

WAC 468-38-095 Emergency road restrictions due to weather or other conditions. (1) **Who has the authority to implement emergency procedures to restrict the movement of a vehicle(s) operating on state highways?** RCW 47.48.031 and 46.44.080 provide authority for the chief or another officer of the state patrol, or the secretary of transportation or designee, to restrict vehicle movement by closing or restricting movement on a section(s) of state highway(s) to all vehicles or specific class of vehicles.

(2) **Under what conditions would a road restriction be put in place?** A restriction or closure may be put in place whenever the department or the state patrol believe that weather or other conditions have created a substantial risk to public safety.

(3) **How are the restrictions maintained?** The department and the state patrol shall exchange notices of conditions that require a restriction(s) or closure to be placed on the highway, and notices when conditions change that will allow the restriction to be terminated. Either the department or the state patrol, whichever agency can best respond to the condition, shall manually control traffic as needed until the restriction is terminated or until the department can install traffic control devices.

(4) **How will the notification of a restriction be communicated to the highway users?** The department and the state patrol have a joint responsibility to provide notice of both the placement and removal of highway restrictions/closures. Notices shall be provided to the news media, affected law enforcement agencies, and other appropriate organizations, both public and private. For areas requiring vehicles to apply tire chains, see subsection (8) of this section.

(5) **At what point does visibility play a factor in the movement of a vehicle operating under special permit?** Moves must not be made when visibility is reduced to one thousand feet or less. If visibility is reduced during transport, the vehicle or vehicle combination must clear the highway at the nearest safe location.

(6) **Can an individual move under special permit be restricted through enforcement intervention?** Yes. An enforcement officer, at his/her discretion, may require the driver of the permitted vehicle or vehicle combination to pull off of the highway when weather or other conditions become unsafe for further movement. The enforcement officer may direct or escort the permitted vehicle to a place of safety where it may be parked until the unsafe conditions abate.

(7) **Do vehicles carrying hazardous or radioactive cargo have greater opportunity of being affected by restrictions?** Yes. Due to the potential risks to the public, RCW 47.01.270 and 47.48.050 have provided the department and the state patrol with the specific authority to close a section(s) of the highway(s) to transporters of placarded radioactive or hazardous cargo. The basis for closure is the same as stated in subsection (2) of this section.

(8) **Who has authority to prohibit permitted vehicles from chain/approved traction device control areas, and how is this communicated?** The department and the state patrol may prohibit a vehicle, whether moving under special permit for oversize/overweight or not, from entering chain/approved traction device control areas. Prohibitions are put in place when it is determined the vehicle will experience difficulty in safely traveling the area. Traffic control signs will generally communicate prohibitions (i.e., "TRACTION ADVISORY/OVERSIZE VEHICLES PROHIBITED," "CHAINS REQUIRED ON ALL VEHICLES EXCEPT ALL WHEEL DRIVE," "VEHICLES OVER 10,000 GVWR CHAINS REQUIRED," etc.). In addition, specific vehicle combinations may be required to operate with specified traction devices

(i.e., "TRACTORS PULLING DOUBLE TRAILERS MUST CHAIN UP"). Also, refer to WAC 204-24-050 (2)(h) for a list of areas where sufficient tire chains must be carried on the vehicle(s) between November 1 and April 1 of each year.

(9) What penalties are in place for vehicles moving in prohibited areas? Movement into a restricted area when the vehicle is prohibited, or without the specified traction device, is a violation of the special permit, which is a traffic infraction, and subject to the penalties of RCW 46.44.105.

(10) What responsibilities must the operator of a vehicle(s) operating under special permit, during winter road conditions, assume when signs or other traffic control devices are not present? A vehicle, or vehicle combination, operating under special permit for over-size, must stop movement at the nearest safe location during periods when:

(a) Snow is falling to a degree that visibility is limited to less than one thousand feet; or

(b) Immediately following a severe storm when snow removal equipment is operating; or

(c) When fog or rain limits visibility to less than one thousand feet; or

(d) When compact snow and ice conditions require the use of chains.

Movement must not resume until conditions have abated and clearance obtained from the nearest department or state patrol office. Failure to stop is a violation of the permit and subject to the penalties of RCW 46.44.105.

(11) What services may a business or person provide under the department's tire chain service provider program, as authorized under chapter 47.04 RCW? If the department has issued a permit as provided under subsection (18) of this section to a business or person, hereinafter permittee(s), they are only allowed to install and/or remove motorist-provided tire chains under this program. Providing other services for a fee on highway right of way is prohibited. Permittees are not allowed to sell or rent tire chains to motorists on the highway right of way. If needed, minor repair of motorist-provided tire chains or selling elastic cords to motorists to ensure the proper fit of chains to tires is allowed as part of the installation or removal of tire chains. For example, a minor repair may be the replacement of a link that is missing from a tire chain.

(12) Where on the highway right of way will permittees be allowed to establish work stations? The department will designate chain-on and chain-off areas. Permittees will be allowed to establish work stations in authorized locations only in these designated areas. Permittees are prohibited from establishing work stations on the highway right of way outside of department specified locations. Permittees shall set up a sign to identify their work station. The sign shall display the permittee's permit number and prices charged for services.

(13) When may permittees establish work stations in designated areas? Permittees may establish work stations in designated areas only when they are requested to do so by the department's maintenance personnel responsible for highway operations. Department maintenance personnel will also notify permittees when chains are no longer required and work stations must be closed. Establishing work stations without a request from department maintenance personnel is prohibited.

(14) Are motorists required to use tire chain installation and/or removal services? Use of tire chain services is voluntary. Motorists

installing or removing their own tire chains will be able to use designated chain-on and chain-off areas for this purpose.

(15) **What fees may permittees charge for their services?** A set fee schedule will be annually determined by the department with input from interested parties. All permittees will charge the same fee schedule for services provided. The schedule will include fees for minor repairs and selling elastic cords to motorists for the proper fit of chains to tires. Charging amounts outside of the set fee schedule while working on the highway right of way is prohibited.

(16) **What worker safety standards do permittees have to meet while working on the highway right of way?** All permittees must follow, at a minimum, all safety work standards and requirements that are listed in the permit. Safety apparel worn by chain installers will meet standards of the American National Standard Institute and the International Safety Equipment Association (ANSI/ISEA). The permittee's permit number shall be visibly displayed on his/her vest, jacket, or other outer garment.

(17) **If multiple permittees are authorized to work on highway right of way, how will a fair opportunity to work be afforded to all permittees?** If multiple permittees are permitted, the department will utilize a rotational call-out system.

(18) **What process is available for acquiring a permit?** An application/permit form must be completed and submitted to the department. An orientation session provided by the department, must be attended by all chain installers. Chain installers must exhibit tire chain installation/removal competency. After the applicant has participated in the orientation session, the department may issue a permit to the applicant. The department may limit the number of permits issued on a first-come first-served basis. The department, in issuing a permit for the installation or removal of tire chains, assumes no responsibility for the actions, inactions, competence, or reliability of the permittee in performing those services and shall not be liable for the damages relating to acts or omissions of the permittees in accordance with RCW 47.04.270.

(19) **What happens if any permit condition is violated by the permittee or if the permittee has made false or misleading statements on the permit application?** If a permittee violates any permit condition or if the permittee has made a false or misleading statement on the permit application, the department may immediately revoke the permit. The permittee is not entitled to a permit revocation hearing.

[Statutory Authority: Chapter 47.04 RCW. WSR 06-22-015, § 468-38-095, filed 10/23/06, effective 11/23/06. Statutory Authority: RCW 46.44.090. WSR 05-04-053, § 468-38-095, filed 1/28/05, effective 2/28/05.]