

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of) DOCKET TV-090400
Amending and Repealing rules in)
WAC 480-14) GENERAL ORDER R-555
)
)
Relating to motor carriers, excluding) ORDER AMENDING AND
household goods carriers and common) REPEALING RULES
carrier brokers) PERMANENTLY
)
.....)

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 09-18-110, filed with the Code Reviser on September 2, 2009. The Commission brings this proceeding pursuant to RCW 80.01.040 and RCW 81.04.160.

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).

3 **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
DATE: October 30, 2009
TIME: 1:19 PM
WSR 09-22-057

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including Appendix A, as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-102 proposal and the adoption hearing. Together, these documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends and repeals the following sections of the Washington Administrative Code:

Amend	WAC 480-14-010	Purpose and application.
Amend	WAC 480-14-020	Rules, general application of rules – How changed.
Amend	WAC 480-14-040	Definitions.
Amend	WAC 480-14-050	Reference to other chapters.
Repeal	WAC 480-14-070	Federal regulations, 49 CFR, Part 390 – General applicability and definitions.
Repeal	WAC 480-14-080	Rule book fee – Updates – Notification of pending and adopted rule changes – Compliance with rules.
Amend	WAC 480-14-090	Permits.
Amend	WAC 480-14-100	Operations must be under permit name.
Amend	WAC 480-14-110	Improper use of permit or registration receipt.
Amend	WAC 480-14-120	Address, change of.
Repeal	WAC 480-14-130	Remittances.
Amend	WAC 480-14-140	Fees.
Amend	WAC 480-14-150	Regulatory fee.
Amend	WAC 480-14-160	Procedures for contest of fees.
Repeal	WAC 480-14-170	Periodic reporting requirements.
Amend	WAC 480-14-180	Applications.
Amend	WAC 480-14-190	Permanent common carrier permits.
Amend	WAC 480-14-200	Armored car service.
Amend	WAC 480-14-210	Change of carrier name and business structure.
Amend	WAC 480-14-220	Permits, cancelled – New application.

Amend	WAC 480-14-230	Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation.
Amend	WAC 480-14-240	Inactive status of permits during military service.
Amend	WAC 480-14-250	Insurance requirements; cause for suspension or cancellation.
Repeal	WAC 480-14-260	Leasing.
Amend	WAC 480-14-290	Interstate operations; requirements; definitions.
Amend	WAC 480-14-300	Registered carriers.
Repeal	WAC 480-14-320	Registered exempt carriers.
Repeal	WAC 480-14-340	Equipment – Identification.
Repeal	WAC 480-14-350	Equipment, lawful operation of.
Repeal	WAC 480-14-360	Equipment – Inspection – Ordered out-of-service for repairs.
Repeal	WAC 480-14-370	Equipment – Drivers – Safety.
Repeal	WAC 480-14-380	Hours of service – On duty – Federal safety regulations.
Repeal	WAC 480-14-390	Hazardous materials regulations.
Repeal	WAC 480-14-400	Transportation of radioactive materials – Driving and parking rules.
Repeal	WAC 480-14-420	Optional provisions.
Repeal	WAC 480-14-900	Appendix A.
Amend	WAC 480-14-999	Adoption of reference.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353, “Expedited rule making.”

8 **EXPEDITED RULEMAKING AND ACTIONS THEREUNDER:** The Commission filed notice of Expedited Rulemaking (CR-105) on May 6, 2009, at WSR # 09-10-087. The Notice informed interested persons that the rules were being proposed under an expedited rulemaking process as required by RCW 34.05.353, to amend WAC 480-14, Motor Carriers. The Commission provided notice of its expedited rulemaking to all persons requesting such information pursuant to RCW 34.05.3353, to all registered motor carriers, and to the Commission’s list of

transportation attorneys. The Notice provided interested persons the opportunity to submit written comments to the Commission no later than July 6, 2009. The Commission posted the relevant rulemaking information on its Internet web site at www.utc.wa.gov/090400.

- 9 **WRITTEN COMMENTS:** The Commission received written comments from two individuals. Under the expedited rulemaking statute, RCW 34.05.353, if a written notice of objection to the expedited rulemaking is timely filed and is not withdrawn, the notice of proposed expedited rulemaking is considered a statement of inquiry (CR-101). A summary/matrix of the comments received with staff's response is posted on the Commission's web site at www.utc.wa.gov/090400.
- 10 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on September 2, 2009, at WSR #09-18-110. The Commission scheduled this matter for oral comment and adoption under Notice WSR #09-18-110 at 1:30 p.m., October 14, 2009, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.
- 11 **MEETINGS OR WORKSHOPS:** The Commission held no meetings or workshops on this matter.
- 12 **WRITTEN COMMENTS:** The Commission received no written comments in response to the CR-102.
- 13 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on October 14, 2009, before Chairman Jeffrey D. Goltz and Commissioner Patrick J. Oshie. No interested person appeared or made oral comments.
- 14 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and repeal the rules as proposed in the CR-102 at WSR # 09-18-110.

15 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-14 should be amended and repealed to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER


16 **THE COMMISSION ORDERS:**

17 The Commission amends and repeals WAC 480-14 to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

18 This Order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, October 30, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PATRICK J. OSHIE, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 22, repealed 15.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Appendix A