

Agenda Date: September 26, 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:

Adopt, amend, and repeal the attached provisions in Title 480 of the Washington Administrative Code which revises adoption-by-reference dates and makes other minor changes in the pipeline safety and transportation related chapters of rules.

Background:

On June 20, 2001, 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 in each chapter that move the adoption-by-reference material to the same location in each chapter.

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

The notice of the CR-101 sent to stakeholders indicated the Commission would not hold workshops concerning this rulemaking unless requested to do so by stakeholders.

On August 22, 2001, the Commission filed a Notice of Proposed rulemaking (CR-102) with the Code Reviser under WSR# 01-17-110. The CR-102 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 in each chapter that move the adoption-by-reference material to the same location in each chapter and incorporating emergency rules adopted in docket No. UG-010816.

The notice of the CR-102 sent to stakeholders indicated the Commission 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, when the CR-101 was filed and asked for written comments not later than September 12, 2001, when the CR-102 was filed. No one filed comments opposing the changes identified in the Commission's CR-101 or the Commission's CR-102. No one asked the Commission to hold a workshop to discuss the changes. The Commission provided notice to interested parties about the adoption hearing.

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

1. Change adoption-by-reference dates to reflect current published versions of federal rules and national safety standards;
2. Change adoption-by-reference dates adopted in the pipeline safety emergency rulemaking, Docket No. UG-010816, to July 1, 2001;
3. Repeal obsolete sections;
4. Create a new rule, ending in "999," in each chapter of rules to have a common chapter location for the adoption-by-reference rules;
5. Add cross-references and move content to the newly created adoption-by reference rule section; and
6. Correct Commission contact telephone numbers, incorrect chapter references and other grammar changes.

A detailed listing of the proposed rule changes is included as attachment A.

Adoption-reference-rulemakings are necessary for several reasons. The Commission's pipeline safety certification is contingent on enforcing current federal standards. The Commission's participation in the Commercial Vehicle Safety Alliance is contingent on the current versions of the North American Out-of-Service Criteria standards. Failure to update the Commission's adoption-by-reference dates could lead to confusion and unequal enforcement of rules between intrastate and interstate rules on the same regulated companies.

The rulemaking makes administrative changes to the rules that will not impact regulated industries. The adoption-by-reference date changes do incorporate federal rules that have changed. A listing of the impact rules are included as attachment B. Staff reviewed the federal rules and believe they should be adopted.

Attachment C includes the proposed rules in legislative format.

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Conclusion

Staff recommends that the Commission adopt, amend, and repeal provisions in Title 480 of the Washington Administrative Code as reflected in the attached proposed rules.

Attachments