

WAC 479-16-080 Rates of development of functional classes of urban arterials. Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials on a percentage basis as set forth below: *Provided*, That the distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded:

(1) Funds obligated prior to July 1, 1981, Puget Sound Region, major arterials 65%, secondary arterials 17%, collector arterials 18%; Northwest Region, major arterials 43%, secondary arterials 36%, collector arterials 21%; Northeast Region, major arterials 62%, secondary arterials 23%, collector arterials 15%; Southeast Region, major arterials 49%, secondary arterials 33%, collector arterials 18%; Southwest Region, major arterials 30%, secondary arterials 35%, collector arterials 35%.

(2) Funds obligated subsequent to July 1, 1981, Puget Sound Region, principal arterials 50%, minor arterials 30%, collector arterials 20%; Northwest Region, principal arterials 40%, minor arterials 30%, collector arterials 30%; Northeast Region, principal arterials 59%, minor arterials 24%, collector arterials 17%; Southeast Region, principal arterials 56%, minor arterials 27%, collector arterials 17%; Southwest Region, principal arterials 37%, minor arterials 37%, collector arterials 26%.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial. [Statutory Authority: Chapter 47.26 RCW. 81-04-015 (Order 81-01, Resolution 666, 667 and 668), § 479-16-080, filed 1/29/81; Order 457, § 479-16-080, filed 9/16/77; Order 189, § 479-16-080, filed 7/13/71; Order 75, § 479-16-080, filed 10/10/68.]

Chapter 479-20 WAC

FINANCIAL AND PAYMENT REQUIREMENTS

WAC
479-20-033 Procedure for requesting an increase in authorized amount of urban arterial trust funds.

WAC 479-20-033 Procedure for requesting an increase in authorized amount of urban arterial trust funds. Participation of urban arterial trust funds in urban arterial projects may be approved by the urban arterial board in amounts requested in the current separate section of the local government's six year construction program.

These amounts may be modified only as set forth in WAC 479-20-036.

An updated cost estimate on the project shall be submitted to the urban arterial board at the following stages of project development:

(1) At the time the project prospectus for preliminary engineering (phase 1) is submitted further defining the work to be accomplished which was outlined in the six year construction program;

(2) At any time during the preliminary engineering or right of way phase of the project when estimated total project cost is determined to exceed the amount authorized by the urban arterial board more than twenty-five percent, or \$75,000, whichever is the lesser;

(3) At the time the engineer's final estimates become available and the construction prospectus is submitted to the urban arterial board for approval;

(4) At the time contract bids are considered but prior to award of contract;

(5) At the time of contract completion but prior to final settlement on the project between the local government and the urban arterial board.

The submitting local government may request increased participation by urban arterial trust funds above the amount submitted in the agency's current six year construction program or the amount originally authorized by the board, as applicable, at the first, third and fifth stages in the project's development. All such requests shall be evaluated by the board in accordance with board rules. [Statutory Authority: Chapter 47.26 RCW. 81-04-015 (Order 81-01, Resolution 666, 667 and 668), § 479-20-033, filed 1/29/81; 79-08-139 (Order 79-01, Resolution 596, 597, 598), § 479-20-033, filed 8/1/79; Order 461, § 479-20-033, filed 9/16/77; Order 217, § 479-20-033, filed 1/19/72; Order 98, § 479-20-033, filed 7/15/69.]

Title 480 WAC

UTILITIES AND TRANSPORTATION COMMISSION

Chapters

480-04	Public access to information and records.
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Chapter 480-04 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC	
480-04-030	Description of central and field organization of Washington utilities and transportation commission.
480-04-100	Copying costs.

WAC 480-04-030 Description of central and field organization of Washington utilities and transportation

commission. (1) Washington utilities and transportation commission. The Washington utilities and transportation commission is a regulatory agency. The administrative offices of the Washington utilities and transportation commission and its staff are located at the Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504.

(a) The commission is limited by RCW 80.01.010 to three members, of whom one member is designated as chairman.

(b) The office of administrative manager and secretary and the executive officer are responsible directly to the commission. All departmental divisions and sections normally respond to the commission through the office of administrative manager and secretary. As required on occasion, the following departments may respond directly to the commission: The hearing examiners, the accounting section, the administrator of the utilities division, and the administrator of the transportation division.

(c) Pursuant to RCW 80.01.100, the attorney general division is assigned to the commission to represent the people of the state of Washington and the commission in all actions or proceedings involving any question under Titles 80 and 81 RCW or in reference to any act or order of the commission.

(d) Sections and individuals responsible directly to the administrative manager and secretary are: The personnel officer, the controller, the data research and planning section, and the machine operations section.

(e) Sections responsible directly to the utilities administrator are: The utilities tariff section, the utilities finance section, and the utilities engineering section.

(f) Sections responsible directly to the administrator of transportation are: The transportation permit and insurance section, the transportation tariff section, the transportation research section, the railroad section, and the transportation enforcement or field section.

(2) Field organization.

(a) The field section is composed of six districts, each of which is in the charge of a supervisor.

Office	Address	Office Hours
(i) Seattle District No. 1	1231 Andover Park East, Tukwila WA 98188	Mon. thru Fri. 8-5
(ii) Vancouver District No. 1	110-A "Y" Street P.O. Box 1119 Vancouver, WA 98660	Mon. thru Fri. 8-5
(iii) Yakima District No. 2	3006 Main Street Union Gap, WA 98903	Mon. thru Fri. 8-5
(iv) Spokane District No. 4	East 6204 Dean Spokane, WA 99201	Mon. thru Fri. 8-5
(v) Olympia District No. 5	4320 Martin Way Olympia, WA 98506	Mon. thru Fri. 8-5
(vi) Pasco District No. 6	1600-C West Clark Pasco, WA 99301	Mon. thru Fri. 8-5

(b) The various special investigators, investigators and truck inspectors (at ports of entry) in each district are responsible to the district supervisor.

(c) Each district maintains a district office and one or more field offices; the addresses and office hours of the

various field offices are available at the district offices and the administrative offices of the commission during customary office hours. [Statutory Authority: RCW 80.01.040 (1) and (4) [81.01.040 (1) and (4)]. 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-030, filed 3/4/81; Order R-43, § 480-04-030, filed 4/5/73.]

WAC 480-04-100 Copying costs. The commission shall charge a fee of twelve cents per page of copy, provided that no charge shall be made for less than ten copies. [Statutory Authority: RCW 80.01.040 (1) and (4)[81.01.040 (1) and (4)]. 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-100, filed 3/4/81. Statutory Authority: RCW 42.17.300. 78-02-020 (Order R-112), § 480-04-100, filed 1/11/78; Order R-43, § 480-04-100, filed 4/5/73.]

**Chapter 480-12 WAC
MOTOR CARRIERS**

WAC

- 480-12-031 Petition to amend permit to incorporate commercial zone authority.
- 480-12-033 Temporary permits.
- 480-12-081 Commercial zones defined.
- 480-12-082 Terminal areas defined.
- 480-12-096 Repealed.
- 480-12-110 Permit, must abide by—"Tacking"—Extension.
- 480-12-165 Equipment—Inspection—Ordered for repairs.
- 480-12-180 Equipment—Drivers—Safety.
- 480-12-190 Hours of service—On duty—Adoption of federal safety regulations.
- 480-12-195 Hazardous materials regulations.
- 480-12-215 Pseudo leasing.
- 480-12-250 Accounts—Uniform system adopted—Reports.
- 480-12-285 Tariffs, distribution and cost of.
- 480-12-340 Credit, extension of, by common carriers.
- 480-12-350 Insurance.
- 480-12-400 Definitions.
- 480-12-430 Liability of carriers.
- 480-12-445 Information to shipper.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-12-096 Seattle commercial zone defined. [Order R-97, § 480-12-096, filed 5/4/77.] Repealed by 82-16-029 (Order 192, Cause No. TV-1627), filed 7/28/82. Statutory Authority: RCW 80.01.040.

WAC 480-12-031 Petition to amend permit to incorporate commercial zone authority. Any common carrier who has authority to transport general freight between two points in a commercial zone as defined in WAC 480-12-081 may petition the commission to amend its permit to include commercial zone authority. Common carriers who desire this amendment must notify the commission within sixty days of the effective date of these rules. The petition must be on a form provided by the commission and must be accompanied by an administrative fee of one hundred fifty dollars. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-031, filed 7/28/82; Order R-96, § 480-12-031, filed 5/4/77.]

WAC 480-12-033 Temporary permits. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(i) A showing of an immediate and urgent need for the requested service;

(ii) The presence of lack of available service capable of meeting the need; and

(iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.

(c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within seven days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing and able and commits to provide service to their satisfaction on demand.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.

(a) In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.

(3) Any temporary permit granted under subsection (1) (except a temporary permit which has been canceled within twenty days after date of issuance as hereinafter provided) or (2) above, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than sixty days after issuance of the temporary permit.

(4) The commission may impose special terms and conditions in connection with granting of temporary

permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1):

"This permit is subject to cancellation any time within twenty days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner.

(a) Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance. [Statutory Authority: RCW 80.01.040, 82-12-060 (Order R-187, Cause No. TV-1595), § 480-12-033, filed 6/2/82; Order R-50, § 480-12-033, filed 8/8/73; Order R-24, § 480-12-033, filed 4/16/71.]

WAC 480-12-081 Commercial zones defined. (1) The commercial zone restrictions apply to the transportation of intrastate general freight from a point within a commercial zone to another point within the same commercial zone, as long as the freight is not a part of a continuous shipment to or from a point beyond the commercial zone. All commercial zone carriers are subject to chapter 81.80 RCW, chapter 480-12 WAC and the adopted Federal Motor Carrier Safety Regulations. With the exceptions of those commercial zones individually defined, commercial zones include all points within the following defined areas:

(a) The municipality itself, hereinafter called the base municipality;

(b) All municipalities which are contiguous to the base municipality;

(c) All other municipalities and all unincorporated areas within the state of Washington which are adjacent to the base municipality as follows:

(i) When the base municipality has a population of ten thousand or more but less than twenty-five thousand all unincorporated areas within four miles of its corporate limits and all of any other municipality any part of which is within four miles of the corporate limits of the base municipality: *Provided, however,* That no such municipality is exempted by RCW 81.80.040(2).

(ii) When the base municipality has a population of twenty-five thousand but less than one hundred thousand all unincorporated areas within six miles of its corporate limits and all of any other municipality any part of which is within six miles of the corporate limits of the

base municipality: *Provided, however,* That no such municipality is exempted by RCW 81.80.040(2).

(iii) When the base municipality has a population of one hundred thousand but less than two hundred thousand all unincorporated areas within eight miles of its corporate limits and all of any other municipality any part of which is within eight miles of the corporate limits of the base municipality.

(iv) When the base municipality has a population of two hundred thousand or more all unincorporated areas within ten miles of its corporate limits and all of any other municipality any part of which is within ten miles of the corporate limits of the base municipality.

(d) All municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality, by any municipality contiguous thereto, or by any municipality adjacent thereto which is included in the commercial zone of such base municipality under the provisions of (c) of this subsection.

(2) The commercial zone of Seattle includes all points within the following defined areas:

(a) The municipality of Seattle itself;

(b) All points within a line drawn fifteen miles beyond the municipal limits of Seattle;

(c) Those points in King county which are not within the area described in (b) of this subsection and which are west of a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction of Washington Highway 203, thence northerly along Washington Highway 203 to the King county line; and those points in Snohomish county, which are not within the area described in (b) of this subsection and which are west of Washington Highway 9; and those points in Kitsap county which are not within the area described in (b) of this subsection lying within the area bounded by a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 3 to the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport, thence westerly, southerly, easterly, and northerly along the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport to its juncture with Washington Highway 3 to its intersection with the line described in (b) of this subsection;

(d) All on any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Seattle or by any other municipality included under the terms of (d) of this subsection.

(3) The commercial zone of Spokane includes all points within the following defined area:

(a) The municipality of Spokane itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Spokane;

(c) All points within that area more than eight miles beyond the municipal limits of Spokane bounded by a

line as follows: From the intersection of the line described in (b) of this subsection and U.S. Highway 2, thence westerly along U.S. Highway 2 to junction of Brooks Road, thence southerly along Brooks Road to junction of Hallett Road, thence easterly along Hallett Road to its intersection with the line described in (b) of this subsection;

(d) All of any municipality any part of which is within the limits of the combined areas in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded by the municipality of Spokane or any other municipality included under the terms of (d) of this subsection.

(4) The commercial zone of Tacoma includes all points within the following defined area:

(a) The municipality of Tacoma itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Tacoma;

(c) Those points in Pierce county which are not within the area described in (b) of this subsection, but which are on Washington Highway 162 beginning at its intersection with the line described in (b) of this subsection, extending to and including Orting and all points within the Orting Commercial Zone;

(d) All of any municipality any part of which is within the limits of the combined area defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Tacoma or any other municipality included under the terms of (d) of this subsection.

(5) For the purposes of this section, the population of a municipality shall be computed on the highest decennial census since, and including, the 1980 decennial census.

(6) For the purposes of this section, the distances shall be computed according to air miles. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-081, filed 7/28/82.]

WAC 480-12-082 Terminal areas defined. (1) The terminal area includes all points within the corresponding commercial zone as defined in WAC 480-12-081, but not beyond the carrier's authority.

(2) This rule applies only to intercity carriers of general freight having authority as part of their intercity service to perform pickup or delivery at any place in such zone or area. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-082, filed 7/28/82.]

WAC 480-12-096 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-12-110 Permit, must abide by—"Tacking"—Extension. (1) A permit to operate as a common or contract carrier shall embrace authority for a certain specific route, or routes, or territory, and for a certain specific commodity or commodities over the routes or within the territory so authorized. The permit shall also

show the type of service, whether scheduled or non-scheduled, whether over regular or irregular routes and whether radial or nonradial service.

(2) No change of service may be made without a revision of permit by the commission.

(3) Every carrier must adhere strictly to the scope of his permit and any deviation will be a violation thereof.

(4) Permits authorizing service within a certain radial distance from a given point shall be construed as authorizing such service within the given distance by "road miles" rather than by "air miles."

(5) A common carrier of general freight may combine, join, or "tack" any regular route authorities, or any regular and irregular route authorities, contained in its permit so long as the combining, joining, or "tacking" is conducted through a common point, which point can be either terminal or intermediate on the regular route and need not be named. No common carrier of general freight having irregular route authorities in its permit shall combine, join, or "tack" such authorities to provide a through service except upon application to the commission and its finding that such through service will be in the public interest.

(6) The operating authority of a permit holder cannot be extended except upon order of the commission and shall not, in any event, be extended automatically by political action such as annexation of territory by a municipality. [Statutory Authority: RCW 80.01.040. 82-12-062 (Order R-188, Cause No. TV-1596), § 480-12-110, filed 6/2/82; Order R-5, § 480-12-110, filed 6/6/69, effective 10/9/69.]

WAC 480-12-165 Equipment--Inspection--Ordered for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the standards set forth in this rule, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards - Out of service criteria.

(a) Steering mechanism.

(i) Turning - The steering wheels are incapable of being turned from full right to full left because of interference by parts of the steering mechanism, or by other damaged or dislocated parts of the vehicle. Power steering mechanism in this test is permitted.

(ii) Steering wheel play - If total movement of more than 30 degrees is required at the steering wheel rim before the front wheels move when the wheels are initially in the straight-ahead position.

(iii) Steering column - Any absence or looseness of bolts or positioning parts resulting in motion of the steering column from its normal position.

(iv) Steering gear attachment - Any absence or looseness of bolts or other parts resulting in motion of the steering gear at the point of attachment to the vehicle's frame.

(v) Ball and socket joints - Any looseness at any ball and socket joint in the steering linkage in excess of

three-eighths inch measured in alignment with the shank or neck of the ball.

(vi) Front wheel play - The play about either a horizontal or vertical axis of either front wheel exceeds one-half inch measured at the tread surface of the tire.

(b) Brake systems.

(i) Stopping - The vehicle or combination fails, in two trials, to stop from a speed of twenty miles per hour in a distance of sixty feet from a point at which the brake controls are first moved for the purpose of applying brakes when tested on a smooth, dry, level surface free from loose materials. (Such tests may be made only when they will clearly not interfere with or endanger other traffic, and then only if adequate police protection is utilized to assure the safety of the other traffic on the roadway.)

(ii) Missing or inoperative brakes - Brakes missing, not operating, or the shoes not touching the drum on any wheel required to have operative brakes. (Three axle trucks or truck tractors having on the front wheels brakes which have been rendered inoperative, shall not be placed "out of service" because the front wheel brakes are inoperative. However, this finding should be cited on safety equipment compliance form as a violation of Section 393.48.)

(iii) Pedal reserve - On hydraulic, mechanical or power-assisted brake systems, the service brake pedal first meets firm resistance at a point closer to the floor board or other fixed obstruction to the pedal travel than twenty percent of the total pedal travel from released position when measured in a straight line.

(iv) Brake linings and pads - Any brake lining or pad which has:

(A) Rivets or bolts loose or missing.

(B) Lining friction surface contaminated with oil, grease, or brake fluid in such a manner as to change its frictional characteristics.

(v) Drums and discs - Any drum or disc which:

(A) Is contaminated with oil, grease, or brake fluid in such a manner as to change the frictional characteristics of the friction face.

(B) Has any crack visible on the exterior of any brake drum extending more than three-fourths the width of the drum, except when the drum is properly banded to prevent the crack from expanding to any degree upon the application of brakes or otherwise. (Bands so used must be free of cracks.)

(vi) Brake internal components - Any internal mechanical parts misaligned, broken, or missing.

(vii) Hydraulic brake systems and external components - An hydraulic brake system which:

(A) Has leaks in the master cylinder.

(B) Has hydraulic hoses worn, chafed, cut or cracked through the outer casing and through one ply of fabric.

(C) Has hydraulic hoses, tubes, or connections leaking, restricted, crimped, cracked, or broken.

(D) The hydraulic service brake pedal, while applied with uniform foot pressure, continues to move forward and downward.

(E) Lacks an operative warning signal as required by Section 393.51(b). (Check exemptions in Section 393.51(g).)

(F) Has any visually observed leading hydraulic fluid anywhere in the brake system.

(G) Has connecting lines or tubes not properly attached or supported to prevent damage by vibration or abrasion by contact with the frame, axle, other lines, or any other part of the vehicle and damage as set forth in (vii)(B) or (vii)(C) is present.

(viii) Vacuum systems – Any vacuum system which:

(A) Has evidence of leakage in the system.

(B) Has a vacuum hose worn, chafed, cut, or cracked through the outer casing and through one ply of fabric.

(C) Has a hose tube or connection leaking, restricted, crimped, cracked, or broken.

(D) Has a collapsed vacuum hose when vacuum is applied.

(E) Has connecting lines or tubes not properly attached or supported to prevent damage by vibration or abrasion by contact with the frame, axle, other lines, or any other part of the vehicle and damage as set forth in (viii)(B) or (viii)(C) is present.

(F) Lacks an operative low-vacuum warning device as required in Section 393.51(d). (Check exemptions in Section 393.51(g).)

(G) In vacuum-assisted systems and the system at atmospheric pressure (no vacuum), the service brake pedal does not move slightly as the engine is started while pressure is maintained on the brake pedal.

(H) With all vacuum brakes fully applied, with the trailer brake connections open (if a trailer is connected) and the engine operated long enough to reach constant vacuum, and the trailer brake connections disconnected from the towing vehicle, the trailer brake application cannot be maintained for at least five minutes.

(I) Fails to have an operative second independent means for applying brakes on towed vehicles equipped with vacuum brakes, as required in Section 393.43(c).

(J) Has any vacuum reservoir not securely attached to the motor vehicle.

(ix) Air-mechanical brake systems – Any air-mechanical brake system which:

(A) Has an air hose worn, chafed, cut or cracked through the outer casing and through one ply of fabric, except the outer casing of steel braided hose.

(B) Has an air hose, tube, or connection leaking, restricted, crimped, or broken.

(C) Has connecting line or tubes not properly attached or supported to prevent damage by vibration or abrasion by contact with the frame, axle, other lines or other part of the vehicle and damage as set forth in (ix)(A) or (ix)(B) is present.

(D) Has a brake chamber, foot valve, or any other valve in the system or stop-light switch with a clearly audible leak.

(E) Has an air reservoir not securely attached to the motor vehicle.

(F) Has a belt-driven compressor subject to intermittent operation due to looseness of belts or defective pulley condition, or any looseness of mounting bolts on any compressor.

(G) Has an air pressure drop of more than 3 psi in 1 minute for single-unit vehicle, and 4 psi in 1 minute for vehicle combinations, with engine running at idling speed and the service brake applied.

(H) With control (service) and supply (emergency) lines disconnected, the towed vehicle brakes fail to remain in the applied position for at least 5 minutes.

(I) Lacks an operative low-air warning device as required in Section 393.51(c). (Check exemptions in Section 393.51(g).)

(J) On an air-mechanical braked power unit, towing a trailer with air-mechanical brakes, the power unit is: (I) Not equipped with automatic and manual means for activation, (II) found to be inoperative, or (III) malfunctioning to the extent that towing unit air supply is vented to atmosphere when either of the means are used.

(K) The brakes on air-mechanical braked towed vehicles do not apply automatically when the power unit air pressure is reduced to some point between 45 and 20 psi.

(x) Electric brake systems – Any electric brake system that:

Has loose or dirty terminal connections, or broken, frayed, or unsupported wires.

Has brakes that do not apply and remain applied for at least five minutes when the breakaway safety switch is activated.

(xi) Parking brake system – Any parking brake system that:

(A) Has any mechanical part of the parking brake missing, broken, or disconnected.

(B) Is not capable under any load condition of holding the vehicle or combination of vehicles on the grade on which it is tested.

(C) The application mechanism, when fully applied, will not hold in the applied position without manual effort.

(D) Uses fluid pressure, air pressure, or electric energy to hold it in the applied position.

(c) Lighting devices and reflectors.

During the period of one-half-hour after sunset to one-half-hour before sunrise:

(i) Headlamps – The single vehicle or towing vehicle does not have at least one operative headlamp on one side and at least one other operative road lighting device on the other, or all required front clearance lamps installed and operative.

(ii) Lamps on rear.

(A) Buses, trucks, and towed vehicles, including driveaway-towaway operations, eighty inches or more in width. There are not at least two operative red lamps, other than stop lamps, on the rear of the rearmost vehicle visible from a distance of five hundred feet.

(B) Truck-tractors as single vehicles, and all other vehicles and combination of vehicles less than eighty inches in width. There is not at least one operative red

lamp, other than a stop lamp, on the rear of the rear-most vehicle visible from a distance of five hundred feet.

(iii) Lamps on projecting loads – There are not at least two operative red lamps on the rear of loads projecting four or more feet beyond the vehicle body.

(iv) None of the turn signals on a vehicle or combination of vehicles are operative, regardless of light conditions.

(v) At least one operative stop lamp on the rear of a single unit vehicle or the rearmost vehicle of a combination of vehicles, at any time the vehicle or combination is being operated, regardless of light conditions.

(d) Tires.

(i) Tread depth – Any tire on:

(A) Front wheels worn so that less than 2/32-inch tread remains when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire.

(B) Any wheel other than a front wheel that has a tire worn so that less than 1/64-inch tread remains when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire.

(ii) Any tire that:

(A) Has any visually observed bump, bulge, or knot apparently related to tread or sidewall separation.

(B) Has any tread separation from the carcass:

(I) Exposing fabric in excess of four square inches.

(II) Exposing buffed or prepared carcass surface in excess of four square inches.

(III) Extending across three-fourths of the width of the tread.

(C) Has cuts – Any tire, cut through three or more layers of textile plies, and the cut being four inches or more long at the third layer.

(D) Is flat – Any tire, on any wheel, flat or having an audible leak.

(E) Contacts mate – Any dual tire so mounted or inflated that it comes in contact with its mate.

(F) Is marked "Not for highway use" or otherwise marked and having like meaning.

(G) Any steering axle tire with any textile ply showing in the tread area or worn through one ply in the side wall.

(e) Wheel and rims.

(i) Rims and rings which are mismatched, bent, sprung, or cracked. (Not to be confused with rims purposely split or cut at manufacture.)

(ii) Disc wheels with elongated bolt holes or cracks between hand holes or stud holes, or both.

(iii) Cast wheels (spoke type) that are cracked.

(iv) Two or more of the wheel bolts, nuts, or clamps are loose, broken, missing, or mismatched.

(v) Any disc, spoke type wheel, or rim with welded repair.

(f) Exhaust systems.

(i) Exhaust systems not securely fastened. (Some exhaust systems have mounting brackets that are intended to allow movement to counteract thermal expansion. Such vehicles *shall not* be written up as in violation of

the regulations, unless the bolts or other method of attaching the mounting brackets are loose.)

(ii) Exhaust systems determined to be leading at a point forward of or directly below the driver compartment of any truck or truck tractor, or forward of or below the passenger compartment of any bus or closed body of any truck used for transporting migratory workers. (For purposes of this item, a vehicle body is not considered to be closed if it uses a canvas tarpaulin or flexible material to exclude weather at the top, sides, or ends.)

NOTE: The criteria in (f)(i) and (f)(ii) are not to be construed to exclude vehicles equipped with exhaust systems intentionally designed to exhaust to the front end of the vehicle. However, such vehicles should be written up on safety equipment compliance form as being in violation of Section 393.83 of the safety regulations.

NOTE: Carbon or other types of residue are found in flexible pipe and joints in exhaust systems. The carbon and other materials will work through the flexible pipe and joints. Therefore, actual leakage of exhaust gases must be occurring at the locations specified above before writing up the vehicle on safety equipment compliance form. This can be determined by placing a piece of paper on your hand near the suspected leak point to detect escaping gases.

(g) Fuel systems.

(i) Any fuel system with visible leaks at any point in the fuel system.

(ii) Any fuel tank filler cap missing, poorly fitted or with a defective gasket.

(iii) Any fuel tank not securely attached to the motor vehicle. (Some fuel tanks use springs or rubber bushing to permit movement.)

(h) Coupling devices.

(i) Any tow-bar or adjustable fifth wheel assembly with one-fourth or more of the locking pins missing.

(ii) Any adjustable fifth wheel locking mechanism that does not remain in the locked position without manual effort.

(iii) Any leakage in adjustable fifth wheel locking mechanisms dependent on fluid energy or air pressure.

(iv) Fifth wheel and tow-bar play.

(A) Play lengthwise of the vehicle exceeding one inch between the upper and lower fifth wheel halves.

(B) Where provision is made for adjustment of a fifth wheel lower half or tow-bar, relative to the vehicle frame, there is more than one inch of play lengthwise of the vehicle in any adjustment when locked or latched in position.

(v) Fifth wheel mounting. Fifth wheel mountings including bolts, nuts, welds, and brackets, but not including adjustable features, which are loose, worn, or broken so as to permit one-fourth inch or more observable relative motion between the fifth wheel mounting and the frame of the vehicle.

(vi) Fifth wheel and tow-bar cracks or breaks. Any cracks or breaks in the tow-bar or fifth wheel except:

(A) Cracks in the ramps or horns of fifth wheels.

(B) Casting shrinkage cracks in the ribs of the body of cast fifth wheels.

(i) Suspension.

(i) Axle positioning parts. Any torque arms, U-bolts, spring hangers, or other axle positioning parts cracked, broken, loose, or missing so as to permit displacement of an axle from its normal position.

(ii) Spring assembly.

(A) One-fourth or more of the leaves in any leaf spring assembly broken or missing, or the main leaf depended upon for positioning the axle is broken.

(B) One or more leaves shifted from normal position that could permit coming in contact with a tire, rim, brake drum, or frame.

(C) Air suspensions, leaking.

(iii) Torsion bar assembly or torque-arm. Any part of the torsion arm assembly or torque arm or any part used for attaching the same to the vehicle frame or axle, cracked, broken, or missing.

(iv) Frame members. Any cracked, loose, or broken frame member (permitting shifting of the body onto moving parts or collapse of the frame).

(v) Any suspension system defect or any condition of loading that permits the body or frame to come in contact with a tire or any part of the wheel assemblies.

(vi) Adjustable axle assemblies - any:

(A) Adjustable axle assembly with one-fourth or more of the locking pins missing.

(B) Adjustable axle assembly with more than one inch of play lengthwise along the vehicle in any such adjustment when locked or latched in position.

(j) Safe loading.

(i) Any lading within any passenger-carrying space which interferes with the ready exit of passengers from the vehicle.

(ii) Any lading within the driver's compartment which obscures his view ahead or to the right or left sides or to the rear.

(iii) Protection against shifting cargo.

(A) Any vehicle without front-end structures, or equivalent devices as required by Section 393.106.

(B) Vehicles and loading condition such that any part of the load can fall on the roadway.

(k) Engine.

The engine cannot be started without external assistance within five minutes.

(l) Power train.

Engine cannot be started with the transmission in neutral because of a defective or improperly adjusted clutch. (Transmission cannot be shifted from neutral after engine is started.)

(m) Mirrors.

Any power unit with only one mirror on the driver's side that is cracked, pitted, or clouded to the extent that rear vision is obscured.

(n) Windshield wipers.

Any power unit that has inoperative wiper or parts of blades or arms are missing or are severely damaged on the driver's side.

(o) Vehicles - Hazardous materials.

(i) Loss or leakage of any cargo classed as a hazardous material, when visible on the outside of the vehicle.

(ii) Loaded cargo tanks or portable tanks having loose dome covers or other openings not securely closed.

(iii) Vehicles transporting hazardous materials in such quantity to require placards and no placards are installed on sides, rear and front.

(iv) Vehicles transporting hazardous materials in such quantity to require placards having bare electrical wiring or evidence of burning or short circuiting.

(3) References in subsection (2) of this rule to Sections 393.43, 393.48, 393.51, 393.83, and 396.106 shall refer to those sections contained in the Code of Federal Regulations, part 393, as adopted by the commission in WAC 480-12-180(1), or hereafter amended by the commission in that section. References in subsection (2) of this rule to "psi" shall refer to pounds per square inch.

(4) Duly authorized commission personnel shall order any piece of equipment in need of repairs to be properly repaired, and this equipment shall not be used in further service until a certificate of correction is forwarded to the commission. A certificate of correction form will be furnished by the commission. Additional forms may be obtained from any office of the commission. [Statutory Authority: RCW 81.01.040, 81.80.130, 81.80.140 and 81.80.290. 81-13-010 (Order R-166, Cause No. TV-1487), § 480-12-165, filed 6/10/81; Order R-5, § 480-12-165, filed 6/6/69, effective 10/9/69.]

WAC 480-12-180 Equipment--Drivers--Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on October 31, 1980, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semitrailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have

the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subparagraphs (a) (iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

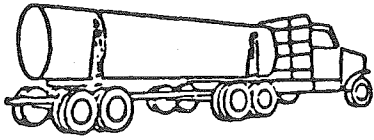
- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;
- (iv) Frayed, stranded, knotted, or otherwise defective wire rope.

(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

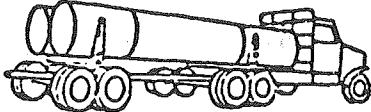
NOTE: See the following Diagrams I and II for illustrations of placement and number of load fastening devices.

PLACEMENT AND NUMBER OF WRAPPERS



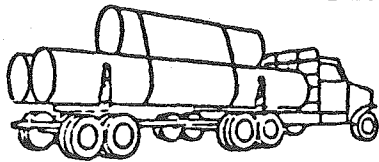
One log load

One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.



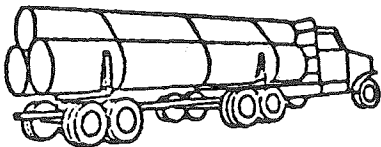
Two log load

A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.



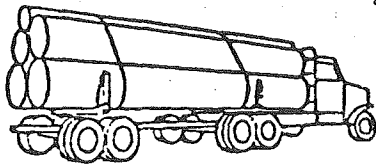
Three or four log load forty-four feet or less

A minimum of two wrappers required.



Three or four log loads more than forty-four feet

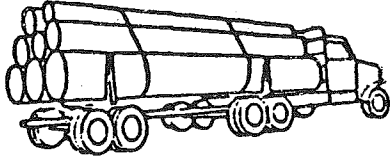
A minimum of three wrappers required.



Five or six log load
all logs seventeen feet or less

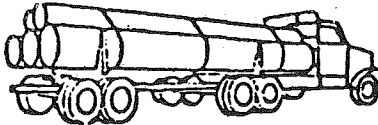
A minimum of two wrappers required.

Seven or more log load
all logs seventeen feet or less



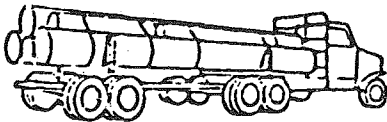
A minimum of two wrappers required.

Five or more log load
if any logs are more than seventeen feet



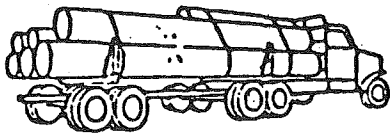
A minimum of three wrappers required.

Outside logs or top logs



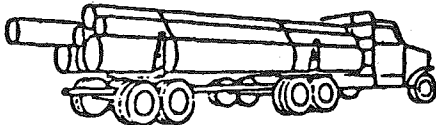
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



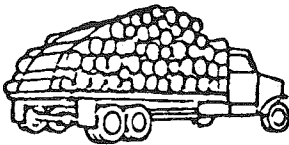
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the log or bunk supporting it.

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

NOTE: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above

the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) **Approved load fastening devices.** The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Qualifications of drivers.** Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto in effect on October 20, 1979, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(7) Whenever the designation "director, bureau of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

(8) Whenever the term "lightweight vehicle" is used in this section or is used in rules adopted herein by reference, such term shall mean a motor vehicle that:

(a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross

weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195. [Statutory Authority: RCW 80.01.040, 81.80.211, and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-180, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-180, filed 1/7/81. Statutory Authority: RCW 80.01.040(4), 81.80.211, and 81.80.290. 79-10-074 (Order 127, Cause No. TV-1261), § 480-12-180, filed 9/19/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-180, filed 12/19/78; Order R-5, § 480-12-180, filed 6/6/69, effective 10/9/69.]

WAC 480-12-190 Hours of service--On duty--Adoption of federal safety regulations. The rules and regulations adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 30, 1978, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.

(4) Whenever the term "lightweight vehicle" is used in Title 49, Code of Federal Regulations, Part 395, adopted in this section, such term shall mean a motor vehicle that:

(a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195. [Statutory Authority: RCW 80.01.040, 81.80.211, and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-190, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-190, filed 1/7/81; 79-04-049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, § 480-12-190, filed 6/6/69, effective 10/9/69.]

WAC 480-12-195 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission. [Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 82-12-061 (Order R-186, Cause No. TV-1611), § 480-12-195, filed 6/2/82; 82-05-022 (Order R-181, Cause No. TV-1567), § 480-12-195, filed 2/10/82; 81-19-033 (Order R-175, Cause No. TV-1526), § 480-12-195, filed 9/10/81. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-195, filed 8/7/80. Statutory Authority: RCW 81.80.120. 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, §

480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.]

WAC 480-12-215 Pseudo leasing. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a for-hire transportation service and the commission shall institute proceedings to determine if the lessor should be classified as a common or contract carrier under the provisions of chapter 81.80 RCW and/or RCW 81.04.510.

Where, as a result of a classification hearing, the commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the transportation act, chapter 81.80 RCW, or the rules and regulations of the commission promulgated thereunder, or the applicable lawful tariffs, the commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW 81.04.510. [Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-215, filed 9/9/81; Order R-5, § 480-12-215, filed 6/6/69, effective 10/9/69.]

WAC 480-12-250 Accounts--Uniform system adopted--Reports. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers in the state of Washington operating under chapter 81.80 RCW. A "uniform system of accounts" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington.

(2) Classification of carriers:

(a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following four classes:

- | | |
|-----------|---|
| Class I | - Carriers having average annual gross operating revenues (including interstate and intrastate) of \$5,000,000 or more from operations as motor carriers of property. |
| Class II | - Carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 but less than \$5,000,000 from operations as motor carriers of property. |
| Class III | - Carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or less from operations as motor carriers of property. |

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property for the past three calendar years.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the commission.

(3) Each Class III common or contract carrier must secure from the commission a copy of "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, common and contract carriers shall secure from the commission the proper forms and make and file with the commission annual report as soon after the close of the calendar year as possible, but in no event later than April 1st of the succeeding year.

(5) All Class I and Class II common and contract carriers in the state of Washington shall file, in addition to the annual report referred to herein, quarterly reports on forms which they shall secure from the commission for that purpose. Each such report shall be submitted to the commission within 30 days after the close of the period which it covers.

(6) Registered carriers operating exclusively in interstate or foreign commerce shall not be required to file annual or quarterly reports.

(7) Annual reports filed by carriers holding garbage and/or refuse collection certificates and common and/or contract carrier permits must comply with reporting requirements provided in WAC 480-70-230. [Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140, and 81.80.290. 81-06-060 (Order R-159, Cause No. TV-1431), § 480-12-250, filed 3/4/81; 81-01-032 (Order R-154, Cause No. TV-1404), § 480-12-250, filed 12/10/80; Order R-49, § 480-12-250, filed 9/12/73; Order R-36, § 480-12-250, filed 4/5/72; Order R-5, § 480-12-250, filed 6/6/69, effective 10/9/69.]

WAC 480-12-285 Tariffs, distribution and cost of. Tariffs, with description and cost thereof are as follows:

Tariff No.	Territory	Cost per Tariff	
		Initial Charge	Annual Maintenance
3-B	Spokane Cartage	\$7.50	\$8.00
4-A	Special Commodities (State-wide)	7.50	17.00
5-A	General Freight West of Cascades	10.00	17.00
6-A	General Freight East of Cascades and between East and West	10.00	20.00
7-B	Bulk Petroleum Products	7.50	15.00
8	Olympic Peninsula	10.00	15.00
9	General Freight in King, Pierce, Snohomish & Thurston Counties	10.00	17.00
10	Mileage Circular	7.50	8.00
12	Local Areas	7.50	8.00
13	Bulk Commodities except Petroleum	7.50	15.00
14	Mobile Homes (Towaway)	7.50	8.00
15	Household Goods	7.50	8.00

During the calendar year in which the purchase of a tariff is made the annual maintenance fee shall be payable in advance on the following basis:

Month Purchased	Fee Payable
January, February, March	In Full
April, May, June	Three-Quarters
July, August, September	One-Half
October, November, December	One-Quarter

Each subsequent year the annual maintenance fee shall be payable on or before December 31 of the preceding year.

One or more single pages in any tariff will be supplied at five cents per page - minimum order one dollar.

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission. [Statutory Authority: RCW 80.01.040. 81-23-018 (Order R-177, Cause No. TV 1545), § 480-12-285, filed 11/13/81. Statutory Authority: RCW 81.80.290. 78-12-089 (Order R-119, Cause No. TV-1178), § 480-12-285, filed 12/6/78; Order R-90, § 480-12-285, filed 1/19/77; Order R-76, § 480-12-285, filed 10/8/75; Order R-40, § 480-12-285, filed 12/6/72; Order R-5, § 480-12-285, filed 6/6/69, effective 10/9/69.]

WAC 480-12-340 Credit, extension of, by common carriers. (1) In extending credit by common carriers to shippers and consignees for transportation charges, if such charges are not paid when due, the further extension of credit shall immediately cease and all necessary legal steps be taken at once to collect the outstanding amount. In all such cases the full circumstances shall be reported to the Commission for such action as it may deem necessary.

(2) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicles may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(3) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the

carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(4) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(5) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carriers shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(6) The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carriers, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(7) Carriers engaged in garbage, refuse or debris collection may present monthly bills; carriers of logs and carriers of household goods shall be governed as to extension of credit by other orders of the commission relating to the subject.

(8) Carriers billing for the transportation of unmanufactured or unprocessed agricultural commodities, including the return of empty containers, where the farmer or grower pays the freight charges, shall present the freight bill to said farmer or grower within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. The carrier may extend credit for transportation charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following presentation of the subsequently presented freight bill.

(9) The provisions of this rule shall not apply to payments of intrastate transportation charges by use of charge cards when a carrier offering charge card payment services has obtained approval for such charge card plan or plans as provided in WAC 480-12-465 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account. [Statutory Authority: RCW 80.01.040, 81-19-028 (Order R-174, Cause No. TV-1501), § 480-12-340, filed 9/9/81. Statutory Authority: RCW 80.01.040, 81.80-.130, 81.80.140, and 81.80.290, 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-340, filed 8/27/80; Order R-5, § 480-12-340, filed 6/6/69, effective 10/9/69.]

WAC 480-12-350 Insurance. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a

company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount of not less than five hundred thousand dollars combined single limit (CSL) as of July 1, 1982, and seven hundred fifty thousand dollars combined single limit (CSL) as of July 1, 1983; *Provided*, That an amount of not less than one million dollars combined single limit (CSL) as of July 1, 1982, and five million dollars combined single limit (CSL) as of July 1, 1983, shall be required in the transportation of hazardous substances as defined in 49 CFR § 171.8: *And provided further*, That applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: *Provided*, The combined single limits set forth above are in effect. [Statutory Authority: RCW 80.01.040, 82-12-063 (Order R-189, Cause No. TV 1597), § 480-12-350, filed 6/2/82; Order R-5, § 480-12-350, filed 6/6/69, effective 10/9/69.]

WAC 480-12-400 Definitions. (1) The term "household goods," for the purpose of the following rules, means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(2) The term "local moving" means all hauls within the limits of any city and all hauls of thirty-five constructive miles or less, as well as other specified hauls for which rates are prescribed on a time basis in Items 1300 and 1305 of the commission's Tariff 4-A, or reissues thereof. All other moves are to be termed "long distance moving." [Statutory Authority: RCW 80.01.040 and 81.80.290, 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-400, filed 9/9/81; Order R-5, § 480-12-400, filed 6/6/69, effective 10/9/69.]

WAC 480-12-430 Liability of carriers. (1) **Liability restricted.** Carriers of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(2) **Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured."** No carrier of

household goods or any employee, agent, or representative thereof, shall advertise or represent to the public that "all loads are insured," or other similar wording. [Statutory Authority: RCW 80.01.040. 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-430, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-430, filed 9/9/81; Order R-5, § 480-12-430, filed 6/6/69, effective 10/9/69.]

WAC 480-12-445 Information to shipper. Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a printed statement, in not less than eight-point bold or full-faced type, in substantially the form set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

**GENERAL INFORMATION FOR SHIPPERS
OF HOUSEHOLD GOODS BY MOTOR
CARRIERS
IN INTRASTATE COMMERCE**

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Washington utilities and transportation commission. It relates to the transportation of household goods, in intrastate commerce by motor carriers frequently called "movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agent for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Washington utilities and transportation commission. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier.

Tariff. This is a publication by the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington, containing charges and rules of carriers engaged in the transportation of household goods. The rates, rules and provisions are the same for all carriers and tariff is open to public inspection and may be examined at the carrier's office. The tariff rules, rates and regulations of the carrier

serving you must be considered in determining the charges on your shipment. Among the rules and regulations will be found special provisions applicable to shipments picked up or delivered at more than one place; packing and marking; diversion of shipments en route; and additional services, the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying goods up or down steps. The tariff of the carrier serving you contains rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated on an hourly basis for local moving within towns or cities or for any distance thirty-five miles or less. The base rates are established for declared valuation of the shipment, which establishes the amount a shipper may recover from the carrier if the goods are lost or damaged. The base rates apply if the shipper releases the goods at a value of sixty cents per pound per article. When a released valuation is established by the shipper in excess of sixty cents per pound per article on a lump sum for the entire shipment, then an excess valuation charge will apply. Alternatively, you may elect to ship at the base rate and arrange, at your own expense, to obtain insurance to protect you for a greater amount. Rates for hauling within Washington beyond thirty-five miles are stated in amounts per one hundred pounds, depending on the distance involved. The charges will vary according to the released or declared value of the shipment. The carrier's tariff provides that at its base rates the carrier's responsibility for loss or damage caused by it is limited to sixty cents per pound of actual weight of each lost or damaged article. If you wish to be paid full value for lost or damaged items which are worth more than sixty cents per pound, you must declare, before shipping, a lump sum value and pay an extra charge for such value. Payment of the charge establishes the declared value as the maximum amount you may recover from the carrier for loss or damage, unless the damage is caused by an event or development excluded by the terms of the carrier's printed bill of lading, of which you should have a copy. If you do not declare any lump sum value, or a value less than one dollar and twenty-five cents per pound, the shipment will be deemed to have been released at one dollar and twenty-

five cents per pound, and an additional charge per one hundred dollars of value will be applied. If you wish to avoid these extra charges, you must agree, in writing, on the bill of lading, that if any articles are lost or damaged, the carrier's liability will not exceed sixty cents per pound for the actual weight of any lost or damaged articles in the shipment.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, the value of goods declared thereon by the shipper, and its tariffs. If greater protection than that afforded under the lowest transportation rate is desired, the shipper will be required to so indicate on the bill of lading prior to the time the goods are loaded. The carrier will assess a transportation valuation charge on the freight bill for the greater protection.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than one thousand pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed one hundred pounds (if your shipment weighs five thousand pounds or less) or does not exceed two percent of the lower net weight (if your shipment weighs more than five thousand pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight - usually five thousand pounds - will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (five thousand pounds) and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even

if the expense of crating the items is taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges - freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges on shipments moving more than thirty-five miles you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle, the net weight of your shipment, the mileage, the applicable rate per one hundred pounds for transportation, additional protection, and any accessorial services performed. On shipments moving under thirty-five miles the receipt should show the time the vehicle left the premises of the mover and the time the same vehicle returned thereto, the rate per hour and rates for any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. If loss or damage is detected when the goods are delivered by the carrier, the fact of such loss or damage should be recorded by the shipper on the bill of lading, or delivery record. All claims for loss or damage must be filed with the carrier, in writing within nine months of delivery. Although the carriers are subject to the rules and regulations of the Washington utilities and transportation commission the commission has no authority to compel the carriers to settle claims for

loss or damage and will not undertake to determine whether the basis for or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a court of law. The names of the carrier's agents for service of process in this state may be obtained by writing the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington. [Statutory Authority: RCW 80.01.040, 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-445, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290, 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-445, filed 9/9/81; Order R-5, § 480-12-445, filed 6/6/69, effective 10/9/69.]

Chapter 480-30 WAC

AUTO TRANSPORTATION COMPANIES

WAC

480-30-120 Uniform system of accounts and annual reports.

WAC 480-30-120 Uniform system of accounts and annual reports. (1) The uniform system of accounts prescribed by the interstate commerce commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I auto transportation companies in the state of Washington, operating under chapter 81.68 RCW. A uniform system of accounts is hereby adopted and prescribed for the use of Class II and Class III auto transportation companies in the state of Washington. Said uniform system of accounts is entitled "uniform system of accounts for Class II auto transportation companies operating under certificates of public convenience and necessity and Appendix 'A' uniform system of accounts for Class III auto transportation companies, Effective January 1, 1961."

(2) The various auto transportation companies shall be divided into three classes as per average yearly gross revenue according to the following schedule:

- | | |
|------------|---|
| Class I. | Those having average annual gross operating revenue of \$3,000,000 or over. |
| Class II. | Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000. |
| Class III. | Those having average annual gross operating revenue less than \$200,000. |

(3) Each auto transportation company must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) hereof, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) hereof may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company must secure from the commission two copies of the form of annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than April 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) must be filed immediately covering the period from the first of the year to the date on which the auto transportation company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired. [Statutory Authority: RCW 80.01.040 and 81.68.030, 81-04-008 (Order R-156, Cause No. TC-1421), § 480-30-120, filed 1/28/81; Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.]

Chapter 480-62 WAC

RAILROAD COMPANIES--OPERATIONS

WAC

480-62-080	Accident reports.
480-62-090	Hazardous materials regulations.
480-62-100	Bridge safety rules.

WAC 480-62-080 Accident reports. (1) Each railroad must promptly report by telephone to a specific telephone number and/or person to be designated from time to time by the commission whenever the railroad learns of the occurrence of an accident and/or incident arising from the operation of the railroad which results in the:

(a) Leakage or spillage of hazardous material which could endanger railroad employees or the public at the scene of an accident;

(b) Death of a railroad employee, rail passenger or any other person;

(c) Death of or injury to any person involved in a railway-highway crossing accident;

(d) Damages of five hundred thousand dollars or more to railroad and/or nonrailroad property.

(2) Each report made by telephone shall be promptly followed by a telegraphic report to the commission.

(3) Each report must state the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the accident and/or incident;

(d) Circumstances of the accident and/or incident;

(e) Identity of casualties, if any; and

(f) Identity of fatalities, if any.

(4) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred. [Statutory Authority: RCW 80.01.040 and 81.44.065. 81-10-017 (Order R-162, Cause No. TR-1456), § 480-62-080, filed 4/27/81. Statutory Authority: RCW 81.28.280. 79-02-087 (Order R-122, Cause No. TV-1199), § 480-62-080, filed 2/7/79.]

WAC 480-62-090 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as and including all appendices and amendments thereto, in effect on January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for purposes of carriage by rail, and to state the precautions that must be observed in storage packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying railroad cars and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all railroad companies operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every railroad company operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission. [Statutory Authority: RCW 80.01.040 and 81.44.065. 82-05-020 (Order R-182, Cause No. TR-1579), § 480-62-090, filed 2/10/82. Statutory Authority: RCW 80.011.040 [80.01.040] and 81.44.065. 81-10-019 (Order R-164, Cause No. TR-1458), § 480-62-090, filed 4/27/81.]

WAC 480-62-100 Bridge safety rules. Whenever any railroad is involved in bridge construction, bridge structure repairs, track structure repairs or replacement on bridges, the railroad shall comply with the provisions of this rule, except that track structure repairs which are of a minor nature and short duration and can be completed working between the rails such as spot welding, spiking, and joint bolt replacement, are not subject to

the safety belt, lifeline, lanyard, safety nets and life preserver requirements of this rule.

(1) Safety belts, lifelines, lanyards.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, or safety nets, safety belts and lifelines shall be provided and used.

(b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subject to inservice loading, as distinguished from static load testing, shall not be used again for employee safeguarding.

(c) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the point of their attachment so that a falling man will not swing into the substructure immediately below the floor of the bridge.

(d) Safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than six feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type I, class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(2) Safety nets.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts and lifelines, safety nets shall be provided and used.

(b) Where safety net protection is required by this rule, operations shall not be undertaken until the net is in place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.

(c)(i) Nets shall extend eight feet beyond the edge or the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than twenty-five feet below such work surface. nets shall be hung with sufficient clearance to prevent user's contact with the surface or structures below. Such clearances shall be determined by impact load testing.

(ii) It is intended that only one level of nets be required for bridges.

(d) The mesh size of nets shall not exceed six inches by six inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

(3) Life preservers.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a risk of drowning, they shall wear a United States Coast Guard approved life saving device, unless it can be shown that conditions, such as shallow water, are such that flotation would not be achieved.

(b) Prior to and after each use, the buoyant life saving device shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least ninety feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed two hundred feet.

(4) Boats.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a risk of drowning, one life saving boat shall be immediately available.

(b) The boat requirement of this subsection shall not apply when the water surface is of such a nature due to swift currents, insufficient depth, or other conditions, that a boat may not be safely moored and used in effecting a rescue.

(c) Whenever boats cannot be used, well marked life-lines close to the water surface shall be provided, and wherever practical, the line shall be stretched across the water. [Statutory Authority: RCW 80.01.040 and 31.44.065 [81.44.065]. 81-10-018 (Order R-163, Cause No. TR-1457), § 480-62-100, filed 4/27/81.]

Chapter 480-70 WAC

GARBAGE AND/OR REFUSE COLLECTION COMPANIES

WAC

480-70-150	Certificates, applications—Notice to existing carriers.
480-70-350	Accounts—Uniform system adopted—Reports.
480-70-400	Equipment—Safety.

WAC 480-70-150 Certificates, applications—Notice to existing carriers. (1) For the purposes of this rule, applications for permanent authority shall include applications for permanent certificates or extensions of certificate authority, and requests for authority to sell, assign, lease or transfer outstanding certificates or any rights thereunder.

(2) The commission shall notify by means of its weekly application docket all known existing garbage and/or refuse collection companies who, at the time of the filing of an application for permanent authority, are serving, or hold authority to serve, the route, line, or territory described in the application, of the filing of same. Such existing certificate holders or a garbage

and/or refuse collection organization, association, or conference on behalf of such existing certificate holders shall have twenty days from the date of such notice to file with the commission their opposition to the application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. [Statutory Authority: RCW 80.01.040. 82-13-089 (Order R-191, Cause No. TG-1575), § 480-70-150, filed 6/23/82; Order R-19, § 480-70-150, filed 5/12/70; Order R-5, § 480-70-150, filed 6/6/69, effective 10/9/69.]

WAC 480-70-350 Accounts—Uniform system adopted—Reports. (1) Effective January 1, 1962, a "uniform system of accounts" is hereby prescribed for use of garbage and/or refuse collection companies in the state of Washington operating under chapter 295, Laws of 1961 [chapter 81.77 RCW].

(2) The various carriers shall be divided into two classes as per average yearly gross revenue according to the following schedule:

Class A — Those carriers having an annual yearly gross revenue of \$500,000 or over per year.

Class B — Those carriers having an annual yearly gross revenue of less than \$500,000 per year.

As set forth in the classification of accounts, any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its annual gross operating revenue.

(3) Each garbage and/or refuse collection company must secure from the commission a copy of the "Uniform System of Accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, garbage and/or refuse collection companies shall secure from the commission the proper forms and make and file annual reports as soon after the close of the calendar year as possible, but in no event later than April 1st of the succeeding year. Failure to file such reports will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is canceled for any cause, the annual report required by this rule must be filed immediately covering the period from the first of the year to the date on which the garbage and/or refuse collection company ceased operations. Where operations are discontinued prior to the close of the calendar year, or where operations are started during the calendar year, an annual report shall be rendered covering that portion of the calendar year during which the garbage and/or refuse collection company operated and shall show on the face thereof the exact period covered thereby.

(6) Each garbage and/or refuse collection company must maintain complete records of the collection service provided to each customer, showing for each and every customer served the amount billed, the categories and quantity of service provided, the amounts collected, and the balance due. Such customer records must also be maintained in such manner so that the service provided and the rates and charges assessed are easily identifiable in tariff terms contained in the applicable tariff of each carrier. These records must be kept on file in the general office of each company, in alphabetical, address or route order, for a period of three years subject to inspection by the commission so that the commission may ascertain at any time the number of customers served, the amounts being billed and collected, and the balance due from each and every customer. Customers requesting either by letter, telephone or office visit an itemized statement of all charges shall be furnished same. [Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-093 (Order R-167, Cause No. TG-1502), § 480-70-350, filed 7/22/81; Order R-31, § 480-70-350, filed 10/18/71; Order R-5, § 480-70-350, filed 6/6/69, effective 10/9/69.]

WAC 480-70-400 Equipment--Safety. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, 1982, are adopted and prescribed by the commission to define

hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(iv) Section 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(f) Whenever the term "lightweight vehicle" is used in Title 49, Code of Federal Regulations, part 391 and part 395, adopted in this section, such term shall mean a motor vehicle that:

(i) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of

ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(ii) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(iii) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195. [Statutory Authority: RCW 80.01.040 and 81.77.030. 82-05-021 (Order R-183, Cause No. TG-1568), § 480-70-400, filed 2/10/82; 81-19-034 (Order R-176, Cause No. T6-1527), § 480-70-400, filed 9/10/81. Statutory Authority: RCW 90.01.040 [80.01.040] and 81.77.030. 81-18-047 (Order R-172, Cause No. TG-1509), § 480-70-400, filed 8/28/81. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-400, filed 8/7/80; Order R-5, § 480-70-400, filed 6/6/69, effective 10/9/69.]

Chapter 480-80 WAC UTILITIES GENERAL--TARIFFS

WAC
480-80-125 Notice by utility to customers concerning hearing.

WAC 480-80-125 Notice by utility to customers concerning hearing. The purpose of this requirement is to ensure that customers of a utility which is proposing a rate increase receive reasonable notice of the nature and the magnitude of the proposed increase, so that the customer is able reasonably to make an informed decision about whether to participate in the hearing process.

(1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the amount of the proposed increase expressed in (a) total dollars and average percentage terms, and (b) the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public

hearing date may be directed. The statement shall accompany, as a separate document, regular bills distributed by the utility to its customers, starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation. As an alternative the utility may make a separate distribution of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or separately the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other material simultaneously distributed. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

IMPORTANT NOTICE

(Company) is Requesting
A Rate Increase

Washington Utilities
and Transportation
Commission

Cause No. U-----

(Name of Company) has asked the Washington Utilities and Transportation Commission for permission to raise its rates by about \$..... a year, or about percent, over present levels. A summary of the increases asked, and the kinds of service affected, (is attached) (appears below). The commission has suspended the increase and has ordered its staff to investigate the company's request. Formal hearings will be held for the company, commission staff and others to give evidence about the proposal.

The commission has ordered the company to send you this notice to tell you:

(1) One or more hearing sessions will be held just to hear members of the public who want to testify, in addition to hearings for technical or expert evidence.

(2) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the Secretary of the Commission, in Olympia at (206) 753-6420 or write to:

Secretary
Washington Utilities and Transportation

Commission
Highways-Licenses Building
Olympia, WA 98504.

If you write, include your name and mailing address, the name of the company, and Cause No. U- -----

(3) A lawyer (has been) (will be) appointed to represent the public. You can reach this "public counsel" by calling or writing the commission at the address above or directly by calling or writing _____.

(4) The rates shown here are only a request by the company. After the hearings are over, the commission will consider the evidence. It can deny all of the request, grant it all, or grant some of it. The commission also has the authority to set rates that are different from the company's request—higher or lower—for each kind of service.

Name of Company Official
Title of Company Official
Name of Company

SUMMARY OF REQUESTED RATE INCREASES

Type of Service	Range of Requested Increases or Increases In Unit Price	Typical Increase In Average Bill (Dollars)
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(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the type of service affected. Set out the information on a monthly basis. If the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation. If the rate is charged on the basis of unit consumption, such as energy consumption, the increase shall be stated in a cents-per-unit or on a percentage basis for the tariff category. It shall then as to residential customers illustrate increases in representative consumption classifications. If the rate is charged on the basis of monthly rate per service or per item of equipment, the increase shall be stated on the basis of percentage increase for the classification or range of increase within the classification, using commonly recognized representative examples demonstrating the range and the typical effect of the increases.)

(The following shall be added, if applicable:)

NOTE: The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

If you want to know how the company's proposal will affect you if the commission adopts it totally,

call or write (telephone number and address of office or offices where customers will receive a prompt, accurate answer. Address and telephone number may be omitted if included elsewhere in the information simultaneously received by the consumer and if clearly referenced. The utility shall respond to customer inquiries no later than the close of the fifth business day following receipt of the inquiry at any of its appointed offices. Inquiries may be forwarded from branch offices to a central office or division if this is done at no cost to the consumer and if a response is generated to the consumer within the reasonable time limit.)

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405. [Statutory Authority: RCW 80.01-.040. 82-13-088 (Order R-184, Cause No. U-82-03), § 480-80-125, filed 6/23/82. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-08-138 (Order R-128, Cause No. U-79-29), § 480-80-125, filed 8/1/79.]

Chapter 480-90 WAC
GAS COMPANIES--OPERATIONS

WAC	Exemptions--Prohibited service--
480-90-231	Commercial lighting of a traditional nature.
480-90-241	Safety of persons and property.
480-90-246	Substantial expense and not cost justified.

WAC 480-90-231 Exemptions--Prohibited service--Commercial lighting of a traditional nature. Any interested person using natural gas for outdoor lighting which is used for commercial purposes and which is of a traditional nature and conforms with the cultural or architectural style of the area in which it is located, may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216.

(1) In the case of a petition for an exemption from the general prohibition on installation of natural gas outdoor lighting fixtures, WAC 480-90-201, an exemption shall be granted only to replace a natural gas outdoor lighting fixture(s) which had been installed prior to November 9, 1978. Such replacement shall include:

- (a) Replacement of an existing natural gas light; or

(b) Replacement of a natural gas light which does not presently exist but which existed at some previous time upon the specified property.

A petition pursuant to WAC 480-90-201 or 480-90-216 shall certify that the specifically identified natural gas outdoor lighting fixture(s) is used for commercial purposes and is of a traditional nature and conforms with the cultural or architectural style of the area in which such light is located, presently exists or will be used to replace a natural gas lighting fixture of traditional nature.

(2) The filing of a petition for exemption shall result in a stay from the prohibition set forth in WAC 480-90-201 provided the petitioner has certified that the specifically identified natural gas outdoor lighting fixture(s) used for commercial purposes:

(a) Is of a traditional nature and conforms with the cultural or architectural style of the area in which such light(s) is located, and

(b) Presently exists or will be used to replace a natural gas lighting fixture of a traditional nature. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-231, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-231, filed 11/7/79.]

WAC 480-90-241 Exemptions--Prohibited service--Safety of persons and property. A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of a necessity to protect the safety of persons and property if it is demonstrated that such exemption for the natural gas fixture(s) is essential:

(1) To prevent an increase in the likelihood of bodily injury or damage to property;

(2) To prevent an increase in the likelihood of the occurrence of crime in the location served by the light; or

(3) Because other existing lighting in the location does not provide lighting adequate to insure conformance with American National Standards Institute (ANSI) Standard No. D 12.1. "The American National Standard Practice For Roadway Lighting." [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-241, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-241, filed 11/7/79.]

WAC 480-90-246 Exemptions--Prohibited service--Substantial expense and not cost justified. A local distribution company, an individual user or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis that compliance with the prohibition entails substantial expense and would not be cost justified, if the natural gas use at issue was being supplied on November 9, 1978. Petitioner shall certify that compliance with the prohibition set forth in WAC 480-90-216 would entail substantial expense and that such expense

would outweigh the benefits to be derived from compliance. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-246, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-246, filed 11/7/79.]

Chapter 480-100 WAC ELECTRIC COMPANIES

WAC

480-100-041	Information to consumers.
480-100-043	Advertising.
480-100-056	Refusal of service.
480-100-071	Discontinuance of service.
480-100-131	Identification of meters.
480-100-141	Accuracy of watthour meters.
480-100-176	Statement of test procedures.
480-100-196	Repealed.
480-100-201	Accuracy of test standards.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-100-196	Voltage tests. [Order R-29, § 480-100-196, filed 7/15/71.] Repealed by 81-15-094 (Order R-165, Cause No. 4-81-30), filed 7/22/81. Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)].
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WAC 480-100-041 Information to consumers. (1) Information relative to the rates, rules and regulations (filed tariffs) of the utilities shall be made available to the public upon request at any of its listed business offices. A copy of these rules (chapter 480-100 WAC) shall also be kept on file in each of the utility's listed business offices, and made available to its customers or their representatives upon request.

(2) Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit, determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

(3) Each utility shall transmit to each of its customers a clear and concise explanation of the existing rate schedule, and any rate schedule applied for, which is or would be applicable to such customers. This statement shall be transmitted to each customer:

(a) Not later than sixty days after the date of commencement of service to each customer, or ninety days after the adoption of this rule, whichever last occurs; and

(b) Not later than thirty days (sixty days in the case of a utility that uses a bimonthly billing system):

(i) After the effective date of any rate schedule applicable to the customer; and

(ii) After issuance of an order of investigation by the commission of any applied-for rate schedule applicable to the customer. This notice of applied-for rate schedule may be coordinated with the notice required by WAC 480-80-125.

(4) Each electric utility shall transmit to each of its customers not less frequently than once each year a request form to obtain:

(a) A guide summarizing the rights and responsibilities of a utility customer; and

(b) A clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric customers for which there is a separate rate, including an identification of any classes whose rates are not summarized.

(5) Each utility shall show on each customer bill a concise statement of the actual consumption or degree-day adjusted consumption of electric energy at the premises to which service is delivered for the comparable period of the prior year, if available, and the percentage of change in consumption between the present period and the comparable period of the prior year.

(6) Each utility, on a request of a customer of such utility, shall transmit to such customer a clear and concise summary of the actual consumption (or degree-day adjusted consumption) of electric energy by such customer and/or such consumption at the service premises for each billing period during the prior year (unless such consumption data are not reasonably ascertainable by the utility). [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-041, filed 1/20/81; Order R-84, § 480-100-041, filed 6/30/76; Order R-29, § 480-100-041, filed 7/15/71.]

WAC 480-100-043 Advertising. (1) No electric utility may recover from any person other than the shareholders (or other owners) of such utility, any direct or indirect expenditure by such utility for promotional or political advertising.

(2) As used in this section:

(a) The term "advertising" means the commercial use by a utility of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public, or to such utility's customers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of a utility, or the selection or installation of any appliance or equipment designed to use such utility's service.

(3) As used in this rule the terms "political advertising" and "promotional advertising" do not include:

(a) Advertising which informs customers how they can conserve energy or can reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with such utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment or services;

(f) Any explanation of existing or proposed tariff or rate schedules, or notification of hearings thereon. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-043, filed 1/20/81.]

WAC 480-100-056 Refusal of service. (1) No electric utility shall connect service to a master meter in any new building with permanent occupants when:

(a) There is more than one unit in such building;

(b) The occupant of each such unit has control over a significant portion of the electric energy used in such unit; and

(c) With respect to such portion of electric energy used in such unit, the long-run benefits of separate meters to the electric customers in such building exceed the cost of purchasing and installing separate meters in such building.

(2) The utility may refuse to connect an applicant for service or may refuse to render additional service to a customer when such service will adversely affect service being rendered to other customers, or where the applicant or customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

(3) A utility may refuse to serve an applicant or a customer if, in its judgment said applicant's or customer's installation of wiring or electrical equipment is hazardous, or of such character that satisfactory service cannot be provided.

(4) The installation of proper protective devices on the applicant's or customer's premises may be required whenever the utility deems such installation necessary to protect its property or that of its other customers.

(5) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

(6) A utility may not be required to provide service if, to do so, it would be economically unfeasible. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-056, filed 1/20/81; Order R-29, § 480-100-056, filed 7/15/71.]

WAC 480-100-071 Discontinuance of service. By customer - A customer shall be required to give notice to the utility of his intention to discontinue service.

By utility - (1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time

after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility.

(i) For refusal to comply with provisions of WAC 480-100-091, Access to Premises.

(j) For violation of rules, service agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: *Provided, however,* That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below.

(b)(i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If a mailed notice is elected, service

shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(ii) When the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address unless the utility has verified that the customer of record and the service user are the same party. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes) herein.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe

service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has, or has had, cause to disconnect utility service, the utility shall postpone termination of service or will reinstate service to a residential customer for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of electric service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency. If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency. If this five day period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional twenty-four hour notice to the premises.

(iii) Any customer may designate a third party to receive notice of termination or other matters affecting the

provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit; has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-071, filed 1/20/81; Order R-84, § 480-100-071, filed 6/30/76; Order R-29, § 480-100-071, filed 7/15/71.]

WAC 480-100-131 Identification of meters. Each meter shall be identified by serial numbers, letters or combination of both, placed in a conspicuous position on the meter. [Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-131, filed 7/22/81; Order R-29, § 480-100-131, filed 7/15/71.]

WAC 480-100-141 Accuracy of watthour meters. Watthour meters used for measuring electrical quantities supplied shall:

(1) Be of proper design for the circuit on which they are used, be in good mechanical condition, have adequate insulation, correct internal connections, and correct register.

(2) Not creep at "no load" more than one full revolution of the disk in five minutes when the load wires are disconnected and potential is impressed or in a shop test where the load wires are disconnected and the permissible voltage variation impressed.

(3) If they are designed for use on alternating current circuits, be accurate to within plus or minus 2.0 percent, referred to the rotating standard as a base, at two unity power factor loads, one between 5 and 10 percent of the nameplate test current value and the other between 75 and 150 percent of the nameplate test current value; and

shall register correctly to within 3.0 percent plus or minus at a power factor of approximately 50 percent lagging and at a load approximately equal to 100 percent of the rated current of the meter.

(4) If polyphase, have the elements in balance within 2 percent at approximately 100 percent load at unity and at approximately 50 percent lagging power factor.

(5) If used with instrument transformers, be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this rule except that adjustment for instrument transformer errors is not required when instrument transformers with the following accuracy characteristics are used:

(a) Instrument current transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from 60 percent lagging to unity shall not exceed 0.6 percent at 10 percent rated current, or 0.3 percent at 100 percent current.

(b) Instrument potential transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter from 90 percent rated voltage to 110 percent rated voltage at any load power factor from 60 percent lagging to unity, shall not exceed 0.3 percent.

(6) Be adjusted as closely as practicable to zero error. [Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-141, filed 7/22/81; Order R-29, § 480-100-141, filed 7/15/71.]

WAC 480-100-176 Statement of test procedures. Each utility shall submit to the commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests of meters in service for determining the accuracy of meters.

(2) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(3) Testing and adjustment program of meters prior to installation.

Revisions in any portion of this statement, after submission and acceptance of same, will necessitate the submission of an entire new statement, properly identified and dated cancelling the one on file. Any such change must receive the consent of the commission in writing before becoming effective. [Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-176, filed 7/22/81; Order R-29, § 480-100-176, filed 7/15/71.]

WAC 480-100-196 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-201 Accuracy of test standards. Each utility shall submit to the commission for review and approval, a typewritten statement properly identified

and dated, describing its practice under these rules covering:

(1) Description of test standards and meter testing equipment;

(2) Description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests.

Records shall be maintained showing the date when each test standard and each meter testing instrument was tested, calibrated or adjusted. [Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-201, filed 7/22/81; Order R-29, § 480-100-201, filed 7/15/71.]

Chapter 480-105 WAC

ELECTRIC COMPANIES--INTERCONNECTION WITH ELECTRIC COGENERATION AND SMALL POWER PRODUCTION FACILITIES

WAC

480-105-001	Purpose.
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480-105-040	Obligations of electric utility to qualifying facilities.
480-105-050	Rates for purchases.
480-105-060	Rates for sales.
480-105-070	Interconnection costs.
480-105-080	System emergencies.

WAC 480-105-001 Purpose. The purpose of this chapter is to implement regulations regarding arrangements between electric utilities and qualifying cogeneration and small power production facilities as provided under section 210 of the federal Public Utility Regulatory Policies Act of 1978 (PURPA), Public Law 95-617. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-001, filed 1/28/81.]

WAC 480-105-005 Application of rules. (1) These rules shall apply to any interconnection arrangement between an electric utility regulated by the commission and facilities which are qualifying facilities as defined herein. Provisions of these rules shall not supersede existing contracts. At the expiration of any existing contract between an electric utility and a cogenerator or small power producer, any contract extension or new contract shall comply with these rules.

(2) Nothing in these rules relieves the utility from carrying out its responsibilities as described in section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) or in the rules promulgated pursuant to said act.

(3) Nothing in these rules limits the authority of an electric utility or a qualifying facility to agree to a rate for any purchase, or terms or conditions relating to any purchase, which differ from the rate or terms or conditions which would otherwise be provided by these rules, provided such rates do not burden other ratepayers.

(4) In the event of an impasse in negotiations between an electric utility and a qualifying facility, either party may request a determination by the commission of the matter at issue. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-005, filed 1/28/81.]

WAC 480-105-010 Definitions. (1) "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, the utility would generate itself or purchase from another source.

(2) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the facility.

(3) "Capacity" means the capability to deliver energy, measured in kilowatts (Kw).

(4) "Capacity costs" means the costs associated with supplying capacity; they are an allocated component of the fixed costs associated with providing the capability to deliver energy.

(5) "Cogeneration" means the sequential generation of electric energy and useful heat from the same primary energy source or fuel for industrial, commercial, heating, or cooling purposes.

(6) "Cogeneration facility" means a facility which produces electric energy, and steam or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy. An electric utility is not a cogeneration facility for the purposes of this chapter.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Costs of interconnection" means the reasonable costs of connection, switching, dispatching, metering, transmission, distribution, equipment necessary for system protection, safety provisions and administrative costs incurred by an electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent that such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(9) "Demand" means the average rate in kilowatts at which electric energy is delivered during a set period of time, to be determined by mutual agreement between the utility and the customer.

(10) "Electric utility" means any public service company as defined by RCW 80.04.010 engaged in the generation, distribution, sale or furnishing of electricity and which is subject to the jurisdiction of the commission.

(11) "Energy" means electric energy, measured in kilowatt hours (kWh).

(12) "Energy costs" means: (a) for the short term, the incremental costs associated with the production or purchase of electric energy by the utility, which costs include the cost of fuel and variable operation and maintenance expenses, or the cost of purchased energy; and (b) for the long term, the combined allocated fixed costs and associated variable costs applicable to a displaced generating unit or to a purchase.

(13) "Interruptible power" means electric energy or capacity supplied by an electric utility to a qualifying facility subject to interruption by the electric utility under certain specified conditions.

(14) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a qualifying facility.

(15) "Primary energy source" means the fuel or fuels used for the generation of electric energy, not including minimum amounts of fuel required for ignition, start-up, testing, flame stabilization, and control uses, nor minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages and emergencies that directly affect the public health, safety, or welfare, which would result from electric power outages.

(16) "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(17) "Qualifying facility" means a cogeneration facility or a small power production facility as defined by these rules.

(18) "Rate" means any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

(19) "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(20) "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof. Only small power production facilities which, together with any other facilities located at the same site (as determined by the Federal Energy Regulatory Commission), have power production capacities of 80 megawatts or less, are covered by these rules. An electric utility is not a small power production facility for the purposes of this chapter.

(21) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(22) "System emergency" means a condition on an electric utility's system which is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-010, filed 1/28/81.]

WAC 480-105-020 Obligations of qualifying facilities to electric utility. The conditions listed in this section shall apply to all qualifying facilities to be served by an electric utility under this chapter.

(1) The owner or operator of a qualifying facility purchasing or selling electricity pursuant to these rules shall execute a written agreement with the electric utility.

(2) In order to ensure system safety and reliability of interconnected operations, all interconnected qualifying facilities shall be constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

(3) The qualifying facility shall furnish, install, operate, and maintain in good order and repair and without cost to the electric utility such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus as shown by the utility to be reasonably necessary for the operation of the qualifying facility in parallel with the electric utility's system.

(4) Switching equipment capable of isolating the qualifying facility from the electric utility's system shall be accessible to the utility at all times.

(5) At its option, the electric utility may choose to operate the switching equipment described in (3) above if, in the sole opinion of the utility, continued operation of the customer's qualifying facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification pursuant to WAC 480-105-080. The utility shall endeavor to minimize any adverse effects of such operation on the customer.

(6) Any agreement between a qualifying facility and an electric utility shall provide for the degree to which the qualifying facility will assume responsibility for the safe operation of the interconnection facilities. No qualifying facility may be required to assume responsibility for negligent acts of the utility. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-020, filed 1/28/81.]

WAC 480-105-030 Availability of electric utility system cost data. (1) Each electric utility shall provide sufficient data concerning the utility's avoided costs and costs of interconnection in order to allow the owner or operator of a qualifying facility to estimate, with reasonable accuracy, the payment it could receive from the utility if the qualifying facility went into operation under any of the purchase agreements provided for in these rules.

(2) To make available data from which avoided costs may be derived, not later than May 31, 1982, and not less often than annually thereafter, each electric utility shall provide to the commission for its review, and shall maintain for public inspection, the following data:

(a) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for expected levels of purchases from qualifying facilities. Such levels of purchases shall be stated in blocks of not more than one hundred megawatts for systems with peak demand of one thousand megawatts or more and in

blocks equivalent to not more than ten percent of the system peak demand for systems of less than one thousand megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during peak and off-peak periods, by year, for the current calendar year and each of the next five years;

(b) The electric utility's plan for the addition of capacity by amount and type, for purchases of firm energy and capacity, and for capacity retirements for each year during the succeeding ten years; and

(c) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt, and the associated energy costs of each addition or purchase, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating resources and of individual planned firm purchases. The necessity of differentiating between costs of individual units of a resource shall be at the discretion of the utility.

(d) Nothing herein shall preclude the determination of avoided costs (i) as the average avoided costs over an appropriate period of time or (ii) to reflect variations in avoided costs because of changes in streamflows, generating unit availability, loads, or other conditions.

(e) If any electric utility fails to provide on request the information required herein, the qualifying facility may apply to the commission for an order requiring that the information be provided.

(3) State review:

(a) Any data submitted by an electric utility under this section shall be subject to review by the commission.

(b) In any such review, the electric utility has the burden of coming forward with justification for its data. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-030, filed 1/28/81.]

WAC 480-105-040 Obligations of electric utility to qualifying facilities. (1) Obligation to purchase from qualifying facilities:

Each electric utility shall purchase, in accordance with WAC 480-105-050, any energy and capacity which is made available from a qualifying facility:

(a) Directly to the electric utility; or

(b) Indirectly to the electric utility in accordance with subsection (4) of this section.

(2) Obligation to sell to qualifying facilities: Each electric utility shall sell to any qualifying facility, in accordance with WAC 480-105-060, any energy and capacity requested by the qualifying facility on the same basis as available to other customers of the utility in the same class.

(3) Obligation to interconnect:

(a) Subject to subsection (3)(b) of this section, any electric utility shall make such interconnections with any qualifying facility as may be necessary to accomplish purchases or sales under this chapter. The obligation to pay for any interconnection costs shall be determined in accordance with WAC 480-105-070.

(b) No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases

or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act.

(4) Transmission to other electric utilities. At the request of a qualifying facility, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may, at the option of the utilities involved, transmit energy or capacity to any other electric utility. The rate paid to a qualifying facility by the electric utility to which such energy or capacity is transmitted shall be adjusted up or down to reflect line losses pursuant to WAC 480-105-050(6)(d) and shall not include any charges for transmission. Nothing contained herein shall be construed to obligate the electric utility connected with the qualifying facility to transmit to other utilities or to obligate such other utilities to purchase from the qualifying facility.

(5) Parallel operation: Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with any applicable standards established in accordance with WAC 480-105-020. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-040, filed 1/28/81.]

WAC 480-105-050 Rates for purchases. (1) Rates for purchases shall:

(a) Be just and reasonable to the electric consumer of the electric utility and in the public interest; and

(b) Not discriminate against qualifying cogeneration and small power production facilities.

(2) Nothing in this chapter requires any electric utility to pay more than the avoided costs for purchases.

(3) Relationship to avoided costs:

(a) A rate for purchases satisfies the requirements of subsection (1) of this section if the rate equals the avoided costs determined after consideration of the factors set forth in subsection (6) of this section.

(b) Rates for purchases shall be in accordance with subsection (3)(a) of this section, regardless of whether the electric utility making such purchases is simultaneously making sales to the qualifying facility.

(c) In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, such rates do not violate this chapter if they differ from avoided costs at the time of delivery.

(4) Standard rates for purchases:

(a) Each electric utility shall put into effect standard rates for purchases from qualifying facilities with a design capacity of one hundred kilowatts or less.

(b) The standard rates for purchases under subsection (4)(a) of this section:

(i) Shall be consistent with subsections (1) and (6) of this section; and

(ii) May differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies.

(5) Purchases "as available" or pursuant to a legally enforceable obligation. Each qualifying facility shall have the option either:

(a) To provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided energy costs calculated at the time of delivery; or

(b) To provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for such purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on either:

(i) The avoided costs calculated at the time of delivery; or

(ii) The avoided costs projected to apply over the life of the obligation as calculated at the time the obligation is incurred.

(6) Factors affecting rates for purchases: In determining avoided costs the following factors shall, to the extent practicable, be taken into account:

(a) The data provided pursuant to WAC 480-105-030(2), including commission review of any such data;

(b) The availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods, including:

(i) The ability of the utility to dispatch output of the qualifying facility;

(ii) The expected or demonstrated reliability of the qualifying facility;

(iii) The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for noncompliance;

(iv) The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

(v) The usefulness of energy and capacity supplied from a qualifying facility during system emergencies, including its ability to separate its load from its generation;

(vi) The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system; and

(vii) The smaller capacity increments and the shorter lead times available, if any, with additions of capacity from qualifying facilities.

(c) The relationship of the availability of energy or capacity from the qualifying facility as derived in paragraph (6)(b) of this section, to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of fossil fuel use; and

(d) The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of energy or capacity. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-050, filed 1/28/81.]

WAC 480-105-060 Rates for sales. (1) General rules:

(a) Shall be just and reasonable and in the public interest; and

(b) Shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the electric utility.

(2) Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facility to the extent that such rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request of a qualifying facility, each electric utility shall provide:

- (i) Supplementary power;
- (ii) Back-up power;
- (iii) Maintenance power; and
- (iv) Interruptible power.

(b) The commission may waive any requirement of subsection (3)(a) of this section if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the electric utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the electric utility.

(4) The rate for sale of back-up power or maintenance power:

(a) Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously, or during the system peak, or both; and

(b) Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-060, filed 1/28/81.]

WAC 480-105-070 Interconnection costs. (1) Obligation to pay: Any costs of interconnection shall be the responsibility of the owner or operator of the qualifying facility. Interconnection costs which may be reasonably incurred by the utility shall be assessed against a qualifying facility on a nondiscriminatory basis with respect to other customers with similar load characteristics.

(2) Reimbursement of interconnection costs: The electric utility shall be reimbursed by the qualifying facility for any reasonable interconnection costs the utility may incur. Such reimbursement may be over an agreed period of time, but not greater than the length of any contract between the utility and the qualifying facility. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-070, filed 1/28/81.]

WAC 480-105-080 System emergencies. (1) Qualifying facility obligation to provide power during system

emergencies: A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent:

(a) Provided by agreement between such qualifying facility and electric utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) Discontinuance of purchases and sales during system emergencies:

(a) During any system emergency, an electric utility may discontinue or curtail:

(i) Purchases from a qualifying facility if such purchases would contribute to such emergency; and

(ii) Sales to a qualifying facility, provided that such discontinuance or curtailment does not discriminate against a qualifying facility, and takes into account the degree to which purchases from the qualifying facility would offset the need to discontinue or curtail sales to the qualifying facility.

(b) System emergencies resulting in utility action under these rules are subject to verification by the commission if either party requests such verification. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), 480-105-080, filed 1/28/81.]

Chapter 480-130 WAC

STORAGE WAREHOUSE COMPANIES

WAC

480-130-010 through 480-130-180 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-130-010	No operation without license. [Order R-5, § 480-130-010, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
480-130-020	Qualifications for license. [Order R-5, § 480-130-020, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
480-130-030	Applications for storage warehouse license. [Order R-5, § 480-130-030, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
480-130-040	Tariffs. [Order R-5, § 480-130-040, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
480-130-050	Warehouse receipts—Liability. [Statutory Authority: RCW 81.92.090. 79-11-027 (Order R-134, Cause No. TSW-1272), § 480-130-050, filed 10/10/79; Order R-5, § 480-130-050, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
480-130-060	Household goods—Definition. [Order R-5, § 480-130-060, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

- 480-130-070 General merchandise—Definition. [Order R-5, § 480-130-070, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-080 Insurance. [Order R-5, § 480-130-080, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-090 License cancelled. [Order R-5, § 480-130-090, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-100 License fees, term, posting, authority, fees forfeited. [Order R-5, § 480-130-100, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-110 Use of new buildings, or discontinuance. [Order R-5, § 480-130-110, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-120 Transfer of ownership. [Order R-5, § 480-130-120, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-130 Accounts. [Order R-62, § 480-130-130, filed 12/19/73; Order R-5, § 480-130-130, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-140 Advertising. [Order R-5, § 480-130-140, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-150 Waiver of rules. [Order R-5, § 480-130-150, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-160 Documents—When filed. [Order R-5, § 480-130-160, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-170 Conflict with tariff rules—Enforcement warehousemen's lien—Transfers of property—Affiliated interests. [Order R-5, § 480-130-170, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-180 Rebates. [Order R-5, § 480-130-180, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

WAC 480-130-010 through 480-130-180 Repealed.
See Disposition Table at beginning of this chapter.

**Chapter 480-149 WAC
TARIFF CIRCULAR NO. 6**

- WAC
480-149-080 Repealed.
480-149-090 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-149-080 Storage warehouse tariffs. [Order R-16, § 480-149-080, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-149-090 Tariffs of "wharfingers or warehousemen." [Order R-16, § 480-149-090, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

WAC 480-149-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-149-090 Repealed. See Disposition Table at beginning of this chapter.

**Title 490 WAC
COMMISSION FOR VOCATIONAL
EDUCATION AND VOCATIONAL
REHABILITATION
(SOCIAL AND HEALTH SERVICES, DEPT.
OF)**

Chapters

- 490-28A** Minimum qualifications of personnel.
490-36A Conditions for approval of local educational agency programs.
490-500 Vocational rehabilitation and services for handicapped persons.
490-600 Educational services registration.

Chapter 490-28A WAC

MINIMUM QUALIFICATIONS OF PERSONNEL

WAC

- 490-28A-013 Minimum standards of state agency personnel.

WAC 490-28A-013 Minimum standards of state agency personnel. State agency personnel must meet the qualifications for the class in which they are employed (vocational education administrator, vocational education program director, vocational education program specialist) as required by the state personnel board in the appropriate current class specification. Staff are employed in accordance with state personnel merit system rules without discrimination because of race, color, creed, national origin, sex, age, handicap, or veterans' status. [Statutory Authority: RCW 28C.04.060, 81-09-072 (Order 81-1, Resolution 81-45-2), § 490-28A-013, filed 4/22/81; 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-28A-013, filed 1/16/79; Order 75-3, § 490-28A-013, filed 12/18/75. Formerly WAC 490-28-013.]