

WSR 24-19-087

EXPEDITED RULES

DEPARTMENT OF TRANSPORTATION

[Filed September 17, 2024, 10:48 a.m.]

Title of Rule and Other Identifying Information: WAC 468-12-800(3) Categorical exemptions (regarding State Environmental Policy Act rules).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal corrects a contextual error when referencing subsections (17) and (18) from WAC 197-11-800.

Reasons Supporting Proposal: The reference in WAC 468-12-800(3) to WAC 197-11-800(18) is incorrect. When reading subsections (17) and (18) from WAC 197-11-800, it is subsection (17) that refers to information collection and research, not subsection (18), which refers to legal filings. The proposed correction changes the reference to subsection (17).

Statutory Authority for Adoption: RCW 43.21C.120.

Statute Being Implemented: RCW 43.21C.120.

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

Name of Proponent: Washington state department of transportation, governmental.

Name of Agency Personnel Responsible for Drafting: Kerri Wheeler, Olympia, 360-549-6264; Implementation and Enforcement: Gretchen Coker, Olympia, 360-810-0964.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This is a minor correction to an existing rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Steve Larsen, Washington State Department of Transportation, P.O. Box 47418, 310 Maple Park Avenue S.E., Olympia, WA 98504-7418, phone 360-705-7738, email wac@wsdot.wa.gov, BEGINNING October 2, 2024, AND RECEIVED BY November 18, 2024, at 5:00 p.m.

September 17, 2024
Nikki Nisbet, Acting Director
Business Support Services

OTS-5422.1

AMENDATORY SECTION (Amending WSR 84-19-030, filed 9/14/84)

WAC 468-12-800 Categorical exemptions. The following activities of the department are within the categorical exemptions contained in the indicated subsections of WAC 197-11-800:

(1) The repair, maintenance, or minor alteration of existing private or public structures, facilities or equipment, as provided in WAC 197-11-800(3) ~~((7))~~ including, but not limited to:

(a) Burning of weeds or brush within right of way limits;

(b) Preparation, storage, and application of sand and de-icing chemicals;

(c) Disposal and/or treatment of sewage generated on transportation department property in accordance with state and local regulations;

(d) Right of way mowings;

(e) Snow removal and avalanche control;

(f) Erosion control measures;

(g) Stormwater disposal procedures not involving significant changes in existing drainage patterns and quantities outside of transportation right of way;

(h) Street, road, rail, and airport cleaning and sweeping;

(i) Litter pickup and disposal;

(j) Removal and disposal of debris;

(k) Application of right of way fertilizer;

(l) Planting, thinning, and removal of roadside, railyard, or airport vegetation as required for landscaping and maintenance purposes;

(m) Dead animal removal and disposal;

(n) Pavement burning;

(o) Maintenance and fencing of game crossings;

(p) Pit and sundry site reclamation;

(q) Waste oil disposal;

(r) Maintenance of chemical toilets;

(s) Control and disposal of roadway spills;

(t) The periodic application of approved pesticides to transportation rights of way to maintain design conditions as provided in WAC 197-11-800(24);

(u) All repair, maintenance, or minor alteration of existing transportation pavement, drainage facilities, rails, earthwork, bridges, tunnels, guardrails, railroad protective devices, signs, paths, trails, buildings, toll booths, radio and telephone equipment, air quality equipment, rest area facilities, storage facilities, pit sites, airports, and other physical features and structures within the jurisdiction of the transportation department.

(2) Adoptions or approvals of utility, transportation, and solid waste disposal rates, as provided in WAC 197-11-800(15) ~~((7))~~ including, but not limited to, the establishment of or changes in toll rates.

(3) Information collection and research, as provided by WAC 197-11-800 ~~((18))~~ (17) including, but not limited to, the development, adoption, and revision of transportation plans and six-year construction programs, and any other studies, plans, and programs which lead to proposals which have not yet been approved, adopted, or funded, and which do not commit the transportation department to proceed with the proposals contained therein.