

Agenda Date: August 8, 2001
Item Number: 4A

Docket: A-010827
Revise Title 480 WAC Adoption-by-reference dates

Staff: Kim Dobyms, Policy Research Specialist
Karen Caille, Administrative Law Judge

Recommendation:

Direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) in Docket No. A-010827 to consider revising adoption-by-reference dates and making other minor administrative changes in the pipeline safety and transportation related chapters of rules in Title 480 of the Washington Administrative Code.

Background:

On June 20, 2001, in Docket No. A-010827, the Commission filed a Preproposal Statement of Inquiry (CR-101) under WSR # 01-13-125 in the pipeline safety and transportation related chapters of rules in Title 480 WAC. The CR-101 identified adoption-by-reference dates and other administrative changes under consideration such as: correcting telephone numbers; repealing obsolete sections; adding cross-references to adopted material; and creating new sections that move the adoption-by-reference material to the same location in each chapter.

The Commission also explained in its CR-101 that this rulemaking would be the process used to review the emergency rules adopted in Docket No. UG-010816 relating to changing the pipeline safety adoption-by-reference dates.

In its public notice, the Commission indicated it would not hold workshops concerning this rulemaking unless requested to do so by stakeholders.

Discussion:

The Commission asked for written comments not later than July 19, 2001. No one filed comments opposing the changes identified in the Commission's CR-101 or asked the Commission to hold a workshop to discuss the changes.

The proposed rule changes in the Commission's pipeline safety and transportation related chapters of rules in Title 480 WAC are as follows:

- Change adoption-by-reference dates to reflect current published versions of federal rules and national safety standards;

- Change adoption-by-reference dates adopted in the pipeline safety emergency rulemaking, Docket No. UG-010816, to July 1, 2001;
- Repeal obsolete sections;
- Create new sections so each chapter in Title 480 will have a common location for the adoption-by-reference rules;
- Add cross-references and move content to the newly created adoption-by-reference rules sections; and
- Correct Commission contact telephone numbers, incorrect chapter references and other grammatical changes.

The affected chapters of rules include Chapters 480-14, 480-15, 480-30, 480-31, 480-40, 480-70 and 480-93. Attachment A sets forth a detailed listing of the specific rules and the proposed changes.

Adoption-by-reference rulemakings are necessary for several reasons.

- The Commission's pipeline safety certification is contingent on enforcing current federal standards.
- The Commission signed an agreement when it became a member of the North American Commercial Vehicle Safety Alliance (CVSA). A portion of that agreement stated that the Commission would enforce the current version of the CVSA North American *Out-of-Service Criteria*. Participation in the CVSA is important because the CVSA standards ensure a transportation company is subject to the same safety standards regardless of where the vehicle is operating within North America.
- Failure to update the Commission's adoption-by-reference dates of federal rules and safety standards could lead to confusion and unequal enforcement between intrastate and interstate rules on the same regulated company.

The proposed adoption-by-reference date changes incorporate federal rules that have changed. Attachment B lists the changes in the federal regulations and the affected Commission rules. Staff reviewed the federal regulation changes and believes that they are appropriate for the state of Washington.

Attachment C includes the proposed rules in legislative format.

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Conclusion

Staff recommends that the Commission direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) in Docket No. A-010827 to consider revising adoption-by-reference dates and making other minor administrative changes in the pipeline safety and transportation related chapters of rules in Title 480 of the Washington Administrative Code.