schedule.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-276, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-276, filed 6/8/06, effective 7/9/06.]

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WAC 480-30-281 Tariffs and time schedules, content. (1) **Tariffs.** The tariff filed with the commission by an auto transportation company must show all rates it will impose on its customers, together with rules that govern how those rates will be assessed. The tariff must contain, but is not limited to the following sections:

- (a) A title page meeting the requirements of WAC 480-30-341;
- (b) A rules section meeting the requirements of WAC 480-30-356;
- (c) A fares section meeting the requirements of WAC 480-30-281; and
- (d) A map meeting the requirements of WAC 480-30-351 and 480-30-051.

(2) **Time schedules.**

(a) The time schedule filed with the commission by an auto transportation company must be filed as a separate document or as a section of the company's tariff. The filed time schedule must provide sufficient information to allow prospective passengers to make informed decisions regarding their travel arrangements.

(b) The time schedule filed by an auto transportation company that provides scheduled service must contain, but is not limited to:

- (i) The times of arrival at, and/or departure from, all termini.
- (ii) The times of arrival at, and/or departure from, all intermediate points served.
- (iii) The distance between all points shown in the schedule.
- (iv) A list of all flag stops at which the company will provide service.

(v) A list of points the company is authorized to serve but is not serving, if any, and the reason.

(c) The time schedule filed by an auto transportation company that provides nonscheduled service must contain, but is not limited to:

- (i) Days of the week that the company's service is available.
- (ii) Hours of the day that the company's service is available.

Example: A carrier providing door-to-door airporter service by reservation only may state in its time schedule that it offers service between the hours of 6:00 a.m. and 12:00 midnight, seven days a week.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-281, filed 6/8/06, effective 7/9/06.]

WAC 480-30-286 Tariffs and time schedules, posting. An auto transportation company must maintain a copy of its filed tariff and its filed time schedule in the company's offices, each passenger facility, and the company's internet web site, if the company maintains an internet web site, and must make these documents available to customers for inspection on request.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-286, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-286, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.-

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050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-286, filed 6/8/06, effective 7/9/06.]

WAC 480-30-291 Tariffs, rates, general. (1) Tariffs must provide adult fares, stated in dollars and cents, per passenger, together with the names of the stations or stopping places to or from which those fares apply, arranged in a simple and systematic manner.

(2) The tariff must clearly state whether fares apply "one way" or "round trip."

Illustration of rate page:

(3) Fares applying to specific groups of passengers must clearly define the criteria that define that group. For example, "children, under two years of age" or "active military personnel with military identification."

(4) Fares applying during specific periods must be clearly labeled with definitions of those periods. For example: A company may charge one fare during peak service months, and charge a different fare during off-peak service months.

John Doe Transportation Co., Inc. C-9999, d/b/a John's Buses Tariff No. 2		2nd Revised Page 18 Cancels 1st Revised Page 18		
Rate Schedule				
Fares named below are for adults (persons 12 years of age and over) stated in dollars and cents per person for one-way travel.				
	Between			
And	Spokane	Deer Park	Chewelah	Colville
Spokane	--	#\$3.50 @\$4.50	#\$8.50 @\$9.50	#\$10.50 @\$11.50
Deer Park	#\$3.50 @\$4.50	--	#\$5.00 @\$6.00	#\$7.00 @\$8.00
Chewelah	#\$8.50 @\$9.50	#\$5.00 @\$6.00	--	#\$3.50 @\$4.50
Colville	#\$10.50 @\$11.50	#\$7.00 @\$8.00	#\$3.50 @\$4.50	--
# Fares in effect April through December. @ Fares in effect January through March.				
Note 1: Refer to page ___ for children's fares, group fares, extra baggage charges, etc.				
Note 2: Round-trip fares will be 180 percent of the one-way fares.				
Issued by: John Jones, President				
Issue date: July 6, 2002 Effective Date: August 20, 2002				
(For official use only)				

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-291, filed 6/8/06, effective 7/9/06.]

WAC 480-30-296 Tariffs and time schedules, rejection. The commission will reject tariff or time schedule filings that:

- (1) Are not accompanied by the required transmittal letter;
- (2) Are not accompanied by all required documentation;

- (3) Do not contain all required information;
- (4) Do not comply with format rules;
- (5) Are not accompanied by required maps;
- (6) Reflect retroactive rate treatment;
- (7) Are not filed as provided in the notice requirements shown in WAC 480-30-301 through 480-30-316; or

(8) Contain provisions that conflict with state statutes, commission rules, or an auto transportation company's certificated authority.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-296, filed 6/8/06, effective 7/9/06.]

WAC 480-30-301 Tariffs and time schedules, one business-day notice to the commission. A company must provide at least one business-day notice to the commission for the following filings:

- (1) Initial tariff and time schedule filings that accompany applications for certificated authority;
- (2) Tariff and time schedule adoptions filed under the provisions of WAC 480-30-376; and
- (3) Tariff and time schedule filings whose only purpose is to add a new service option or a service level which has not been previously included in the company's tariff.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-301, filed 6/8/06, effective 7/9/06.]

WAC 480-30-306 Tariffs and time schedules, one calendar day notice to the commission. A company must provide at least one calendar day's notice to the commission for filings whose only purpose is to implement decreases in rates.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-23-058 (Docket TC-060177, General Order No. R-539), § 480-30-306, filed 11/8/06, effective 12/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-306, filed 6/8/06, effective 7/9/06.]

WAC 480-30-311 Tariffs and time schedules, requiring thirty calendar day notice to the commission. A company must provide at least thirty calendar days' notice to the commission for any filing that will result in an increase in rates to customers.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-311, filed 6/8/06, effective 7/9/06.]

WAC 480-30-316 Tariffs and time schedules, customer notice requirements. (1) **Notice.** Each auto transportation company must provide notice to its customers at least thirty days prior to the stated effective date for any proposed tariff change that would increase recurring or prepaid rates or restrict access to services (e.g., rate increase, route reduction, time schedule change).

(2) **Thirty-day notice to public.** At least thirty days prior to the stated effective date, the company must post a notice in a conspicuous place for each affected route or routes. The published notice must remain posted until the commission takes action on the request. The notice must be posted:

- (a) At the company's office;
- (b) At each passenger facility; and
- (c) On the company's internet web site, if the company maintains an internet web site accessible to the public through which it sells its transportation services and posts its rates or time schedules.

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(3) **Content of postings.** The published notice required by this rule must include:

- (a) The date the notice is issued;
- (b) The company's name, address, and telephone number;
- (c) A comparison of current and proposed rates by service, when applicable;
- (d) The requested effective date;
- (e) A description of how customers may contact the company if they have specific questions or need additional information about the proposal;
- (f) A description of how customers may contact the commission to comment or oppose the company's proposal.

(4) **Other customer notice.** The commission may require additional notice to customers other than described in this rule when:

- (a) The commission is holding a public hearing in a contested case;
- (b) A company proposal may have a significant impact on customer rates or access to services; or
- (c) The commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-316, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-316, filed 6/8/06, effective 7/9/06.]

WAC 480-30-321 Tariffs and time schedules, notice verification and assistance. (1) Within five days of making a filing requiring posting of a customer notice under WAC 480-30-316, but no sooner than the date the filing is submitted to the commission, a company must file a statement with the commission's records center that the required notice has been posted. The declaration must include:

- (a) Description of where the notice was posted;
- (b) Date the notice was posted; and
- (c) A copy of the customer notice.

(2) A company may request assistance from the commission's consumer affairs section in preparing notice.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-321, filed 6/8/06, effective 7/9/06.]

WAC 480-30-326 Tariffs and time schedules, less than statutory notice handling. (1) The commission may allow auto transportation company tariff or time schedule filings to become effective with less notice than is shown in WAC 480-30-306 and 480-30-311 when there is an emergency or when good cause is shown. This process is known as "less than statutory notice" (LSN) handling.

(2) **LSN application process.** An auto transportation company filing for LSN handling may use an LSN form supplied by the commission, or a letter containing at least the following information:

- (a) Company identification information:
 - (i) Name and registered trade name;
 - (ii) Certificate number;
 - (iii) Mailing address;
 - (iv) Telephone number, email address, and fax number;

and

(v) The name and telephone number of a person to contact regarding the filing;

(b) Tariff or time schedule identification information:

(i) The identifying number and title of the tariff or time schedule being amended;

(ii) The identifying number and title of the tariff or time schedule item(s) being amended; and

(iii) The identifying number of the tariff or time schedule page being amended;

(c) A concise description of the provisions being proposed;

(d) A statement of the reason(s) for requesting LSN handling; and

(e) The effective date requested.

(3) **Dates on pages.** Granting LSN handling is at the discretion of the commission. All tariff or time schedule pages accompanying an application for LSN handling must display the effective date that would apply were the company not requesting LSN handling. If the commission grants the company's request for LSN handling, commission staff will enter the effective date authorized by the commission's order on the tariff or time schedule pages before returning copies to the company.

(4) **Notice requirements.** An auto transportation company requesting LSN handling of a filing must post notice in its offices, passenger facilities, and on all vehicles concurrent with submitting the filing to the commission. The company

must file a copy of its public notice with the application for LSN handling.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-326, filed 6/8/06, effective 7/9/06.]

WAC 480-30-331 Tariffs and time schedules, format and size requirements. (1) An auto transportation company must file tariffs and time schedules that:

(a) Are filed in loose-leaf format;

(b) Are typed or mechanically printed (not handwritten) using at least ten-point type; and

(c) Are printed on eight and one-half inch by eleven-inch paper, with margins of at least one-half inch on each side.

(2) Auto transportation companies are encouraged to file their tariffs and time schedules electronically, according to established commission policies and procedures.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-331, filed 6/8/06, effective 7/9/06.]

WAC 480-30-336 Tariffs and time schedules, changes must be identified. Each change in rates, times of arrival and/or departure, routes, schedules, or rules must be clearly identified in filed tariffs and time schedules by using one of the following methods:

(1) By printing the appropriate code symbol immediately to the left of the material being changed. Approved symbols are:

Code Symbol	Used to indicate:
(R) or ▼	Reductions in rates
(A) or ▲	Increases in rates
(C) or ◆	Changes resulting in neither increases nor decreases; also changes in arrival and/or departure times
(N)	New rates, routes, service points, services, or rules
***	Material previously shown has been deleted

(2) By printing a notice in distinctive type at the location defined in the following table:

If the changes affect:	The notation must state:	The notation must be printed:
All rates on a tariff page or on a tariff supplement page.	All rates on this page are _____ (Company would state in the blank the nature of the changes, using one of following terms: <ul style="list-style-type: none"> Increases; Decreases; or Wording changes resulting in neither increases nor decreases.) 	In the top margin of the page.
All rates in a tariff.	All rates in this tariff are _____ (Company would state in the blank the nature of the changes, using one of following terms: <ul style="list-style-type: none"> Increases; 	In the top margin of the title page.

If the changes affect:	The notation must state:	The notation must be printed:
	<ul style="list-style-type: none"> • Decreases; or • Wording changes resulting in neither increases nor decreases.) 	
All times of arrival and/or departure.	All times of arrival and/or departure on this page are changed.	In the upper corner of the page.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-336, filed 6/8/06, effective 7/9/06.]

WAC 480-30-341 Tariffs and time schedules, title pages. (1) **Tariff.** The title page of every auto transportation tariff filed with the commission must show at least the following:

- (a) The certificate name of the auto transportation company, its certificate number, and all trade names filed with the commission to which the tariff applies.
- (b) An identifying tariff number.
- (c) The number of any tariff being canceled by the tariff to which the title page applies (canceling a tariff also cancels all supplements applying to that tariff).
- (d) The types of services covered by the tariff. For example: "Rates for passenger service" or "rates and time schedule for passenger service."
- (e) A clear description of the territory and routes to which the tariff applies;
- (f) The date the tariff is issued and the date it becomes effective;
- (g) The name, title, telephone number, fax number (if any), email address (if any), and mailing address of the person who files the tariff; and
- (h) A box that is at least three-fourths of one inch in height, spans from margin to margin, and is labeled "for official use only."

(2) **Time schedule.** If the time schedule is filed as a separate document, not part of the auto transportation company's tariff, the title page of a time schedule must include the same information as is required in subsection (1)(a) through (h) of this section. If the time schedule is filed as a section or part of an auto transportation company's tariff, no separate title page is required.

Illustration of a sample tariff title page:

Original Title Page
<p>Tariff No. 2</p> <p>Cancel</p> <p>Tariff No. 1</p> <p>of</p> <p>John Doe Bus Company, Inc. d/b/a John's Buses</p> <p>Certificate No. 1999</p> <p>Naming rates for passenger service In the following described territory:</p> <p>Between Spokane and Olympia, with intermediate stops at Moses Lake, Ellensburg, North Bend, Seattle, and Tacoma and with flag stops at other points on Interstate 90 and Interstate 5</p> <p><u>Issued by:</u> John Jones, President 1234 East Easy Street Any City, Washington Phone: (555) 555-5555 Fax: (555) 555-5556</p>
For official use only

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-341, filed 6/8/06, effective 7/9/06.]

WAC 480-30-346 Tariffs and time schedules, page format. (1) **Tariff.** All pages in an auto transportation company's tariff, except the title page, must include the following:

- (a) A page header that includes:
 - (i) The identifying number of the tariff and canceled number, if any;
 - (ii) A page number and canceled number, if any;
 - (iii) A revision number and canceled number, if any;
 - (iv) The name and certificate number of the company filing the tariff; and

- (v) Any applicable registered trade name.
- (b) A page footer that includes:
 - (i) The name of the person filing the tariff;
 - (ii) The date the page is issued;
 - (iii) The date the page becomes effective; and
 - (iv) A box that is at least three-fourths of an inch in height, spanning from margin to margin, that is labeled "for official use only."

Illustration of a sample tariff page:

John Doe Bus Company, Inc. C-9999, d/b/a John's Buses Tariff No. 2	2nd Revised Page 18 Cancels 1 st Revised Page 18
Issued by: John Jones, President Issue date: _____ Effective Date: _____	
(For official use only)	

(2) **Time schedule.** An auto transportation company's filed time schedule must:

(a) Be numbered consecutively in the upper right-hand corner, beginning with number one, and must show the number of the time schedule canceled by it, if any. See sample time schedule.

(b) Show the company's identifying information, including but not limited to:

- (i) The company's official name, as shown on the company's certificate;
 - (ii) The company's registered trade name(s), if any; and
 - (iii) The company's certificate number.
- (c) Show all termini and points served.

(d) Show the routes served, including the exact location of each regular stop, each flag stop, and any point to which service is provided.

(e) Show points the company is authorized to serve but is not serving, if any, and the reason.

(f) Show the time of arrival and/or departure from all termini and scheduled stops.

(g) Show the periods in which specific provisions of the time schedule apply. For example, if a company services some routes only on certain days of the week, in certain seasons, or in certain months, that information must be clearly stated on the time schedule.

(h) At the bottom of the page, there must be a box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

Illustrations of sample time schedules:

Time Schedule No. 2 Cancels Time Schedule No. 1				
<p>TIME SCHEDULE NO. 2 Canceling Time Schedule No. 1 of Walter A. Keys, d/b/a Wenatchee-Cashmere Stage Line PASSENGER SERVICE – both scheduled and door-to-door Between Wenatchee, Washington and Cashmere, Washington With scheduled stops as shown below.</p> <p>Door-to-door service provided, by reservation only, to and from points within 10 miles of the stops named below.</p>				
Routes from Wenatchee To Cashmere	Daily, excluding Sunday -	@Sunday Only-	Daily, excluding Sunday	@Sunday Only -
Wenatchee – Bill’s Hotel, 4 th and Main	11:00a	11:30a	5:30p	6:00p
Wenatchee River Bridge – 7/11 Market	11:15a	11:45a	5:45p	6:15p
Olds Corner – Park and Ride Lot	11:30a	12:00p	6:00p	6:30p
Sunnyslope – 76 Station	12:00p	12:15p	6:15p	6:45p
Monitor – Post Office	12:15p	12:30p	6:30p	7:00p
Cashmere	12:30p	12:45p	6:45p	7:15p
Routes from Cashmere to Wenatchee	Daily, excluding Sunday	@Sunday Only	Daily, excluding Sunday	@Sunday Only
Cashmere	12:40p	12:50p	6:50p	7:20p
Monitor – Post Office	12:55p	1:10p	7:05p	7:35p
Sunnyslope – 76 Station	1:10p	1:25p	7:20p	7:50p
Olds Corner – Park and Ride Lot	1:25p	1:40p	7:35p	8:10p
Wenatchee River Bridge – 7/11 Market	1:40p	1:55p	7:50p	8:35p
Wenatchee – Bill’s Hotel, 4 th and Main	2:00p	2:10p	8:10p	8:50p
<p>@NOTE: All trips noted above are run during the months of April through November. During the months of December through March, none of the "Sunday Only" trips will be run.</p> <p>Issued by: Walter A. Keys, Owner and Manager, 123 So. Wenatchee Ave., Wenatchee, Washington</p> <hr/> <p>Issued: June 8, 2005 Effective: July 6, 2005</p>				
"For Official Use Only"				

<p>TIME SCHEDULE NO. 2 Canceling Time Schedule No. 1 of Walter A. Keys, d/b/a Wenatchee-Cashmere Stage Line PASSENGER SERVICE Wenatchee, Washington and Spokane International Airport With stops at: Rock Island, George, and Moses Lake</p>		<p>Time Schedule No. 2 Cancels Time Schedule No. 1</p>
Routes from Wenatchee to Spokane:		
	During the months of March through October:	Vehicles leave Wenatchee every two hours between the hours of 5:00 a.m. and 9:00 p.m.
	During the months of November through February:	Vehicles leave Wenatchee every two hours between the hours of 8:00 a.m. and 6:00 p.m.
Routes from Spokane and Wenatchee:		
	During the months of March through October:	Vehicles leave Spokane every two hours between the hours of 9:00 a.m. and 9:00 p.m.
	During the months of November through February:	Vehicles leave Spokane every two hours between the hours of 10:00 a.m. and 6:00 p.m.
<p>Issued by: Walter A. Keys, Owner and Manager, 123 So. Wenatchee Ave., Wenatchee, Washington</p> <p>Issued: June 8, 2005 Effective: July 6, 2005</p>		
<p>"For Official Use Only"</p>		

Bill's Airporter Service, C-9999 Tariff No. 8		4 th Revised Page 16 Cancels 3 rd Revised Page 16	
Bill's Airporter Service Providing Passenger Service Between Points in Kittitas County and SeaTac Airport Door-to-Door Service By Reservation Only			
Door-to-door service is unscheduled. The actual time the vehicle will arrive to pick up passengers depends on the number of passengers making reservations, and the locations that those passengers request pickup. Bill's will develop actual routes to balance passenger convenience and company efficiency. Reservations must be made on at least 24 hours advance notice.		Service is available: June 1 through September 30 Monday through Saturday Between 6 am and 12 midnight Sunday service available Between 8 am and 9 pm October 1 through May 31 Monday through Sunday Between 8 am and 9 pm	
Note: The company is not responsible for delays caused by weather, accidents, or other circumstances beyond its control.			
Issued by: Bill Jones, President, Bills Airporter			
Issue Date: July 16, 2000		Effective Date: August 20, 2000	
(For Official Use Only)			

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-346, filed 6/8/06, effective 7/9/06.]

WAC 480-30-351 Tariffs and time schedules, maps with tariffs. An auto transportation company must file a map with its tariff that clearly identifies the company's entire certificated authority area. If an auto transportation company divides its authorized certificate area into service territories, areas, or zones the company must also file a map showing each of the tariff service territory divisions. The maps must meet the specifications in WAC 480-30-051.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-351, filed 6/8/06, effective 7/9/06.]

WAC 480-30-356 Tariffs and time schedules, tariff rules. (1) Tariff rules must be stated in clear language and explicit terms, setting forth all standards and policies that will govern how the auto transportation company assesses rates to its customers.

(2) All provisions contained in an auto transportation company's tariff must be clearly labeled as to the type of ser-

vice to which they apply. Example: Scheduled, door-to-door, by reservation only.

(3) Auto transportation company tariffs must contain rules addressing at least the following subjects:

(a) Children's fares. Rules must clearly indicate the ages for which children's fares apply.

(b) Baggage. Rules must state the amount of baggage that may be transported free of additional charge, baggage liability (see WAC 480-30-476), and overweight or excess baggage charges. Baggage rules must also state company policies regarding carry-on items such as skis and bicycles.

(c) Refunds for unused and partially used tickets.

(i) Rules must state, "Subject to the exceptions of (d)(ii) and (iii) of this subsection unused tickets will be redeemed at the purchase price and unused portions of round-trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used, and refunding the balance of the purchase price."

(ii) A company offering "door-to-door" service or "by reservation only" service may assess an administrative fee in those instances where a cost is incurred because the customer requested a change. If a company assesses an administrative fee, the tariff must include rules that clearly identify the fee and under what circumstances the fee will be assessed. Example of an administrative fee rule: A ten-dollar administrative fee will be assessed for customer requested changes made less than twenty-four hours in advance of the scheduled departure time. Administrative fees are deducted from ticket refunds.

(iii) A customer who has made a reservation but fails to cancel, reschedule, or appear at the designated pick-up point by the scheduled departure time is not eligible for a refund unless the failure was caused by an airline delay or cancellation.

(d) Long haul/short haul provisions. Rules must state that no customer will be required to pay more for transportation to an intermediate point along a route than is charged for a longer trip over that same route.

(e) Areas or zones to which rates apply. When fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff must define the zone within which fares to and from a named point apply. For example: "Rates apply within five road miles of points named."

(f) Commuter fares, if offered by the company.

(g) Whether alternate means of transport will be provided by the company when it is unable to provide transportation at the time and place specified in the reservation that the company has accepted for that passenger.

(h) Holidays observed by the company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-356, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-356, filed 6/8/06, effective 7/9/06.]

WAC 480-30-361 Tariffs and time schedules, changes. Companies may change filed tariffs or time schedules by one of two methods:

(1) Issuing revised pages to the tariff or time schedule. A revised page must have the same page number as the page it cancels. For example: "1st revised page 1" cancels "Original page 1."

(2) Issuing a complete new tariff or time schedule. Each of the pages in a new tariff or time schedule must be identified as an original page. For example: "Original Title Page," "Original Page 1," "Original Page 2," and so on.

(3) Tariff and time schedule changes must be filed with the commission under the provisions of WAC 480-30-381.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-361, filed 6/8/06, effective 7/9/06.]

WAC 480-30-366 Tariffs and time schedules, supplements. (1) Auto transportation companies may issue supplements to filed tariffs or time schedules to reflect short-term situations.

(2) Auto transportation companies may not issue tariff supplements to make general rate increases.

(7/31/17)

(3) Supplements are subject to all applicable rules and procedures including transmittal letters, notice to customers and the commission, and proper format.

(4) Supplements to a tariff or time schedule must be numbered consecutively. If a newly filed supplement cancels a previous supplement(s), that information must be clearly shown on the new supplement. For example: "Supplement 6 cancels Supplements 4 and 5."

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-366, filed 6/8/06, effective 7/9/06.]

WAC 480-30-371 Tariffs and time schedules, supplements or new filings required. (1) **Discontinuance of service.** When the commission grants permission for an auto transportation company to discontinue service, the company must file supplements to cancel tariffs and time schedules on file with the commission. If permission is granted to discontinue service to only a portion of routes operated, the company must file supplements reflecting the discontinued routes or new tariffs and time schedules reflecting the routes that are not discontinued.

(2) **Lease or sale of authority.** An auto transportation company leasing or selling a portion of its certificated authority to another company must file supplements reflecting the transferred routes or new tariffs and time schedules reflecting the routes retained.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-371, filed 6/8/06, effective 7/9/06.]

WAC 480-30-376 Tariffs and time schedules, filings after name change or change in ownership. (1) When an auto transportation company changes the name on its certificate, the company must file a tariff and time schedule in its new name or must adopt the existing filed tariff and time schedule.

(2) When an auto transportation company leases, transfers, or acquires a portion of the certificated authority of another company, it must file a new tariff and time schedule reflecting the same rates and routes as the prior company.

(3) When an auto transportation company obtains operating control of another company, it must file a new tariff and time schedule at the same rate levels and on the same time schedule as the prior company or adopt the existing filed tariff and time schedule of the prior company.

(4) An auto transportation company filing a tariff to comply with subsections (1), (2), and (3) of this section cannot raise rates in that filing. A separate rate increase filing must be made.

(5) To adopt existing filed tariffs or time schedules, the auto transportation company must file with the commission an adoption form.

(a) Adoption forms are available from the commission on request.

(b) Companies may use alternate forms as long as those forms are substantively equal to that shown in the example below.

[Ch. 480-30 WAC p. 35]

Tariff No. _____
and/or
Time Schedule No. _____

(Name and registered trade name of new company)

Adopts all tariffs, Supplements to the tariff, and Time Schedules
filed with the Washington Utilities and Transportation Commission by:

(Insert here name of prior company)

before the date of its (new company) acquired possession of that (prior) company
or a portion of that (prior) company's authority.

Notice issued by:

Name _____

Title _____

Telephone _____

E-mail _____

Fax # _____

Date filed _____

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-376, filed 6/8/06, effective 7/9/06.]

WAC 480-30-381 Tariffs and time schedules, filing procedures. (1) **Method of filing.** An auto transportation company may submit tariff and time schedule filings to the commission in person, electronically, by mail, or by fax. If an auto transportation company files by fax, the company must mail a hard copy on the same day as the fax transmission.

Companies are encouraged to file their tariffs and time schedules electronically, according to the commission's policies and procedures.

(2) **Transmittal letter.** An auto transportation company must file a transmittal letter with each tariff or time schedule filing submitted to the commission.

(a) The transmittal letter must include at least the following:

(i) The name, certificate number, and trade names of the company;

(ii) A description of each proposed change in the tariff or time schedule and a brief statement of the reason for each change;

(iii) If the filing requires customer notice under the provisions of WAC 480-30-316, the transmittal may also include the information required by WAC 480-30-321; and

(iv) A contact person's name, mailing address, telephone number, fax number (if any), and email address (if any).

(b) Transmittal letters accompanying rate filings must also include the following:

(i) The percentage amount that rates will change if they become effective;

(ii) The amount revenue is expected to change if the proposed rates become effective.

(c) A company wanting confirmation that a hard copy tariff or time schedule filing was received must include two copies of the transmittal letter and a self-addressed, stamped envelope. The commission will stamp one copy of the letter and return it to the company as acknowledgement that the filing was received.

(3) **Revised pages.** Pages of the company's tariff affected by the tariff filing must include the appropriate reference marks indicating changes as provided in WAC 480-30-336.

(4) Additional documents required.

(a) **Filing due to governmental, or other entity, action.** If the filing results from action of another entity or governmental body, the company must file documentation of that action. For example: Notices of increased fees to use depots or stations.

(b) **Tariff or time schedule filed by an agent.** If the tariff or time schedule filing is made by a person other than an owner, partner, or corporate officer, the company must include with its filing a statement granting authority for that person to file on behalf of the company. The statement must be signed by an owner, partner, or corporate officer, and may be incorporated into the transmittal letter accompanying the filing.

(c) **Rate increase filings.** Rate increase filings must include work papers that support the requested increase. Work papers supporting a general rate increase as defined in WAC 480-30-421 must include the additional documentation described in WAC 480-30-426.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-381, filed 6/8/06, effective 7/9/06.]

WAC 480-30-386 Tariffs and time schedules, approval. Receipt by the commission of a tariff or time schedule filing does not mean that the provisions of the filing are approved. Companies may not implement provisions contained in filings until the commission approves the filing or until the commission allows the filed provisions to become effective by operation of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-386, filed 6/8/06, effective 7/9/06.]

WAC 480-30-391 Tariffs and time schedules, ticket agent agreements must be filed and approved.

(1) An auto transportation company may enter into contracts or agreements with a second party for the sale of tickets or fares on behalf of the company, provided the form of such contracts or agreements has been previously approved by the commission.

(2) The contract or agreement form submitted to the commission for approval must contain, but is not limited to, the following:

(a) The name and certificate number of the auto transportation company;

(b) Spaces in which to record identifying information about the person entering into the contract or agreement with the company. This information must include at least the person's:

(i) Name;

(ii) Business address;

(iii) Business telephone number;

(iv) Business fax number;

(v) Business email address;

(c) Spaces in which will be recorded the date on which the contract or agreement becomes valid and the date on which the contract or agreement will expire;

(d) A clear description of the services that will be provided by the second party on behalf of the company;

(e) A statement of the percentage of revenue or the set dollar amount that the company will pay the second party for performing those services; and

(f) A statement as to how and when payment will be made to the company for tickets, less commission.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-391, filed 6/8/06, effective 7/9/06.]

WAC 480-30-396 Tariffs and time schedules, free and reduced rates.

(1) No auto transportation company will charge, demand, collect, or receive a greater, lesser, or different compensation for transportation of persons, than the rates that are contained in that company's effective tariff filed with the commission. Further, no auto transportation may extend to any person any privilege that is not uniformly extended to all persons under the same circumstances.

(2) An auto transportation company wishing to provide service at free or reduced rates must first publish those free or reduced rates in its filed tariff in accordance with RCW 81.28.080.

(3) If an auto transportation company chooses to provide service at free or reduced rates, the company must publish in its tariff:

(a) A detailed description of the customer class and criteria to qualify;

(b) The service provided;

(c) The expiration date, if any; and

(d) The applicable rate(s), amount of reduction (such as, twenty percent), or if free, "\$0.00" or "no charge."

(4) The auto transportation company must record the number of passengers transported under each free or reduced rate published in its tariff in accordance with RCW 81.28.-080.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-396, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-396, filed 6/8/06, effective 7/9/06.]

WAC 480-30-401 Tariffs and time schedules, substitute page filings. (1) An auto transportation company may file substitute tariff or time schedule pages within a pending tariff filing if:

(a) There is no material change to the terms and conditions of service contained in the pending tariff page. This restriction does not apply to changes made to address commission concerns with the filing;

(b) The change does not increase the rates or fares contained in the pending tariff page; or

(c) The change makes typographical corrections to the pending tariff page.

(2) The filing of substitute tariff pages must include a transmittal letter as set forth in WAC 480-30-381. The substitute filing must include the notation "Do Not Redocket."

(3) The commission may reject any substitute tariff or time schedule pages when rejection is in the public interest.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-401, filed 6/8/06, effective 7/9/06.]

WAC 480-30-406 Tariffs and time schedules, withdrawing a filing. When withdrawing a tariff or time schedule filing, an auto transportation company must submit a letter that includes the following:

(1) The name and address of the auto transportation company;

(2) Docket number of the filing being withdrawn;

(3) The name of the company's contact person;

(4) An explanation of why the company is requesting the withdrawal; and

(5) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the auto transportation company.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-406, filed 6/8/06, effective 7/9/06.]

WAC 480-30-411 Tariffs and time schedules, suspension by the commission. (1) The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, tariff rules, or tariff time schedules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff or time schedule, or any part of a tariff or time schedule, based on a complaint or protest unless the complaint or protest complies with the commission's rules of practice and procedure as set out in chapter 480-07 WAC.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-411, filed 6/8/06, effective 7/9/06.]

WAC 480-30-416 Tariffs, joint tariffs and through-ticketing arrangements. (1) Auto transportation companies may file joint tariffs providing through-ticket arrangements.

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Such tariffs must list all companies participating in the tariff, must show all fares, rates and charges applicable between points on its line and all affected points on the line of the connecting carrier or carriers, and all rules that govern how those rates will be assessed to customers.

(2) Joint tariffs and amendments or supplements to joint tariffs must be issued and filed under the rules in Part 5 of this chapter.

(3) Companies must provide information to customers, at the time a ticket is purchased, or a reservation is made, as to the identities of all companies that will be providing transportation, the locations of any transfer points, and any policies that differ between the companies.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-416, filed 6/8/06, effective 7/9/06.]

WAC 480-30-420 Fare flexibility. (1) It is in the public interest to provide flexibility to auto transportation companies to charge fares for service.

(2) For the purposes of this section, the following definitions apply:

(a) "Base fare" means the fares set forth in the company's tariff, except for tariff supplements, in effect on the date the company files a proposed tariff for flexible fares as a means to establish maximum fares.

(b) "Flexible fares" means the authority to charge, at the company's discretion, fares in any amount at or below the maximum fares.

(c) "Maximum fare" means a fare set initially at twenty-five percent above the company's base fare, as published in the company's effective tariff, except for tariff supplements. After a maximum fare has been published and become effective, the maximum fare will increase annually by five percent.

(3) A company may file a tariff with the commission to charge flexible fares. Because the filing authorizes the company to increase or decrease any fare at any time, singly or in any combination, the tariff must be filed on thirty days' notice to the commission under RCW 81.28.050. The tariff must show the base fares in effect on the date of the tariff filing and the maximum fares the company may charge. Once the commission approves a flexible fare tariff, the base fare used to establish the maximum fare does not operate as a minimum fare.

(4) A company's tariff filing to charge flexible fares under this section is not subject to a review under WAC 480-30-421 or 480-30-426.

(5) If a company seeks to charge fares above the maximum fare, the company must file tariff revisions in compliance with WAC 480-30-421 or 480-30-426 and all other filing requirements, including tariff publication rules and notice requirements.

(6) If a company seeks to offer free fares, the company must file tariff revisions, if not already contained in the tariff, in compliance with WAC 480-30-396 and all other filing requirements, including tariff publication rules and notice requirements.

(7) Any change in the fares charged by a company at or below the maximum fares is not considered a tariff change and is not subject to tariff filing rules, publication rules and

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notice requirements under this chapter. Companies may provide notice of changes in fares that the company will charge by posting their actual fares on the company's web site, or notices or brochures provided to customers, subject to the requirements in subsections (8) and (14) of this section.

(8) If a company changes the fare it charges, at or below the maximum rate, it must honor the fares charged for tickets previously sold. However, the company may refund the amount paid for a ticket above the new fare.

(9) A tariff filing whose only purpose is to add a new service option or a service level which has not been previously included in the company's tariff must be filed on at least one business-day notice to the commission in compliance with WAC 480-30-301.

(10) A tariff filing that changes the fare design that results in an increase in the effective base fare must be filed on at least thirty calendar days' notice to the commission as required by WAC 480-30-311 and must comply with filing requirements in WAC 480-30-421 or 480-30-426, as well as tariff filing, publication and notice requirements under this chapter. A company may request an exemption from the tariff filing, publication or notice requirements. An example of a change in the fare design would be current fares published by zip code and proposed fares published by mileage.

(11) A company authorized to charge flexible fares must use the fares to recover all costs associated with providing passenger service, including, but not limited to, fuel costs, tolls, ferry fares, surcharges, and taxes. Any fuel surcharge in effect at the time the company is authorized to charge flexible fares will be canceled and not included in the base fare. A company may not impose any charge on any customer other than a single fare for passenger service provided. This would not affect the company assessing charges for accessorial services (e.g., baggage, cancellation fees, or refund transaction fees) published in the company's tariff at the time the commission approves a flexible fares tariff.

(12) Effective May 1, 2014, and each May 1st thereafter, a company's maximum fare will increase by five percent. Each company will implement the adjusted flexible fare by filing the appropriate tariff pages at least thirty days before the effective date of the change.

(13) If a company seeks to change the base fare upon which the commission has approved flexible fares, the proposed tariff filing will be subject to an earnings review or rate case under WAC 480-30-421 or 480-30-426, and all tariff publication rules and notice requirements.

(14) In providing notice to consumers or in its advertising, the company may not state that the commission approved or established a specific fare, but may state that the fare is set pursuant to a flexible fare tariff.

(15) An example of the maximum fare calculation follows:

Year	Base Fare	Maximum Fare	Explanation
0	\$41.00	\$41.00	
1	\$41.00	\$51.25	25% above Base Fare

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Year	Base Fare	Maximum Fare	Explanation
2	\$41.00	\$53.81	5% increase in Maximum Fare
3	\$41.00	\$56.50	5% increase in Maximum Fare
4	\$41.00	\$59.33	5% increase in Maximum Fare
5	\$41.00	\$62.29	5% increase in Maximum Fare
6	\$41.00	\$65.41	5% increase in Maximum Fare

Note: Rounding: Fares are rounded to \$.01.
 If the value of the number to the right of the rounding digit is less than five, the rounding digit is left unchanged.
 If the value of the number to the right of the rounding digit is five or higher, the rounding digit is raised by one.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-420, filed 8/21/13, effective 9/21/13.]

WAC 480-30-421 Tariffs, general rate increase filings. (1) A general rate increase filing is a tariff change that would:

- (a) Increase the company's gross annual revenue from activities regulated by the commission by three percent or more.
- (b) Restructure tariffs so that the gross revenue generated by any customer class would increase by three percent or more.

(2) The following tariff changes are not considered general rate increase filings even though the request may meet one or more criteria identified above:

- (a) Filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on the current year customer count either as a specified dollar amount or percentage fee amount.
- (b) Filings by existing auto transportation companies for the implementation of new transportation services.

(3) The commission may require that any filing to increase rates for any customer class, or to restructure rates, is subject to the additional requirements of WAC 480-30-426.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-421, filed 6/8/06, effective 7/9/06.]

WAC 480-30-426 Tariffs, general rate increase filings, work papers. (1) General rate increase filings must include work papers supporting the proposed tariff changes based on a test year which is the most recent or appropriate consecutive twelve-month period for which financial data are available. Work papers must include, but are not limited to, the following:

- (a) A detailed pro forma income statement by account including restating and pro forma adjustments, and all supporting calculations and documentation for each adjustment. See sample pro forma income statement below.

(i) Restating adjustments modify historic operating results to more properly reflect a "normal, representative" twelve-month test period and give recognition to those areas where the company's accounting methodology may differ from accepted regulatory practice. Restating adjustments fall into three categories:

(A) Reclassification - Reclassification moves dollars from one account to another with no effect on the final net income.

(B) Accounting adjustments - Accounting adjustments are necessary if the income statement does not properly apply basic accounting principles, such as an out-of-period expense posted in the test year, or to correct an error or oversight.

(C) Ratemaking - Ratemaking adjustments modify the records of the company to reflect proper ratemaking theory, such as removing expenses that were incurred by the company but are not generally allowed to be passed on to ratepayers, or converting from accelerated depreciation to straight line depreciation.

(ii) Pro forma adjustments give effect to all known and measurable changes in revenues and expenses not offset by other factors that have or will soon occur as if they had been in effect for the full twelve months of the test year. Examples include changes in tax rates, revenue impact of the tariff changes sought to be changed in the filing. Pro forma adjustments give effect to changes in expense or revenue levels, not the gallons of fuel used, passengers transported, or labor hours worked, etc.

(b) A total passenger count or representative sample of all tickets sold and fares charged during the test year, including all routes, zones, and types of service, and breakdowns between one-way and round trip fares, adults, children, commuters, etc. Revenues of the passenger count/tickets sold analysis must be reconciled to the revenues of the chosen test period. The passenger count/tickets sold analysis forms the basis of the revenue impact of the filing called for in WAC 480-30-381 (2)(b)(ii). See sample passenger count below.

(c) A current depreciation schedule separately listing all assets used by the company during the test period including the date the asset was placed into service, cost, salvage value, service life, and straight-line depreciation expense and accumulated depreciation at the beginning and at the end of the test period.

(d) A balance sheet as of the last day of the test period chosen.

(e) If nonregulated operations represent more than ten percent of total company test period revenue, then the starting point of the pro forma income statement must be total company operations, supplemented with a detailed separation of all total company revenues and expenses between regulated and nonregulated operations.

(f) Backup information concerning every transaction between the regulated company and any affiliated or subsidiary entity describing the services or transactions that occurred, the costs assessed and the basis of the charge, and the relationship to the regulated company.

Sample - Pro forma income statement

XYZ Bus Company		ProForma Income Statement		12 months ended December 31, 2004		May 1			
Per Books	Restating Adjustments	Per Books Restated	ProForma Present Adjustments	ProForma Present Level	ProForma Proposed Adjustments	ProForma Proposed Level			
(a)	(b)	(c)	(d)	(e)	(f)	(f)			
Revenues									
Passenger	530,000		530,000	A	22,159	552,159	G	31,752	583,911
Charter	51,410		51,410	A	2,149	53,559	G	3,080	56,639
Fuel Surcharge	6,292		6,292	C	(6,292)	-			-
Baggage, etc.	3,400		3,400	A	341	3,741			3,741
Total Revenues	591,102		591,102		18,357	609,459		34,832	644,292
Expenses									
Maintenance	56,377	1 (10,000)	46,377			46,377			46,377
Driver Payroll	153,687	2 5,000	158,687	B	7,300	165,986			165,986
Fuel	44,924	4 (4,351)	40,573	C	1,623	42,196			42,196
Insurance	36,944		36,944	F	1,105	38,049			38,049
Payroll Taxes	33,811	2 383	34,194	B	823	35,017			35,017
Employee Benefits	13,004		13,004	E	1,951	14,955			14,955
Taxes & Fees	44,877		44,877	A	349	45,226	G	603	45,829
Licenses	591		591			591			591
Depreciation	53,199	3 (5,000)	48,199			48,199			48,199
Advertising	12,000		12,000			12,000			12,000
Office & Admin Expense	9,000		9,000	B	270	9,270			9,270
Office & Admin Wages	106,398		106,398	B	3,192	109,590			109,590
Selling Expenses	9,112		9,112			9,112			9,112
Utilities	6,500		6,500			6,500			6,500
Rents	20,000		20,000	D	5,000	25,000			25,000
Total Expenses	600,424	(13,968)	586,456		21,612	608,068		603	608,672
Net Operating Income	(9,322)		4,646			1,391			35,620
Operating Ratio %	101.58%		99.21%			99.77%			94.47%

1. To capitalize extraordinary repair	A. To proforma revenue for June 1, 2004 rate increase
2. To adjust payroll to accrual	B. To proforma payroll to February 1, 2005 pay increase
3. To adjust to straight line depreciation	C. To proforma fuel to most recent 12 month average; remove fuel surcharge revenue
4. To remove \$.184 fuel tax	D. To adjust to current rent levels
	E. To increase health insurance to current premium per employee
	F. To adjust insurance to March 1, 2005 premium
	G. To proforma the May 1, 2005, proposed rate increase

Sample - Passenger count

XYZ Bus Company Sample Passenger Count - Tickets Sold 12 months ended December 31, 2004							
	Passengers	Fares Before June 2004	Extension	Fares Effective June 2004 Increase %	Extension	Proposed New Fares \$2.00 one way	Extension
Route A - One Way							
Adults	2,000	25.00	50,000	27.50	55,000	29.50	59,000
Children	800	12.50	10,000	13.75	11,000	14.75	11,800
Commute	700	20.00	14,000	22.00	15,400	23.50	16,450
Subtotal			74,000	10%	81,400		87,250
Route A - Round Trip							
Adults	4,900	40.00	196,000	44.00	215,600	46.00	225,400
Children	1,000	20.00	20,000	22.00	22,000	23.00	23,000
Commute	2,000	32.00	64,000	35.25	70,500	36.90	73,800
Subtotal			280,000		308,100		322,200
Route B - One Way							
Adults	1,600	18.00	28,800	19.80	31,680	21.80	34,880
Children	439	9.00	3,951	9.90	4,346	10.90	4,785
Commute	100	14.50	1,450	15.95	1,595	17.50	1,750
Group	200	9.00	1,800	9.90	1,980	10.90	2,180
Subtotal			36,001		39,601		43,595
Route B - Round Trip							
Adults	3,200	28.80	92,160	31.70	101,440	33.70	107,840
Children	200	14.40	2,880	15.85	3,170	16.85	3,370
Commute	400	23.00	9,200	25.30	10,120	27.00	10,800
Group	560	14.40	8,064	15.85	8,876	16.85	9,436
Subtotal			112,304		123,606		131,446
Grand Total			502,305		552,707		584,491
Pro forma - Revenue Increase Percent					10.03%		5.75%

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-426, filed 6/8/06, effective 7/9/06.]

WAC 480-30-431 Tariffs, general rate increase filings and fuel cost update. An auto transportation company filing a rate change based on changes in general operating expenses must update the test period fuel costs using actual fuel costs for the most recent twelve-month period.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-431, filed 6/8/06, effective 7/9/06.]

WAC 480-30-436 Tariffs, special or promotional fare tariff filings. (1) The commission encourages auto transportation companies to explore innovative rates and rate structures including special or promotional fares intended to:

- (a) Retain or increase the number of passengers using the company's services;
- (b) Provide the public with flexible transportation options; and
- (c) Make more efficient and effective use of the company's equipment and other resources.

(2) When an auto transportation company files a special or promotional fare, the filing must at a minimum include the following:

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(a) A statement supporting the use of the proposed special or promotional fare; and

(b) Information detailing the potential effect on revenue of the proposed special or promotional fare, as well as the effect on revenue of the current fare.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-436, filed 6/8/06, effective 7/9/06.]

PART 8—CONSUMER RULES

WAC 480-30-441 Charter and excursion carriers not subject to provisions of Part 8. The consumer rules apply only to auto transportation companies. Charter and excursion carriers are not subject to the provisions of Part 8 of this chapter.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-441, filed 6/8/06, effective 7/9/06.]

WAC 480-30-446 Availability of information. (1) **Company information.** A company that provides auto transportation company service must have a:

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(a) Toll-free or local business telephone number for customers located within the company's authorized service area; and

(b) Mailing address.

(2) **Messaging.** A company must have voice mail, an answering machine, or answering service to receive calls when company personnel are unavailable.

(3) **Responding to customer inquiries.**

(a) A company must respond to all nonwritten messages within twenty-four hours excluding weekends and holidays, as defined in the company's tariff.

(b) A company must acknowledge and respond to a customer's written inquiry within two weeks of receipt.

(4) **Information that must be available.** A company must make the following items available to customers for inspection upon request at no charge during the company's regular business hours:

(a) The commission's passenger transportation company rules in chapter 480-30 WAC;

(b) The company's current tariff and time schedule;

(c) The company's current certificate; and

(d) Any current, proposed, or most recently canceled tariff page that relates to the customer's service.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-446, filed 6/8/06, effective 7/9/06.]

WAC 480-30-450 Nondiscrimination. Passenger transportation companies must comply with the American with Disabilities Act (ADA), comparable Washington statutes, and federal and state rules promulgated pursuant to those statutes including, but not limited to, requirements for nondiscrimination, service animals, employee training, standards for accessible vehicles, and equivalent service standards as referenced in C.F.R. 49 Part 37, C.F.R. 28 Part 35.136, and chapter 49.60 RCW.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-450, filed 7/31/17, effective 8/31/17.]

WAC 480-30-451 Refusal of service. (1) A company may refuse service to a person when:

(a) In the company's judgment, providing the service would be hazardous, unsafe, or dangerous to persons or property;

(b) In the company's judgment, driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions;

(c) The customer has an outstanding amount due to the company;

(d) The customer refuses to allow company personnel, drivers, agents, or representatives access to baggage or other materials prior to it being loaded in or on the vehicle;

(e) The customer appears to be under the influence of drugs or alcohol; or

(f) The customer attempts to bring onboard the vehicle materials that would be detrimental to the safety or comfort of other passengers.

(2) A company may refuse service to a person under other conditions that would be detrimental to the safety and

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comfort of passengers when those conditions are contained in the company's filed tariff and time schedule.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-451, filed 6/8/06, effective 7/9/06.]

WAC 480-30-456 Fair use of customer information.

(1) Customer information includes the customer's name, address, and telephone number.

(2) Companies must use customer information only for:

(a) Providing and billing for services the customer requests, either directly or through a contractor;

(b) Marketing new services or options to its customers; or

(c) Providing information to its customers.

(3) Any sale or release of customer information without the written permission of the customer is prohibited. The only exceptions to this rule are:

(a) Release of information to the commission to investigate or resolve complaints filed with the commission by a customer;

(b) Sharing nonpayment information with agencies the company engages to act as the company's agent in pursuing collection of past due accounts.

(4) Companies are allowed to collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-456, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-456, filed 6/8/06, effective 7/9/06.]

WAC 480-30-461 Service or rate complaints. (1) Company responsibility.

(a) **Complaints from customer.** When a company receives a service or rate complaint from a customer it must:

(i) Acknowledge the complaint within twenty-four hours;

(ii) Investigate promptly;

(iii) Report the results of the investigation to the complainant;

(iv) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(v) Inform the complainant that the decision may be appealed to a higher level representative of the company, if any;

(vi) Advise that if the complainant is still dissatisfied after speaking with the higher level representative, the commission is available to review the complaint; and

(vii) Provide the complainant with the commission's address and toll-free telephone number.

(b) **Complaint referred by commission.** When commission staff refers an informal complaint to the company, the company must:

(i) Investigate and report the results to commission staff within two business days (commission staff may grant an extension of time for responding to the complaint if requested and warranted);

(ii) Keep commission staff informed of progress toward the resolution on a weekly basis; and

(iii) Inform the commission staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints for at least three years. The record of complaints must be readily available for commission review. The record must contain:

- (i) The complainant's name and address;
- (ii) Date and nature of the complaint;
- (iii) Action taken;
- (iv) The final result; and
- (v) All official documents regarding the complaint.

(2) **Complaints to commission.** Customers may file with the commission either:

(a) An informal complaint against the company under the provisions of WAC 480-07-910; or

(b) A formal complaint against the company under the provisions of WAC 480-07-370.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-461, filed 6/8/06, effective 7/9/06.]

WAC 480-30-466 Credits or refunds as compensation in consumer complaints or problems. Companies may offer customers a credit or refund as compensation for service quality problems, billing problems, or other problems experienced by the customer.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-466, filed 6/8/06, effective 7/9/06.]

WAC 480-30-471 Ticketing requirements. (1) An auto transportation company must provide its customers with tickets, receipts, or other alternate informational documents that include, but are not limited to, the following information:

- (a) The name of the company;
- (b) The service, trip, or route on which the ticket applies;
- (c) The date or dates on which ticket is valid;
- (d) Information about the company's policy for refunds;
- (e) A list of items that are prohibited from being brought onboard the vehicle or being packed in checked baggage;
- (f) Notice that baggage may be inspected and the consequences of failing to allow access to baggage for such inspection;
- (g) Information related to baggage liability, the ability to declare higher value, and the charges for such declaration;
- (h) The company's toll-free or local business telephone number.

(2) An auto transportation company that maintains an internet web site accessible to the public using generally available browser software may offer tickets or receipts to its customers on request and satisfy the additional information requirements of this rule by:

- (a) Posting the required information to its internet web site;
- (b) Directing customers to its web site; and
- (c) Providing customers with a description of how to contact the company if they have specific questions or need additional information.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-471, filed 6/8/06, effective 7/9/06.]

WAC 480-30-476 Baggage liability and claims for loss or damage. (1) **Baggage liability.** An auto transportation company must include provisions in its filed tariff relating to its liability for loss or damage to baggage checked by the passenger.

(a) The minimum amount of liability must be:

- (i) At least two hundred fifty dollars per adult fare; and
- (ii) At least one hundred dollars per child's fare.

(b) The company's tariff must also contain provisions allowing passengers to declare a value in excess of two hundred fifty dollars, by paying an additional charge, and must allow the passenger to recover the increased amount. The passenger's declared amount may not exceed the actual value of the baggage and its contents.

(c) Company tariff provisions may limit the maximum value for which the company will be liable. This maximum value may not be less than one thousand dollars per bag or item checked.

(d) Companies do not have to offer excess value coverage on articles of extraordinary value including, but not limited to:

- (i) Negotiable instruments;
- (ii) Papers;
- (iii) Money;
- (iv) Manuscripts;
- (v) Irreplaceable publications;
- (vi) Documents;
- (vii) Jewelry and watches.

(2) **Delivery of checked baggage.** The company must make all checked baggage available to the passenger within a reasonable time of arrival at destination. If not, the company will deliver the baggage to the passenger's local address at the company's expense.

(3) **Claims.** Auto transportation companies must make claim forms available to their passengers upon request at each of the company's offices, passenger facilities, and from the driver of each vehicle operated. The forms must be prepared in duplicate. The company will retain one copy. The second copy will be given to the passenger filing the claim.

(a) Checked baggage that the company cannot locate within one hour of arrival at destination will be designated as lost. The company must notify the passenger at that time and furnish the passenger with a claim form.

(b) The company must give a claim form to any passenger declaring lost or damaged baggage.

(c) The company must resolve claims for baggage loss or damage within sixty days of receipt with a firm offer of settlement or with a written explanation of denial of the claim.

(4) **Loss or damage to carry-on items.** The company shall not be held responsible for loss or damage to baggage carried onboard the vehicle unless it can be shown that the company was in some way negligent. Each company shall have a written policy detailing the manner in which items, articles, or baggage left onboard a company's vehicles will be handled and the way in which the company will make efforts to return the articles to their rightful owners.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-476, filed 6/8/06, effective 7/9/06.]

PART 9—INTERSTATE OPERATIONS

WAC 480-30-900 Interstate operations. (1) **General requirements:** No passenger transportation company may operate any motor vehicle or combination of motor vehicles over the public highways of this state in interstate commerce unless the company has:

(a) Obtained the appropriate operating authority from the Federal Motor Carrier Safety Administration (FMCSA) if operating as a registered carrier;

(b) Obtained valid insurance as required by FMCSA; and

(c) Registered with the commission and paid fees as required by the Unified Carrier Registration (UCR) program or any successor program as required by the laws and rules of FMCSA.

(2) Applicable laws and rules:

(a) When conducting interstate operations, registered carriers and the motor vehicles they operate must comply with the laws and rules that apply to interstate operations.

(b) When conducting Washington intrastate operations, registered carriers and the motor vehicles they operate must comply with the laws and rules that apply to intrastate operations.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-30-900, filed 2/11/13, effective 3/14/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-900, filed 6/8/06, effective 7/9/06.]

WAC 480-30-910 Interstate carrier fees. A carrier operating under interstate authority issued by the Federal Motor Carrier Safety Administration (FMCSA) or its successor agency must register with the commission and pay fees as required by the Unified Carrier Registration (UCR) program or any successor program as required by the laws and rules of FMCSA.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-30-910, filed 2/11/13, effective 3/14/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-910, filed 6/8/06, effective 7/9/06.]

WAC 480-30-930 Registration fee and receipts. (1) **Registration fee.** The annual registration fee for registered and registered exempt interstate passenger transportation companies operating vehicles over the public highways of Washington state is:

(a) \$10 For each motor vehicle operated by a passenger transportation company providing interstate charter or excursion service.

(b) \$0 For each motor vehicle operated by a passenger transportation company providing interstate regular route service.

(2) Registration receipts.

(a) A legible receipt showing registration with a base state or the commission as a registered or registered exempt carrier must be present in each motor vehicle and the receipt is subject to inspection at all times by law enforcement agents and commission representatives. No person or firm may use

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a registration receipt issued by the commission other than the registered or registered exempt carrier to whom it was issued.

(b) All receipts issued for a calendar year expire on December 31 of that year.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-930, filed 6/8/06, effective 7/9/06.]

WAC 480-30-940 Insurance requirements for interstate operations. Registered and registered exempt carriers conducting interstate operations must provide evidence of insurance in the amount required by the USDOT or its successor agency written by a company authorized to write insurance in any state.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-940, filed 6/8/06, effective 7/9/06.]

PART 10—ADOPTION BY REFERENCE

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2016.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, 2016.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-30-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-30-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-30-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-30-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-30-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-30-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-30-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-999, filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040,

80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-30-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-30-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-30-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]