

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending and Adopting	)	DOCKET A-143302
	)	
Several rules in Title 480 WAC	)	GENERAL ORDER R-579
	)	
Relating to adoption-by-reference date revisions and other minor administrative changes.	)	ORDER AMENDING AND ADOPTING RULES PERMANENTLY
	)	
.....	)	

1     **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 15-01-053 for an expedited rulemaking, filed with the Code Reviser on December 10, 2014. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160 and RCW 34.05.353.

2     **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).

3     **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.

4     **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
<b>DATE: March 02, 2015</b> <b>TIME: 2:38 PM</b> <b>WSR 15-06-048</b>

5 The Commission adopts these rules to incorporate by reference federal rules and national standards pertaining to motor carriers, household goods carriers, passenger transportation companies, private and nonprofit transportation providers, railroad companies, solid waste and/or refuse collection companies, gas companies, and electric companies. There are no differences between the text of the proposed rules as published in the register and the text of the rules as adopted. The Commission did not receive any comments on the proposed rules.

6 **REFERENCE TO AFFECTED RULES:** This Order amends the following sections of the Washington Administrative Code:

<b>Rule Changes</b>			
<b>Action</b>	<b>WAC No.</b>	<b>Rule Title</b>	<b>Changes</b>
<b>Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Brokers</b>			
Amend	480-14-999	Adoption by reference	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49, Code of Federal Regulations,</b> Amends the effective date of adoption to <b>October 1, 2014,</b> for the following:                             <ul style="list-style-type: none"> <li>- Part 171 – General Information, Regulations and Definitions.</li> <li>- Part 172 – Hazardous Materials Table, etc.</li> <li>- Part 173 – Shippers General Requirements for Shipping and Packages.</li> </ul> </li> </ul>
<b>Chapter 480-15 WAC, Household Goods Carriers</b>			
Amend	480-15-999	Adoption by reference	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> Amends the effective date to <b>April 1, 2014</b> – No significant changes - new edition of previously-adopted reference.</li> </ul>

			<ul style="list-style-type: none"><li>• <b>Title 49 Code of Federal Regulations,</b> Amends the effective date of adoption to <b>October 1, 2014,</b> for the following:<ul style="list-style-type: none"><li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs – no changes since last adoption.</li><li>- Part 375 –Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations – no changes since last adoption.</li><li>- Part 379 – Preservation of Records – no changes since last adoption.</li><li>- Part 380 – Special Training Requirements – no changes since last adoption.</li><li>- Part 382 – Controlled Substance and Alcohol Use and Testing – no changes since last adoption.</li><li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li><li>- Part 385 – Safety Fitness Procedures.</li><li>- Part 390 – Safety Regulations, General.</li><li>- Part 391 – Qualification of Drivers.</li><li>- Part 392 – Driving of Commercial Motor Vehicles – no changes since last adoption.</li><li>- Part 393 – Parts and Accessories Necessary for Safe Operation – no changes since last adoption.</li><li>- Part 395 – Hours of Service of Drivers – see Note 8.</li><li>- Part 396 – Inspection, Repair and Maintenance –no changes since last adoption.</li><li>- Part 397 – Transportation of Hazardous Materials - no changes since last adoption.</li></ul></li></ul>
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Chapter 480-30 WAC, Passenger Transportation Companies			
Amend	480-30-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> Amends the effective date to <b>April 1, 2014</b> – No significant changes - new edition of previously-adopted reference.</li> <li>• <b>Title 49 Code of Federal Regulations,</b> Amends the effective date of adoption to <b>October 1, 2014,</b> for the following: <ul style="list-style-type: none"> <li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs – no changes since last adoption.</li> <li>- Part 379 – Preservation of Records – no changes since last adoption.</li> <li>- Part 380 – Special Training Requirements – no changes since last adoption.</li> <li>- Part 382 – Controlled Substance and Alcohol Use and Testing – no changes since last adoption.</li> <li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li> <li>- Part 385 – Safety Fitness Procedures.</li> <li>- Part 390 – Safety Regulations, General.</li> <li>- Part 391 – Qualification of Drivers.</li> <li>- Part 392 – Driving of Commercial Motor Vehicles – no changes since last adoption.</li> <li>- Part 393 – Parts and Accessories Necessary for Safe Operation – no changes since last adoption.</li> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance –no changes since last adoption.</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- Part 397 – Transportation of Hazardous Materials - no changes since last adoption.</li> </ul>
<b>Chapter 480-31 WAC, Private, Nonprofit Transportation Providers</b>			
Amend	480-31-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> Amends the effective date to <b>April 1, 2014</b> – No significant changes - new edition of previously-adopted reference.</li> <li>• <b>Title 49 Code of Federal Regulations,</b> Amends the effective date of adoption to <b>October 1, 2014</b>, for the following: <ul style="list-style-type: none"> <li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs – no changes since last adoption.</li> <li>- Part 379 – Preservation of Records – no changes since last adoption.</li> <li>- Part 380 – Special Training Requirements – no changes since last adoption.</li> <li>- Part 382 – Controlled Substance and Alcohol Use and Testing – no changes since last adoption.</li> <li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li> <li>- Part 385 – Safety Fitness Procedures.</li> <li>- Part 390 – Safety Regulations, General.</li> <li>- Part 391 – Qualification of Drivers.</li> <li>- Part 392 – Driving of Commercial Motor Vehicles – no changes since last adoption.</li> <li>- Part 393 – Parts and Accessories Necessary for Safe Operation – no changes since last adoption.</li> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance –no changes since last adoption.</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- Part 397 – Transportation of Hazardous Materials - no changes since last adoption.</li> </ul>
<b>Chapter 480-62 WAC, Railroad Companies - Operations</b>			
Amend	480-62-999	Adoption by Reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations</b> Amends the effective date of adoption to <b>October 1, 2014</b>, for the following: <ul style="list-style-type: none"> <li>- Part 171 - General Information, Regulations, and Definitions.</li> <li>- Part 172 - Emergency Response Information, Training Requirements, and Security.</li> <li>- Part 173 - Shippers General Requirements for Shipments and Packages.</li> <li>- Part 174 - Carriage by Rail.</li> <li>- Part 178 – Specifications for Packagings.</li> <li>- Part 179 - Specifications for Tank Cars – No changes made since last adoption date.</li> <li>- Part 209 - Railroad Safety Enforcement Procedures – no changes since last adoption date.</li> <li>- Part 211 - Rules of Practice – No changes made since last adoption date.</li> <li>- Part 212 - State Safety Participation Regulations – No changes made since last adoption date.</li> <li>- Part 213 - Track Safety Standards – No changes since last adoption date.</li> <li>- Part 214 - Railroad Workplace.</li> <li>- Part 217 - Railroad Operating Rules – No changes made since last adoption date.</li> <li>- Part 218 - Railroad Operating Practices – No changes made since last adoption date.</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- Part 219 - Control of Alcohol and Drug Use – No changes made since last adoption date.</li> <li>- Part 220 - Railroad Communications – No changes made since last adoption date.</li> <li>- Part 221 - Rear-end Marking Device – No changes made since last adoption date.</li> <li>- Part 225 - Railroads accidents/incidents.</li> <li>- Part 228 - Hours of Service of Railroad Employees – No changes made since last adoption date.</li> <li>- Part 234 - Grade Crossing Signal System Safety- No changes made since last adoption date.</li> <li>- Part 239 - Passenger Train Emergency Preparedness.</li> <li>- Part 240 - Qualification and Certification of Locomotive Engineers – No changes made since last adoption date.</li> <li>- Part 570 – Vehicle In Use Inspection Standards – No changes made since last adoption.</li> </ul>
<b>Chapter 480-70 WAC, Solid Waste and/or Refuse Collection Companies</b>			
Amend	480-70-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> Amends the effective date to <b>April 1, 2014</b> – No significant changes - new edition of previously-adopted reference.</li> <li>• <b>Title 40 Code of Federal Regulations:</b> Amends the effective date of adoption to <b>October 1, 2014</b>, for the following: <ul style="list-style-type: none"> <li>- Part 262 – Standards Applicable to Generators of Hazardous Waste.</li> </ul> </li> <li>• <b>Title 49 Code of Federal Regulations,</b> Amends the effective date of adoption to <b>October 1, 2014</b>, for the following:</li> </ul>

			<ul style="list-style-type: none"><li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs – no changes since last adoption.</li><li>- Part 171 – General Information, Regulations, and Definitions.</li><li>- Part 172 – Hazardous Materials Table, etc.</li><li>- Part 173 – Shippers General Requirements for Shipping and Packages.</li><li>- Part 174 - Carriage by Rail.</li><li>- Part 175 – Carriage by Aircraft.</li><li>- Part 176 – Carriage by Vessel.</li><li>- Part 177 – Carriage by Public Highway.</li><li>- Part 178 – Specifications for Packagings.</li><li>- Part 179 - Specifications for Tank Cars – No changes made since last adoption date.</li><li>- Part 180 – Continuing Qualification and Maintenance of Packagings – No changes made since last adoption.</li><li>- Part 379 – Preservation of Records – no changes since last adoption.</li><li>- Part 380 – Special Training Requirements – no changes since last adoption.</li><li>- Part 382 – Controlled Substance and Alcohol Use and Testing – no changes since last adoption.</li><li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li><li>- Part 385 – Safety Fitness Procedures.</li><li>- Part 390 – Safety Regulations, General.</li><li>- Part 391 – Qualification of Drivers.</li><li>- Part 392 – Driving of Commercial Motor Vehicles – no changes since last adoption.</li><li>- Part 393 – Parts and Accessories Necessary for Safe Operation – no changes since last adoption.</li></ul>
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			<ul style="list-style-type: none"> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance –no changes since last adoption.</li> </ul> <p>Part 397 – Transportation of Hazardous Materials - no changes since last adoption.</p>
<b>Chapter 480-90 WAC, Gas Companies - Operations</b>			
Amend	480-90-999	Adoption by reference	<ol style="list-style-type: none"> <li>1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> <ul style="list-style-type: none"> <li>- Amends the effective date of adoption to April 1, 2014 for the entire chapter.</li> </ul> </li> </ul> </li> <li>2. Adoption by Reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> <ul style="list-style-type: none"> <li>- Amends section (1)(d) to rephrase the availability of the resource at Government Printing Office and include “It is also available for inspection at the commission branch of the state library.”</li> </ul> </li> <li>• <b>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</b> <ul style="list-style-type: none"> <li>- Amends section (2)(c) to include the internet address for NARUC publications store <a href="http://www.naruc.org/Store">http://www.naruc.org/Store</a> and add “It is also available for inspection at the commission branch of the state library.”</li> </ul> </li> </ul> </li> </ol>
<b>Chapter 480-93 WAC, Gas Companies - Safety</b>			
Amend	480-93-999	Adoption by reference	<ol style="list-style-type: none"> <li>1. Adoption by Reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations.</b> <ul style="list-style-type: none"> <li>- Amends section (1)(b) to delete “480-93-155 (Increasing maximum allowable operating pressure).”</li> </ul> </li> </ul> </li> <li>2. Adoption by Reference text changed as follows: <ul style="list-style-type: none"> <li>- Amends section (1)(a) to correct a typo in the reference to 49 C.F.R. § 192.801 (b)(2).</li> </ul> </li> </ol>

Chapter 480-100 WAC, Electric Companies – Operations			
Amend	480-100-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> Amends the effective date of adoption to April 1, 2014 for the entire chapter.</li> <li>• <b>The National Electrical Code</b> <ul style="list-style-type: none"> <li>- Amends the effective date of adoption to <b>September 3, 2014.</b></li> </ul> </li> </ul> <p>2. Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> <ul style="list-style-type: none"> <li>- Amends section (1)(d) to rephrase the availability of the resource at Government Printing Office.</li> </ul> </li> <li>• <b>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</b> <ul style="list-style-type: none"> <li>- Amends section (2)(c) to include the internet address for NARUC publications store <a href="http://www.naruc.org/Store">http://www.naruc.org/Store</a> and add “It is also available for inspection at the commission branch of the state library.”</li> </ul> </li> <li>• <b>The National Electrical Code</b> <ul style="list-style-type: none"> <li>- Amends section (3)(a) to include “errata 70-14-2 published December 3, 2013, 70-14-3 published April 21, 2014 and 70-14-4 published July 29, 2014.”</li> </ul> </li> <li>• <b>The American National Standard for Electric Meters: Code for Electricity Metering</b> Amends section (4)(c) to provide the internet addresses to purchase ANSI C12.1: <a href="http://webstore.ansi.org/">http://webstore.ansi.org/</a> (PDF) and <a href="https://global.ihs.com/">https://global.ihs.com/</a> (PDF or print).</li> </ul>

<b>Chapter 480-107 WAC, Electric companies – Purchases of electricity from qualifying facilities and independent power producers and purchases of electrical savings from conservation suppliers</b>			
Amend	480-107-999	Adoption by reference	<p>1. Adoption by Reference text changed as follows.</p> <p>“In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publication, effective date, reference within this chapter, and availability of the resources are as follows:</p> <p>(1) <b>Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210</b>, cited as 16 U.S.C. § 796 and 824a-3, including all amendments is published by the United States Government Printing Office.</p> <p>(a) The commission adopts the version in effect on August 8, 2005.</p> <p>(b) This publication is reference in WAC 480-107-001 (Purpose and scope).</p> <p>(c) Copies of U.S. Code are available from the U.S. Government Printing Office in Washington, D.C. or online at <a href="http://www.gpo.gov/">http://www.gpo.gov/</a>.</p> <p>(2) <b>Title 18 Code of Federal Regulations Part 292</b>, cited as 18 C.F.R. § 292, including all appendices and amendments is published by the United States Government Printing Office.</p> <p>(a) The commission adopts the version in effect on April 1, 2014.</p> <p>(b) This publication is referenced in WAC 480-107-001 (Purpose and scope).</p> <p>Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Printing Office in Washington, D.C. or online at <a href="http://www.gpo.gov/">http://www.gpo.gov/</a>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.”</p>

<b>Chapter 480-108 WAC, Electric Companies – Interconnection with electric generators</b>			
Amend	480-108-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>The National Electrical Code</b> <ul style="list-style-type: none"> <li>- Amends the effective date of adoption to September 3, 2014.</li> </ul> </li> <li>• <b>Institute of Electrical and Electronics Engineers (IEEE) Standard 519</b> <ul style="list-style-type: none"> <li>- Amends the effective date of adoption to June 11, 2014.</li> </ul> </li> <li>• <b>Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269</b> <ul style="list-style-type: none"> <li>○ Amends the effective date of adoption to April 11, 2014.</li> </ul> </li> </ul> <p>2. Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>The National Electrical Code</b> <ul style="list-style-type: none"> <li>- Amends section (1)(a) to include “errata 70-14-2 published December 3, 2013, errata 70-14-2 published April 21, 2014, and errata 70-14-4 published July 29, 2014.”</li> </ul> </li> <li>• <b>Institute of Electrical and Electronics Engineers (IEEE) Standard 1547</b> <ul style="list-style-type: none"> <li>- Amends section (3)(a) to include “including amendment 1547a-2014, published May 21, 2014.”</li> </ul> </li> <li>• <b>American National Standards Institute (ANSI) Standard C37.90</b> <ul style="list-style-type: none"> <li>○ Amends section (4)(a) to include “and reaffirmed in 2011.”</li> </ul> </li> <li>• <b>Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269</b> <ul style="list-style-type: none"> <li>- Amends section (9)(a) to include “and amended on September 24, 2014.”</li> </ul> </li> </ul>

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**PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

**THEREUNDER:** A preproposal statement of inquiry is not required under RCW 34.05.353 for expedited rule making.

8 **NOTICE OF EXPEDITED RULEMAKING:** The Commission filed a notice of Expedited Rulemaking (CR-105) on December 10, 2014, at WSR # 15-01-053. The notice informed interested persons that the Commission was proposing rules under an expedited rulemaking process as required by RCW 34.05.353. The Commission provided notice of its expedited rulemaking to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.353, and to all persons affected by the adoption-by-reference rule proposal. The Notice provided interested persons the opportunity to submit written comments to the Commission no later than February 23, 2015. The Commission posted the relevant rulemaking information on its Internet web site at [www.utc.wa.gov/143302](http://www.utc.wa.gov/143302).

9 **COMMENTERS (WRITTEN COMMENTS):** The Commission did not receive any comments on the proposed rules.

10 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rules as proposed in the CR-105 at WSR # 15-01-053.

11 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-90-999, 480-93-999, 480-100-999, 480-107-999, and 480-108-999 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

## ORDER

12 **THE COMMISSION ORDERS:**

13 (1) WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-90-999, 480-93-999, 480-100-999, 480-107-999, and 480-108-999, are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

- 14 (2) This Order and the rules set out in Appendix A, after being recorded in the order register of the Washington Utilities and Transportation Commission shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, March 2, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman



PHILIP B. JONES, Commissioner



ANN E. RENDAHL, Commissioner

*Note: The following is added at Code Reviser request for statistical purposes:*

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 11, 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 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

# Appendix A