

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending and Adopting	)	DOCKET A-111722
	)	
Several rules in Title 480 WAC	)	GENERAL ORDER R-564
	)	
	)	ORDER AMENDING AND
Relating to adoption-by-reference date revisions and other minor administrative changes.	)	ADOPTING RULES
	)	PERMANENTLY
	)	
.....	)	

1     **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 11-23-112 for an expedited rulemaking, filed with the Code Reviser on November 21, 2011. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160 and RCW 34.05.353.

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

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

4     **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing

<p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p><b>DATE: February 15, 2012</b> <b>TIME: 11:57 AM</b></p> <p><b>WSR 12-05-063</b></p>
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- 5 changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.
- 6 The Commission adopts these rules to incorporate by reference federal rules and national standards pertaining to motor carriers, household goods carriers, passenger transportation companies, private and nonprofit transportation providers, railroad companies, solid waste collection companies, hazardous liquid pipelines, gas companies, electric companies, and telephone companies. There are no differences between the text of the proposed rules as published in the register and the text of the rules as adopted, other than minor editing changes. The Commission did not receive any comments on the proposed rules.
- 7 **REFERENCE TO AFFECTED RULES:** This Order amends the following sections of the Washington Administrative Code:

<b>Rule Changes</b>			
<b>Action</b>	<b>WAC No.</b>	<b>Rule Title</b>	<b>Changes</b>
<b>Chapter 480-14 WAC, Motor Carriers, Excluding Household Goods Carriers and Common Carrier Brokers</b>			
Amend	480-14-999	Adoption by reference	<p>Amends WAC 480-14-999(1) to add reference to CFR Part 173 and remove reference to Part 395. Also amends title of WAC 480-14-250 referenced in WAC 480-14-999(2).</p> <p>Amends the effective date of adoption to September 30, 2011, for the following parts of Title 49, Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Part 171 – General Information, Regulations and Definitions.</b></li> <li>• <b>Part 172 – Hazardous Materials Table, etc.</b></li> <li>• <b>Part 173 – Shippers General Requirements for Shipping and Packages.</b></li> </ul>
<b>Chapter 480-15 WAC, Household Goods Carriers</b>			

Amend	480-15-999	Adoption by reference	Amends the effective date of adoption to April 1, 2011, for the North American Standard Out-Of-Service Criteria.
Amend	480-15-999	Adoption by reference	<p>Amends the effective date of adoption to September 30, 2011, for the following parts of Title 49, Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</b></li> <li>• <b>Part 375 –Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations.</b></li> <li>• <b>Part 379 – Preservation of Records.</b></li> <li>• <b>Part 380 – Special Training Requirements.</b></li> <li>• <b>Part 382 – Controlled Substance and Alcohol Use and Testing.</b></li> <li>• <b>Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</b></li> <li>• <b>Part 385 – Safety Fitness Procedures.</b></li> <li>• <b>Part 390 – Safety Regulations, General.</b></li> <li>• <b>Part 391 – Qualification of Drivers.</b></li> <li>• <b>Part 392 – Driving of Commercial Motor Vehicles.</b></li> <li>• <b>Part 395 – Hours of Service of Drivers.</b></li> <li>• <b>Part 396 – Inspection, Repair and Maintenance.</b></li> <li>• <b>Part 397 – Transportation of Hazardous Materials.</b></li> </ul>
<b>Chapter 480-30 WAC, Passenger Transportation Companies</b>			
Amend	480-30-999	Adoption by reference	<p>Amends WAC 480-30-999(1)(b) to remove reference to WAC 480-30-121.</p> <p>Amends the effective date of adoption to April 1, 2011, for the North American Standard Out-of-Service Criteria</p> <p>Amends the effective date of adoption to September 30, 2011, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</b></li> </ul>

Amend	480-30-999	Adoption by reference	<ul style="list-style-type: none"> <li>• <b>Part 379 – Preservation of Records.</b></li> <li>• <b>Part 380 – Special Training Requirements.</b></li> <li>• <b>Part 382 – Controlled Substance and Alcohol Use and Testing.</b></li> <li>• <b>Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</b></li> <li>• <b>Part 385 – Safety Fitness Procedures.</b></li> <li>• <b>Part 390 – Safety Regulations, General.</b></li> <li>• <b>Part 391 – Qualification of Drivers.</b></li> <li>• <b>Part 392 – Driving of Commercial Motor Vehicles.</b></li> <li>• <b>Part 395 – Hours of Service of Drivers.</b></li> <li>• <b>Part 396 – Inspection, Repair and Maintenance.</b></li> <li>• <b>Part 397 – Transportation of Hazardous Materials.</b></li> </ul>
<b>Chapter 480-31 WAC, Private, Nonprofit Transportation Providers</b>			
Amend	480-31-999	Adoption by reference	<p>Amends the effective date of adoption to April 1, 2011, for the North American Standard Out-of - Service Criteria</p> <p>Amends the effective date of adoption to September 30, 2011, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</b></li> <li>• <b>Part 379 – Preservation of Records.</b></li> <li>• <b>Part 380 – Special Training Requirements.</b></li> <li>• <b>Part 382 – Controlled Substance and Alcohol Use and Testing.</b></li> <li>• <b>Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</b></li> <li>• <b>Part 385 – Safety Fitness Procedures.</b></li> <li>• <b>Part 390 – Safety Regulations, General.</b></li> <li>• <b>Part 391 – Qualification of Drivers.</b></li> <li>• <b>Part 392 – Driving of Commercial Motor Vehicles.</b></li> <li>• <b>Part 396 – Inspection, Repair and Maintenance.</b></li> <li>• <b>Part 397 – Transportation of Hazardous Materials.</b></li> </ul>

<b>Chapter 480-62 WAC, Railroad Companies – Operations</b>			
Amend	480-62-200	Roadway worker safety and operating rules and statutes	Amends outdated reference to USC Chapter no longer in use and adds reference to CFR Part 211.
Amend	480-62-999	Adoption by reference	<p>Amends the effective date of adoption to September 30, 2011, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Part 171 - General Information, Regulations, and Definitions.</b></li> <li>• <b>Part 172 - Emergency Response Information, Training Requirements, and Security Plans.</b></li> <li>• <b>Part 173 - Shippers General Requirements for Shipments and Packages.</b></li> <li>• <b>Part 174 - Carriage by Rail.</b></li> <li>• <b>Part 178 - Specifications for Packagings.</b></li> <li>• <b>Part 179 - Specifications for Tank Cars.</b></li> <li>• <b>Part 209 - Railroad Safety Enforcement Procedures.</b></li> <li>• <b>Part 211 - Rules of Practice.</b></li> <li>• <b>Part 212 - State Safety Participation Regulations.</b></li> <li>• <b>Part 213 - Track Safety Standards.</b></li> <li>• <b>Part 214 - Railroad Workplace Safety.</b></li> <li>• <b>Part 217 - Railroad Operating Rules.</b></li> <li>• <b>Part 218 - Railroad Operating Practices.</b></li> <li>• <b>Part 219 - Control of Alcohol and Drug Use</b></li> <li>• <b>Part 220 - Railroad Communications.</b></li> <li>• <b>Part 221 - Rear-end Marking Device.</b></li> <li>• <b>Part 225 - Railroads accidents/incidents.</b></li> <li>• <b>Part 228 - Hours of Service of Railroad Employees.</b></li> <li>• <b>Part 234 - Grade Crossing Signal System Safety.</b></li> <li>• <b>Part 239 - Passenger Train Emergency Preparedness.</b></li> <li>• <b>Part 240 - Qualification and Certification of Locomotive Engineers.</b></li> <li>• <b>Part 570.6 and 570.7 - Vehicle in Use Inspection Standards.</b></li> </ul> <p>Amends the effective date of adoption to September</p>

			30, 2011, for the Manual on Uniform Traffic Control Devices (MUTCD).
Amend	480-62-999	Adoption by reference	Amends the effective date of adoption to September 30, 2011, for the following safety standards: <ul style="list-style-type: none"> <li>• <b>ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits</b></li> <li>• <b>ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests</b></li> </ul>
<b>Chapter 480-70 WAC, Solid Waste and/or Refuse Collection Companies</b>			
Amend	480-70-431	Biomedical waste, adoption of federal regulations	Amends reference of CFR Part 170 through Part 189 to Parts 171 through 180. Parts 170 and 181-189 do not exist.
Amend	480-70-486	Hazardous waste, adoption of federal regulations	Amends reference of CFR Part 170 through Part 189 to Parts 171 through 180. Parts 170 and 181-189 do not exist.
Amend	480-70-999	Adoption by reference	Amends the effective date of adoption to April 1, 2011, for the North American Standard Out-of-Service Criteria  Amends the effective date of adoption to September 30, 2011, for the following part of Title 40 Code of Federal Regulations: <ul style="list-style-type: none"> <li>• <b>Part 262 – Standards Applicable to Generators of Hazardous Waste.</b></li> </ul> Amends the effective date of adoption to September 30, 2011, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> <li>• <b>Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</b></li> <li>• <b>Part 171 – General Information, Regulations, and Definitions.</b></li> <li>• <b>Part 172 – Hazardous Materials Table, etc.</b></li> <li>• <b>Part 173 – Shippers General Requirements for Shipping and Packages.</b></li> <li>• <b>Part 379 – Preservation of Records.</b></li> <li>• <b>Part 380 – Special Training Requirements.</b></li> <li>• <b>Part 382 – Controlled Substance and Alcohol Use and Testing.</b></li> </ul>

			<ul style="list-style-type: none"> <li>• <b>Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</b></li> <li>• <b>Part 385 – Safety Fitness Procedures.</b></li> <li>• <b>Part 390 – Safety Regulations, General.</b></li> <li>• <b>Part 391 – Qualification of Drivers.</b></li> <li>• <b>Part 392 – Driving of Commercial Motor Vehicles.</b></li> <li>• <b>Part 395 – Hours of Service of Drivers.</b></li> <li>• <b>Part 396 – Inspection, Repair and Maintenance.</b></li> <li>• <b>Part 397 – Transportation of Hazardous Materials.</b></li> </ul>
<b>Chapter 480-75 WAC, Hazardous Liquid Pipelines — Safety</b>			
Amend	480-75-999	Adoption by reference.	<p>Amends the effective date of adoption to October 1, 2011, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Parts 195 and 199 including all appendices and amendments except for Parts 195.0, 195.1, 199.1, and 199.2</b></li> </ul> <p>Amends the adopted version of <b>The American Society of Mechanical Engineers (ASME) B31.4, 2006 edition, October 20, 2006.</b></p> <p>Amends the adopted version of the <b>2007 edition, July, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.</b></p> <p>Amends the adopted version of <b>American Petroleum Institute (API) standard 1104 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008).</b></p> <p>Amends the adopted version of <b>API RP standard 1117 Third Edition, July 2008, including errata December 2008.</b></p>
<b>Chapter 480-90 WAC, Gas Companies - Operations</b>			
Amend	480-90-999	Adoption by reference	Amends the effective date of adoption to April 1, 2011, for Title 18 Code of Federal Regulations Title 18 Code of Federal Regulations.
<b>Chapter 480-93 WAC, Gas Companies - Safety</b>			
Amend	480-93-999	Adoption by reference	<p>Amends the effective date of adoption to October 1, 2011, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> <li>• <b>Parts 191, 192, 193 and 199, including all appendices and amendments thereto as</b></li> </ul>

Amend	480-93-999	Adoption by reference	<p><b>published by the US Govt. Printing Office. The following sections are not adopted: 191.1, 192.1(a), 193.2001(a), 199.1</b></p> <p>Amends the adopted versions as follows:</p> <ul style="list-style-type: none"> <li>• <b>Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code - 2007 edition, July 1, 2007</b></li> <li>• <b>American Petroleum Institute (API) standard 1104, 20th edition, October 2005, including errata/addendum July 2007 and errata 2 (2008)</b></li> </ul>
<b>Chapter 480-100 WAC, Electric Companies</b>			
Amend	480-100-999	Adoption by reference	Amends the effective date of adoption to April 1, 2011, for Title 18 Code of Federal Regulations.
<b>Chapter 480-108 WAC, Electric Companies – Interconnection with Electric Generators</b>			
Amend	480-108-999	Adoption by reference	<p>Amends the adopted versions as follows:</p> <ul style="list-style-type: none"> <li>• <b>National Electrical Safety Code (NESC) – adopts the 2012 edition.</b></li> <li>• <b>Institute of Electrical and Electronics Engineers (IEEE) Standard 519 -Adopts the 2004 edition second printing incorporating errata.</b></li> <li>• <b>Underwriters Laboratories (UL). Including UL Standard 1741 - 2010 version.</b></li> </ul>
<b>Chapter 480-120 WAC Telephone Companies</b>			
Amend	480-120-999	Adoption by reference	<p>Amends the adopted versions as follows:</p> <ul style="list-style-type: none"> <li>• <b>American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services – Specifications” – (ANSI 01510) – as of December 29, 1999 and reaffirmed 2008.</b></li> <li>• <b>The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics – as of 2005</b></li> <li>• <b>National Electrical Safety Code Adopts 2012 Version in effect as of August 1, 2011</b></li> <li>• <b>Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009 October 1, 1998.</b></li> <li>• <b>Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009 - October 1, 2010.</b></li> </ul>
<b>Chapter 480-123 WAC Universal Service</b>			
Amend	480-123-999	Adoption by reference	Amends the effective date of adoption to January 1, 2011, for <b>The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.</b>



8 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

**THEREUNDER:** A preproposal statement of inquiry is not required under RCW 34.05.353 for expedited rule making.

9 **NOTICE OF EXPEDITED RULEMAKING:** The Commission filed a notice of Expedited Rulemaking (CR-105) on November 23, 2011, at WSR # 11-23-112. The notice informed interested persons that the Commission was proposing rules under an expedited rulemaking process as required by RCW 34.05.353. The Commission provided notice of its expedited rulemaking to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.353, and to all persons affected by the adoption-by-reference rule proposal. The Notice provided interested persons the opportunity to submit written comments to the Commission no later than January 23, 2012. The Commission posted the relevant rulemaking information on its Internet web site at [www.utc.wa.gov/111722](http://www.utc.wa.gov/111722).

10 **COMMENTERS (WRITTEN COMMENTS):** The Commission did not receive any comments on the proposed rules.

11 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR # 11-23-112.

12 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-200, 480-62-999, 480-70-431, 480-70-486, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, and 480-123-999 should be amended 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**

13 **THE COMMISSION ORDERS:**

- 14 (1) The Commission amends WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-200, 480-62-999, 480-70-431, 480-70-486, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, and 480-123-999 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.
- 15 (2) This Order and the rules set out in Appendix 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 RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, February 15, 2012.

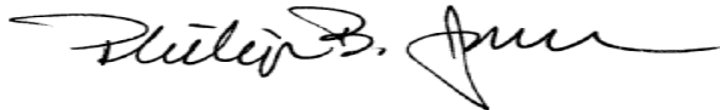
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PATRICK J. OSHIE, Commissioner



PHILIP B. JONES, 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 0, amended 16, repealed 0.

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.

# Appendix A