



**PROPOSED RULE MAKING  
(RCW 34.05.320)**

**CR-102 (7/22/01)  
Do NOT use for expedited  
rule making**

Agency: WUTC	<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 01-13-125; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: (Describe Subject) Revision of Adoption-by-reference dates - Title 480 WAC.

Purpose: The proposed rulemaking will change adoption-by-reference dates to reflect current versions of the adopted material and make other minor administrative changes such as: correct telephone numbers; repeal obsolete sections; add cross-references to adopted material; and create new sections in each chapter that move the adoption-by-reference material to the same location in each chapter.

Other identifying information: Commission Docket No. A-010827. Affected chapters include WAC 480-14, 480-15, 480-30, 480-31, 480-40, 480-70, 480-75, and 480-93. Please refer to Attachment A for a list of the specific affected rules and the proposed changes.

(b) Statutory authority for adoption: RCW 80.01.040 – General; RCW 80.04.160 – Utility; RCW 81.04.160 - Transportation; RCW 34.05.310	Statute being implemented:
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(c) Summary: This rulemaking changes the adoption-by-reference dates to reflect the current versions of adopted material and makes other minor administrative changes in the transportation and pipeline safety chapters in Title 480.

Reasons supporting proposal:

1. The Commission has 120 days after an emergency rulemaking to codify rules permanently. This rulemaking will review the emergency rules adopted in Docket UG-010816, WSR 01-13-044.
2. The commission adopts by reference several rules in Title 40 and Title 49 of the Code of Federal Regulations and the Commercial Vehicle Safety Alliance's *North American Out-of-Service Criteria*. Commission rules need to be updated to reflect the most current versions of the adopted material.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting...Kim Dobyms, Policy Research Analyst	1300 S. Evergreen Park Dr. SW, Olympia, WA 98504-7250	(360) 664-1242
2. Implementation.... Carole J. Washburn, Secretary	1300 S. Evergreen Park Dr. SW, Olympia, WA 98504-7250	(360) 664-1174
3. Enforcement..... Carole J. Washburn, Secretary	1300 S. Evergreen Park Dr. SW, Olympia, WA 98504-7250	(360) 664-1174

(e) Name of proponent (person or organization):  
Washington Utilities and Transportation Commission

Private  
 Public  
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:  
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION: Commission Hearing Room Second Floor, Chandler Plaza 1300 S. Evergreen Park Drive SW Olympia, WA 98504-7250  Date: September 26, 2001 Time: 9:30 a.m.	Submit written comments to: Secretary, Docket No. A-010827 Washington Utilities and Transportation Commission P.O. Box 47250 Olympia, WA 98504-7250  FAX (360)586-1150 By September 12, 2001  DATE OF INTENDED ADOPTION: September 26, 2001
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Assistance for persons with disabilities:  
Contact Mary DeYoung by September 24, 2001

TDD (360) 586-8203 or (360) 664-1133

NAME (TYPE OR PRINT)	
CAROLE J. WASHBURN	
SIGNATURE	
TITLE	DATE
SECRETARY	August 22, 2001

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(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed rulemaking will change adoption-by-reference dates to reflect current versions of the adopted material and make other minor administrative changes such as: correct telephone numbers; repeal obsolete sections; add cross-references to adopted material; and create new sections in each chapter that move the adoption-by-reference material to the same location in each chapter in Title 480.

Each applicable chapter in Title 480 will have an adoption-by-reference rule ending in section number 999. This proposed change will provide for efficiencies in future adoption-by-reference date changes in Title 480 WAC.

Updating the adoption-by-reference dates in the pipeline safety chapters of rules is necessary to maintain the Commission's federal certification.

The Commission's participation in the Commercial Vehicle Safety Alliance is contingent on adopting current federal rules.

Updating the adoption-by-reference dates in the transportation chapters of rules will provide for consistency between intrastate and interstate operations and equal enforcement.

Does proposal change existing rules?   X YES         NO                      If yes, describe changes:

New federal rules are incorporated into the Commission's rules in the transportation and pipeline safety chapters of rules. Other administrative changes are made that do not affect regulated industries. See a detailed listing of the proposed rule changes on Attachment A.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.  
A copy of the statement may be obtained by writing to:

telephoning: (     )  
faxing: (     )

X No. Explain why no statement was prepared

This rulemaking incorporates recent federal rule changes into the Commission's rule and makes other administrative changes. A small business economic impact statement (SBEIS) is not required under RCW 19.85.061 when the reason for the rule change is to comply with federal law. Other changes in this rulemaking do not require an SBEIS (RCW 19.85.030) because the changes are administrative and there is no cost to business.

Failure to incorporate federal standards into the Commission's rules would lead to inconsistencies between intrastate and interstate operations, unequal enforcement, and possible loss of federal certification in the pipeline safety program.

(l) Does RCW 34.05.328 apply to this rule adoption?    Yes        X No

Please explain:

The Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).