

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Repealing WAC 480-31-140, and Amending WAC 480-31-999) DOCKET T-051915
)
)
) GENERAL ORDER NO. R-532
)
Relating to Keeping Records on File)
and Subject to Commission Inspection) ORDER AMENDING RULES
) PERMANENTLY
.....)

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 06-04-049, filed with the Code Reviser on January 27, 2006. The commission brings this proceeding pursuant to RCW 81.04.160 and RCW 34.05.353.

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

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

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the commission’s reasons for adopting the rule, a description of the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the commission’s responses to the comments reflecting the commission’s consideration of them.

5 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this Order as its concise explanatory statement, supplemented where not

inconsistent by the staff memoranda preceding the filing of the CR-105 proposal and the adoption hearing. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

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

Repeal WAC 480-31-140 Safety inspections

Amend WAC 480-31-999 Adoption by reference

7 **NOTICE OF PROPOSED RULEMAKING:** The commission filed an expedited rulemaking, CR-105, on January 27, 2006, at WSR # 06-04-049. The statement advised interested persons that specific records required by WAC 480-31-140 are already required in other sections of chapter 480-31 WAC where the commission adopts by reference Title 49 Code of Federal Regulations, making the rule redundant. The commission also informed persons of the matter by providing notice of the subject and the CR-105 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3), the commission's list of all non-profit bus service providers, persons interested in issues related to these companies, as well as attorneys representing these companies, and by posting all information on the commission's Web site.

8 **COMMENTERS (WRITTEN COMMENTS):** The commission received no written comments.

9 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR # 06-04-049.

10 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the commission determines that WAC 480-31-140 should be repealed and WAC 480-31-999 should be amended to remove the reference to WAC 480-31-140 in subsection (2)(b), as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

11 **THE COMMISSION ORDERS:**

- 12* (1) The commission repeals WAC 480-31-140 and amends WAC 480-31-999 to remove the reference to WAC 480-31-140 in subsection (2)(b), as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).
- 13* (2) This Order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, May 3, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

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 1, 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.