

Proposed Adoption by Reference Date Changes and Other Administrative Changes Docket No. A-081419			
Action	WAC No.	Rule Title	Proposed Changes^a
Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Brokers			
Amend	480-14-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria (CVSA^b) <ul style="list-style-type: none"> April 1, 2008 – No significant change • Title 49 Code of Federal Regulations, <ul style="list-style-type: none"> April 30, 2008 – Part 171, see Note 1 April 30, 2008 – Part 395, see Note 2
Chapter 480-15 WAC, Household Goods Carriers			
Amend	480-15-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria <ul style="list-style-type: none"> April 1, 2008 – No significant change • Title 49 Code of Federal Regulations <ul style="list-style-type: none"> December 31, 2007 – Part 382, see Note 3 December 31, 2007 – Part 383, see Note 4 December 31, 2007 – Part 390, see Note 5 December 31, 2007 – Part 391, see Note 6 December 31, 2007 – Part 392, see Note 7 December 31, 2007 – Part 393, see Note 8 December 31, 2007 – Part 395, see Note 2 December 31, 2007 – Part 396, see Note 9

^a Substantive changes highlighted in the notes 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. Changes to the adopted material that have gone into effect that Staff determined would have a minor impact on the regulated industries and are listed with notation of no significant change. For informational purposes, we include other referenced documents in the chart with a notation of no change to current rule, if dates have not changed or if dates have changed but Staff chooses to keep current reference.

^b The North American Standard Out-of-Service Criteria adopted, published and distributed by the Commercial Vehicle Safety Administration (CVSA).

Chapter 480-30 WAC, Auto Transportation Companies			
Amend	480-30-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria April 1, 2008 – No significant change • Title 49 Code of Federal Regulations June 30, 2008 – Part 40, see Note 11 December 31, 2007 – Part 382, see Note 3 December 31, 2007 – Part 383, see Note 4 December 31, 2007 – Part 390, see Note 5 December 31, 2007 – Part 391, see Note 6 December 31, 2007 – Part 392, see Note 7 December 31, 2007 – Part 393, see Note 8 December 31, 2007 – Part 395, see Note 2 December 31, 2007 – Part 396, see Note 9 December 31, 2007 – Part 397, see Note 10
Chapter 480-31 WAC, Private, Nonprofit Transportation Providers			
Amend	480-31-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria April 1, 2008 – No significant change • Title 49 Code of Federal Regulations December 31, 2007 – Part 382, see Note 3 December 31, 2007 – Part 383, see Note 4 December 31, 2007 – Part 391, see Note 6 December 31, 2007 – Part 392, see Note 7 December 31, 2007 – Part 393, see Note 8 December 31, 2007 – Part 395, see Note 2 December 31, 2007 – Part 396, see Note 9 December 31, 2007 – Part 397, see Note 10

Chapter 480-62 WAC, Railroad Companies—Operations			
Amend	480-62-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations <ul style="list-style-type: none"> October 1, 2007 – Parts 171, 172, 173, 174, 178, and 179, see Note 12 October 1, 2007 – Part 234, see Note 13 October 1, 2007 – Part 213, see Note 14 October 1, 2007 – Parts 209, 214, 217, 218, 219, 220, 221, 225, 228, 239, and 240, see Note 15 October 1, 2007 – Part 212, see Note 16 October 1, 2007 – Part 570.7 and 570.60, see Note 17
Chapter 480-70 WAC, Solid Waste Collection Companies			
Amend	480-70-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria <ul style="list-style-type: none"> April 1, 2008 – No significant change • Title 40 Code of Federal Regulations <ul style="list-style-type: none"> June 25, 2008 – See Note 11 • Title 49 Code of Federal Regulations <ul style="list-style-type: none"> December 31, 2007 – Part 382, see Note 3 December 31, 2007 – Part 383, see Note 4 December 31, 2007 – Part 390, see Note 5 December 31, 2007 – Part 391, see Note 6 December 31, 2007 – Part 392, see Note 7 December 31, 2007 – Part 393, see Note 8 December 31, 2007 – Part 395, see Note 2 December 31, 2007 – Part 396, see Note 9 December 31, 2007 – Part 397, see Note 10
Chapter 480-73 WAC, Hazardous Liquid Pipeline Companies			
Amend	480-73-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations <ul style="list-style-type: none"> April 1, 2008 – No change to current rule

Chapter 480-75 WAC, Hazardous Liquid Pipeline Companies – Safety			
Amend	480-75-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, except Sections 195.0, 195.1, 199.1, and 199.2 September 2, 2008 – No significant change
Chapter 480-90 WAC, Gas Companies—Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations <li style="padding-left: 20px;">April 1, 2008 – No significant change • NARUC^c, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985 <li style="padding-left: 20px;">No change to current rule
Chapter 480-93 WAC, Gas Companies—Safety			
Amend	480-93-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, except Sections 191.1, 192.1(a), 193.2001(a), and 199.1 September 2, 2008 – No significant change
Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations <li style="padding-left: 20px;">April 1, 2008 – No significant change • NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985 <li style="padding-left: 20px;">No change to current rule • National Electrical Code^d – as of 2005 <li style="padding-left: 20px;">No change to current rule • ANSI C12.1, Code for Electricity Metering, 2001 – as of 2001 <li style="padding-left: 20px;">No change to current rule

^c National Association of Regulatory Utility Commissioners (NARUC)

^d National Fire Protection Association (NFPA)

Chapter 480-108 WAC, Electric Companies – Interconnection with Electric Generators			
Amend	480-108-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 29 Code of Federal Regulations July 1, 2008 – No significant change • NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985 No change to current rule • National Electrical Code^e – as of 2005 No change to current rule • ANSI C12.1, Code for Electricity Metering, 2001 – as of 2001 No change to current rule
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"> • American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services – Specifications” – (ANSI T1.510-1999) – as of December 29, 1999 and reaffirmed 2004 – No change to current rule • The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics – as of 2005 No significant change – See Note 18 • National Electrical Safety Code January 1, 2002 – No change to current rule • Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009 October 1, 1998 – No change to current rule – See Note 19 • Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009 October 1, 2008 – No significant change
Chapter 480-123 WAC, Universal Service			
Amend	480-123-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service February 5, 2007 – No significant change

^e National Fire Protection Association (NFPA)

Note

1. 49 CFR Part 171 Hazardous Materials Definitions and Abbreviations.

Effective: April 30, 2008: This amendment clarifies the definitions of ‘Administrator’ and ‘watertight’.

Effective: January 28, 2008: This amendment includes a definition for ‘Household waste’.

2. 49 CFR Part 395 Hours of Service of Drivers.

Effective December 17, 2007 (Docket No. FMCSA-2004-19608): This docket allows commercial motor vehicle drivers up to 11 hours of driving time within a 14-hour, non-extendable window from the start of the workday, following 10 consecutive hours off duty. It also allows motor carriers and drivers to restart calculations of the weekly on-duty time limits after the driver has at least 34 consecutive hours off duty.

Effective July 5, 2007 (Amendments to Implement Certain Provision of SAFETEA-LU): This rule reflects adoption of final rules required by SAFETEA-LU governing among other issues not relevant to state operations, intrastate operations of interstate motor carriers and exemption from federal hours-of-service regulations for operation of commercial vehicles under certain circumstances.

Effective August 25, 2005 (Docket No. FMCSA-2004-19608): This docket reflects FMCSA publishing its final rule governing hours of service for commercial motor vehicle drivers, following its Notice of Proposed Rulemaking published January 24, 2005. The rule addresses requirements for driving, duty and off-duty time, recovery period, sleeper berth and new requirements for short-term haul drivers.

3. 49 CFR Part 382 Controlled Substances and Alcohol Use and Testing.

Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations): This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

4. 49 CFR Part 383 Commercial Drivers Licenses Standards, Requirements and Penalties.

Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations): This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

Effective July 5, 2007 (Amendments to Implement Certain Provision of SAFETEA-LU): This docket reflects adoption of final rules required by SAFETEA-LU governing among other issues not relevant to state operations, intrastate operations of interstate motor carriers and exemption from federal hours-of-service regulations for operation of commercial vehicles under certain circumstances.

Effective January 18, 2006 (Docket No. FMCSA-2005-21503): This docket adopts without change interim rules implementing section 4140 of SAFETEA-LU regarding CLD school bus endorsements and expiration date for allowing states to waive driving skills tests.

Effective April 29, 2005 (Docket No. FMCSA-2001-11117): This docket sets limitations on states to issue hazardous materials commercial drivers licenses.

5. 49 CFR Part 390 General.

Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations): This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

Effective July 5, 2007 (Amendments to Implement Certain Provision of SAFETEA-LU): This rule reflects adoption of final rules required by SAFETEA-LU governing among other issues not relevant to state operations, intrastate operations of interstate motor carriers and exemption from federal hours-of-service regulations for operation of commercial vehicles under certain circumstances.

Effective August 28, 2006 (Docket No. FMCSA-2002-13015): This docket adopts without only minor changes interim rules regarding regulatory requirements for obtaining FMCSA authority.

Effective August 25, 2005 (Docket No. FMCSA-2004-19608): This docket reflects FMCSA publishing its final rule governing hours of service for commercial motor vehicle drivers, following its Notice of Proposed Rulemaking published January 24, 2005. The rule addresses requirements for driving, duty and off-duty time, recovery period, sleeper berth and new requirements for short-term haul drivers.

Effective August 15, 2005 (Docket No. FMCSA 1997-2364): This docket amends the rules to remove obsolete and redundant regulations, provide improved definitions of vehicle types and vehicle systems and components, resolve inconsistencies between this rule and 49 CFR Part 571 and codify certain FMCSA regulatory guidance. The amendments do not involve new or more stringent requirements, but a clarification of existing requirements.

6. 49 CFR Part 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors.

No changes since the prior adoption.

7. 49 CFR Part 392 Driving of Motor Vehicles.

Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations): This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

Effective August 28, 2006 (Docket No. FMCSA-2002-13015): This docket adopts without only minor changes interim rules regarding regulatory requirements for obtaining FMCSA authority.

Effective August 15, 2005 (Docket No. FMCSA 1997-2364): This docket amends the rules to remove obsolete and redundant regulations, provide improved definitions of vehicle types and vehicle systems and components, resolve inconsistencies between this rule and 49 CFR Part 571 and codify certain FMCSA regulatory guidance. The amendments do not involve new or more stringent requirements, but a clarification of existing requirements.

8. 49 CFR Part 393 Parts and Accessories Necessary for Safe Operations.

Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations): This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

Effective August 7, 2007 (Docket No. FMCSA 1997-2364): This docket corrects an inadvertent omission to the rules adopted in this same docket effective June 11, 2007.

Effective June 18, 2007 (Docket No. FMCSA 1997-2364): This docket makes a minor correction to the rules adopted in this same docket effective June 11, 2007.

Effective June 11, 2007 (Docket No. FMCSA-1997-2364): This docket resolves inconsistency between FMCSA rules and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards.

Effective March 6, 2007 (Docket No. FMCSA-2005-21323): This docket allows use of automatic hydraulic inertia brake systems on trailers within the ratios of gross vehicle weight for the towing vehicle and trailer are within certain limits. This docket allows use of automatic hydraulic inertia brake systems on trailers within the ratios of gross vehicle weight for the towing vehicle and trailer are within certain limits.

Effective June 22, 2006 (Docket No. FMCSA-2006-21259): This docket amends rules concerning protection against shifting and falling cargo for commercial motor vehicles. The amendments adopt the North American Cargo Securement Standard Model Regulations. This rule also includes editorial revisions.

Effective August 15, 2005 (Docket No. FMCSA 1997-2364): This docket amends the rules to remove obsolete and redundant regulations, provide improved definitions of vehicle types and vehicle systems and components, resolve inconsistencies between this rule and 49 CFR Part 571 and codify certain FMCSA regulatory guidance. The amendments do not involve new or more stringent requirements, but a clarification of existing requirements.

9. 49 CFR Part 396 Inspection, Repair and Maintenance.

No changes since the prior adoption.

10. 49 CFR Part 397 Transportation of Hazardous Materials, Driving and Parking Rules.

Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations): This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

11. 49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

Effective: November 9, 2004 (Docket OST-2003-15245): This docket changes instructions to laboratories and medical review officers with respect to adulterated, substituted and diluted specimen results. This change is intended to avoid inconsistency with new requirements established by the US Department of Health and Human Services effective November 1, 2004.

Effective August 23, 2006 (Docket OST-2006-24112): This docket adds state-licensed or certified marriage and family therapists to the list of credentialed professionals eligible to service as substance abuse professionals. This docket also makes a series of technical amendments to clarify certain provisions and correct omissions and typographical errors.

Effective September 22, 2006 (Docket OST-2006-24112): This docket corrects a misspelling that occurred in the August 23, 2006, Docket OST-2006-24112.

Effective January 11, 2007 (Docket OST-2007-26828): This docket publishes an interim rule allowing a new breath tube alcohol screening device for use in DOT Agency regulated testing.

Effective June 13, 2008 (Docket OST-2008-0184): This docket authorized employers to disclose to state commercial driver licensing (CDL) authorities the drug and alcohol violations of CDL-licensed drivers.

Effective June 25, 2008 (Docket OST-2003-15245): This docket changes instructions to collectors, laboratories, medical review officers and employers regarding adulterated, substituted, diluted and invalid urine specimen results.

12. 49 CFR Parts 171, 172, 173, 174, 178, and 179 Federal Railroad Administration: Hazardous Materials Regulation.

In WAC 480-62-215, the Commission has adopted rules governing hazardous materials regulations as prescribed by these parts. On October 10, 2005, the Commission adopted the CFR version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, numerous changes have occurred. Since all violations of these incorporated rules must be submitted to the Federal Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 CFR Part 212, the effected railroads are already aware of and subject to the rule revisions. The adoption by reference here is for administrative purposes only.

13. 49 CFR Part 234 Federal Railroad Administration: Grade Crossing Signal System Safety.

In WAC 480-62-210, the Commission has adopted Grade Crossing Signal System as prescribed by these parts. On October 10, 2005, the Commission adopted the CFR version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, changes have occurred. Generally all violations of these incorporated rules must be submitted to the Federal Railroad Administration for

enforcement pursuant to the State Safety Participation Program, 49 CFR Part 212. We have at least one railroad that does not fall under Federal Railroad Administration jurisdiction. Any violations by this company are subject to state level enforcement. Of the changes that have occurred since the last adoption, only one is substantive. In 70 FR 111052, 49 CFR Part 234.275, dated July 6, 2005, the Federal Railroad Administration issued a performance standard for the development and use of processor-based signal and train control systems. The rule also covers systems, which interact with highway railroad grade crossing systems. The rule requires Federal Railroad Administration be notified prior to installation of these systems.

14. 49 CFR Part 213 Federal Railroad Administration: Track Safety Standards.

In WAC 480-62-205, the Commission has adopted rules governing track safety regulations as prescribed by these parts. On October 10, 2005, the Commission adopted the CFR version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, numerous changes have occurred. Since all violations of these incorporated rules must be submitted to the Federal Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 CFR Part 212, the effected railroads are already aware of and subject to the rule revisions. The adoption by reference here is for administrative purposes only.

15. 49 CFR Parts 209, 214, 217, 218, 219, 220, 221, 225, 228, 239, and 240 Federal Railroad Administration: Railroad Safety Enforcement Procedures; Railroad Workplace Safety; Railroad Operating Rules; Railroad Operating Practices; Control of Alcohol and Drug Use; Railroad Communications; Rear End Marking Device Passenger, Commuter and Freight Trains; Railroad Accidents/Incidents; Hours of Service; Passenger Train Emergency Preparedness; Qualification and Certification of Locomotive Engineers.

In WAC 480-62-200, the Commission has adopted rules governing roadway worker safety and operating regulations as proscribed by these parts. On October 10, 2005, the Commission adopted the CFR version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, numerous changes have occurred. Since all violations of these incorporated rules must be submitted to the Federal Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 CFR Part 212, the effected railroads are already aware of and subject to the rule revisions. The adoption by reference here is for administrative purposes only.

16. 49 CFR Part 212 Federal Railroad Administration: State Safety Participation Regulations.

No changes since the prior adoption.

17. 49 CFR Parts 570.7 and 570.60 Federal Railroad Administration: Passenger Carrying Vehicles.

No changes since the prior adoption.

18. The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics as published in 2005

This standard covers the general parameters and characteristics associated with telephone loops from the subscriber signaling and analog voice frequency interface to the local Class 5 switch interface. It includes only those business and residential lines in the North American public switched network where no special performance requirements are involved. This standard provides common denominators for subscriber line performance, independent of facility types, construction processes or equipment, and circuit provisioning methods. IEEE 820-2005 is the latest version for loop performance. It was updated to bring technology from analog to digital standards.

19. 47 CFR, except Sections 64.2003 through 64.2009, 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 its needs. Updated versions of Part 32 do not include some accounts and has combined other accounts. Also, the 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 intercarrier compensation on accounting needs can be determined, before making changes to the UTC's accounting rules. If the FCC decides to change the accounting rules in a significant way, then the UTC 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.