

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending and  
Adopting

Several rules in Title 480 WAC

Relating to adoption-by-reference date  
revisions

DOCKET A-170015

GENERAL ORDER R-589

ORDER AMENDING AND  
ADOPTING RULES  
PERMANENTLY

- 1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 17-07-106 for an expedited rulemaking, filed with the Code Reviser on March 21, 2017. The Commission has authority to take this action 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 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.
- 5 The Commission adopts these rules to incorporate by reference federal rules and national standards pertaining to companies the Commission regulates. There are no differences between the text of the proposed rules as published in the register and the text of the rules as adopted. The Commission did not receive any comments on the proposed rules.
- 6 **REFERENCE TO AFFECTED RULES:** This Order amends the following sections of the Washington Administrative Code:

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 13, 2017**

**TIME: 8:56 AM**

**WSR 17-15-054**

<b>Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-170015</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	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations.</b> Amends the effective date of adoption to <b>December 31, 2016</b> for the following: <ul style="list-style-type: none"> <li>- Part 171 – General Information, Regulations, and Definitions.</li> <li>- Part 172 – Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans.</li> <li>- Part 173 – Shippers-General Requirements for Shipments and Packagings.</li> </ul> </li> </ul>
<b>Chapter 480-15 WAC, Household Goods Carriers</b>			
Amend	480-15-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations.</b> Amends the effective date of adoption to <b>December 31, 2016</b> for the following: <ul style="list-style-type: none"> <li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</li> <li>- Part 382 – Controlled Substance and Alcohol Use and Testing.</li> <li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li> <li>- Part 385 – Safety Fitness Procedures.</li> <li>- Part 390 – Safety Regulations, General.</li> <li>- Part 391 – Qualification of Drivers.</li> <li>- Part 392 – Drivers of Commercial Vehicles.</li> <li>- Part 393 – Parts and Accessories for Safe Operation.</li> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance.</li> <li>- Part 397 – Transportation of Hazardous Materials.</li> </ul> </li> </ul> Adoption by Reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>North American Standard Out-of-Service Criteria</b> Amends the effective date to April 1, 2016. No significant changes – new edition of previously adopted reference.</li> </ul>
<b>Chapter 480-30 WAC, Passenger Transportation Companies</b>			
Amend	480-30-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations.</b> Amends the effective date of adoption to <b>December 31, 2016</b> for the following: <ul style="list-style-type: none"> <li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</li> <li>- Part 382 – Controlled Substance and Alcohol Use</li> </ul> </li> </ul>

			<p>and Testing.</p> <ul style="list-style-type: none"> <li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li> <li>- Part 385 – Safety Fitness Procedures.</li> <li>- Part 390 – Safety Regulations, General.</li> <li>- Part 391 – Qualification of Drivers.</li> <li>- Part 392 – Driver of Commercial Vehicles.</li> <li>- Part 393 – Parts and Accessories for Safe Operation.</li> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance.</li> <li>- Part 397 – Transportation of Hazardous Materials.</li> </ul> <p>Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>North American Standard Out-of-Service Criteria</b> Amends the effective date to April 1, 2016. No significant changes – new edition of previously adopted reference.</li> </ul>
<b>Chapter 480-31 WAC, Private, Nonprofit Transportation Providers</b>			
Amend	480-31-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations.</b> Amends the effective date of adoption to <b>December 31, 2016</b> for the following: <ul style="list-style-type: none"> <li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</li> <li>- Part 382 – Controlled Substance and Alcohol Use and Testing.</li> <li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li> <li>- Part 385 – Safety Fitness Procedures.</li> <li>- Part 390 – Safety Regulations, General.</li> <li>- Part 391 – Qualification of Drivers.</li> <li>- Part 392 – Driver of Commercial Vehicles.</li> <li>- Part 393 – Parts and Accessories for Safe Operation.</li> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance.</li> <li>- Part 397 – Transportation of Hazardous Materials.</li> </ul> </li> </ul> <p>Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>North American Standard Out-of-Service Criteria</b> Amends the effective date to April 1, 2016. No significant changes – new edition of previously adopted reference.</li> </ul>
<b>Chapter 480-62 WAC, Railroad Companies – Operations</b>			
Amend	480-62-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations</b> Amends the effective date of adoption to <b>December 31, 2016</b>, for the following: <ul style="list-style-type: none"> <li>- Part 171 - General Information, Regulations, and Definitions.</li> <li>- Part 172 - Emergency Response Information, Training Requirements, and Security Plans.</li> <li>- Part 173 - Shippers General Requirements for Shipments and Packages.</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- Part 174 - Carriage by Rail.</li> <li>- Part 178 – Specifications for Packaging’s.</li> <li>- Part 179 - Specifications for Tank Cars.</li> <li>- Part 209 - Railroad Safety Enforcement Procedures.</li> <li>- Part 211 - Rules of Practice – No changes made since last adoption date.</li> <li>- Part 212 - State Safety Participation Regulations – No changes made since last adoption date.</li> <li>- Part 213 - Track Safety Standards.</li> <li>- Part 214 - Railroad Workplace Safety.</li> <li>- Part 217 - Railroad Operating Rules.</li> <li>- Part 218 - Railroad Operating Practices.</li> <li>- Part 219 - Control of Alcohol and Drug Use.</li> <li>- Part 220 - Railroad Communications.</li> <li>- Part 221 - Rear-end Marking Device.</li> <li>- Part 225 - Railroads accidents/incidents.</li> <li>- Part 228 - Hours of Service of Railroad Employees.</li> <li>- Part 234 - Grade Crossing Signal System Safety.</li> <li>- Part 239 - Passenger Train Emergency Preparedness.</li> <li>- Part 240 - Qualification and Certification of Locomotive Engineers.</li> <li>- Part 570 – Vehicle In Use Inspection Standards – No changes made since last adoption.</li> </ul>
<b>Chapter 480-70 WAC, Solid Waste and/or Refuse Collection Companies</b>			
Amend	480-70-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 40 Code of Federal Regulations.</b> Amends the effective date of adoption to <b>December 31, 2016.</b></li> <li>• <b>49 Code of Federal Regulations.</b> Amends the effective date of adoption to <b>December 31, 2016</b> for the following: <ul style="list-style-type: none"> <li>- Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs</li> <li>- Part 171 – General Information, Regulations, and Definitions.</li> <li>- Part 172 – Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans.</li> <li>- Part 173 – Shippers-General Requirements for Shipments and Packagings.</li> <li>- Part 174 – Carriage by Rail.</li> <li>- Part 175 – Carriage by Aircraft.</li> <li>- Part 176 – Carriage by Vessel.</li> <li>- Part 177 – Carriage by Public Highway.</li> <li>- Part 178 – Specifications for Packagings.</li> <li>- Part 179 – Specifications for Tank Cars.</li> <li>- Part 180 – Continuing Qualification and Maintenance of Packagings.</li> <li>- Part 382 – Controlled Substance and Alcohol Use and Testing.</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- Part 383 – Commercial Driver’s License Standards; Requirements and Penalties.</li> <li>- Part 385 – Safety Fitness Procedures.</li> <li>- Part 390 – Safety Regulations, General.</li> <li>- Part 391 – Qualification of Drivers.</li> <li>- Part 392 – Driver of Commercial Vehicles.</li> <li>- Part 393 – Parts and Accessories for Safe Operation.</li> <li>- Part 395 – Hours of Service of Drivers.</li> <li>- Part 396 – Inspection, Repair and Maintenance.</li> <li>- Part 397 – Transportation of Hazardous Materials.</li> </ul> <p>Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>North American Standard Out-of-Service Criteria</b> Amends the effective date to April 1, 2016. No significant changes – new edition of previously adopted reference.</li> </ul>
<b>Chapter 480-75 WAC, Hazardous Liquid Pipelines – Safety</b>			
Amend	480-75-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations</b>, the effective date of these amendments is <b>October 1, 2015</b>. Immediate compliance with these amendments is authorized. The incorporation by reference by certain publications listed in the rule is approved by the Director of the Federal register as of <b>March 6, 2015</b>, for the following: <ul style="list-style-type: none"> <li>- Part 195 – Transportation of Hazardous Liquids by Pipeline.</li> <li>- Part 198 – Regulations for Grants to Aid State Pipeline Safety Programs.</li> <li>- Part 199 – Drug and Alcohol Testing- no changes since last edition.</li> </ul> </li> </ul>
<b>Chapter 480-90 WAC, Gas Companies – Operations</b>			
Amend	480-90-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> Amends the effective date of adoption to December 2, 2016 for 18 CFR Part 260.</li> </ul> <p>Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> Amends section (1)(d) to rephrase the availability of the resource at Government Publishing Office and include “It is also available for inspection at the commission branch of the state library.”</li> <li>• <b>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</b> Amends section (2)(c) to include the internet address for NARUC publications store <a href="http://www.naruc.org/Store">http://www.naruc.org/Store</a> and add “It is also available for inspection at the commission branch of the state library.”</li> </ul>
<b>Chapter 480-93 WAC, Gas Companies – Safety</b>			
Amend	480-93-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations</b> Amends the effective date of adoption to <b>March 6,</b></li> </ul>

			<p><b>2015</b>, for the following:</p> <ul style="list-style-type: none"> <li>- Part 191 – Report Forms – no change since last edition.</li> <li>- Part 192 – Transportation of Natural and other gas by Pipeline.</li> <li>- Part 193 - Liquefied Natural gas and Facilities- no change since last edition.</li> <li>- Part 198- Regulations for Grants to Aid State Pipeline Safety Programs- See Note 3</li> <li>- Part 199 – Drug and Alcohol Testing- no change since last edition.</li> </ul>
<b>Chapter 480-100 WAC, Electric Companies</b>			
Amend	480-100-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> Amends the effective date of adoption to April 1, 2015 for the entire chapter.</li> <li>• <b>The National Electrical Code</b> Amends the effective date of adoption to <b>2017</b>.</li> </ul> <p>Adoption by Reference text changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations</b> Amends section (1)(d) to rephrase the availability of the resource at Government Publishing Office.</li> <li>• <b>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</b> Amends section (2)(c) to include the internet address for NARUC publications store <a href="http://www.naruc.org/Store">http://www.naruc.org/Store</a> and add “It is also available for inspection at the commission branch of the state library.”</li> <li>• <b>The National Electrical Code</b> Amends section (3)(a) to include “errata 70-17-1 published September 29, 2016, 70-17-2 published December 16, 2016 and 70-14-3 published January 11, 2017.”</li> <li>• <b>The American National Standard for Electric Meters: Code for Electricity Metering</b> Amends section (4)(c) to provide the internet addresses to purchase ANSI C12.1: <a href="http://webstore.ansi.org/">http://webstore.ansi.org/</a> (PDF) and <a href="https://global.ihs.com/">https://global.ihs.com/</a> (PDF or print).</li> </ul>
<b>Chapter 480-107 WAC, Electric Companies – Purchases of Electricity from Qualifying Facilities and Independent Power Producers and Purchases of Electrical Savings from Conservation Suppliers</b>			
Amend	480-107-999	Adoption by reference	<p>Adoption by Reference text changed as follows</p> <p>“In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publication, effective date, reference within this chapter, and availability of the resources are as follows:</p> <ul style="list-style-type: none"> <li>• <b>Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210</b>, cited as 16 U.S.C. § 796 and 824a-3, including all amendments is published by the United States Government Publishing Office. No changes. <ul style="list-style-type: none"> <li>(a) The commission adopts the version in effect on August 8, 2005.</li> <li>(b) This publication is reference in WAC 480-</li> </ul> </li> </ul>

			<p>107-001 (Purpose and scope).</p> <p>(c) Copies of U.S. Code are available from the U.S. Government Printing Office in Washington, D.C. or online at <a href="http://www.gpo.gov/">http://www.gpo.gov/</a>.</p> <ul style="list-style-type: none"> <li>• <b>Title 18 Code of Federal Regulations Part 292</b>, cited as 18 C.F.R. § 292, including all appendices and amendments is published by the United States Government Publishing Office. No changes.</li> </ul>
<b>Chapter 480-108 WAC, Electric Companies – Interconnection with Electric Generators</b>			
Amend	480-108-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>National Electrical Code</b> Amends the effective date to <b>2017</b>. No significant changes – new edition of previously adopted reference.</li> <li>• <b>Underwriters Laboratories (UL) UL Standard 1741</b> Amends the effective date to <b>January 28, 2010</b>. No significant changes – new edition of previously adopted reference.</li> <li>• <b>Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269</b> Amends the effective date to <b>January 17, 2017</b>. No significant changes – new edition of previously adopted reference.</li> </ul>
<b>Chapter 480-109 WAC, Electric Companies – Acquisition of Minimum Quantities of Conservation and Renewable Energy as Required by the Energy Independence Act</b>			
Amend	480-109-999	Adoption by reference	<p>Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Northwest Power and Conservation Council’s Regional Technical Forum.</b> Amends the effective date of adoption to 2016 for the seventh version of Northwest Conservation and Electric Power Plan.</li> </ul>
<b>Chapter 480-110 WAC, Water Companies</b>			
Amend	480-110-999	Adoption by reference	<p>Adoption by Reference date changes as follows</p> <ul style="list-style-type: none"> <li>• The <b><i>Uniform System of Accounts for Water Utilities</i></b> is published by the National Association of Regulatory Utility Commissioners (NARUC). (1) No date change to current rule.</li> <li>• The <b><i>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</i></b> is published by the National Association of Regulatory Utility Commissioners (NARUC). (a) No date change to current rule.</li> </ul>
<b>Chapter 480-120 WAC, Telephone Companies</b>			
Amend	480-120-999	Adoption by reference	<p>Adoption by Reference dates changed 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 2013</b> – The current rule had reflected that this publication had been reaffirmed in 2008, but this has now been updated to show that has also been reaffirmed in 2013.</li> </ul>

			<ul style="list-style-type: none"> <li>• <b>The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics – as of 2005</b> No date change to current rule – the note is for clarification only.</li> <li>• <b>National Electrical Safety Code</b> No date change to current rule.</li> <li>• <b>Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009</b> Amends the publication date to October 1, 2016.</li> <li>• <b>Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009</b> Amends the publication date to October 1, 2016.</li> </ul>
<b>Chapter 480-123 WAC, Universal Service</b>			
Amend	480-123-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.</b> Amends the effective date to January 1, 2017.</li> <li>• <b>Title 47 Code of Federal Regulations, Part 54</b> Amends the publication date to October 1, 2016.</li> </ul>

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:**

A preproposal statement of inquiry is not required under RCW 34.05.353 for an expedited rulemaking.

8 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-105) on March 21, 2017 at WSR # 17-07-106. 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 June 19, 2017. The Commission posted the relevant rulemaking information on its internet website at [www.utc.wa.gov/170015](http://www.utc.wa.gov/170015).

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

10 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rules as proposed in the CR-105 at WSR # 17-07-106.

11 **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, 480-62-999, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-109-999, 480-110-999, and 480-120-999 should



be amended to read as set forth in Appendix A, as the 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**

12 **THE COMMISSION ORDERS:**

- 13 (1) WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, , 480-108-999, 480-109-999, 480-110-999, and 480-120-999 are amended 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.
- 14 (2) This Order and the rules set out in Appendix A, after being recorded in the order 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, July 13, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman



ANN E. RENDAHL, Commissioner



JAY M. BALASBAS, 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 14, 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**