

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of Amending, Adopting and Repealing)	DOCKET NO. A-010827
)	
Several rules in Title 480 WAC)	GENERAL ORDER NO. R-491
)	
Relating to adoption-by-reference date changes in Title 480 WAC in the transportation and pipeline safety chapters of rules and other minor administrative changes.)	ORDER REPEALING, AMENDING AND ADOPTING RULES PERMANENTLY
)	
.....)	

1 **RULE CONSIDERED:** The Washington Utilities and Transportation Commission
takes this action under Notice WSR #01-17-110, filed with the Code Reviser on
August 22, 2001.

2 **STATUTORY OR OTHER AUTHORITY:** The Commission brings this
proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160 and RCW
34.05.310.

3 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Open
Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act
(chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State
Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory
Fairness Act (chapter 19.85 RCW).

4 **DATE OF ADOPTION:** The Commission adopts this rule on the date that this
Order is entered.

5 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:**
RCW 34.05.325 requires that the Commission prepare and provide to commenters a
concise explanatory statement about an adopted rule. The statement must include the
identification of the reasons for adopting the rule, a summary of the comments
received regarding the proposed rule, and responses reflecting the Commission=s
consideration of the comments.

6 In this docket, to avoid unnecessary duplication, the Commission designates the
discussion in this order as its concise explanatory statement, supplemented where not
inconsistent by the staff memoranda presented at the adoption hearing and at the open
meetings where the Commission considered whether to begin a rulemaking and

whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7

REFERENCE TO AFFECTED RULES: This rule repeals, amends, or adopts the following sections of the Washington Administrative Code:

Affected Rules			
Action	WAC No.	Rule Title	Changes
Chapter 480-14, WAC Motor Carriers Excluding Household Goods Carriers and Common Brokers			
Repeal	480-14-060	Adoption by Reference Defined	1. Move content to 480-14-999. (Each chapter will have an adoption by reference rule ending in section number 999. This change provides for efficiencies in future adoption-by-reference date changes in Title 480 WAC)
Amend	480-14-040	Definitions	1. Change in subsection (2) corrects the WAC chapter reference. 2. Change in subsection (6) adds a cross-reference to WAC 480-14-999. 3. Change in subsection (7) corrects the WAC chapter reference.
Amend	480-14-070	Federal Regulations, 49 CFR, Part 390...	1. Change section title to more accurately reflect content. 2. Change in subsection (1) adds a cross-reference to WAC 480-14-999.
Amend	480-14-250	Insurance requirements; cause...	1. New subsection (5) adds a cross-reference to WAC 480-14-999
Amend	480-14-360	Equipment – Inspection ...	1. Change in subsection (2) moves content and adds a cross-reference to WAC 480-14-999.
Amend	480-14-370	Equipment – Drivers – Safety.	1. Change in subsections (1), (7) and (8) adds a cross-reference to WAC 480-14-999.
Amend	480-14-380	Hours of service – On duty ...	1. Change title to more accurately reflect content. 2. Change in first paragraph adds a cross-reference to WAC 480-14-999.
Amend	480-14-390	Hazardous materials regulations.	1. Change in subsection (1) adds a cross-reference to WAC 480-14-999. 2. Change in subsection (3)(b) moves content and adds a cross-reference to WAC 480-14-999.
Amend	480-14-400	Transportation of radioactive...	1. Change in subsection (1) adds a cross-reference to WAC 480-14-999.
New Section	480-14-999	Adoption by reference.	1. New section created to change the section number to be consistent throughout Title 480 chapters. 2. Adoption by Reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2001; Title 49 Code of Federal Regulations, October 1, 2000. 3. Cross-references added that identify the sections within this chapter that refer to adopted material.

Chapter 480-15 WAC, Household Goods Carriers			
Repeal	480-15-040	Adoption by reference.	1. Move content to 480-15-999.
Repeal	480-15-050	Where may I get copies of ...	1. Move content to 480-15-999.
Amend	480-15-560	Equipment safety requirements.	1. Revise language in subsections (1) and (2) to clarify intent. 2. Change in subsection (2) and (4)(a)(ii) adds a cross-reference to WAC 480-15-999.
Amend	480-15-570	Driver safety requirements.	1. Change in subsection (2) and (3)(a)(ii) adds a cross-reference to WAC 480-15-999.
New Section	480-15-999	Adoption by reference.	1. New section created to change the section number to be consistent throughout Title 480 chapters. 2. Adoption by Reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2001; Title 49 Code of Federal Regulations, October 1, 2000. 3. Cross-references added that identify the sections within this chapter that refer to adopted material.
Chapter 480-30 WAC, Auto Transportation Companies			
Amend	480-30-010	Definitions	1. Remove definitions in subsections (10), (11), and (12). These definitions apply to Private Non-Profit Transportation Providers. The commission established a new chapter of rules (480-31) for Private Non-Profit Transportation Providers in 1997 and moved the definitions to WAC 480-31-030.
Repeal	480-30-015	Adoption by reference defined.	1. Move content to 480-30-999
Amend	480-30-030	Certificates – Auto ...	1. Remove exception in subsection (11) as it applies to Private Non-Profit Transportation Providers which was moved to Chapter 480-31 in 1997.
Repeal	480-30-035	Certificates – Private, ...	1. Remove as it applies to Private Non-Profit Transportation Providers which was moved to Chapter 480-31 in 1997.
Amend	480-30-095	Equipment – Safety.	1. Change in subsection (1) adds a cross-reference to WAC 480-30-999.
Amend	480-30-097	Equipment – Inspection -- ...	1. Change in subsection (2) moves content and adds a cross-reference to WAC 480-30-999.
Amend	480-30-100	Operation of motor vehicles.	1. Change in subsections (2), (5), and (13) moves content adds a cross reference to WAC 480-30-999. 2. Change in subsection (11) updates toll-free telephone number.

New Section	480-30-999	Adoption by reference.	<p>1. New section created to change the section number to be consistent throughout Title 480 chapters.</p> <p>2. Adoption by Reference dates changed as follows:</p> <p style="text-align: center;">North American Uniform Out-of Service Criteria, April 1, 2001; Title 49 Code of Federal Regulations, October 1, 2000.</p> <p>3. Cross-references added that identify the sections within this chapter that refer to adopted material.</p>
Chapter 480-31 Private WAC, Nonprofit Transportation Providers			
Amend	480-31-020	Application of rules.	<p>1. Remove language in second paragraph. Tariffs are no longer required due to a legislative change in RCW 81.66.030 that repealed commission rate regulation of Private Non-Profit Transportation Providers effective in 1998.</p>
Amend	480-31-030	Definitions	<p>1. Remove definitions in subsections (12) and (13). Language is obsolete due to a legislative change in RCW 81.66.030 that repealed commission rate regulation of Private Non-profit Transportation Providers effective in 1998.</p>
Amend	480-31-050	Certificates	<p>1. Remove language in subsection (1)(e). Language is obsolete due to a legislative change in RCW 81.66.030 that repealed commission rate regulation of Private Non-profit Transportation Providers effective in 1998.</p>
Repeal	480-31-060	Tariff	<p>1. Remove rule. Tariffs are no longer required due to a legislative change in RCW 81.66.030 that repealed commission rate regulation of Private Non-profit Transportation Providers effective in 1998.</p>
Amend	480-31-100	Equipment – Safety.	<p>1. Change in second paragraph moves content and adds a cross-reference to WAC 480-31-999.</p>
Amend	480-31-120	Equipment – Inspection ...	<p>1. Change in subsections (2) and (4)(b) moves content and adds a cross-reference to WAC 480-31-999.</p>
Amend	480-31-130	Operation of motor vehicles.	<p>1. Change in subsections (2), (3) and (8) moves content and adds a cross-reference to WAC 480-31-999.</p> <p>2. Change in subsection (3) corrects typographic error in reference to CFR.</p>
Amend	480-31-140	Safety Inspections.	<p>1. Change in subsection (6) moves content and adds a cross-reference to WAC 480-31-999.</p>
New Section	480-31-999	Adoption by reference.	<p>1. New section created to change the section number to be consistent throughout Title 480 chapters.</p> <p>2. Adoption by Reference dates changed as follows:</p> <p style="text-align: center;">North American Uniform Out-of Service Criteria, April 1, 2001; Title 49 Code of Federal Regulations, October 1, 2000.</p> <p>3. Cross-references added that identify the sections within this chapter that refer to adopted material.</p>

Chapter 480-40 WAC, Passenger Charter Carriers			
Repeal	480-40-015	Adoption by reference defined.	1. Move content to 480-40-999
Amend	480-40-065	Equipment – Inspection ...	1. Change in subsection (2) moves content and adds a cross-reference to WAC 480-40-999.
Amend	480-40-075	Equipment – Safety.	1. Change in subsection (1) adds a cross-reference to WAC 480-40-999.
New Section	480-40-999	Adoption by reference.	1. New section created to change the section number to be consistent throughout Title 480 chapters. 2. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2001; Title 49 Code of Federal Regulations, October 1, 2000. 3. Cross-references added that identify the sections within this chapter that refer to adopted material.
Chapter 480-70 WAC, Solid Waste Collection Companies			
Amend	480-70-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2001; Title 40 Code of Federal Regulations, July 1, 2001.
Chapter 480-75 WAC, Petroleum Pipeline Companies			
Amend	480-75-005	Compliance with federal ...	1. Change in first paragraph adds a cross-reference to WAC 480-75-999 2. Language in last paragraph moved to WAC 480-75-999.
New Section	480-75-999	Adoption by reference.	1. New section created to change the section number to be consistent throughout Title 480 chapters. 2. Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations, July 1, 2001. 3. Cross-references added that identify the sections within this chapter that refer to adopted material.
Chapter 480-93 WAC, Gas Companies -- Safety			
Amend	480-93-005	Definitions	1. Changes in subsections (14), (18) and (20) add cross-references to WAC 480-93-999.
Amend	480-93-010	Compliance with federal ...	1. Change moves content and adds a cross-reference to WAC 480-93-999.
Amend	480-93-015	Odorization of gas.	1. Change adds a cross-reference to WAC 480-93-999.
Amend	480-93-110	Corrosion control.	1. Change in second paragraph adds a cross-reference to WAC 480-93-999.
Amend	480-93-124	Pipeline markers.	1. Change adds a cross-reference to WAC 480-93-999.
Amend	480-93-155	Increasing maximum ...	1. Change to subsection (6) adds a cross-reference to WAC 480-93-999.
Amend	480-93-180	Plan of operations ...	1. Change in first paragraph adds a cross-reference to WAC 480-93-999.

Amend	480-93-220	Rule of precedence ...	1. Change in first paragraph adds a cross-reference to WAC 480-93-220.
New Section	480-93-999	Adoption by reference.	1. New section created to change the section number to be consistent throughout Title 480 chapters. 2. Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations, July 1, 2001. 3. Cross-references added that identify the sections within this chapter that refer to adopted material.

8 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The Commission filed a Preproposal Statement of Inquiry (CR-101) on June 20, 2001, at WSR # 01-13-125.

9 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The statement advised interested persons that the Commission was considering entering a rulemaking relating to changing adoption-by-reference dates to reflect current versions of the adopted material and making other minor administrative changes. The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by posting the proposed changes to the Commission's web site and by sending notice to interested persons of pipeline safety, Commission general rulemakings, transportation general rulemakings, transportation safety, charters and excursions, common carriers, contract carriers, solid waste, household goods, auto transportation, brokers, and to transportation attorneys. Pursuant to the notice, the Commission did provide an opportunity for interested persons to submit written comments and to request that the commission hold a stakeholder workshop.

10 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on August 22, 2001, at WSR #01-17-110. The Commission scheduled this matter for oral comment and adoption under Notice WSR #01-17-110 at 9:30 a.m., Wednesday, September 26, 2001, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.

11 **MEETINGS OR WORKSHOPS; ORAL COMMENTS:** The Commission provided interested persons with the opportunity to request a workshop. No one requested a workshop be held relating to the subject of this rulemaking. Representatives of the pipeline safety industry supported the rule changes at the June 13, 2001, open meeting.

- 12 **COMMENTERS (WRITTEN COMMENTS):** No one submitted written comments to the Commission.
- 13 **RULEMAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on September 26, 2001, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. No interested person made oral comments.
- 14 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission repealed, amended and adopted the rules as proposed in the CR-102 at WSR #01-17-110.
- 15 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal without changes from the text noticed at WSR # 01-17-110.
- 16 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-14-060, 480-15-040, 480-15-050, 480-30-015, 480-30-035, 480-31-060, and 480-40-015 should be repealed; and
- 17 The Commission determines that WAC sections 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390, 480-14-400, 480-15-560, 480-15-570, 480-30-010, 480-30-030, 480-30-095, 480-30-097, 480-30-100, 480-31-020, 480-31-030, 480-31-050, 480-31-100, 480-31-120, 480-31-130, 480-31-140, 480-40-065, 480-40-075, 480-70-999, 480-75-005, 480-93-005, 480-93-010, 40-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220 should be amended; and
- 18 The Commission determines the new WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-75-999, and 480-93-999 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

ORDER

- 19 **THE COMMISSION ORDERS That :**
- 20 WAC sections 480-14-060, 480-15-040, 480-15-050, 480-30-015, 480-30-035, 480-31-060, and 480-40-015 are repealed; and
- 21 WAC sections 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390, 480-14-400, 480-15-560, 480-15-570, 480-30-010, 480-30-030,

480-30-095, 480-30-097, 480-30-100, 480-31-020, 480-31-030, 480-31-050, 480-31-100, 480-31-120, 480-31-130, 480-31-140, 480-40-065, 480-40-075, 480-70-999, 480-75-005, 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220 are amended; and

22 New WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-75-999, and 480-93-999 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

23 This Order and the rules set out on Attachment A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this day of September, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, amended 34, repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.