

Agenda Date: September 28, 2005
Item Number: C3

Docket: T-051359

Subject: Rulemaking to incorporate statutory changes into related WACs pursuant to SSB 5105 re: Transportation Notice and Hearing Rules

Staff: Sharyn Bate, Regulatory Analyst
Karen Caillé, Administrative Law Judge
Teri Wallace, Licensing Services, Supervisor

Recommendation:

Direct the Secretary to file a Preproposal Statement of Inquiry (CR-101) in Docket No. T-051359 to initiate review of the Commission's transportation rules relating to notice and opportunity for hearing under statutory changes pursuant to SSB 5105.

Discussion:

On July 24, 2005, a new law, SSB 5105, amending Title 81 RCW took effect. It amends RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020, and adds a new section to Chapters 81.70 and 81.68 RCW. The law and new section in Chapter 81.70 RCW relate to the certification of entities regulated by the WUTC. Prior to the amendments, the statutes required the Commission to provide a hearing for any certificate holder before the certificate could be suspended or revoked. Under the amended language, the statutes allow the Commission to provide only notice and an opportunity for a hearing before suspension or revocation. Amended language would also provide notice and an opportunity for hearing to an applicant who requests a certificate to operate in a territory served by an existing certificate holder.

The WAC chapters affected are:

- 480-31 (Private, Nonprofit Transportation Providers)
- 480-51 (Commercial Ferries)
- 480-70 (Solid Waste Collection Companies)

Amendments to rules in Chapter 480-30 WAC (Autotransporation Companies) to incorporate the changes in RCW 81.68.030 and RCW 81.68.040, and the new section added to Chapter 81.68 RCW, will not be included in this rulemaking. They will be addressed in the Bus Rules Rulemaking currently open, Docket No. TC-020497.

Conclusion:

Staff recommends that the Commission direct the Secretary to file a Preproposal Statement of Inquiry (CR-101) in Docket No. T-051359 to initiate review of the Commission's transportation rules relating to notice and opportunity for hearing under statutory changes pursuant to SSB 5105.