

Agenda Date: September 10, 2003
Item Number: C1

Docket: **A-030852**
Revise Title 480 WAC Adoption-by-reference dates

Staff: Sharyn Bate, Telecommunications Regulatory Analyst
Karen Caille, Administrative Law Judge

Recommendation:

Direct the Secretary to file an Expedited Rulemaking (CR-105) in Docket A-030852 to consider revising adoption-by-reference dates and making other minor administrative changes in Title 480 of the Washington Administrative Code.

Discussion:

Annually the Commission reviews material that it has adopted-by-reference in Title 480 of the Washington Administrative Code (WAC) and considers whether changes are needed. The proposed rule changes in the Commission's rules in Title 480 WAC change adoption-by-reference dates to reflect current published versions of federal rules and national safety standards.

The affected chapters of rules include Chapters 480-14 WAC (Motor Carriers Excluding Household Goods Carriers and Common Brokers), 480-15 WAC (Household Goods Carriers), 480-30 WAC (Auto Transportation Carriers), 480-31 WAC (Nonprofit Transportation Providers), 480-40 WAC (Passenger Charter Carriers), 480-62 WAC (Railroad Companies—Operations), 480-70 WAC (Solid Waste Collection Companies), 480-75 WAC (Hazardous Liquid, Gas, Oil and Petroleum Pipeline Companies – Safety), 480-90 WAC (Gas Companies—Operations), and 480-100 WAC (Electric Companies). There are no changes to the references in Chapters 480-110 WAC, Water Companies, and 480-120 WAC, Telecommunications – Operations and have not been included in this rulemaking.

Adoption-by-reference rulemakings are necessary for several reasons.

- The Commission signed an agreement when it became a member of the North American Commercial Vehicle Safety Alliance (CVSA). A portion of that agreement stated that the Commission would enforce the current version of the CVSA North American *Out-of-Service Criteria*. Participation in the CVSA is important because the CVSA standards ensure a transportation company is subject to the same safety standards regardless of where the vehicle is operating within North America.

- Failure to update the Commission's adoption-by-reference dates of federal rules and safety standards could lead to confusion and unequal enforcement between intrastate and interstate rules on the same regulated company.
- Failure to adopt current national industry standards could cause regulated companies to comply with out-of-date safety standards.

Staff identified revisions that have occurred in federal regulations, state rules and national standards that need to be considered for adoption. Attachment A lists the substantive changes in the federal regulations, state rules, national standards and the related Commission rules. Staff reviewed the changes and believes they are appropriate for the State of Washington.

Attachment B includes the proposed rules in legislative format.

Conclusion

Staff recommends that the Commission direct the Secretary to file an Expedited Rulemaking (CR-105) in Docket A-030852 to consider revising adoption-by-reference dates and making other minor administrative changes in Title 480 of the Washington Administrative Code.

Attachments