

WSR 24-24-100

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed December 3, 2024, 3:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-20-130.

Title of Rule and Other Identifying Information: New chapter 468-90 WAC, Speed safety camera systems in state highway work zones; new WAC 468-90-010 Worker presence.

Hearing Location(s): On January 7, 2025, at 1:00 p.m., virtual hearing in Microsoft Teams <https://bit.ly/WAC-468-90-Jan-7-2025>; or dial in by phone +1 206-531-0324,,174485875# for United States, Seattle. You can use this link to find a local number <https://dialin.teams.microsoft.com/039e7852-bef4-4986-949b-6b82f4e2095f?id=174485875>, phone conference ID 174 485 875#. For further details about joining a Microsoft Teams meeting, you can visit this web page <https://aka.ms/JoinTeamsMeeting?omkt=en-US>.

Date of Intended Adoption: January 7, 2025.

Submit Written Comments to: Kyle Miller, Speed Safety Camera System Project Manager, P.O. Box 47344, 310 Maple Park Avenue S.E., Olympia, WA 98504-7344, email kyle.miller@wsdot.wa.gov, beginning December 4, 2024, 12:00 p.m., by January 6, 2025, by 4:00 p.m.

Assistance for Persons with Disabilities: Contact Washington state department of transportation (WSDOT) ADA office, phone toll-free 855-362-4ADA(4232), TTY 711, email wsdotada@wsdot.wa.gov, by December 31, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Sections 1-3, chapter 17, Laws of 2023, per ESSB 5272 (now RCW 46.63.200); WSDOT is responsible for all actions related to the operation and administration of speed safety camera systems in state highway work zones including, but not limited to, the procurement and administration of contracts necessary for the implementation of speed safety camera systems and the mailing of notices of infraction. This rule is intended to define worker presence to align with the RCW 46.63.200 requirements.

Reasons Supporting Proposal: RCW 46.63.200 references that workers must be present. This new WAC is intended to clearly define what worker presence means.

Statutory Authority for Adoption: RCW 46.63.200.

Statute Being Implemented: RCW 46.63.200.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSDOT, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kyle Miller, Olympia, Washington, 360-705-7946.

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 is not required because WSDOT is not subject to RCW 34.05.328

(5)(a)(i) and has not made RCW 34.05.328 applicable to this rule.

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

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule does not impose any costs.
It defines what worker presence is.

Scope of exemption for rule proposal:
Is fully exempt.

December 3, 2024
Sam Wilson, Director
Business Support Services

OTS-6000.1

Chapter 468-90 WAC
SPEED SAFETY CAMERA SYSTEMS IN STATE HIGHWAY WORK ZONES

NEW SECTION

WAC 468-90-010 Worker presence. For the purposes of RCW 46.63.200 (4) (b), a worker is present in a state highway work zone when at least one state employee, contractor, or agent of the state, or any other individual authorized by the department of transportation, is within the state highway work zone for the purpose of performing construction, maintenance, utility work, or to respond to an incident.