

Agenda Date: September 27, 2018
Item Number: A1

Dockets: A-180762 and A-151775
Topic: Replace Delegation Order

Staff: Suzanne Stillwell, Licensing Services Manager
Gregory Kopta, Administrative Law Judge

Recommendation

Rescind the current delegation order (Docket A-151775) and replace it with the proposed delegation order (Docket A-180762). Delegate authority to execute routine tasks, via the proposed delegation order, to the Secretary, the Director for Transportation Safety, the Motor Carrier Safety Manager, and the Licensing Services Manager.

Discussion

Background

On September 24, 2015, the commission entered Order 01 in Docket A-151775. That order delegates authority pursuant to RCW 80.01.030 to the Commission Secretary, Director for Safety and Consumer Protection, Assistant Director for Transportation Safety, and Licensing Services Manager to issue certain documents in the commission's name to accomplish routine or ministerial tasks.

On April 20, 2018, in Docket TR-170780, the commission entered General Order R-591 Amending, Repealing, and Adopting Rules Permanently in Chapter 480-62 WAC. The rules govern contract railroad crew transportation carriers pursuant to Chapter 81.61 RCW, enacted during the 2017 legislative session. Those rules became effective on May 21, 2018.

On August 31, 2018, in Docket A-130355, the commission entered General Order R-592 Amending, Repealing, and Adopting Rules Permanently. In Order R-592 the commission adopts revised rules for parts III B through IV in Chapter 480-07 WAC, the commission's procedural rules. The adopted rules include revisions to WAC 480-07-904 and 905 to delete specific delegations of authority to commission personnel by rule in anticipation of making those delegations by order. The revised rules will become effective on October 1, 2018.

On September 26, 2018, the commission will conduct a hearing in Docket UE-171033 to consider adopting proposed rules in a new Chapter 480-103 WAC. These rules govern community solar companies pursuant to RCW 80.28.375, which was enacted during the 2017 legislative session. Staff anticipates that the commission will adopt these rules with minor, if any, revisions.

Legal authority

RCW 80.01.030 provides, "The commission may, by rule or order, delegate to designated assistants any of the powers and duties vested in or imposed upon the commission by law except

matters governed by chapter 34.05 RCW [the Administrative Procedure Act].” The commission has implemented this legislative authority in WAC 480-07-903, 904, and 905.

Changes to the existing delegation order

The proposed order primarily accomplishes three goals: (1) Delegate by order matters that the commission had previously delegated by rule; (2) Delegate routine tasks related to community solar companies; and (3) Delegate routine matters related to contract railroad crew transportation carriers. The proposed order also updates personnel titles, revises the formatting, and clarifies some of the language in the existing order. The following table describes these revisions:

Existing order (Order 01, A-151775)	Proposed order (Order 01, A-180762)
Section I – delegating matters to the Secretary	Adds paragraphs 5-16 to include matters delegated to the Secretary in soon-to-be-former WAC 480-07-904(2).
Section II A – delegating tasks related to motor freight carriers.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
Section II B – delegating tasks related to household goods carriers.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
Section II C – delegating tasks related to charter and excursion carriers.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
Section II D – delegating tasks related to solid waste collection companies.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
Section II E – delegating tasks related to auto transportation companies.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
Section II F – delegating tasks related to private, nonprofit transportation providers.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
Section II G – delegating tasks related to commercial ferries.	Revised to clarify language and include any tasks listed in WAC 480-07-905 that were not already in the delegation order.
None	Adds Section II H – delegating tasks related to community solar companies
None	Adds Section II I – delegating tasks related to railroad contract crew carriers

Conclusion

Staff recommends the commission rescind the existing delegation order in Docket A-151775 and replace it with the proposed delegation order in Docket A-180762.