



WASHINGTON REFUSE & RECYCLING ASSOCIATION

State Of WASH.
UTIL. AND TRANSP.
COMMISSION

08/15/22 14:26

Received
Records Management

August 15, 2022

Ms. Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Re: T-220252 Proposed Motor Carrier Safety Rulemaking

Dear Ms. Maxwell:

The Washington Refuse and Recycling Association (WRRA) represents the private sector solid waste and real recycling industry in Washington - from curbside collection services to our state-of-the-art recycling facilities, composting operations, and landfills. WRRA represents most regulated solid waste collection companies in Washington State. As such, it has taken part in virtually every Washington Utilities & Transportation Commission (UTC) rulemaking, workshop, hearing, and other proceeding regarding solid waste since the inception of solid waste regulation in 1961. WRRA member companies and the solid waste industry serve a vital role in our state's public health, safety, and environmental protection.

WRRA member's most valuable assets are the excellent employees that ensure continuity of essential public health services every day. Thus, WRRA shares the goal of ensuring the Commission's safety rules are sufficient. The association is not positioned to answer many of the questions posed by staff, which require information about company-specific experience and practice. However, we offer comment on issues raised in the report related to solid waste and WAC 470-70. Individual member companies will likely offer some responses as well.

Conflict between WAC 480-70-201 and Washington State Patrol (WSP) Rules / Federal Requirements.

WRRRA supports the goal of enhancing consistency between WSP and UTC rules but does not necessarily read an inconsistency between the two rules here. At page 9, the report discusses WAC 480-70-201, which allows solid waste collection companies to use drivers that are 18 years or older for drivers who operate “exclusively within the state of Washington.” The report then identifies a potential inconsistency between the UTC’s rules in WAC 480-70-201 and the WSP’s rules in WAC 446-65-010. Based on that potential inconsistency, the report goes on to recommend that the UTC work with the WSP to enhance consistency on the issue.

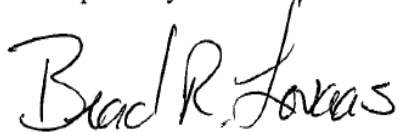
While the UTC’s rules in WAC 480-70-201 specifically authorize 18-year-old intrastate drivers in the section adopting 49 C.F.R. 391, the WSP’s rules are written more broadly. The WSP rule, WAC 446-65-010, adopts the entirety of 49 C.F.R. Part 350 and Part 391, with the caveat that “49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate...” Included within 49 C.F.R § 350.305, adopted by the WSP rule, are the variances allowed for state laws (including 18-year-old intrastate commercial vehicle drivers). While not explicit like the UTC rule, and possibly open to some interpretation, we do not view the rules as incompatible.

With the current shortage of CDL drivers across the nation, many transportation service providers have had difficulty finding qualified drivers. WRRRA appreciates any work by Commission staff to maintain or improve the availability of qualified drivers.

In conclusion, WRRRA members statewide are committed to maintaining outstanding service to all of our customers in a safe, efficient and reliable fashion. As noted, WRRRA looks forward to additional dialogue with the Commissioners and Staff leading up to and after the anticipated Commission workshop(s).

Thank you for the opportunity to comment on this rulemaking. Should Staff have any questions, please reach out to Rod Whittaker at rod@wrra.org or myself, Brad Lovaas at brad@wrra.org or 360-943-8859.

Respectfully submitted,



Brad R. Lovaas

Executive Director