

Attachment A

Adoption-by-Reference Rule Dates and Effect
A-020379
05/24/02

By changing the adoption-by-reference dates, new federal rules and national standards will be incorporated into the commission’s rules. This chart identifies the affected chapters and the related publications. **Significant changes are explained in the notes at the end of the chart.**

Chapter Title	WAC Rule No.	Proposed adoption dates	Substantive Changes ^a
Motor Carriers excluding Household Goods Carriers and Common Carrier Brokers	480-14-999	49 CFR ^b as of October 1, 2001 CVSA ^c as of April 1, 2002	Part 382 and 391, see No. 1 and 2 No significant change
Household Goods Carriers	480-15-999	49 CFR as of October 1, 2001 CVSA as of April 1, 2002	Part 382 and 391, see No. 1 and 2 No significant change.
Auto Transportation Companies	480-30-999	49 CFR as of October 1, 2001 CVSA as of April 1, 2002	Part 382 and 391, see No. 1 and 2 No significant change
Non-Profit Transportation Providers	480-31-999	49 CFR as of October 1, 2001 CVSA as of April 1, 2002	Part 382 and 391, see No. 1 and 2 No significant change.
Passenger Charter Carriers	480-40-999	49 CFR as of October 1, 2001 CVSA as of April 1, 2002	Part 382 and 391, see No. 1 and 2 No significant change.

^a Substantive changes highlighted at the end of this chart are those federal rules and national standards that staff identified as having a substantive impact on industries regulated by the Commission. Other changes to the adopted material have gone into effect that staff determined would have a minor impact on the regulated industries and are not listed here.

^b Title 49 of the Code of Federal Regulations (49 CFR)

^c Commercial Vehicle Safety Alliance’s North American Out-of-Service Criteria (CVSA)

Railroad Companies -- Operations	480-62-999	<p>49 CFR as of October 1, 2001</p> <p>MUTCD^d as of January 29, 2001</p> <p>WSDOT^e rules as of January 29, 2001</p> <p>ANSI^f Z308.1, December 31, 1998 (replaces L&I rules)</p> <p>L&I^g Chapter 296-24 WAC – repealed</p> <p>ANSI/ISEA 107-1999</p> <p>49 USC^h as of January 2, 2001</p>	<p>Parts 213 and 219, See No. 3 and No.4</p> <p>No change</p> <p>No change</p> <p>New ANSI publication (First Aid Kit Contents) replaces L&I rules, See No. 8</p> <p>Repeal this adopted publication (First Aid Kit Contents) L& I repealed</p> <p>No change</p> <p>No change</p>
Solid Waste and/or Refuse Collection Companies	480-70-999	<p>40 CFRⁱ as of July 1, 2002</p> <p>49 CFR as of October 2001</p> <p>CVSA as of April 1, 2002</p>	<p>No significant change</p> <p>Part 382 and 391, see No. 1 and 2</p> <p>No significant change</p>
Gas Companies – Operations	480-90-999	<p>18 CFR as of April 1, 2002</p> <p>NARUC^j, <i>The regulations to Govern the Preservation of Records of Electric , Gas, and Water Companies</i>, as of 1985</p>	<p>No significant change</p> <p>No change, 1985 is the most current version</p>

^d Manual on Uniform Traffic Control Devices (MUTCD)

^e Washington State Department of Transportation (WSDOT)

^f American National Standards Institute (ANSI)

^g Washington State Labor and Industries (L&I)

^h Title 49 of the United States Code (49 USC)

ⁱ Title 40 of the Code of Federal Regulations (40 CFR)

^j National Association of Regulatory Commissioners (NARUC)

Electric Companies	480-100-999	<p>18 CFR as of April 1, 2002 <i>NARUC, The regulations to Govern the Preservation of Records of Electric , Gas, and Water Companies, as of 1985</i></p> <p>NEC^k as of 2002 <i>ANSI¹ C12.1, Code for Electricity Metering, as of 2001</i></p>	<p>18 CFR, Part 101, See No. 5 No change, 1985 is the most current version</p> <p>NEC, see No. 6 ANSI C12.1, See No. 7</p>
Water Companies	480-110-999	<p><i>NARUC, Uniform System of Accounts for Water Utilities as of 1996</i></p> <p><i>NARUC, The regulations to Govern the Preservation of Records of Electric , Gas, and Water Companies, as of 1985</i></p>	<p>No change, 1996 is the most current version</p> <p>No change, 1985 is the most current version</p>

^k National Fire Protection Association's National Electrical Code (NEC)

¹ American National Standards Institute (ANSI)

Notes

1. 49 CFR Part 382

Federal Motor Carrier Safety Administration: Controlled Substances and Alcohol Use and Testing

Effective: August 17, 2001 (Docket No. FMCSA 2000-8456)

Several changes were made to Part 382 in response to a complete rewrite of 49 CFR Part 40. Part 40 was rewritten to include common drug and alcohol testing procedures and the required documentation for all transportation related industries. Changes to part 382 include:

A requirement that all testing required by Part 382 also comply with Part 40;

Changing some definitions, words, and phrases to be consistent with the terms used in Part 40;

A requirement to follow pre-employment alcohol testing procedures set out in Part 40 (d) (1-5) for those employers who choose to perform pre-employment alcohol testing; and

Moving text relating to inquiries for alcohol and controlled substances information from previous employers from Part 382.413 to Part 40.25 (A cross reference to Part 40 remains in Part 382).

2. 49 CFR Part 391

Federal Motor Carrier Safety Administration: Physical Qualification of Drivers; medical Examination; Certificate

Effective: November 6, 2000 (Docket No. FMCSA 98-3542)

This change updates and simplifies the medical examination **form** that is required to determine the physical qualification of commercial motor vehicle (CMV) drivers. The change is intended to reduce the incidence of errors on such forms and to provide more uniform medical examinations of CMV drivers.

3. 49 CFR Part 213

Federal Railroad Administration: Track Safety Standards

Effective: June 9, 2001 (Docket No. FRA RST-90-1)

The Federal Railroad Administration amends Track Safety Standards to provides procedures to allow track owners to use Gage Restraint Measuring Systems (GRMS) to assess the ability of their track to maintain proper gage. Under current Track Safety Standards, track owners must evaluate a track's gage restraint capability through visual inspections conducted at frequencies and intervals specified in the standards. With this new option, track owners may monitor gage restraint on designated track segment using GRMS technology instead of the visual inspections.

4. 49 CFR Part 219

Federal Railroad Administration: Control of Alcohol and Drug Use - Changes to Conform to new DOT Transportation Workplace Testing Procedures

Effective: August 1, 2001 (Docket No. FRA 2000-8583)

This final rule conforms its drug and alcohol testing regulations to the December 19, 2000 revision of DOT's transportation workplace testing procedures. Changes include:

- Reauthorizing pre-employment alcohol testing which had been suspended in May 1995. Pre-employment alcohol testing, unlike pre-employment drug testing, is authorized but not required;
- Employees are required to proceed immediately to the testing site upon notification of selection for random drug or alcohol testing; and
- Railroad companies are required to waive its policy of confidentiality and suspend or revoke an engineer's certificate if a substance abuse professional reports that the engineer has failed to cooperate with a course of recommended treatment.

5. 18 CFR Part 101

Federal Energy Regulatory Commission: Depreciation Accounting

Effective: October 2, 2000

The Federal Energy Regulatory Commission (FERC) has amended the General Instructions of 18 CFR Part 101 to establish standards for electric companies to use when determining depreciation for accounting purposes. It should be noted that adopting this new federal standard in Commission rules does not relieve an electric company's obligation to get prior approval from the Commission to use a method of depreciation accounting other than the straight line method. Adopting this new standard does not change any Commission order directing a company to use a specific method of depreciation accounting.

6. National Electrical Code (NEC)

Fire Protection and Safety Standards

Effective: 2002

This latest version of the NEC published by the National Fire Protection Association has over 400 revisions including:

- General rewrite for clarity and metric measurements;
- Article 110.16 and 110.26 - new field markings for arc flash hazards, panic hardware and dedicated equipment spaces for panel boards and switchboards;
- Article 430.102 – new safety requirements relating to motor disconnects and employee safety;
- Article 680 – rewritten code rules covering swimming pools and spas;
- Article 692 – new article covering fuel cell systems

7. ANSI C12.1-2001

American National Standard for Electric Meters Code for Electricity Metering

Effective: 2001

This latest version of the standards for electric metering adds tests to be conducted by manufacturers to help ensure new electronic equipment is capable of providing the dependability existing devices have shown. Methodology for certification of new meter types is added. The existing standard was broadened to include tests and requirements for all meters, both solid state and electro-mechanical. Staff does not expect that adoption of this latest version of the standard will require regulated electric companies to revise their “statement of meter test procedures.”

8. ANSI Z308-1 1998

American National Standard for Minimum Requirements for Workplace First Aid Kits

Effective: 1998

Previously, the Commission adopted Washington State Labor and Industries (L&I) rules relating to the contents required in a workplace first aid kit. L&I repealed the adopted rules, WAC 296-24-06145 and WAC 296-24-06160, on September 1, 2001. L&I's new rules no longer include a specific list of contents required for a workplace first aid kit. Instead, L&I requires each employer to decide the appropriate level of first aid supplies needed based on the employer's experience and potential for harm. Commission staff believes that employers must follow L&I guidelines and also believes a minimum standard for the contents of a first aid kit in passenger carrying vehicles is appropriate. The ANSI standard proposed for adoption is minimal and can be met with most over-the-counter TYPE III first aid kit. The ANSI standard not only identifies the types of products that must be included but also sets the requirements for performance of those products. For instance it is not enough to say a kit must contain bandages. Instead the standard outlines a specific size and absorbency for those bandages. Kits in compliance will contain specific numbers of required items to treat major and minor wounds, minor burns and eye injuries.