

WSR 23-18-091

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed September 6, 2023, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-12-087.

Title of Rule and Other Identifying Information: WAC 468-38-435
Federal weight increases on the interstate system.

Hearing Location(s): On October 24, 2023, at 1:00 p.m., at the
Transportation Building, Nisqually Room, 310 Maple Park Avenue S.E.,
Olympia, WA 98504.

Date of Intended Adoption: October 24, 2023.

Submit Written Comments to: Justin Heryford, P.O. Box 47367,
Olympia, WA 98504-7367, email Heryfoj@wsdot.wa.gov, fax 360-704-6391,
by October 15, 2023.

Assistance for Persons with Disabilities: Contact Danielle Oliv-
er, phone 360-918-4196, email OliverD@wsdot.wa.gov, by October 15,
2023.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: The proposal is to be consistent with
language in the Fixing America's Surface Transportation Act (FAST
Act). Changes to subsection (1) adds language to include electric pow-
ered vehicles, and the changes in subsection (3) of the proposal is to
treat fluid milk products as a nondivisible load providing for the
permit parameters when operating under a permit. The proposal is con-
sistent with FAST Act § 1409; 23 U.S.C. 127(s), FAST Act § 1410; 23
U.S.C. 127.

Reasons Supporting Proposal: The FAST Act includes a number of
provisions that modify federal requirements regarding the size and
weight of vehicles that may travel on the interstate system. The fed-
eral requirements mandate that states adhere to these requirements.
Failure to adhere to the requirements can result in loss of federal
funding.

Statutory Authority for Adoption: RCW 46.44.098, 46.44.090,
46.44.0941.

Statute Being Implemented: RCW 46.44.098.

Rule is necessary because of federal law, FAST Act § 1409; 23
U.S.C. 127, FAST Act § 1410; 23 U.S.C. 127.

Agency Comments or Recommendations, if any, as to Statutory Lan-
guage, Implementation, Enforcement, and Fiscal Matters: The Wash-
ington state department of transportation (WSDOT) and Washington state patrol
(WSP) have been adhering to the federal requirement prior to this pro-
posal. Minimal fiscal impact for creation of a new permit type in
WSDOT's permit system and modifying literature/manuals.

Name of Proponent: Federal Highway Administration (FHWA), WSP,
Washington Trucking Associations, governmental.

Name of Agency Personnel Responsible for Drafting: Justin Hery-
ford, 7345 Linderson Way S.W., Tumwater, WA 98501, 360-705-7987; Im-
plementation: Scott Zeller, 7345 Linderson Way S.W., Tumwater, WA
98501, 360-705-7290; and Enforcement: CVEO 4, Jonas Mast, 106 11th
Avenue S.E., Olympia, WA 98504, 360-596-3800.

A school district fiscal impact statement is not required under
RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This
proposal is in response to federal regulation changes.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: FAST Act § 1409; 23 U.S.C. 127 and FAST Act § 1410; 23 U.S.C. 127, noncompliance can lead to sanctions by FHWA up to, and including, withholding of federal aid highway funds.

Scope of exemption for rule proposal:

Is fully exempt.

September 6, 2023
Sam Wilson, Director
Business Support Services

OTS-4905.1

AMENDATORY SECTION (Amending WSR 19-06-036, filed 3/1/19, effective 4/1/19)

WAC 468-38-435 Federal weight increases on the interstate system. (1) Are there any weight exemptions for natural gas engines or electric battery vehicles?

Yes, for the interstate system and no more than one mile access to and from the interstate system, natural gas vehicles or electric battery vehicles, if operated by an engine fueled primarily by natural gas or electric batteries, may exceed vehicle weight limits set in RCW 46.44.041 up to ((two thousand)) 2,000 pounds with a maximum gross vehicle weight of ((eighty-two thousand)) 82,000 pounds. The increase in weight shall equal the difference between:

- (a) The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and
- (b) The weight of a comparable diesel tank and fueling system.

(2) What weights are authorized for emergency vehicles to travel on the interstate system?

(a) Emergency vehicles may operate without a permit on the interstate system and no more than one mile to and from the interstate system to a maximum gross vehicle weight of ((eighty-six thousand)) 86,000 pounds and axle weights of:

- (i) Twenty-four thousand pounds on a single steering axle;
- (ii) Thirty-three thousand five hundred pounds on a single drive axle;
- (iii) Sixty-two thousand pounds on a tandem axle; or
- (iv) Fifty-two thousand pounds on a tandem rear drive steer axle.

(b) In this section, the term emergency vehicle means a vehicle designed to be used under emergency conditions:

- (i) To transport personnel and equipment; and
- (ii) To support the suppression of fires and mitigation of other hazardous situations.

((3)) (c) Operators of emergency vehicles described in this section shall check their route on Washington state department of

transportation, commercial vehicle services website for restrictions prior to travel. These vehicles shall obtain approval/permit from the local jurisdiction when traveling on any local roads. Any firefighting apparatus or emergency vehicle shall obtain a permit from commercial vehicles services office prior to traveling on state highways that are not part of the interstate system if their weights exceed what is prescribed in RCW 46.44.190(4).

(3) Can liquid bulk milk be treated as a nondivisible load? Per the Fixing America's Transportation Act (FAST Act), a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided (nondivisible). Carriers may obtain annual permits up to 129,000 lbs., and up to 85 ft. of load length when using a double trailer combination. For this section, a double trailer is a tractor, semi-trailer and a second semi-trailer. This section applies to a vehicle that transports raw milk from a farm and/or raw milk products to or from a milk plant, receiving station or transfer station. Transporters of liquid bulk milk are exempt from holiday and commuter curfew restrictions when operating under a permit.

(a) Annual double trailer milk permits cannot exceed legal axle weight per RCW 46.44.041;

(b) Cannot exceed a load length of 85 ft.; and

(c) Must adhere to posted limits and restrictions on WSDOT's commercial vehicle services website.

[Statutory Authority: RCW 46.44.098, 46.44.090, and 23 U.S.C. 127. WSR 19-06-036, § 468-38-435, filed 3/1/19, effective 4/1/19.]