

Attachment B

Adoption-by-Reference Rule Dates and Effect
A-010827
08/08/01

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 federal rules. **An explanation of each federal rulemaking is included at the end of the chart.**

Chapter Title	WAC Rule No.	Proposed adoption dates	Substantive Changes ¹
Motor Carriers excluding Household Goods Carriers and Common Carrier Brokers	480-14-999	49 CFR ² as of October 1, 2000 CVSA ³ as of April 1, 2001 ⁴	49 CFR, Parts 383, 390 and 393 See No. 1, 2, and 3 at end of chart.
Household Goods Carriers	480-15-999	49 CFR as of October 1, 2000 CVSA as of April 1, 2001	49 CFR, Parts 383, 390 and 393 See No. 1, 2 and 3 at end of chart.
Auto Transportation Companies	480-30-999	49 CFR as of October 1, 2000 CVSA as of April 1, 2001	49 CFR, Parts 383 and 393 See No. 1 and 3 at end of chart.
Private Nonprofit Transportation	480-31-999	49 CFR as of October 1, 2000 CVSA as of April 1, 2001	49 CFR, Parts 383 and 393 See No. 1 and 3 at end of chart.

¹ The federal rulemakings identified below are those final federal rules that staff identified as having a substantive impact on industries regulated by the Commission. Other federal rules have gone into effect that staff determined would have a minor impact on the regulated industries and are not listed here.

² Title 49 of the Code of Federal Regulations (49 CFR)

³ Commercial Vehicle Safety Alliance's North American Out-of-Service Criteria (CVSA)

⁴ There were no substantive changes made to the CVSA *North American Out of Service Criteria*.

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Passenger Charter Carriers	480-40-999	49 CFR as of October 1, 2000 CVSA as of April 1, 2001	49 CFR, Parts 383 and 393 See No. 1 and 3 at end of chart.
Solid Waste and/or Refuse Collection Companies	480-70-999	40 CFR as of July 1, 2001 CVSA as of April 1, 2001 49 CFR does not apply to this rulemaking. The October 1, 2000 date was adopted in Docket No. TG – 990161	
Railroad Companies -- Operations	480-62-090	Does not apply to this rulemaking - more recent date adopted in Docket No. TR-981102.	Does not apply
Petroleum Pipeline Companies	480-75-999	49 CFR as of July 1, 2001	49 CFR, Parts 195 and 199 See No. 4, 7, 8, 9, 10 and 11 at end of chart.
Gas Companies -- Safety	480-93-999	49 CFR as of July 1, 2001	49 CFR, Parts 192 and 193 See No. 4, 5, 6, 7, and 8 .

1. 49 CFR Parts 383 and 384

Federal Highway Administration (FHWA), DOT: Commercial Driver Disqualification Provision

Docket No. FHWA-97-3103

Effective: October 4, 1999

The FHWA revises its regulations that commercial motor vehicle (CMV) drivers who are convicted of violating Federal, State, or Local laws or rules pertaining to railroad-highway grade crossings be disqualified from operating a CMV. Penalties will also be assessed against employing motor carriers found to have knowingly allowed, permitted, authorized, or required a driver to operate a CMV in violation of laws or rules pertaining to railroad highway grade crossings. This rule completes an action initiated in response to the requirements specified in section 403 of the ICC Termination Act (ICCTA) of 1995. The purpose of this action is to enhance the safety of CMV operations

2. 49 CFR Parts 385 and 390

Federal Motor Carrier Safety Administration (FMCSA) DOT: Commercial Vehicle Motor Vehicle Marking

Docket No. FMCSA-98-3974

Effective: July 3, 2000

The FMCSA is eliminating the marking regulations of the former Interstate Commerce Commission (ICC), and replacing the marking requirements with the requirements of this new rule. Changes include requiring motor carriers to affix the USDOT number to both sides of its CMVs within two years of the effective date of the federal rule and all CMVs to be marked with the legal name of the business entity that owns or controls the motor carrier operation, or the “doing business as” DBA name within five years of the effective date of the federal rule. These revisions are intended to enhance the ability of regulatory agencies and the public to identify motor carriers.

3. 49 CFR Parts 393

Federal Highway Administration (FHWA), DOT: Parts and Accessories Necessary for Safe Operation; Rear Impact Guards and Rear Impact Protection

Docket No. FHWA-97-3201

Effective: October 1, 1999

The FHWA amended the Federal Motor Carrier Regulations to require that certain trailers and semi-trailers with a gross vehicle weight rating (GVWR) of 10,000 pounds or more, and manufactured on or after January 26, 1998, be equipped with rear impact guards that meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 223 and be installed in compliance with FMVSS No. 224. This rulemaking is intended to improve the safety of operation of commercial motor vehicles (CMVs) by reducing the incidence passenger compartment intrusion during under-ride accidents

**4. 49 CFR Parts 192 and 195,
Pipeline Safety: Qualification of Pipeline Personnel
Effective: October 26, 1999 (Docket No. RSPA-98-3783)**

This rule requires pipeline operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities.

**5. 49 CFR Part 192
Pipeline Safety: Determining the Extent of Corrosion on Gas Pipelines
Effective: November 22, 1999 (Docket No. PS-107)**

This rule requires that when gas pipeline operators find harmful external corrosion on buried metallic pipeline, they must investigate further to determine if additional harmful corrosion exists in the vicinity of the original exposure. The new requirement may prevent accidents due to corrosion that might otherwise go undetected near an exposed portion of pipeline.

**6. 49 CFR Part 193
Pipeline Safety
Incorporation of Standard NFPA 59A in the Liquefied Natural Gas Regulations
Effective: March 31, 2000 (Docket No. RSPA-97-3002)**

This rule incorporates by reference an industry consensus standard for liquefied natural gas (LNG) facilities subject to the pipeline safety regulations. This standard, developed by the National Fire Protection Association (NFPA), specifies siting, design, construction, equipment, and fire protection requirements that apply to new LNG facilities and to existing facilities that have been replaced, relocated, or significantly altered. This standard will allow the LNG industry to use the latest technology, materials, and practices while maintaining the current level of safety.

**7. 49 CFR Parts 192 and 195
Pipeline Safety: Underwater Abandoned Pipeline Facilities
Effective: October 10, 2000 (Docket No. RSPA-97-2094)**

This rule will require the last operator of an abandoned natural gas or hazardous liquid pipeline facility that is located offshore or crosses under, over or through a commercially navigable waterway to submit a report of the abandonment to the Secretary of Transportation.

8. 49 CFR Parts 192 and 195

Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair

Effective: January 13, 2000 (Docket No. RSPA-98-4733)

This rule adopts a safety performance standard for the repair of corroded or damaged steel pipe in gas or hazardous liquid pipelines. The performance standard is likely to encourage technological innovations and reduce repair costs without reducing safety.

9. 49 CFR Part 199

Pipeline Safety: Notice of Random Drug Testing

Effective: January 1, 2001 (Docket No. RSPA-97-2995)

Each year, a minimum percentage of covered pipeline employees must be randomly tested for illegal drugs. The percentage, either 50 percent or 25 percent, depends on the positive rate of random testing reported to RSPA in the previous year. In calendar year 2001, the minimum annual percentage rate for random drug testing is 25 percent of covered employees.

10. 49 CFR Part 195

Pipeline Safety: Areas Unusually Sensitive to Environmental Damage

Effective: April 21, 2001 (Docket No. RSPA-99-5455)

This rule defines drinking water and ecological areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline release. This rule does not require specific action by pipeline operators but will be used in other federal regulations.

11. 49 CFR Part 195

Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipelines)

Effective: May 29, 2001 (Docket No. RSPA-99-6355)

This rule requires operators of hazardous liquid pipelines to assess the integrity of pipelines where failure could impact certain populated and environmentally sensitive areas.