

WSR 23-23-162
PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed November 21, 2023, 1:14 p.m., effective December 22, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 468-38-435 Federal weight increases on the interstate system; the purpose for this rule change is to allow for consistency with the Fixing America's Surface Transportation Act (FAST Act). Changes to subsection (1) add language to include electric powered vehicles and the changes in subsection (3) of the proposal are to treat fluid milk products as nondivisible loads and provides the permit parameters when operating under a permit on Washington highways. The proposal is consistent with, FAST Act § 1409; U.S.C. 127(s), FAST Act § 1410; U.S.C. 127.

Citation of Rules Affected by this Order: Amending WAC 468-38-435 (1) and (3).

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

Other Authority: RCW 46.44.098.

Adopted under notice filed as WSR 23-12-087 [23-18-091] on October 24, 2023 [September 6, 2023].

Number of Sections Adopted in Order to Comply with Federal Statute: New 1 [0], Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1 [0], Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 1 [0], Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1 [0], Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 24, 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 ve-

hicle 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.