

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending, Adopting, and Repealing)	DOCKET A-121496
)	
Several rules in Title 480 WAC)	GENERAL ORDER R-569
)	
Relating to adoption-by-reference date revisions and other minor administrative changes.)	ORDER AMENDING, ADOPTING AND REPEALING RULES PERMANENTLY
)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 12-23-059 for an expedited rulemaking, filed with the Code Reviser on November 19, 2012. 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.

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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 collection companies, hazardous liquid pipelines, gas companies, electric companies, and telephone 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 or repeals the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Title Title	Changes
Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Carrier Brokers			
Amend	480-14-999	Adoption by reference.	<ul style="list-style-type: none"> • Title 49, Code of Federal Regulations Amends the effective date of adoption to October 5, 2012, for the following: <ul style="list-style-type: none"> - Part 171 – General Information, Regulations and Definitions - Part 172 – Hazardous Materials Table, etc. - Part 173 – Shippers General Requirements for Shipping and Packages
Chapter 480-15 WAC, Household Goods Carriers			
Amend	480-15-999	Adoption by reference	<ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2012. • Title 49 Code of Federal Regulations Amends the effective date of adoption to October 5, 2012, for the following: <ul style="list-style-type: none"> - Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs. - Part 375 –Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations. - Part 379 – Preservation of Records.

			<ul style="list-style-type: none"> - Part 380 – Special Training Requirements. - Part 382 – Controlled Substance and Alcohol Use and Testing. - Part 383 – Commercial Driver’s License Standards; Requirements and Penalties. - Part 385 – Safety Fitness Procedures. - Part 390 – Safety Regulations, General. - Part 391 – Qualification of Drivers. - Part 392 – Driving of Commercial Motor Vehicles. - Part 393 – Parts and Accessories Necessary for Safe Operation. - Part 395 – Hours of Service of Drivers. - Part 396 – Inspection, Repair and Maintenance. - Part 397 – Transportation of Hazardous Materials.
Chapter 480-30 WAC, Passenger Transportation Companies			
Amend	480-30-900	General requirements for interstate operations	Amends rule to remove reference to 49 CFR Part 1023 which no longer exists. The single state registration program was replaced with the Unified Carrier Registration program in 2007.
Amend	480-30-910	Registered carriers.	Amends rule to remove reference to 49 CFR Part 1023 which no longer exists. The single state registration program was replaced with the Unified Carrier Registration program in 2007.
Repeal	480-30-920	Registered exempt carriers	Rule is no longer necessary.
Amend	480-30-999	Adoption by reference	<ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2012 – No significant changes - new edition of previously-adopted reference. • Title 49 Code of Federal Regulations: Amends the effective date of adoption to October 5, 2012, for the following: <ul style="list-style-type: none"> - Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs. - Part 379 – Preservation of Records – no changes since last adoption. - Part 380 – Special Training Requirements – no changes since last adoption.

			<ul style="list-style-type: none"> - Part 382 – Controlled Substance and Alcohol Use and Testing. - Part 383 – Commercial Driver’s License Standards; Requirements and Penalties. - Part 385 – Safety Fitness Procedures. - Part 390 – Safety Regulations, General. - Part 391 – Qualification of Drivers Part 392 – Driving of Commercial Motor Vehicles. - Part 393 – Parts and Accessories Necessary for Safe Operation. - Part 395 – Hours of Service of Drivers. - Part 396 – Inspection, Repair and Maintenance. - Part 397 – Transportation of Hazardous Materials.
Chapter 480-31 WAC, Private, Nonprofit Transportation Providers			
Amend	480-31-999	Adoption by reference	<ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2012 – No significant changes - new edition of previously-adopted reference. • Title 49 Code of Federal Regulations Amends the effective date of adoption to October 5, 2012, for the following: <ul style="list-style-type: none"> - Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs. - Part 379 – Preservation of Records – no changes since last adoption. - Part 380 – Special Training Requirements – no changes since last adoption. - Part 382 – Controlled Substance and Alcohol Use and Testing. - Part 383 – Commercial Driver’s License Standards; Requirements and Penalties - Part 385 – Safety Fitness Procedures. - Part 390 – Safety Regulations, General. - Part 391 – Qualification of Drivers. - Part 392 – Driving of Commercial Motor Vehicles. - Part 393 – Parts and Accessories Necessary for Safe Operation. - Part 395 – Hours of Service of Drivers. - Part 396 – Inspection, Repair and

			<p>Maintenance.</p> <ul style="list-style-type: none"> - Part 397 – Transportation of Hazardous Materials.
Chapter 480-62 WAC, Railroad Companies - Operations			
Amend	480-62-999	Adoption by reference	<ul style="list-style-type: none"> • Title 49 Code of Federal Regulations Amends the effective date of adoption to October 5, 2012, for the following parts: <ul style="list-style-type: none"> - Part 171 - General Information, Regulations, and Definitions. - Part 172 - Emergency Response Information, Training Requirements, and Security Plans. - Part 173 - Shippers General Requirements for Shipments and Packages. - Part 174 - Carriage by Rail. - Part 178 – Specifications for Packagings. - Part 179 - Specifications for Tank. - Part 209 - Railroad Safety Enforcement Procedures. - Part 211 - Rules of Practice – No changes made since last adoption date. - Part 212 - State Safety Participation Regulations – No changes made since last adoption date. - Part 213 - Track Safety Standards. - Part 214 - Railroad Workplace Safety. - Part 217 - Railroad Operating Rules. - Part 218 - Railroad Operating Practices. - Part 219 - Control of Alcohol and Drug Use. - Part 220 - Railroad Communications. - Part 221 - Rear-end Marking Device. - Part 225 - Railroads accidents/incidents. - Part 228 - Hours of Service of Railroad Employees. - Part 234 - Grade Crossing Signal System Safety. - Part 239 - Passenger Train Emergency Preparedness. - Part 240 - Qualification and Certification of Locomotive Engineers. - Part 570.6 and 570.7 - Vehicle in Use Inspection Standards – No changes since last adoption date.

			<ul style="list-style-type: none"> • Manual on Uniform Traffic Control Devices (MUTCD) Amends the effective date to October 5, 2012. • Amends the effective date of adoption to October 5, 2012, for the following safety standards: <ul style="list-style-type: none"> - ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits – see Note 32. - ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests.
Chapter 480-70 WAC, Solid Waste and/or Refuse Collection Companies			
Amend	480-70-999	Adoption by reference	<ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2012 – No significant changes - new edition of previously-adopted reference. • Title 40 Code of Federal Regulations: Amends the effective date of adoption to October 5, 2012, for the following: <ul style="list-style-type: none"> - Part 262 – Standards Applicable to Generators of Hazardous Waste – No changes since last adoption date. • Title 49 Code of Federal Regulations: Amends the effective date of adoption to October 5, 2012, for the following: <ul style="list-style-type: none"> - Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs – see Note 4. - Part 171 – General Information, Regulations, and Definitions. - Part 172 – Hazardous Materials Table, etc.. - Part 173 – Shippers General Requirements for Shipping and Packages. - Part 174 - Carriage by Rail. - Part 175 – Carriage by Aircraft. - Part 176 – Carriage by Vessel. - Part 177 – Carriage by Public. - Part 178 – Specifications for Packagings. - Part 179 - Specifications for Tank Cars. - Part 180 – Continuing Qualification and Maintenance of Packagings.

			<ul style="list-style-type: none"> - Part 379 – Preservation of Records – no changes since last adoption. - Part 380 – Special Training Requirements – no changes since last adoption. - Part 382 – Controlled Substance and Alcohol Use and Testing. - Part 383 – Commercial Driver’s License Standards; Requirements and Penalties. - Part 385 – Safety Fitness Procedures. - Part 390 – Safety Regulations, General. - Part 391 – Qualification of Drivers. - Part 392 – Driving of Commercial Motor Vehicles. - Part 393 – Parts and Accessories Necessary for Safe Operation. - Part 395 – Hours of Service of Drivers. - Part 396 – Inspection, Repair and Maintenance. - Part 397 – Transportation of Hazardous Materials.
Chapter 480-75 WAC, Hazardous Liquid Pipelines - Safety			
Amend	480-75-999	Adoption by reference	<p>Amends the effective date of adoption for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • October 1, 2012 – Part 195 ▪ October 1, 2012 – Part 199 <p>The commission adopts API RP standard 1117 Third Edition, July 2008, including errata December 2008 and errata 2 (August 2009).</p> <ul style="list-style-type: none"> • Copies of API standard 1117 Third Edition, July 2008, including errata December 2008 and errata 2 August 2009 are available from API, http://www.api.org/. It is also available for inspection at the commission.
Chapter 480-90 WAC, Gas Companies—Operations			
Amend	480-90-999	Adoption by reference.	<p>Amends the effective date to:</p> <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations April 1, 2012

Chapter 480-93 WAC, Gas Companies - Safety			
Amend	480-93-999	Adoption by reference	Amends the effective dates as follows: <ul style="list-style-type: none"> Title 49 Code of Federal Regulations <ul style="list-style-type: none"> October 1, 2012 – Part 191 October 1, 2012 – Part 192 October 1, 2012 – Part 193 October 1, 2012 – Part 199
Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference.	Amends the effective date of adoption for National Electrical Code to January 24, 2012.
Chapter 480-108 WAC, Electric Companies – Interconnection with Electric Generators			
Amend	480-108-999	Adoption by reference.	Amends the effective dates as follows: <ul style="list-style-type: none"> National Electrical Code January 24, 2012 Washington Industrial Safety and Health Administration (WISHA) Standard, chapter 296-155 WAC April 17, 2012
Chapter 480-120 WAC, Telephone Companies			
Amend	480-120-999	Adoption by reference	Amends the effective dates as follows: <ul style="list-style-type: none"> American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services – Specifications” – (ANSI 01510) – as of December 29, 1999 and reaffirmed 2008 The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics – as of 2005 National Electrical Safety Code published by IEEE - August 1, 2011 version was adopted. There is a 2012 Edition released with minor changes included after the Aug. 2011 version Title 47 Code of Federal Regulations, Part 32 October 1, 1998 Title 47 Code of Federal Regulations, Part 42 October 1, 1998 Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009 October 1, 2011

Chapter 480-123 WAC, Universal Service			
Amend	480-123-999	Adoption by reference	Amends the effective date of adoption to January 1, 2012 -The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service

- 7 **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 November 19, 2012, at WSR # 12-23-059. 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 4, 2013. The Commission posted the relevant rulemaking information on its Internet web site at www.utc.wa.gov/121496.
- 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 repeal the rules as proposed in the CR-105 at WSR # 12-23-059.
- 11 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-14-999, 480-15-999, 480-30-900, 480-30-910, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, and 480-123-999 should be amended, and WAC 480-30-920 should be repealed 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, 480-30-900, 480-30-910, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, and 480-123-999, are amended, and WAC 480-30-920 is repealed 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 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, February 11, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PHILIP B. JONES, 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 15, repealed 1.

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