

## Attachment A

### Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-101466

<b>Chapter 480-15 WAC, Household Goods Carriers</b>			
Adopt	480-15-560	Equipment Safety Requirements	<p><b>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>• Part 379, Preservation of Records – See Note 1</li> <li>• Part 385, Safety Fitness Procedures – See Note 2</li> <li>• Part 397, Transportation of Hazardous Materials – See Note 3</li> <li>• Part 375, Consumer Protection Regulations – See Note 4</li> <li>• Part 380, Special Training Requirements – See Note 5</li> </ul>
Adopt	480-15-570	Driver Safety Requirements	<p><b>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>• Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs – See Note 6</li> <li>• Part 385, Safety Fitness Procedures – See Note 2</li> <li>• Part 397, Transportation of Hazardous Materials – See Note 3</li> <li>• Part 375, Consumer Protection Regulations – See Note 4</li> <li>• Part 380, Special Training Requirements – See Note 5</li> </ul>
Amend	480-15-999	Adoption by Reference	<p><b>Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of Service Criteria – see note 7</b></p> <p><b>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>• Part 382, Controlled Substance and Alcohol Use and Testing – see Note 8</li> <li>• Part 383, Commercial Driver’s License Standards, Requirements and Penalties – see Note 9</li> <li>• Part 390, Motor Carrier Safety Regulations, General – see Note 10</li> <li>• Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors – see Note 11</li> <li>• Part 392, Driving of Commercial Motor Vehicles – see Note 12</li> <li>• Part 393, Parts and Accessories Necessary for Safe Operation – see Note 13</li> <li>• Part 395, Hours of Service of Drivers – see Note 14</li> <li>• Part 396, Inspection, Repair, and Maintenance – see Note 15</li> </ul>

**Chapter 480-30 WAC, Auto Transportation Companies**

Amend	480-30-999	Adoption by reference	<p><b>Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of Service Criteria – see note 7</b></p> <p><b>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"><li>• Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs – see Note 16</li><li>• Part 382, Controlled Substance and Alcohol Use and Testing – see Note 8</li><li>• Part 383, Commercial Driver’s License Standards, Requirements and Penalties – see Note 9</li><li>• Part 379, Preservation of Records – see Note 17</li><li>• Part 380, Special Training Requirements – see Note 18</li><li>• Part 385, Safety Fitness Procedures – see Note 19</li><li>• Part 390, Motor Carrier Safety Regulations, General – see Note 10</li><li>• Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors – see Note 11</li><li>• Part 392, Driving of Commercial Motor Vehicles – see Note 12</li><li>• Part 393, Parts and Accessories Necessary for Safe Operation – see Note 13</li><li>• Part 395, Hours of Service of Drivers – see Note 14</li><li>• Part 396, Inspection, Repair, and Maintenance – see Note 15</li><li>• Part 397, Transportation of Hazardous Materials – see Note 20</li></ul>
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<b>Chapter 480-31 WAC, Private, Nonprofit Transportation Providers</b>			
Adopt	480-31-100	Equipment – Safety	<p><b>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>• Part 379, Preservation of Records – See Note 1</li> <li>• Part 380, Special Training Requirements – See Note 5</li> <li>• Part 390, Motor Carrier Safety Regulations, General – see Note 21</li> </ul>
Adopt	480-31-130	Operation of Motor Vehicles	<p><b>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>• Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs – See Note 6</li> <li>• Part 385, Safety Fitness Procedures – See Note 2</li> <li>• Part 380, Special Training Requirements – See Note 5</li> </ul>
Amend	480-31-999	Adoption by reference	<p><b>Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of Service Criteria – see note 7</b></p> <p><b>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>• Part 382, Controlled Substance and Alcohol Use and Testing – see Note 8</li> <li>• Part 383, Commercial Driver’s License Standards, Requirements and Penalties – see Note 9</li> <li>• Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors – see Note 11</li> <li>• Part 392, Driving of Commercial Motor Vehicles – see Note 12</li> <li>• Part 393, Parts and Accessories Necessary for Safe Operation – see Note 13</li> <li>• Part 395, Hours of Service of Drivers – see Note 14</li> <li>• Part 396, Inspection, Repair, and Maintenance – see Note 15</li> <li>• Part 397, Transportation of Hazardous Materials – see Note 20</li> </ul>

<b>Chapter 480-62 WAC, Railroad Companies – Operations</b>			
Adopt	480-62-230	Traffic Control Devices	<b>Adopts, by reference, Manual on Uniform Traffic Control Devices (MUTC), Part 8 – see Note 22</b>
Adopt	480-62-235	Flaggers	<b>Adopts, by reference, specific chapters of Manual on Uniform Traffic Control Devices (MUTC), as follows – see Note 23:</b> <ul style="list-style-type: none"> <li>• Chapter 8A.08, Temporary Traffic Control Zones</li> <li>• Chapter 6A, General</li> <li>• Chapter 6B, Fundamental Principles</li> <li>• Chapter 6D, Pedestrian and Worker Safety</li> <li>• Chapter 6E, Flagger Control</li> <li>• Chapter 6G.18, Work in the Vicinity of a Grade Crossing</li> </ul>
Amend	480-62-999	Adoption by Reference	<b>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</b> <ul style="list-style-type: none"> <li>• Part 171, General Information, Regulations, and Definitions – see Note 24</li> <li>• Part 173, Shippers General Requirements for Shipments and Packages – see Note 25</li> <li>• Part 174, Carriage by Rail – see Note 26</li> <li>• Part 178, Specifications for Packaging’s – see Note 27</li> <li>• Part 179, Specifications for Tank Cars – see Note 28</li> <li>• Part 209, Railroad Safety Enforcement Procedures – see Note 29</li> <li>• Part 211, Rules of Practice – see Note 30</li> <li>• Part 212, State Safety Participation Regulations – see Note 31</li> <li>• Part 213, Track Safety Standards – see Note 32</li> <li>• Part 214, Railroad Workplace Safety – see Note 33</li> <li>• Part 217, Railroad Operating Rules – see Note 34</li> <li>• Part 218, Railroad Operating Practices – see Note 35</li> <li>• Part 219, Control of Alcohol and Drug Use – see Note 36</li> <li>• Part 220, Railroad Communications – see Note 37</li> <li>• Part 221, Rear-end Marking Device – see Note 38</li> <li>• Part 225, Railroads accidents/incidents – see Note 39</li> <li>• Part 228, Hours of Service of Railroad Employees – see Note 40</li> <li>• Part 234, Grade Crossing Signal System Safety- see Note 41</li> <li>• Part 239, Passenger Train Emergency Preparedness – see Note 42</li> <li>• Part 240, Qualification and Certification of Locomotive Engineers – see Note 43</li> </ul>

Amend	480-62-999	Adoption by Reference	<ul style="list-style-type: none"> <li>Part 570.6 and 570.7, Vehicle in Use Inspection Standards – see Note 44</li> </ul> <p><b>Amends the effective date of adoption to June 30, 2010, for the following safety standards:</b></p> <ul style="list-style-type: none"> <li>ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits – see Note 45</li> <li>ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests – see Note 46</li> </ul>
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<b>Chapter 480-70 WAC, Solid Waste Collection Companies</b>			
Adopt	480-70-201	Vehicle and driver safety requirements	<p><b>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs – See Note 6</li> <li>Part 379, Preservation of Records – See Note 1</li> <li>Part 380, Special Training Requirements – See Note 5</li> <li>Part 385, Safety Fitness Procedures – See Note 2</li> </ul>
Amend	480-70-999	Adoption by reference	<p><b>Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of Service Criteria – see note 7</b></p> <p><b>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</b></p> <ul style="list-style-type: none"> <li>Part 382, Controlled Substance and Alcohol Use and Testing – see Note 8</li> <li>Part 383, Commercial Driver’s License Standards, Requirements and Penalties – see Note 9</li> <li>Part 390, Motor Carrier Safety Regulations, General – see Note 10</li> <li>Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors – see Note 11</li> <li>Part 392, Driving of Commercial Motor Vehicles – see Note 12</li> <li>Part 393, Parts and Accessories Necessary for Safe Operation – see Note 13</li> <li>Part 395, Hours of Service of Drivers – see Note 14</li> <li>Part 396, Inspection, Repair, and Maintenance – see Note 15</li> <li>Part 397, Transportation of Hazardous Materials – see Note 20</li> </ul>

<b>Chapter 480-73 WAC, Hazardous Liquid Pipeline Companies</b>			
Amend	480-73-999	Adoption by reference	Adoption by Reference dates changed as follows:  · <b>Title 18 Code of Federal Regulations</b>  <b>April 1, 2010</b> – No change to current rule
<b>Chapter 480-75 WAC, Hazardous liquid pipelines — safety</b>			
Amend	480-75-999(1)(a)	Adoption by reference.	1. Adoption by Reference dates changed as follows: <b>Title 49 Code of Federal Regulations</b> <b>October 1, 2010</b> – Parts 195 and 199 including all appendices and amendments except for 49 CFR Sections 195.0 and 195.1, and 49 CFR Sections 199.1 and 199.2 - See Note 47.
Amend	480-75-999(2)	Adoption by reference	1. Adoption by Reference dates changed as follows: <b>The American Society of Mechanical Engineers (ASME) B31.4</b> , 2006 edition, October 20, 2006. See Note 47.
Amend	480-75-999(3)	Adoption by reference	1. Adoption by Reference dates changed as follows: The 2007 edition, July, 2007, of <b>Section IX of the ASME Boiler and Pressure Vessel Code</b> . See Note 47.
Amend	480-75-999(4)	Adoption by reference	1. Adoption by Reference dates changed as follows: The Commission adopts <b>American Petroleum Institute (API) standard 1104</b> 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008)). See Note 47.
Amend	480-75-999(5)	Adoption by reference	1. Adoption by Reference dates changed as follows: The Commission adopts <b>API RP standard 1117</b> Third Edition, July 2008, including errata December 2008. See Note 47.
<b>Chapter 480-90 WAC, Gas companies - operations</b>			
Amend	480-90-999	Adoption by reference	Adoption by Reference dates changed as follows:  · <b>Title 18 Code of Federal Regulations</b>  <b>April 1, 2010</b> – No significant changes

<b>Chapter 480-93 WAC, Gas Companies - safety</b>			
Amend	480-93-999(1)	Adoption by reference	<p>1. Adoption by Reference dates changed as follows: Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.</p> <p>(a) The Commission adopts the version of the above regulations that were in effect on October 1, 2010, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. See Note 47.</p>
Amend	480-93-999(2)	Adoption by reference	<p>1. Adoption by Reference dates changed as follows: (2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.</p> <p>(a) The Commission adopts the 2007 edition, July 1, 2007 of Section IX of the ASME Boiler and Pressure Vessel Code. See Note 47.</p>
Amend	480-93-999(3)	Adoption by reference	<p>1. Adoption by Reference dates changed as follows: (3) The American Petroleum Institute (API) standard 1104 (20th edition 2007, including errata/addendum July 2007 and errata 2 (2008)).</p> <p>(a) The Commission adopts the 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008) of this standard. See Note 47.</p>

<b>Chapter 480-100 WAC, Electric Companies</b>			
Amend	480-100-999	Adoption by reference	<p>Adoption by Reference dates 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>○ <b>April 1, 2010</b> – No significant changes</li> </ul> </li> <li>• <b>National Electric Code (NFPA)</b> <ul style="list-style-type: none"> <li>○ <b>2011</b> edition</li> </ul> </li> </ul>

Chapter 480-108 WAC, Electric Companies			
Amend	480-108-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>IEEE 1547: Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems</b> <ul style="list-style-type: none"> <li>○ 2003 version and reaffirmed in 2008 – No changes to current rule</li> </ul> </li> <li>• <b>National Electric Code (NFPA) 2011</b> edition</li> <li>• <b>National Electric Safety Code (NESC) 2007</b> edition</li> <li>• <b>UL 1741: Inverters, Converters, Controllers, and Interconnection System Equipment for Use with Distributed Energy Resources 2010</b> edition</li> </ul>

Chapter 480-120 WAC Telecommunications Companies			
Amend	480-120-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 – Specifications” – (ATIS 0100510) – as of December 29, 1999, and reaffirmed 2008</b> <ul style="list-style-type: none"> <li>○ No change to current rule – Revises Reference Number of Title</li> </ul> </li> <li>• <b>National Electrical Safety Code</b> <ul style="list-style-type: none"> <li>○ <b>January 1, 2007</b> – No change to current rule</li> </ul> </li> <li>• <b>Title 47 Code of Federal Regulations</b>, as referenced in WAC <a href="#">480-120-359</a> and WAC <a href="#">480-120-349</a> <ul style="list-style-type: none"> <li>○ <b>October 1, 1998</b> – No change to current rule – See Note 48</li> </ul> </li> <li>• <b>Title 47 Code of Federal Regulations</b>, as referenced in WAC <a href="#">480-120-202</a> and WAC <a href="#">480-120-146</a> <ul style="list-style-type: none"> <li>○ <b>October 1, 2010</b> – Update to current CFR version and to revise WAC reference</li> </ul> </li> </ul>



## Notes

### 1. **49 CFR Part 379, Preservation of Records**

**Effective: June 30, 2010:** This CFR instructs companies on requirements for minimum retention periods of records for motor carriers, brokers, and household goods moving companies and brokers.

### 2. **49 CFR Part 385, Safety Fitness Procedures**

**Effective: June 30, 2010:** This CFR instructs companies on:

- Procedures the regulatory agency will use to determine the safety fitness of the company, to assign safety ratings, to direct remedial action by the company, and companies with an “unsatisfactory” rating from operating commercial motor vehicles.
- The safety assurance program for new entrants and consequences if the new entrant fails to maintain adequate safety management controls.
- The safety permit program for companies that wish to transport hazardous materials.

### 3. **49 CFR Part 397, Transportation of Hazardous Materials**

**Effective: June 30, 2010:** This CFR instructs companies on requirements for operations and routing for companies hauling hazardous materials.

### 4. **49 CFR Part 375, Transportation of Household Goods, Consumer Protection Regulations**

**Effective: June 30, 2010:** This CFR instructs household goods moving companies on requirements for maintaining appropriate consumer protection controls.

### 5. **49 CFR Part 380, Special Training Requirements**

**Effective: June 30, 2010:** This CFR instructs companies on establishing minimum requirements for entry-level drivers and for operators of longer combination vehicles (LCV).

### 6. **49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs**

**Effective: October 1, 2010:** This CFR instructs companies on establishing and maintaining a drug and alcohol testing program, including:

- Employer responsibilities.
- Urine collection procedures.
- Drug testing laboratories.
- Medical review officers and the verification process.
- Split specimen tests.
- Alcohol testing procedures.
- Alcohol screening and confirmation tests.
- Problems in drug and alcohol testing.
- Returning to duty.
- Roles and responsibilities of various personnel involved in the testing process.
- Confidentiality.

## **7. North American Standard Out-Of-Service (OOS) Criteria**

### **Effective: April 1, 2010:**

- Changes OOS criteria to place a driver out-of-service for operating a passenger-carrying vehicle without possessing a valid medical certificate, in accordance with 49 CFR 391.49(a).
- Changes OOS criteria to add language allowing a driver who does not have seven previous days of records of duty status to utilize an electronic device to print and sign previously completed record of duty status, in accordance with 49 CFR 395.13.
- Changes OOS criteria to put a vehicle out-of-service for the following conditions:
  - Brake adjustment
  - Specification changes for defective equipment
  - Inoperative or missing brakes (drum air brakes, air disc brakes, hydraulic brakes, trailer breakaway and emergency braking)
  - Brake smoke or fire
  - Defective brake drums or rotors, brake hose or tubing
  - Defective low pressure warning device
  - Air loss rate
  - Defective tractor-protection system, air reservoir, and air compressor
  - Defective upper coupler assembly, including a defective king pin
  - Defective chain
- Changes language regarding Steering Wheel Free Play and Steering Wheel Lash.
- Changes descriptive language from “Wiring and Electrical Systems in Engine and Battery Compartment” to “Electrical Cables and Systems in Engine and Battery Compartments”.
- Clarifies that in order to put a vehicle out-of-service for transport marking violations, a hazardous material or dangerous good must be present.
- Adds language to put a driver out-of-service if the driver does not hold a valid automobile driver’s license or have a valid operator’s status as defined in 49 CFR Part 383.5.
- Adds language to put a driver out-of-service if the driver appears so fatigued that he or she should not continue the trip.
- Adds language that prohibits a disqualified driver from driving a commercial motor vehicle.
- Adds language to put a driver out-of-service if there is the presence of, or if the driver is under the influence of, alcohol.

## **8. 49 CFR Part 382, Controlled Substance and Alcohol Use and Testing**

**Effective: June 30, 2010:** No changes to 49 CFR Part 382 were made since the prior adoption date of December 31, 2007.

## **9. 49 CFR Part 383, Commercial Driver’s License Standards, Requirements and Penalties**

### **Effective June 30, 2010:**

- Changes effective December 1, 2008: 73 Federal Register 73123-73125: Amends FMCSA regulations to require interstate Commercial Driver’s License (CDL) holders to provide a current copy of their medical examiner’s certificates to the state driver licensing agency. Requires the state driver licensing agency to record, on the Commercial Driver Licensing Information System, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.

- Changes effective May 21, 2010: 75 Federal Register 28500-28502: Makes one minor amendment responding to a petition for reconsideration, and makes corrections for technical errors made in the December 1, 2008, final rule.

**10. 49 CFR Part 390, Motor Carrier Safety Regulations, General  
Effective June 30, 2010:**

- Changes effective December 1, 2008: 73 Federal Register 73126: Amends FMCSA regulations to require interstate CDL holders to provide a current copy of their medical examiner's certificates to the state driver licensing agency. Requires the state driver licensing agency to record, on the Commercial Driver Licensing Information System, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.
- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective December 29, 2009: 74 Federal Register 68708: Amends December 17, 2008, final rule with some minor technical amendments and corrections.
- Changes effective February 1, 2010: 75 Federal Register 5002: In accordance with SAFETEA-LU, requires bus carriers to comply with safety rules, regardless of the distance traveled.

**11. 49 CFR Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors  
Effective June 30, 2010:**

- Changes effective December 1, 2008: 73 Federal Register 73126-73127: Amends FMCSA regulations to require interstate CDL holders to provide a current copy of their medical examiner's certificate to the state driver licensing agency. Requires the state driver licensing agency to record, on the Commercial Driver Licensing Information System, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.
- Changes effective May 21, 2010: 75 Federal Register 28500-28502: Makes one minor amendment responding to a petition for reconsideration, and makes corrections for technical errors made in the December 1, 2008, final rule.

**12. 49 CFR Part 392, Driving of Commercial Motor Vehicles  
Effective June 30, 2010:**

- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective December 29, 2009: 74 Federal Register 68708-68709: Amends December 17, 2008, final rule with some minor technical amendments and corrections.

**13. 49 CFR Part 393, Parts and Accessories Necessary for Safe Operation**

**Effective June 30, 2010:**

- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.

**14. 49 CFR Part 395, Hours of Service of Drivers**

**Effective June 30, 2010:**

- Changes effective April 5, 2010: 75 Federal Register 17245-17252: Incorporates new performance standards for electronic on-board recorders installed on or after July 4, 2012.

**15. 49 CFR Part 396, Inspection, Repair, and Maintenance**

**Effective June 30, 2010:**

- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective April 5, 2010: 75 Federal Register 17245-17252: Incorporates new performance standards for electronic on-board recorders installed on or after July 4, 2012.
- Changes effective December 29, 2009: 74 Federal Register 68708-68709: Amends December 17, 2008, final rule with some minor technical amendments and corrections.

**16. 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs**

**Effective October 1, 2010:**

- Changes effective June 25, 2008: 73 Federal Register 35969-35975: Amends certain provisions of the drug and alcohol testing procedures to change instructions to, among others, employers regarding urine specimen results. The changes are intended to create consistency with specimen validity requirements established by the US Dept. of Health and Human Services.
- Changes effective August 26, 2008: 73 Federal Register 50223: Changes the effective date of new rules adopted June 25, 2008, from August 25, 2008, to November 1, 2008. Also seeks comments on 49 CFR 40.67(b).
- Changes effective October 22, 2008: 73 Federal Register 62910: Responds to comments sought in 50223 above, but makes no changes to rules.
- Changes effective November 20, 2008: 73 Federal Register 70284: US Court of Appeals issued stay for 40.67(b). This revision changes language back to what existed prior to the November 1, 2008, effective date.
- Changes effective December 1, 2008: 73 Federal Register 73123-73125: Amends FMCSA regulations to require interstate CDL holders to provide a current copy of their medical examiner's certificate to the state driver licensing agency. Requires the state driver licensing agency to record, on the Commercial Driver Licensing Information System, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.

- Changes effective July 30, 2009: 74 Federal Register 37952: US Court of Appeals lifted the stay. This revision adopts the new language from rules adopted June 25, 2008, in (1), above.
- Changes effective February 2, 2010: 75 Federal Register 5244: Makes changes only to reflect Department of Transportation (DOT) reorganization and DOT moving its WA DC offices.
- Changes effective February 25, 2010: 75 Federal Register 8529-8535: Makes technical changes to authorize employers to use DOT Alcohol Testing Form and Management Information System Data Collection Form.
- Changes effective March 18, 2010: 75 Federal Register 13009: Makes minor corrections to rules adopted February 25, 2010.
- Changes effective May 21, 2010: 75 Federal Register 28500-28502: Makes one minor amendment responding to a petition for reconsideration, and makes corrections for technical errors made in the December 1, 2008, final rule.
- Changes effective October 1, 2010: 75 Federal Register 49850-49864: Amends drug testing procedures dealing with laboratory testing of urine specimens and training and procedures for medical review officers, to create consistency with the new U.S. Department of Health and Human Services requirements.

**17. 49 CFR Part 379, Preservation of Records**

**Effective: June 30, 2010:** No changes to 49 CFR Part 379 was made since the prior adoption date of December 31, 2007.

**18. 49 CFR Part 380, Special Training Requirements**

**Effective: June 30, 2010:** No changes to 49 CFR Part 380 was made since the prior adoption date of December 31, 2007.

**19. 49 CFR Part 385, Safety Fitness Procedures**

**Effective: June 30, 2010:**

- Changes effective December 17, 2008: 73 Federal Register 76818: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective April 5, 2010: 75 Federal Register 17240-17241: Incorporates new performance standards for electronic on-board recorders installed on or after July 4, 2012.
- Changes effective December 16, 2008: 73 Federal Register 76488-76491: Amends the New Entrant Safety Assurance Program to raise the standard of compliance for passing the new entrant safety audit.

**20. 49 CFR Part 397, Transportation of Hazardous Materials**

**Effective: June 30, 2010:** No changes to 49 CFR Part 380 was made since the prior adoption date of December 31, 2007.

**21. 49 CFR Part 390, Safety Regulations, General**

**Effective: June 30, 2010:** This CFR establishes general applicability, definitions, general requirements, and information as it pertains to persons subject to these rules.

**22. Manual on Uniform Traffic Control Devices (MUTCD), Part 8**

**Effective: June 30, 2010:** The MUTCD, Part 8 is titled “Traffic Control for Railroad and Light Rail Transit Grade Crossings” and includes the following:

- General information about traffic control at and near railroad facilities.
- Use of standard devices, systems, and practices at highway-rail and highway-light rail crossings.
- Uniform provisions regarding traffic control at and near railroad facilities.
- Grade crossing elimination.
- Illumination and quiet zone treatment at grade crossings.
- Temporary traffic control zones.
- Signs and markings requirements, standards, and guidelines.
- Flashing light signals, gates, and traffic control signals requirements, standards, and guidelines.
- Pathway grade crossing requirements, standards, and guidelines.

**23. Manual on Uniform Traffic Control Devices (MUTCD), Specific Chapters of Parts 8 and 6**

**Effective: June 30, 2010:** The MUTCD, Chapters 8A.08, 6A, 6B, 6D, 6E, and 6G.18, which includes the following:

- Temporary traffic control zones.
- General information and fundamental principles regarding temporary traffic control zones.
- Pedestrian and worker safety in temporary traffic control zones.
- Flagger control in temporary traffic control zones.
- Temporary traffic control zone work in the vicinity of a grade crossing.

**24. 49 CFR Part 171, General Information, Regulations, and Definitions**

**Effective: June 30, 2010:**

- Changes effective December 29, 2009: 74 Federal Register 68702: This rule change adjusts the maximum and minimum civil penalties associated with an hazardous materials move, for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.
- Changes effective October 1, 2008: 73 Federal Register 57004-57008: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.
- Changes effective January 28, 2008: 73 Federal Register 4699-4720: This rule amends the hazardous materials regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce.
- Changes effective January 4, 2010: 75 Federal Register 63-74: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- Changes effective January 14, 2010: 74 Federal Register 2199-2270: This rule makes revisions to requirements for the transportation of batteries and battery-powered devices.
- Changes effective October 16, 2009: 74 Federal Register 53182-53189: This rule corrects editorial errors, makes minor regulatory changes, responds to requests for clarification, and, improves the clarity of certain provisions in the hazardous materials regulations.

**25. 49 CFR Part 173, Shippers General Requirements for Shipments and Packages**

- Changes effective January 14, 2009: 74 Federal Register 2199-2270: This rule makes revisions to requirements for the transportation of batteries and battery-powered devices.
- Changes effective January 4, 2010: 75 Federal Register 63-74: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

**26. 49 CFR Part 174, Carriage by Rail**

- Changes effective January 13, 2009: 74 Federal Register 1769-1802: This rule amends the hazardous materials regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard materials, including design standards for railroad tank cars.
- Changes effective April 16, 2008: 73 Federal Register 20751-20773: This rule requires rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials, use the data to analyze safety and security risks along rail routes where those materials are transported, assess alternative routing options, and make routing decisions based on those assessments. It also clarifies rail carriers' responsibility to address in their security plans issues related to en-route storage and delays in transit. In addition, it adopts a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or suspicious items, including improvised explosive devices.
- Changes effective October 16, 2009: 74 Federal Register 53182-53189: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.

**27. 49 CFR Part 178, Specifications for Packaging's**

- Changes effective January 14, 2009: 74 Federal Register 2199-2270: This rule makes revisions to requirements for the transportation of batteries and battery-powered devices.
- Changes effective January 4, 2010: 75 Federal Register 63-74: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- Changes effective April 9, 2009: 74 Federal Register 16135-16144: This rule amends the hazardous materials regulations to revise certain requirements applicable to the manufacture, maintenance, and use of (DOT) and Motor Carrier (MC) specification cargo tank motor vehicles, DOT specification cylinders and UN pressure receptacles.
- Changes effective January 28, 2008: 73 Federal Register 4699-4720: This rule amends the hazardous materials regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce.
- Changes effective October 1, 2008: 73 Federal Register 57004-57008: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.

**28. 49 CFR Part 179, Specifications for Tank Cars**

- Changes effective January 13, 2009: 74 Federal Register 1769-1802: This rule amends the hazardous materials regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard materials, including design standards for railroad tank cars.
- Changes effective October 1, 2008: 73 Federal Register 57004-57008: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.

**29. 49 CFR Part 209, Railroad Safety Enforcement Procedures**

- Changes effective November 26, 2008: 73 Federal Register 72194-72201: This rule establishes procedures to enable railroad carriers to challenge rail routing decisions made by the Federal Railway Administration's (FRA) Associate Administrator for Safety that carry out the requirements adopted in a separate rulemaking of the Pipeline and Hazardous Materials Safety Administration.
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
- Changes effective May 19, 2009: 74 Federal Register 23329-23336: This rule makes miscellaneous revisions to the procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency situation or an emergency event, and the procedures for disqualifying individuals from performing safety-sensitive functions.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**30. 49 CFR Part 211, Rules of Practice**

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
- Changes effective May 19, 2009: 74 Federal Register 23329-23336: This rule makes miscellaneous revisions to the procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency situation or an emergency event, and the procedures for disqualifying individuals from performing safety-sensitive functions.

**31. 49 CFR Part 212, State Safety Participation Regulations**

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

**32. 49 CFR Part 213, Track Safety Standards**

- Changes effective August 25, 2009: 74 Federal Register 42987-43006: This rule adopts requirements for the qualification of persons designated to inspect continuous-welded rail (CWR) track or supervise the installation, adjustment, or maintenance of CWR. The rule also clarifies the procedures associated with the submission of CWR plans by track owners.
- Changes effective October 21, 2009: 74 Federal Register 53889: This rule adopts requirements for the qualification of persons designated to inspect continuous-welded rail (CWR) track or supervise the installation, adjustment, or maintenance of CWR. The rule also clarifies the procedures associated with the submission of CWR plans by track owners.



- Changes effective January 29, 2010: 75 Federal Register 4703-4705: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

**33. 49 CFR Part 214, Railroad Workplace Safety**

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

**34. 49 CFR Part 217, Railroad Operating Rules**

- Changes effective February 13, 2008: 73 Federal Register 8441-8505: This final rule establishes greater accountability for administration of operational tests and inspections, and greater accountability for compliance with those railroad operating rules related to human factors.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective June 16, 2008: 73 Federal Register 33888-33902: This document responds to four petitions for reconsideration of FRA's rules published on February 13, 2008 in 73 FR 8441-8505.

**35. 49 CFR Part 218, Railroad Operating Practices**

- Changes effective February 13, 2008: 73 Federal Register 8441-8505: This final rule establishes greater accountability for administration of operational tests and inspections, and greater accountability for compliance with those railroad operating rules related to human factors.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**36. 49 CFR Part 219, Control of Alcohol and Drug Use**

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**37. 49 CFR Part 220, Railroad Communications**

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**38. 49 CFR Part 221, Rear-end Marking Device**

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**39. 49 CFR Part 225, Railroads accidents/incidents**

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**40. 49 CFR Part 228, Hours of Service of Railroad Employees**

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

**41. 49 CFR Part 234, Grade Crossing Signal System Safety**

- Changes effective June 28, 2010: 75 Federal Register 36551-36558: This rule requires, and describes how, the ten states with the most highway-rail grade crossing collisions, on average, over the past three years, to develop State highway-rail grade crossing action plans. It also removes the preemption provision of this regulation.
- Changes effective January 15, 2010: 75 Federal Register 2697-2722: This rule requires railroads to implement positive train control systems.

**42. 49 CFR Part 239, Passenger Train Emergency Preparedness**

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

**43. 49 CFR Part 240, Qualification and Certification of Locomotive Engineers**

- Changes effective December 23, 2009: 74 Federal Register 68173-68185: This rule makes miscellaneous amendments to qualification and certification of locomotive engineers. The changes address unanticipated consequences arising from reclassifications, clarify the grounds upon which a railroad may revoke a locomotive engineer's certification, and make the regulation consistent with other FRA regulations and guidance.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

**44. 49 CFR Part 570.6 and 570.7, Vehicle in Use Inspection Standards**

- No changes have been made to these rules since the Commission last adopted it effective October 1, 2007.

**45. ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits**

- No changes have been made to these rules since the Commission last adopted it effective May 31, 2009.

**46. ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests**

- No changes have been made to these rules since the Commission last adopted it effective August 9, 2006.

**47. Dates are being changed in WAC 480-75 and 480-93 to reflect new editions of standards previously incorporated by the Pipeline and Hazardous Materials Safety Administration (PHMSA).**

**48. 47 CFR, Parts 32 and 42, as of October 1, 1998**

- At this time, Staff will continue using the 1998 FCC Part 32 because it contains the required level of detail that fills our needs. Updated versions of Part 32 do not include some accounts and has combined other accounts. Also, the Federal Communication Commission (FCC) has opened a rulemaking regarding accounting rules. Staff would prefer to maintain the current accounting requirements until the FCC's accounting rule changes are solidified, and until the potential effect of changes to inter-carrier compensation on accounting needs can be determined, before making changes to the Commission's accounting rules. If the FCC decides to change the accounting rules in a significant way, then the Commission would be able to carefully analyze how its needs can be met through maintaining the federally-required uniform system of accounts, whatever it might turn out to be, and then can decide what additional accounting requirements it may have.