

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to update motor carrier safety rules in Chapters WAC 480-14 motor carriers; WAC 480-15 household goods companies; WAC 480-30 passenger transportation companies; WAC 480-31 private, nonprofit transportation providers; and WAC 480-70 solid waste companies,

DOCKET T-220252

GENERAL ORDER R-607

ORDER AMENDING, REPEALING,
AND ADOPTING RULES
PERMANENTLY

- 1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 23-07-027, filed with the Code Reviser on March 6, 2023. The Commission has authority to take this action pursuant to RCW 80.01.040, RCW 81.01.010, RCW 81.04.160, RCW 81.80.290, and RCW 81.77.030.
- 2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), 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.
- 5 To avoid unnecessary duplication in the record of this Docket, the Commission designates the discussion in this Order, including appendices, as its concise explanatory statement. This Order provides a complete but concise explanation of the agency's actions and its reasons for taking those actions.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 13, 2023

TIME: 4:39 PM

WSR 23-15-054

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

Amend	WAC 480-14-250	Insurance Requirements.
Amend	WAC 480-15-020	Definitions
Amend	WAC 480-15-530	Public liability and property damage insurance
Amend	WAC 480-15-555	Criminal background checks for prospective employees
Amend	WAC 480-15-560	Vehicle and driver safety requirements
Adopt	WAC 480-15-565	Motor vehicle identification
Repeal	WAC 480-15-570	Driver safety requirements
Adopt	WAC 480-15-575	Intrastate medical waivers
Amend	WAC 480-15-590	Leasing vehicles
Amend	WAC 480-30-036	Definitions, general
Amend	WAC 480-30-191	Bodily injury and property damage liability insurance
Amend	WAC 480-30-221	Vehicle and driver safety requirements
Amend	WAC 480-30-222	Vehicles with capacity for eight or fewer passengers (including the driver)
Amend	WAC 480-30-226	Intrastate medical waivers
Amend	WAC 480-30-231	Vehicle and driver identification
Amend	WAC 480-30-236	Leasing vehicles
Amend	WAC 480-31-070	Insurance
Adopt	WAC 480-31-150	Intrastate medical waivers
Amend	WAC 480-70-181	Public liability and property damage insurance
Amend	WAC 480-70-201	Vehicle and driver safety requirements
Adopt	WAC 480-70-203	Intrastate medical waivers
Amend	WAC 480-70-206	Motor vehicle identification
Amend	WAC 480-70-211	Leasing vehicles

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:**
 The Commission filed a Preproposal Statement of Inquiry (CR-101) on July 15, 2022, at WSR # 22-15-046. The statement advised interested persons that the Commission was considering revisions to safety regulations in WAC chapters 480-15, 480-30, and 480-70, to address possible inconsistencies between the Commission's motor carrier safety rules, the Washington State Patrol's (WSP) rules in chapters 204 and 446 WAC, and Title 49 Code of Federal Regulations (C.F.R.) governing the passenger, household goods, and solid waste transportation industries. The Commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the

Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by sending notice to all household goods companies, all passenger transportation companies, all common carriers, and all solid waste companies operating in the state and the Commission's list of transportation attorneys. The Commission posted the relevant rulemaking information on its website at <https://www.utc.wa.gov/casedocket/2022/220252>. The relevant rulemaking information included a report prepared by Commission staff (Staff), entitled the *Motor Carrier Safety Increase Regulatory Consistency Report*, prepared earlier in October 2021. Pursuant to the notice, the Commission noticed an opportunity to provide written comments by August 15, 2022, and the Commission convened a workshop for interested stakeholders on October 11, 2022.

- 8 On October 11, 2022, the Commission convened a workshop in this Docket and received comments from the Washington Refuse and Recycling Association (WRRRA), the Surplus Lines Association, and the Washington Movers Conference (WMC).
- 9 That same day, on October 11, 2022, the Commission filed an Amended Preproposal Statement of Inquiry (Amended CR-101) at WSR #22-21-047. The statement advised interested persons that the Commission was considering revisions to safety regulations in WAC chapters 480-14 and 480-31, in addition to WAC chapters 480-15, 480-30, and 480-70 identified in the earlier CR-101. The Commission provided notice of the Amended CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by sending notice to all household goods companies, all passenger transportation companies, and all solid waste companies operating in the state, to relevant associations including the WMC and the Washington Trucking Association, and the Commission's list of transportation attorneys. The Commission also noticed an opportunity to provide written comments by November 10, 2022.
- 10 On December 14, 2022, the Commission issued a notice of the opportunity to provide written comments on draft rules and a notice of an opportunity to respond to a Small Business Economic Impact Statement (SBEIS) questionnaire. The Commission indicated that comments were due by January 13, 2023. The Commission received a written comment in support of the rulemaking from WMC but no responses to the SBEIS questionnaire.
- 11 **Small Business Economic Impact.** The proposed rules reflect either minor, clarifying changes; amendments that provide greater flexibility for public service companies; and amendments that improve the consistency of the Commission's rules with WSP,

Washington State Department of Licensing (DOL), and federal regulations. Nevertheless, the Commission undertook a small business economic impact analysis. The Commission received no responses to the SBEIS questionnaire or the supplemental SBEIS questionnaire, nor did any interested person provide information concerning the potential economic impact of the proposed rules on small businesses. Based on the information available to the Commission, the Commission has concluded that the proposed rules are not anticipated to increase costs. The proposed rules generally clarify existing rules, improve the consistency of the Commission's rules with other agencies' regulations, or provide public service companies with greater flexibility in a manner that is expected to reduce costs.

- 12 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on March 7, 2023, at WSR # 23-07-027 (WSR # 23-07-027 Notice or Notice). The Commission scheduled this matter for oral comment and adoption under that Notice at 9:30 a.m., Wednesday, June 7, 2023. This was a virtual hearing using the Zoom videoconferencing software. The Notice also provided interested persons the opportunity to submit written comments to the Commission by April 14, 2023.
- 13 **WRITTEN COMMENTS:** The Commission received one written comment in response to the WSR # 23-07-027 Notice.
- 14 In its comments, WRRRA supports the proposed rules. It notes that there is a nationwide shortage of commercial driver's license (CDL) drivers and that it appreciates any efforts to enable solid waste collection companies to hire qualified drivers. WRRRA suggested that it may be helpful to add the word "or" after section 1(b)(2) and 2(c)(i) of proposed WAC 480-70-203 as the following sections of the rule refer to vehicle seating capacities that do not apply to most vehicles used by solid waste collection companies.
- 15 The Commission acknowledges that there is currently a nationwide shortage of CDL-qualified drivers and that WRRRA members are affected by this shortage. The Commission has considered WRRRA's comments, which support the proposed rules, but finds it unnecessary to adopt the WRRRA's suggested amendment to proposed rule WAC 480-70-203, because sections (1)(b) and (2)(c) already include the word "or" in the listed possible conditions.
- 16 The WRRRA's written comments in response to the WSR # 23-07-027 Notice are contained in Appendix A, attached to, and made part of, this Order.

- 17 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on Wednesday, June 7, 2023, before Chair David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Milton H. Doumit. A Staff representative briefly summarized the proposed rules and recommended that the Commission adopt them without change. No other person appeared or commented on the proposed rules.
- 18 **COMMISSION ACTION:** The Commission adopts as its own Staff's responses to the written comments the Commission received contained in Appendix A. After considering this and all other information regarding the proposed rules, the Commission adopts the proposed rules as noticed at WSR # 23-07-027 without change.
- 19 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that the proposed amendments and new sections for WAC chapters 480-14, 480-15, 480-30, 480-31, and 480-70 should be amended and adopted to read as set forth in Appendix B, 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

20 **THE COMMISSION ORDERS:**

- 21 (1) The Commission amends WAC 480-14-250, WAC 480-15-020, WAC 480-15-530, WAC 480-15-555, WAC 480-15-560, WAC 480-15-590, WAC 480-30-036, WAC 480-30-191, WAC 480-30-221, WAC 480-30-222, WAC 480-30-226, WAC 480-30-231, WAC 480-30-236, WAC 480-31-070, WAC 480-70-181, WAC 480-70-201, WAC 480-70-206, and WAC 480-70-211; adopts new sections WAC 480-15-565, WAC 480-15-575, WAC 480-31-150, WAC 480-70-203; and repeals WAC 480-15-570 to read as set forth in Appendix B, 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).

- 22 (2) This Order and the rules set out below, after being recorded in the order 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 Lacey, Washington, July 13, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chair



ANN E. RENDAHL, Commissioner



MILTON H. DOUMIT, 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 4, amended 18, repealed 1.

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 4, amended 18, repealed 1.

Appendix A
(Comment Summary Matrix)

Appendix B
(WAC chapters 480-14, 480-15, 480-30, 480-31, 480-70 – RULES)