

Agenda Date: May 24, 2002
Item Number: 3A

Docket: **A-020379**
Revise Title 480 WAC Adoption-by-reference dates

Staff: Kim Dobyms, Policy Research Specialist
Karen Caille, Administrative Law Judge

Recommendation:

Direct the Secretary to file an Expedited Rulemaking (CR-105) in Docket No. A-020379 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. This review does not include rules relating to the telecommunications and pipeline safety industries as those chapters of rules are open under different docket numbers.

The proposed rule changes in the Commission's rules in Title 480 WAC are as follows:

- Change adoption-by-reference dates to reflect current published versions of federal rules and national safety standards;
- Create a new adoption-by-reference section in Chapter 480-110 (Water Companies) so each chapter in Title 480 will have a common location for the adoption-by-reference rules and add cross references to the newly created rule;
- Add language to WAC 480-90-203 (Accounting System Requirements) and WAC 480-100-203 (Accounting System Requirements) that clarifies that adopting the most current version of Title 18 of the Code of Federal Regulations does not supercede prior Commission orders directing companies to treat accounting items, such as depreciation accounting, in a specific manner;
- Substitute an existing national standard for railroad passenger-carrying vehicle first-aid kit requirements to replace the Commission's adoption-by-reference of Washington State Labor and Industries' rules that were repealed in 2001; and
- Correct grammatical and punctuation errors.

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), 480-90 WAC (Gas Companies—Operations), 480-100 WAC (Electric Companies) and 480-110 WAC (Water Companies).

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 No. A-020379 to consider revising adoption-by-reference dates and making other minor administrative changes in Title 480 of the Washington Administrative Code.

Attachments