

WAC 478-276-105 Protection of public records.

Access to any "writing," as defined in WAC 478-276-020(2), shall be restricted to the viewing area designated by the university. No document shall be physically removed by a member of the public from the viewing area for any reason whatsoever. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever.

[Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. 97-14-004, § 478-276-105, filed 6/19/97, effective 7/20/97.]

WAC 478-276-140 Public records office—Address.

All requests for public records to the University of Washington shall be addressed as follows:

University of Washington
Public Records Officer
Public Records Office
4014 University Way N.E.
Seattle, WA 98105-6203

(for internal campus mail use: Box 355502). The telephone number of the public records office is 543-9180, FAX: 543-0786.

[Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. 97-14-004, § 478-276-140, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130(1), 81-20-049 (Order 81-2), § 478-276-140, filed 10/2/81; Order 73-5, § 478-276-140, filed 5/29/73.]

Title 480 WAC UTILITIES AND TRANSPORTATION COMMISSION

Chapters

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Chapter 480-04 WAC**PUBLIC ACCESS TO INFORMATION AND RECORDS****WAC**

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WAC 480-04-020 Definitions. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation. "Writing" includes letters; words; pictures; sounds; symbols; telefacsimile copies; papers; maps; magnetic or paper tapes; photographic films and prints; magnetic or punched cards; diskettes; drums; and other documents.

(3) Washington utilities and transportation commission. The Washington utilities and transportation commission, referred to as "the commission" in these rules, is the commission appointed by the governor under RCW 80.01.010.

Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(4) Secretary. "Secretary" means the secretary of the commission. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.

(5) You. The word "you" in this chapter means a person who requests access to public records.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-020, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-020, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-020, filed 4/5/73.]

WAC 480-04-030 Organization of the Washington utilities and transportation commission. (1) The Washington utilities and transportation commission consists of three members appointed by the governor under RCW 80.01.010. The governor designates one member as the commission chair.

(2) The administrative office of the commission, also known as the headquarters office, is located at 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Its mailing address is Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250. Its telephone number is (360) 753-6423. The commission maintains no other offices.

(3) The commission is organized into the following principal parts: Regulatory services division; administrative services division; policy planning and research section; public affairs section; and legal, accounting, and policy development section. The head of each section or division is responsible directly to the commissioners.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-030, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 94-11-002 (Order R-412, Docket No. TV-940121), § 480-04-030, filed 5/4/94 effective 6/4/94;

92-07-006 (Order R-368, Docket No. A-910530), § 480-04-030, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 (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 480-04-050 Public information; public submissions or requests other than requests for public documents. (1) General information concerning topics within the commission's jurisdiction is available through the commission's administrative office, and on the commission's internet home page. The home page address at the time this rule is adopted is <<http://www.wutc.wa.gov>>.

(2) Anyone may request information from the commission administrative office, concerning whether a common or contract carrier of solid waste or household goods currently has operating authority; the scope of that authority; and the carriers' current tariffs.

(3) Written requests for information should be submitted to the office of the secretary of the commission.

(4) Requests for information may also be made by telephone or electronic mail. The commission will do its best to route the inquiry to staff who can assist the requester.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-050, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-050, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-050, filed 4/5/73.]

WAC 480-04-060 Public records available; hours for inspection and copying. (1) Except as otherwise provided by RCW 42.17.310 (exempt records), RCW 42.17.260(6) (lists of individuals requested for commercial purposes), RCW 80.04.095 (records containing commercial information), WAC 480-09-015, these rules, and other provisions of the law, all public records of the commission, as defined in WAC 480-04-020(1), are available for public inspection and copying.

(2) The commission shall act promptly on requests for inspection and copying.

(3) The commission will respond in accordance with these rules to requests received by mail for identifiable public records.

(4) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-060, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-060, filed 3/5/92, effective 4/5/92. Order R-43, § 480-04-060, filed 4/5/73.]

WAC 480-04-065 Records index. The commission will publish and index its significant adjudicative decisions; declaratory orders; interpretive statements; and policy statements.

(1) Each month, the commission will publish and make available to subscribers its adjudicative orders entered the prior month which resolve contested issues or which it believes will be of interest or significance. Each publication will include declaratory orders and; interpretive and policy

statements; and will include a summary of the decisions, orders, and statements.

(2) The commission will annually publish indices of the principles which are applied in the text of published orders and statements entered during the prior year.

(3) The publications will be available for sale at the commission's estimated actual cost of reproduction and distribution. They will also be available for inspection during office hours in the commission branch of the Washington state library, at the commission's office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-065, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-065, filed 3/5/92 effective 4/5/92.]

WAC 480-04-070 Public records officer. The secretary of the commission is the commission's public records officer for all records maintained by the commission. The secretary's office is located in the commission's administrative office. The public records officer is responsible for implementing the commission's rules about release of public records; coordinating the staff of the commission in this regard; and for compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-070, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-070, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-070, filed 4/5/73.]

WAC 480-04-090 Requests for public records. (1) Many requests for public records can be handled quickly and informally. You may ask to look at a document, or get a copy of a document. You may ask orally, in person or by telephone. You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to <records@wutc.wa.gov>. Commission staff will advise you if a written request is required.

(2) The commission normally requires a written request.

(a) If you ask for large quantities of information, or have a list or an unusual request, the commission may need a written record to make sure that you get all the information you have requested, or to make sure that the charges are proper.

(b) If the information that you want might be within one of the exceptions to the law requiring disclosure, the commission may need a written request to make sure that the decision is made properly, by the right person, and that you get the response you are entitled to. Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

(3) If you need to make a written request for information, you may use a "public records request" form provided by the commission or you may write a letter that contains the information listed below. If you want to use the form, you can get a copy at the commission's office or you can ask to have it sent to you.

(4) You should take or send written requests for documents to the secretary of the commission. You may

give the request to the receptionist or to any other available commission staff member; except that a request for a record which has been designated as confidential under the provisions of RCW 80.04.095 or WAC 480-09-015 must be submitted to the secretary of the commission as required by WAC 480-09-015(5).

(5) A request shall include the following information:

(a) Your name and address.

(b) When you are making the request.

(c) For whom (the individual, business, or other organization) you are making the request, if not only for yourself personally.

(d) A clear indication (such as in a heading or title) that you are requesting public records, to help make sure that the request is handled properly.

(e) Whether you want to inspect the document or get a copy of it, or both.

(f) A description of the record you want that is clear enough that commission staff can find the record. If you know how it is described in the index maintained by the commission, that would be helpful in identifying it.

(g) A statement of whether a purpose of the request is to obtain a list of individuals to be used for commercial purposes.

(6) Commission staff will make a reasonable effort to assist in identifying and providing the public record.

(7) The commission may waive the need for a completed form when doing so supports the commission's administrative convenience and is not inconsistent with legal requirements or public policies.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-090, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-090, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-090, filed 4/5/73.]

WAC 480-04-095 Disclosure procedure. (1) The secretary will promptly notify you if commission staff finds that the request is incomplete, and will tell you what the problem is. The secretary will assist you in completing or correcting your request. Notifying you of a deficiency is not a denial of your request. The secretary may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the secretary will review the requested record to determine whether the record or a portion of it is exempt from disclosure under any provision of law. The review shall also determine whether any of the requested records include confidential information, as defined in pertinent law.

(3) To the extent required to protect the personal privacy interests protected by RCW 42.17.310 and 42.17.315, the commission will delete identifying details from a public record when it makes the record available or publishes it. Whenever that happens, the commission will explain the reasons for the deletion.

(4) Only the secretary is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the secretary, is a deferral of action, and not a denial of a request. Any commission staff member who does not grant access to a public record when a complete written request is made must immediately take or send the requested document

together with the written request to the secretary for a prompt decision granting or denying the request.

(5) If the secretary refuses to grant access to all or part of a public record, the secretary shall give you a written statement identifying the exemption authorizing the action and how it applies to the requested record. Any portion of the record that is not subject to exemption shall be promptly disclosed.

(6) **Records containing "confidential information."**

(a) If a requested record contains information that has been designated confidential under RCW 80.04.095 and WAC 480-09-015, and you have not specifically asked for confidential information, the secretary shall tell you that material has been designated confidential, and make sure that you do want the confidential information, before processing the request.

(b) A request for a record designated as confidential under RCW 80.04.095 and WAC 480-09-015 shall be processed in accordance with the provisions of WAC 480-09-015.

(7) After receiving the secretary's written explanation for nondisclosure under this rule, if you still want disclosure you may request a review under WAC 480-04-120.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-095, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-095, filed 3/5/92, effective 4/5/92.]

WAC 480-04-100 Copying and service charges. The commission will provide copies of public records upon request.

(1) The commission shall charge a published fee for copying and providing information. The commission may, by order, within the requirements of RCW 42.17.300, establish and change prices and establish the maximum number of various kinds of copies that will be provided without charge.

(2) Except as provided in WAC 480-09-125 for producing for internal distribution, copies that parties to a proceeding have failed to file, the charges for services at the time this rule is adopted are as follows:

(a) Photocopies, fifteen cents per page for fifty-one or more copies.

(b) Certified copies, three dollars per certified sheet.

(c) Telefacsimile (FAX) transmissions, fifty cents per page, for transmissions of six or more pages.

(d) Computer lists or printouts, fifty cents per page for six or more pages.

(e) Computer data copied onto floppy diskettes shall cost five dollars per diskette.

(f) Audio tapes, five dollars each.

(g) Video tapes, five dollars each.

(h) Color copies, one dollar per page.

(i) No charge is made for documents provided by electronic mail.

(3) Sales tax, at the current rate, shall be added to the price of each item.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-100, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 91-07-025 (Order R-340, Docket No. A-900424), § 480-04-100, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 80.01.040 (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.]

WAC 480-04-110 Information for commercial purposes. Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-110, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-110, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-110, filed 4/5/73.]

WAC 480-04-120 Review of denials of public records requests. (1) If you are denied disclosure of a public document and disagree with the denial you may ask the secretary, in writing, for a review of the denial. The request for review must describe or enclose the secretary's written statement explaining the reasons for the denial.

(2) A request for review must be made in writing. It may be made in person at the commission's administrative office or by mail or electronic mail.

(3) Promptly after receiving a written request for review the secretary shall review the decision. He or she may personally reconsider the denial decision, or may refer the request to the commission for review at a commission meeting.

(4) The commission's review of a decision denying disclosure is final at the end of the second business day following the secretary's initial denial decision, unless the commission provides a revised decision to you during that period. This does not prevent the commission from reversing a denial after the end of the second business day following the initial denial decision.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-120, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-120, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-120, filed 4/5/73.]

WAC 480-04-130 Protection of public records. (1) Only commission staff may copy public documents unless the secretary decides that copying by others will not disrupt commission administration or pose any risk to the integrity and safety of the documents.

(2) No person may take any document from the area designated by the secretary for the public inspection of documents unless the secretary authorizes doing so.

(3) When a member of the public asks to examine an entire file or group of documents, as distinguished from specific documents that can be individually identified and supplied, the commission may take a reasonable time for inspection to remove any material designated as confidential and any information protected from disclosure by RCW 42.17.310 or other provision of law.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-130, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-130, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-130, filed 4/5/73.]

Chapter 480-11 WAC SEPA PROCEDURES

WAC

480-11-010	Authority.
480-11-020	Incorporation of chapter 197-11 WAC.
480-11-030	Designation of responsible official.

WAC 480-11-010 Authority. This chapter is created under RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-010, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-010, filed 10/10/84. Formerly chapter 480-10 WAC.]

WAC 480-11-020 Incorporation of chapter 197-11 WAC. The commission adopts provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology) to be applicable to the Washington utilities and transportation commission. A copy of the rules adopted by reference in this section is available for inspection at the Washington utilities and transportation commission branch of the Washington state library, at the commission's headquarters office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-020, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-020, filed 10/10/84.]

WAC 480-11-030 Designation of responsible official. The responsible official for the commission for matters affected by SEPA is the director of regulatory services.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-030, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-030, filed 10/10/84.]

Chapter 480-31 WAC PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS

WAC

480-31-010	Purpose.
480-31-020	Application of rules.
480-31-030	Definitions.
480-31-040	Licenses, and rules and regulations.
480-31-050	Certificates.
480-31-060	Tariff.
480-31-070	Insurance.
480-31-080	Fees and annual report.
480-31-090	Passenger complaints and disputes.
480-31-100	Equipment—Safety.
480-31-110	Identification of motor vehicle equipment.
480-31-120	Equipment—Inspection—Ordered for repairs.
480-31-130	Operation of motor vehicles.
480-31-140	Safety inspections.

WAC 480-31-010 Purpose. The purpose of this section is to ensure that private, nonprofit transportation providers, who primarily operate by using revenues received from governmental grants and/or charitable organizations, do so in a manner that is safe and reasonable for persons with special transportation needs.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-010, filed 3/27/97, effective 4/27/97.]

WAC 480-31-020 Application of rules. These rules will apply to any private, nonprofit transportation provider so defined by the laws of the state of Washington, engaged in the business of providing transportation subject to the jurisdiction of this commission for persons with special transportation needs.

Any tariff filed by a provider will conform to these rules. In the event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a provider or any other person or corporation are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any provider, the commission may waive or modify, as to that provider, the provisions of any rule herein, except when such provisions are fixed by statute. No deviation from these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 81.04 RCW.

The adoption of these rules will in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment or standard, not otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further, these rules will in no way relieve any provider from any of its duties under the laws of the state of Washington.

Whenever the designation "director, office 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 this section, such designations for the purpose of this rule will mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-020, filed 3/27/97, effective 4/27/97.]

WAC 480-31-030 Definitions. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases will, for the purpose of this chapter, mean the following:

- (1) State - The state of Washington.
- (2) Commission - The Washington utilities and transportation commission.
- (3) Certificate - A grant of authority issued by the commission to a private, nonprofit transportation provider for the transportation of persons with special transportation needs as provided in chapter 81.66 RCW.
- (4) Corporation - A corporation, company, association, or joint stock association.
- (5) Public highway - Every street, road or highway in this state.

(6) Motor vehicle - Every self-propelled vehicle with seating capacity of seven or more persons, including the driver.

(7) Commercial motor vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is designed to transport sixteen or more passengers, including the driver.

(8) Person - An individual, firm, or copartnership.

(9) Private, nonprofit transportation provider - A private, nonprofit corporation providing transportation services for compensation to persons with special transportation needs.

(10) Provider - Private, nonprofit transportation provider.

(11) Persons with special transportation needs - Those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

(12) Tariff - A public document setting forth services being offered, rates and charges with respect to services and governing rules, regulations and practices relating to those services.

(13) Donation - A gift without compulsion or consideration, that is, resting solely on the generosity of the donor.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-030, filed 3/27/97, effective 4/27/97.]

WAC 480-31-040 Licenses, and rules and regulations. No provider may operate a motor vehicle upon the public highways of this state until the owner of the vehicle or person lawfully responsible for the vehicle has complied with the laws of this state pertaining to licenses, obtained a certificate from the commission, and complied with all rules and regulations of the commission governing the operation of private, nonprofit transportation providers.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-040, filed 3/27/97, effective 4/27/97.]

WAC 480-31-050 Certificates. (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

- (a) Satisfactory proof of its status as a private, nonprofit corporation;
 - (b) Information sufficient to determine the particular service to be provided;
 - (c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070;
 - (d) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service, that the vehicles are or will be licensed in compliance with the laws of the state, and that drivers of such vehicles will be adequately trained and qualified;
 - (e) Any proposed rates, fares, or charges.
- (2) Applications for certificates must be on forms to be furnished by the commission, giving all information requested and accompanied by a fifty dollar application fee.

(3) Remittances will be made by money order, bank draft, personal check or certified check, made payable to the Washington utilities and transportation commission.

(4) No provider may operate, establish, or begin operation of any business for the purpose of transporting persons with special transportation needs on the public highways of this state, without first having obtained from the commission a certificate.

(5) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a copy thereof filed with the commission.

(6) Each vehicle operated by a provider must carry a copy of the company's certificate, and will be subject at all times to inspection by an authorized representative of the commission.

(7) Any certificate to operate as a private, nonprofit transportation provider obtained by any false affidavit or representation will be subject to cancellation by the commission.

(8) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-050, filed 3/27/97, effective 4/27/97.]

WAC 480-31-060 Tariff. (1) Each provider that assesses to or collects charges, rates, or fares from passengers must file with the commission a tariff setting forth its rates on forms provided by the commission. However, it is not required that a tariff be filed to cover collection of donations when the donations are entirely voluntary and a specific amount is not required to ride in the motor vehicle.

(2) In the event that a provider proposes a new tariff or amendment which will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under the currently effective tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period. A copy of the notice must be placed in a conspicuous place on each vehicle. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Washington utilities and transportation commission," and state the commission's mailing address. A waiver of the thirty-day notice provision may be applied for on forms provided by the commission.

(3) Any provider that receives compensation solely from private, governmental or charitable grants or contracts and donations is not required to file tariffs with the commission concerning these contracts or donations.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-060, filed 3/27/97, effective 4/27/97.]

WAC 480-31-070 Insurance. (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington. The combined bodily injury and property

damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than sixteen passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of sixteen or more passengers, including the driver.

Failure to file and keep such insurance or surety bond in full force and effect will be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance must be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least thirty days written notice served on the insured and the commission by the insurance company. The thirty-day notice will commence to run from the date notice is actually received by the commission, except for binders which may be canceled on ten days' written notice.

Notice of cancellation or expiration must be submitted in duplicate on forms prescribed by the commission and must not be submitted more than sixty days before the desired termination date, except binders which may be canceled by ten days' written notice from the insurance agency or company.

(5) No provider may operate upon the public highways of this state without insurance as required by this section. The permit of any provider who fails to maintain evidence on file that its insurance is in current effect will be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify providers of impending suspension for failure to maintain evidence of insurance and enter a timely order of suspension, but failure to do so will not invalidate the suspension.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

WAC 480-31-080 Fees and annual report. (1) A provider must pay to the commission the sum of ten dollars annually for each vehicle operated. The annual fee must be paid with the filing of the annual report of the provider.

(2) At the close of each calendar year, every provider must secure from the commission the proper forms and file with the commission its annual report as soon as possible after the close of the calendar year, but no later than May 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion to revoke a certificate.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-080, filed 3/27/97, effective 4/27/97.]

WAC 480-31-090 Passenger complaints and disputes. Any complaint or dispute involving a passenger and a provider for which the commission has jurisdiction must be treated in the following manner:

(1) Each complaint or dispute received by a provider from a passenger must be investigated promptly as required by the particular case, and the results reported to the passenger. When the circumstances indicate the need for corrective action, such action must be taken as soon as possible.

(2) Each provider must ensure that personnel engaged in initial contact with a dissatisfied or complaining passenger will inform the passenger that if dissatisfied with the decision or explanation provided, the passenger has the right to have the problem considered and acted upon by supervisory personnel. The passenger must be provided with the name or department of such supervisory personnel and a telephone number by which they can be reached.

(3) Each provider must ensure that supervisory personnel contacted by a dissatisfied passenger will inform a still-dissatisfied passenger of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission must also be provided.

(4) All parties to a dispute between a passenger and the provider have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-09-150 and/or a formal complaint pursuant to the provisions of WAC 480-09-420.

(5) When a complaint is referred to a provider by the commission, the provider must, within two business days, report the results of any investigation made regarding the complaint to the commission and must keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, the provider may request an extension of time.

(6) Records - each provider must keep a record of all complaints concerning its service or rates. The record must show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records must be maintained in a suitable place readily available for commission review and will be provided to the commission upon request.

All written complaints made to a provider must be acknowledged within five business days. Correspondence and records of complaints must be retained by the provider for a minimum period of one year.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-090, filed 3/27/97, effective 4/27/97.]

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the following:

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 (Driving of Motor Vehicles), part 393 (Parts and Accessories Necessary for Safe Operation), part 396 (Inspection, Repair and

Maintenance), and part 397 (Transportation of Hazardous Materials; Driving and Parking rules).

The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-100, filed 3/27/97, effective 4/27/97.]

WAC 480-31-110 Identification of motor vehicle equipment. Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of Transportation certificate number, commission certificate number, or both.

The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the registered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-110, filed 3/27/97, effective 4/27/97.]

WAC 480-31-120 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated by providers must be maintained in a safe and sanitary condition. They must at all times be subject to inspection by the commission and its duly authorized representatives who will have power to order out-of-service any vehicle failing to meet the standards set forth in this section, or if not being operated in compliance with state laws in regard to equipment or method.

(2) Every provider must ensure that all its vehicles are regularly inspected, repaired and maintained, as required by the United States Department of Transportation in Title 49,

Code of Federal Regulations, part 396 (Inspection, Repair and Maintenance).

(3) All vehicle parts and accessories must be in safe and proper working condition at all times.

(4) Equipment standards. The purpose of this subsection is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category. The criteria for out-of-service condition are those defined in the current North American Uniform Out-Of-Service Criteria.

Out-of-service condition. When any motor vehicle(s) is in out-of-service condition, no provider will require nor will any person operate such motor vehicle until all required repairs have been satisfactorily completed.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-120, filed 3/27/97, effective 4/27/97.]

WAC 480-31-130 Operation of motor vehicles. (1)

All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator will operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person.

(2) Qualification of drivers. 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 (Qualifications of Drivers), are adopted and prescribed by the commission to be observed by all providers. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 39 (Hours of Service of Drivers), are adopted and prescribed by the commission.

(4) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

(5) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

(6) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

(7) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immediately

correct any act of misconduct on the part of occupants of the vehicle.

(8) The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-130, filed 3/27/97, effective 4/27/97.]

WAC 480-31-140 Safety inspections. All providers must keep on file in their main office, subject to inspection by an authorized representative of the commission, or subject to provision to the commission upon request:

(1) Description of each vehicle used, including make, serial number, and year. If the provider does not own the vehicle, the records must show the name of the person providing the vehicle;

(2) Driver's hours of service (duty status);

(3) Each driver's license number;

(4) Records of complaints, as required by WAC 480-31-090;

(5) Records of repair, inspection and maintenance, to include their date and type, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396;

(6) The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-140, filed 3/27/97, effective 4/27/97.]

Chapter 480-35 WAC

LIMOUSINE CHARTER PARTY CARRIERS

WAC

480-35-010 through 480-35-120 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-35-010 Definitions. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-010, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-020 Licenses. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-020, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-030 Certificates. [Statutory Authority: RCW 80.01.040, 93-15-037 (Order R-390, Docket No. T-921404), § 480-35-030, filed 7/13/93 effective 8/13/93. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-030, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-040 Applications. [Statutory Authority: RCW 80.01.040, 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-040, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-040, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-050 Liability and property damage insurance. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-050, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-060 Self-insurance. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-060, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-070 Equipment of motor vehicles. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-070, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-080 Operation of motor vehicles. [Statutory Authority: RCW 80.01.040, 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-080, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-080, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-090 Equipment—Safety. [Statutory Authority: RCW 80.01.040, 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-090, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-090, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-100 Registered carriers. [Statutory Authority: RCW 80.01.040, 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-100, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-100, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-110 Registration of interstate authority. [Statutory Authority: RCW 80.01.040, 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-110, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-110, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-120 Identification decals—Intrastate limousine charter party carrier operations. [Statutory Authority: RCW 80.01.040,

94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-120, filed 6/23/94, effective 7/24/94; 90-17-047 (Order R-326, Docket No. TL-900359), § 480-35-120, filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-120, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

WAC 480-35-010 through 480-35-120 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 480-69 WAC

RAILROAD COMPANIES—TRACK SCALES

WAC

480-69-010 through 480-69-110 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-69-010 Track scales—Approval and seal. [Order R-5, § 480-69-010, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-020 Track scales—Testing. [Order R-5, § 480-69-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-030 Track scales—Tolerances. [Order R-5, § 480-69-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-040 Track scales—Approved. [Order R-5, § 480-69-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-050 Track scales—Condemned. [Order R-5, § 480-69-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-060 Track scales—New installations—Specifications. [Order R-5, § 480-69-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-070 Track scales—New installations—Testing. [Order R-5, § 480-69-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-080 Track scales—Test cars. [Order R-5, § 480-69-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-090 Track scales—Repairs. [Order R-5, § 480-69-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-100 Track scales—Approach rails. [Order R-5, § 480-69-100, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97,

effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-110 Track scales—Scale pits. [Order R-5, § 480-69-110, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

WAC 480-69-010 through 480-69-110 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 480-75 WAC

PETROLEUM PIPELINE COMPANIES

WAC

- 480-75-002 Application of rules.
- 480-75-005 Compliance with federal standards.
- 480-75-230 Modification/waivers.

WAC 480-75-002 Application of rules. These rules shall apply to pipeline facilities and the transportation of gasoline, oil, petroleum, or hazardous liquids. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of gasoline, oil, petroleum, and hazardous liquids by pipeline. These rules shall apply to the design, construction, operation, maintenance, and safety of pipeline facilities used in gathering, carrying, or transporting gasoline, oil, petroleum, or hazardous liquids in this state, except those pipeline facilities exclusively under federal jurisdiction as prescribed by the Pipeline Safety Law, 49 U.S.C. Section 60101.

[Statutory Authority: RCW 80.01.040 and 8.04.010. 97-07-042 (General Order No. R-439, Docket No. TO-960810), § 480-75-002, filed 3/14/97, effective 4/14/97.]

WAC 480-75-005 Compliance with federal standards. Operators of pipeline facilities transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on (the date this rule is adopted), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

49 CFR, Parts 195 and 199, are available for public inspection at the commission branch of the Washington state library, located in the Olympia office of the commission.

Copies are also available from the Government Printing Office Bookstore, Seattle, Washington.

[Statutory Authority: RCW 80.01.040 and 8.04.010. 97-07-042 (General Order No. R-439, Docket No. TO-960810), § 480-75-005, filed 3/14/97, effective 4/14/97.]

WAC 480-75-230 Modification/waivers. If a gasoline, oil, petroleum, or hazardous liquids pipeline company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission for a waiver of the rule. Every request for a waiver shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A company shall concurrently submit to the commission all petitions for waiver of any pipeline safety rule filed with the federal government or other governmental authority.

[Statutory Authority: RCW 80.01.040 and 8.04.010. 97-07-042 (General Order No. R-439, Docket No. TO-960810), § 480-75-230, filed 3/14/97, effective 4/14/97.]

Chapter 480-120 WAC

TELEPHONE COMPANIES

WAC

- 480-120-042 Directory service.
- 480-120-106 Form of bills.
- 480-120-139 Changes in local exchange and intrastate toll services.

WAC 480-120-042 Directory service. (1) A telephone directory shall be regularly published for each exchange, listing the name, address (unless omission is requested), and telephone number of the subscribers who can be called in that exchange, except those subscribers who have a nonlisted or nonpublished telephone number.

(2) Any subscriber to residential service may request a dual name primary directory listing which contains, in addition to the subscriber's surname, the given names or initials (or combination thereof) of the subscriber and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the subscriber is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a subscriber pursuant to tariff provision shall also reflect said dual name listing if requested by the subscriber.

(3) Each local exchange company shall furnish a copy of any required directory to each of its subscribers in each exchange. If that directory does not also contain such listings for all subscribers who can be called toll free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage shall be furnished each subscriber upon request and without charge. If anyone requests a directory other than the one(s) provided for above, the company may apply a charge equal to, but not to exceed, its actual cost for the directory, plus freight, postage, and \$0.50.

(4) Each local exchange company that is providing service in an area covered by a directory published pursuant to this rule may, upon request, have an informational listing of its name and telephone number placed in each such directory. Each directory publisher may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between local exchange carriers.

(5) Normally, telephone directories shall be revised annually; otherwise they shall be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. The revision of directories may at times be required more often than specified to keep the directory correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that it is unnecessary to revise the directory within the specified time limit for good cause and/or due to a relatively small number of changes resulting from new listings or changed numbers and if the exchange is equipped for adequate intercept in the case of dial exchanges.

(6) In the event of an error in the listed number of any subscriber, the subscriber's local exchange company shall, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, providing that this is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another subscriber. In the event of an error or omission in the name listing of a subscriber, such subscriber's correct name and telephone number shall be maintained in the files of the directory assistance operator, and the correct number shall be furnished the calling party upon request.

(7) Whenever a subscriber's telephone number is changed for any reason after a directory is published, the local exchange company shall intercept all calls to the former number, if existing office equipment will permit, for a minimum period of thirty days or until a new directory is published, and give the calling party the new number for that subscriber unless the subscriber has requested that such referral not be made.

(8) When additions or changes to plant or records are scheduled which will necessitate a large group of number changes, a minimum of six months notice shall be given to all subscribers then of record and so affected even though the additions or changes may be coincidental with the issuance of a new directory.

[Statutory Authority: RCW 80.01.040. 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-042, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-042, filed 11/7/85; Order R-92, § 480-120-042, filed 2/9/77.]

WAC 480-120-106 Form of bills. (1) Except as provided in subsection (2) of this section, bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall

clearly specify the operator service provider's billing agent, the provider of the operator services and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address or toll free telephone number of the operator service provider where they can question that portion of the bill shall be provided that information.

A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall provide a copy of this list to the commission for its review upon request.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

(2) Any telecommunication company's prepaid calling card services are exempt from subsection (1) of this section. Any telecommunications company for which an exemption is provided under this section shall provide call detail reports for prepaid calling card services free to customers upon request and upon provision of the card or copy of the card.

[Statutory Authority: RCW 80.01.040. 98-02-003 (Order R-447, Docket No. UT-961295), § 480-120-106, filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-106, filed 6/18/91,

effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-106, filed 1/31/89. Statutory Authority: RCW 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-106, filed 8/23/85; 85-16-116 (Order R-234, Cause No. U-85-21), § 480-120-106, filed 8/7/85; Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71. Formerly WAC 480-120-210.]

WAC 480-120-139 Changes in local exchange and intrastate toll services. (1) Verification of orders. A local exchange or intrastate toll carrier to whom service is being changed ("new telecommunications company") may not submit a change order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the following procedures:

(a) The telecommunications company has obtained the customer's written authorization to submit the order which includes the following information from the customer:

(i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change; and

(iii) The customer's understanding of the change fee.

(b) The new telecommunications company has obtained the customer's authorization, as described in (a) of this subsection, electronically.

Telecommunications companies electing to confirm sales electronically shall establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) shall connect a customer to a voice response unit, or similar, that records the required information regarding the change, including automatically recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data in (a) of this subsection.

(2) Implementing order changes.

(a) Telemarketing orders. Within three business days of any telemarketing order for a change, the new telecommunications company must send each new customer an information package by first class mail containing at least the following information concerning the requested change:

(i) The information is being sent to confirm a telemarketing order placed by the customer.

(ii) The name of the customer's current telecommunications company.

(iii) A description of any terms, conditions or charges that will be incurred.

(iv) The name of the newly requested telecommunications company.

(v) The name of the person ordering the change.

(vi) The name, address and telephone number of both the customer and the soliciting telecommunications company.

(vii) A postpaid postcard which the customer can use to deny, cancel or confirm a service order.

(viii) A clear statement that if the customer does not return the postcard, the customer's service will be switched fourteen days after the date the information package was mailed. If customers have cancelled their orders during the

waiting period, the new telecommunications company cannot submit the customer's order.

(ix) The name, address and telephone number of a contact point at the commission for consumer complaints.

(x) The requirements in (a)(vii) and (viii) of this subsection do not apply if authorization is obtained pursuant to subsection (1) of this section.

(b) The documentation of the order shall be retained by the new telecommunications company, at a minimum, for twelve months to serve as verification of the customer's authorization to change telecommunications company. The documentation will be made available to the customer and to the commission upon request.

(3) Customer initiated orders. The new telecommunications company receiving the customer initiated request for a change of local exchange and/or intrastate toll shall keep an internal memorandum or record generated at the time of the request. Such internal record shall be maintained by the telecommunications company for a minimum of twelve months to serve as verification of the customer's authorization to change telecommunications company. The internal record will be made available to the customer and to the commission upon request. Within three business days of the order, the telecommunications company must send each new customer an information package by first class mail containing at least the following information concerning the request to change as defined in subsection (2)(a)(ii), (iii), (iv), (v) of this section.

(4) Remedies. In addition to any other penalties provided by law, a telecommunications company initiating an unauthorized change order shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The subscriber may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment shall be remitted to the customer's authorized telecommunications company.

(5) Use of customer information.

(a) A telecommunications company marketing services may not use its customer proprietary network information or the customer proprietary network information of another telecommunications company.

(b) Except to provide its own billing, collection, network operations, and as authorized by law, a telecommunications company may not disclose customer proprietary network information.

(c) A telecommunications company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to request that the company make no such calls.

[Statutory Authority: RCW 80.01.040. 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-139, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97.]

**Chapter 480-150 WAC
COMPLIANCE WITH ECONOMIC
STABILIZATION ACT OF 1970 AS AMENDED**

WAC

480-150-010 through 480-150-090 Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-150-010	Preamble. [Order R-46, § 480-150-010, filed 5/9/73; Order R-38, § 480-150-010, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
480-150-020	Definitions. [Order R-38, § 480-150-020, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
480-150-030	Criteria applicable. [Order R-46, § 480-150-030, filed 5/9/73; Order R-38, § 480-150-030, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
480-150-060	Exemptions. [Order R-38, § 480-150-060, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
480-150-090	Construction. [Order R-46, § 480-150-090, filed 5/9/73; Order R-38, § 480-150-090, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

WAC 480-150-010 through 480-150-090 Repealed.
See Disposition Table at beginning of this chapter.

**Title 484 WAC
VETERANS' AFFAIRS,
DEPARTMENT OF**

Chapters

484-20 State veterans homes.

**Chapter 484-20 WAC
STATE VETERANS HOMES**

WAC

484-20-103	Administrative action, notice of.
484-20-120	Transfer and discharge of state veterans home residents.

WAC 484-20-103 Administrative action, notice of.

(1) The state veterans home must notify the resident and the resident's representative, and make a reasonable effort to notify, if known, an interested family member of any proposed administrative action, as defined in RCW 34.05.010(3) and this chapter. Exceptions are indicated in subsection (4) of this section.

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(2) All notices of proposed administrative actions must be given in writing, in a manner which the resident understands at least thirty days before the proposed administrative action will occur. Except, notice may be given as soon as practical before a transfer or discharge when:

(a) The safety of individuals in the state veterans home would be endangered;

(b) The health of individuals in the state veterans home would be endangered;

(c) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(d) A resident has not resided in the facility for thirty days.

(3) All written notices must include:

(a) The reason for the proposed action;

(b) The effective date of the proposed action;

(c) If the proposed action is a transfer or discharge, the location to which the resident is to be transferred or discharged;

(d) The name, address and telephone number of the state long-term care ombudsman.

(4) For Medicaid certified nursing facility residents notice of transfer or discharge is governed by WAC 388-97-270.

(5) For all transfers or discharges, staff must give sufficient preparation and orientation to residents to ensure a safe transfer or discharge from the state veterans home.

[Statutory Authority: RCW 43.60A.070 and 72.36.030. 97-06-013, § 484-20-103, filed 2/25/97, effective 3/28/97. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. 94-22-050, § 484-20-103, filed 10/31/94, effective 12/1/94.]

WAC 484-20-120 Transfer and discharge of state veterans home residents. (1) Transfer and discharge of state veterans home residents shall be in accordance with RCW 70.129.110. The state veterans home must not transfer or discharge a resident unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(b) The safety of individuals in the facility is endangered;

(c) The health of individuals in the facility would otherwise be endangered;

(d) The resident has failed to make the required payment for his/her stay; or

(e) The facility ceases to operate.

(2) In addition, WAC 388-97-270 applies to the transfer and discharge of Medicaid certified facility residents.

(3) Notice of any transfer or discharge given under the authority of this section must be given in accordance with WAC 484-20-103 and is subject to the provisions of WAC 484-20-105.

[Statutory Authority: RCW 43.60A.070 and 72.36.030. 97-06-013, § 484-20-120, filed 2/25/97, effective 3/28/97. Statutory Authority: RCW 43.60A.070 and chapter 72.36 RCW. 94-22-050, § 484-20-120, filed 10/31/94, effective 12/1/94. Statutory Authority: RCW 43.60A.070. 92-17-046, § 484-20-120, filed 8/14/92, effective 9/14/92; 85-20-099 (Order 85-01), § 484-20-120, filed 10/1/85; Order 7659, § 484-20-120, filed 7/28/77.]