

MEMORANDUM

October 9, 2009

To: Jeffrey Goltz, Chairman
Patrick Oshie, Commissioner
Philip Jones, Commissioner

FROM: Rulemaking Team Members (Betty Young, Vicki Elliott, David Pratt,
Jonathan Thompson, and Patricia Clark)

CC: Steve King, Director, Safety and Consumer Protection

SUBJECT: Rulemaking Docket TV-090400 – Motor Carriers Rulemaking

RE: Adoption Hearing, October 14, 2009

Background

The Commission initiated an expedited rulemaking on May 6, 2009, to repeal the safety rules currently contained in WAC 480-14 and to clarify language in other rules in the same chapter.

WAC 480-14 contains rules for motor carriers of property other than household goods carriers. The rules cover intrastate common carriers and armored car service carriers, as well as interstate common carriers. The rules set out requirements for permits and registrations, liability insurance and safety.

In 1995, the state Legislature transferred all safety regulation for motor carriers of property other than household goods to the State Patrol. Because the State Patrol did not have its own safety rules for motor carriers at that time, it continued to enforce the Commission's safety rules in WAC 480-14. The State Patrol completed its final safety rules this year; therefore, many rules in WAC 480-14 are no longer necessary.

We received comments to the CR-105 from two individuals. Under the expedited rulemaking statute, RCW 34.05.353, if someone objects to an expedited rulemaking, and they do not withdraw that objection, then the notice that the Commission already sent out for the expedited rulemaking is considered a CR-101 (pre-proposal statement of inquiry) and the Commission can proceed from there to an CR-102 (and hearing).

CR-102 Comments

The Commission issued the CR-102, Notice of Proposed Rulemaking and an Opportunity to Submit Written Comments on September 2. Comments were due on October 5. We received no comments from stakeholders on the draft rules in response to the CR-102 and Notice of Opportunity to File Written Comments.

Conclusion

The commission may consider adoption of the proposed rules in WAC 480-14 from the language in the commission's CR-102 proposed rules.

Attachments