**WSR 26-19-118**
**EXPEDITED RULES**
**DEPARTMENT OF TRANSPORTATION**
[Filed September 22, 2026, 10:16 a.m.]

Title of Rule and Other Identifying Information: WAC 468-10-430 Application for adjudicative proceeding, and 468-10-530 Brief adjudicative proceedings.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would update the address to use for applications for adjudicative proceedings and for petitions for review of an initial order. This would provide current, accurate information to the public.

Reasons Supporting Proposal: The address shown is no longer correct.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.01.101(5).

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, Implementation, and Enforcement: Sam Wilson, Lacey, Washington, 360-704-6366.

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 revision updates the address shown in these WAC sections and makes minor stylistic changes that do not change the effect of the 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, Olympia, WA 98504-7418, phone 360-705-7738, email wac@wsdot.wa.gov, BEGINNING September 23, 2026, at noon, AND RECEIVED BY November 23, 2026, at 5:00 p.m.

September 21, 2026
Sam Wilson, Director
Business Support Services

**RDS-7414.2**

AMENDATORY SECTION (Amending WSR 94-14-101, filed 7/6/94, effective 8/6/94)

**WAC 468-10-430 Application for adjudicative proceeding.** (1) An application for an adjudicative proceeding must be filed in writing within ((~~thirty~~)) 30 days of the action that is the subject of the appeal.

(2) An application for an adjudicative proceeding shall specify the issue or issues to be adjudicated in the proceeding and must be signed by the applicant or the applicant's representative. The signature of an applicant or the applicant's representative constitutes a certificate by the applicant or applicant's representative that the applicant or applicant's representative has read the application; that to the best of the applicant's or applicant's representative's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of adjudication. If an application is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the applicant or applicant's representative. If an application is signed in violation of this rule, the presiding officer, upon motion or upon its own initiative, may impose upon the person who signed it, a representative party, or both, an appropriate sanction, which may include dismissal of the case.

(3) An application for an adjudicative proceeding shall be served ((~~by certified mail, registered mail, or personal service~~)) on the Office of the Secretary of the Washington State Department of Transportation((~~, 3D25 Transportation Building,~~)) by certified mail or registered mail to P.O. Box 47316, Olympia, WA 98504-7316, or by personal service at 7407 31st Ave. N.E., Lacey, WA 98516. Service by electronic telefacsimile transmission is not allowed.

AMENDATORY SECTION (Amending WSR 94-14-101, filed 7/6/94, effective 8/6/94)

**WAC 468-10-530 Brief adjudicative proceedings.** (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. The department may use brief adjudicative proceedings for the following matters:

(a) Actions taken by the department with respect to motorist information sign permit applications and revocations under WAC 468-70-070.

(b) Actions taken by the department with respect to hazardous structures or obstacles that obstruct the air space above ground or water level under RCW 47.68.340 and 47.68.350.

(c) Actions taken by the department after the state patrol has confiscated an overweight permit or overlength permit and the department has suspended or revoked the permit under RCW 46.44.105(9).

(d) Actions taken by the department with respect to its motor carrier service office's permit refund policy.

(2) For matters listed in subsection (1) of this section, the department's notice of action shall provide the name and address of the appropriate office at which an application for a brief adjudicative proceeding must be filed. An application for a brief adjudicative proceeding shall be served on the department by certified mail, registered mail, or personal service.

(3) An application for a brief adjudicative proceeding must be filed within ((~~twenty~~)) 20 days from the date of service of the department's notice of action. Such application shall contain a written explanation of the party's view of the matter and may be supported by affidavits. Other parties may file a written response, including supporting affidavits, within ((~~ten~~)) 10 days after receipt of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties.

(4) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the secretary. The presiding officer shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(5) The presiding officer may, in his or her discretion, entertain oral argument from the parties or their representatives, at a time and place designated by the presiding officer.

(6) No witnesses may appear to testify.

(7) In addition to the record, the presiding officer may employ agency expertise as a basis for decision.

(8) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief oral statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ((~~ten~~)) 10 days after entry.

(9) The presiding officer's written decision is an initial order. An initial order shall become the final order within ((~~twenty-one~~)) 21 days of the date of service.

(10) A petition for review of an initial order shall be served ((~~by certified mail, registered mail, or personal service~~)) upon the Office of the Secretary of the Washington State Department of Transportation((~~, 3D25 Transportation,~~)) by certified mail or registered mail to P.O. Box 47316, Olympia, WA 98504-7316, or by personal service at 7407 31st Ave. N.E., Lacey, WA 98516, and copies shall be served on all parties. A petition for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. Responses to a petition for review of an initial order shall be served on the secretary at the above designated address and on all parties within ((~~ten~~)) 10 days after receipt of the petition for review.

(11) The secretary or his or her designee shall act as the reviewing officer and shall conduct a review of an initial order upon the timely service of a petition for review or upon his or her own motion. The reviewing officer shall adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain the party's view of the matter.

(12) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within ((~~twenty~~)) 20 days after the date of the initial order or the petition for review, whichever is later. The order shall include a de-

scription of any further available administrative review or, if none is available, a notice that judicial review may be available.

(13) The record in a brief adjudicative proceeding shall consist of any documents regarding the matters that were considered or prepared by the presiding officer for the brief adjudicative proceedings and/or by the reviewing officer for any review.