

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

In the Matter of Amending and Adopting)	
)	DOCKET A-101466
)	
Several rules in Title 480 WAC)	GENERAL ORDER R-562
)	
)	
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 # 10-22-115 for an expedited rulemaking, filed with the Code Reviser on November 3, 2010. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW81.04.160 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.

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
DATE: January 25, 2011
TIME: 8:55 AM
WSR 11-04-041

- 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.
- 5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including Appendix A, as its concise explanatory statement. This document provides 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, revising references to federal rules and national standards included in adoption by reference sections in several chapters of Commission rules:

Rule Changes			
Action	WAC No.	Rule Title	Changes
Chapter 480-15 WAC, Household Goods Carriers			
Adopt	480-15-560	Equipment safety requirements	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 375, Consumer Protection Regulations • Part 379, Preservation of Records • Part 380, Special Training Requirements • Part 385, Safety Fitness Procedures • Part 397, Transportation of Hazardous Materials

Adopt	480-15-570	Driver safety requirements	<p>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs • Part 375, Consumer Protection Regulations • Part 380, Special Training Requirements • Part 385, Safety Fitness Procedures • Part 397, Transportation of Hazardous Materials
Amend	480-15-999	Adoption by reference	<p>Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria</p> <p>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</p> <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 390, Motor Carrier Safety Regulations, General • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors • 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
Chapter 480-30 WAC, Auto Transportation Companies			
Amend	480-30-221	Vehicle and driver safety requirements	<p>Removes:</p> <ul style="list-style-type: none"> • “and applies to Washington State intrastate operations” under adoption of Part 391
Amend	480-30-999	Adoption by reference	<p>Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria</p> <p>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</p>

Amend	480-30-999	Adoption by reference	<ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs • Part 382, Controlled Substance and Alcohol Use and Testing • Part 383, Commercial Driver’s License Standards, Requirements and Penalties • Part 379, Preservation of Records • Part 380, Special Training Requirements • Part 385, Safety Fitness Procedures • Part 390, Motor Carrier Safety Regulations, General • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors • 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			
Adopt	480-31-100	Equipment – safety	<p>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 379, Preservation of Records • Part 380, Special Training Requirements • Part 390, Motor Carrier Safety Regulations, General
Adopt	480-31-110	Identification of motor vehicle equipment	<p>Removes the following verbiage from existing WAC:</p> <ul style="list-style-type: none"> • “The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase

			at the Seattle office of the government printing office.”
Adopt	480-31-130	Operation of motor vehicles	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs • Part 380, Special Training Requirements • Part 385, Safety Fitness Procedures
Amend	480-31-999	Adoption by reference	Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing – see Note 8 • Part 383, Commercial Driver’s License Standards, Requirements and Penalties • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors • 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 480-62 WAC, Railroad Companies – Operations			
Adopt	480-62-230	Traffic control devices	Adopts, by reference, Manual on Uniform Traffic Control Devices (MUTC), Part 8
Adopt	480-62-235	Flaggers	Adopts, by reference, specific chapters of Manual on Uniform Traffic Control Devices (MUTC), as follows <ul style="list-style-type: none"> • Chapter 6A, General • Chapter 6B, Fundamental Principles • Chapter 6D, Pedestrian and Worker Safety • Chapter 6E, Flagger Control • Chapter 6G.18, Work in the Vicinity of

			<p>a Grade Crossing</p> <ul style="list-style-type: none"> • Chapter 8A.08, Temporary Traffic Control Zones
Amend	480-62-999	Adoption by reference	<p>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 171, General Information, Regulations, and Definitions • Part 173, Shippers General Requirements for Shipments and Packages • Part 174, Carriage by Rail • Part 178, Specifications for Packaging's • Part 179, Specifications for Tank Cars • Part 209, Railroad Safety Enforcement Procedures • Part 211, Rules of Practice • Part 212, State Safety Participation Regulations • Part 213, Track Safety Standards • Part 214, Railroad Workplace • Part 217, Railroad Operating • 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
Amend	480-62-999	Adoption by reference	<p>Amends the effective date of adoption to June 30, 2010, for the following safety standards:</p> <ul style="list-style-type: none"> • ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits • ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests

Chapter 480-70 WAC, Solid Waste Collection Companies			
Adopt	480-70-201	Vehicle and driver safety requirements	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs • Part 379, Preservation of Records • Part 380, Special Training Requirements • Part 385, Safety Fitness Procedures
Amend	480-70-999	Adoption by reference	Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <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 390, Motor Carrier Safety Regulations, General • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors • 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 480-73 WAC, Hazardous Liquid Pipeline Companies			
Amend	480-73-999	Adoption by reference	Adoption by Reference dates changed as follows: Title 18 Code of Federal Regulations April 1, 2010 – No change to current rule
Chapter 480-75 WAC, Hazardous liquid pipelines — safety			
Amend	480-75-999(1)(a)	Adoption by reference.	Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations October 1, 2010 – 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
Amend	480-75-999(2)	Adoption by reference	Adoption by Reference dates changed as follows: The American Society of Mechanical Engineers (ASME) B31.4, 2006 edition, October 20, 2006
Amend	480-75-999(3)	Adoption by reference	Adoption by Reference dates changed as follows: The 2007 edition, July, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code
Amend	480-75-999(4)	Adoption by reference	Adoption by Reference dates changed as follows: The Commission adopts: American Petroleum Institute (API) standard 1104 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008)
Amend	480-75-999(5)	Adoption by reference	Adoption by Reference dates changed as follows: The Commission adopts: <ul style="list-style-type: none"> • API RP standard 1117 Third Edition, July 2008, including errata December 2008
Chapter 480-90 WAC, Gas companies - operations			
Amend	480-90-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations April 1, 2010 – No significant changes
Chapter 480-93 WAC, Gas Companies - safety			
Amend	480-93-999(1)	Adoption by reference	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 (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
Amend	480-93-999(2)	Adoption by reference	Adoption by Reference dates changed as follows: (2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (a) The Commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code
Amend	480-93-999(3)	Adoption by reference	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)). (a) The Commission adopts the 20th edition 2007,

			including errata/addendum July 2007 and errata 2 (2008) of this standard
Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations <ul style="list-style-type: none"> ○ April 1, 2010 – No significant changes • National Electric Code (NFPA) <ul style="list-style-type: none"> ○ 2011 edition
Chapter 480-108 WAC, Electric Companies			
Amend	480-108-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • IEEE 1547: Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems <ul style="list-style-type: none"> ○ 2003 version and reaffirmed in 2008 – No changes to current rule • National Electric Code (NFPA) 2011 edition • National Electric Safety Code (NESC) 2007 edition • UL 1741: Inverters, Converters, Controllers, and Interconnection System Equipment for Use with Distributed Energy Resources 2010 edition
Chapter 480-120 WAC Telecommunications Companies			
Amend	480-120-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> ○ No change to current rule – Revises Reference Number of Title • National Electrical Safety Code <ul style="list-style-type: none"> ○ January 1, 2007 – No change to current rule • Title 47 Code of Federal Regulations, as

			<p>referenced in WAC 480-120-359 and WAC 480-120-349</p> <ul style="list-style-type: none"> ○ October 1, 1998 – No change to current rule ● Title 47 Code of Federal Regulations, as referenced in WAC 480-120-202 and WAC 480-120-146 <ul style="list-style-type: none"> ○ October 1, 2010 – Update to current CFR version and to revise WAC reference
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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 3, 2010, at WSR # 10-22-115. 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 January 18, 2011. The Commission posted the relevant rulemaking information on its Internet web site at www.utc.wa.gov/101466.

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 the rules as proposed in the CR-105 at WSR # 10-22-115.

11 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-15-560, 480-15-570, 480-15-999, 480-30-221, 480-30-999, 480-31-100, 480-31-110, 480-31-130, 480-31-999, 480-62-230, 480-62-235, 480-62-999, 480-70-201, 480-70-999, 480-73-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999

should be amended 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.

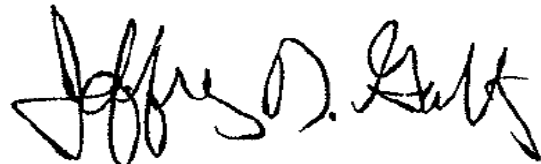
ORDER

12 THE COMMISSION ORDERS:

- 13 (1) The Commission amends WAC 480-15-560, 480-15-570, 480-15-999, 480-30-221, 480-30-999, 480-31-100, 480-31-110, 480-31-130, 480-31-999, 480-62-230, 480-62-235, 480-62-999, 480-70-201, 480-70-999, 480-73-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999 and 480-120-999 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, January 25, 2011.

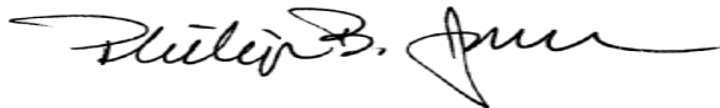
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, 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 21, 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