

Title 12 WAC

AERONAUTICS COMMISSION

Chapters

- 12-04** **General organization and public disclosure.**
- 12-08** **Practice and procedure.**

**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 12-10
GUIDELINES INTERPRETING
AND IMPLEMENTING
THE STATE ENVIRONMENTAL POLICY ACT**

<p>12-10-010</p> <p>12-10-020</p> <p>12-10-025</p> <p>12-10-030</p> <p>12-10-035</p> <p>12-10-040</p> <p>12-10-050</p> <p>12-10-055</p> <p>12-10-060</p> <p>12-10-100</p> <p>12-10-160</p> <p>12-10-170</p> <p>12-10-180</p> <p>12-10-190</p> <p>12-10-200</p> <p>12-10-203</p> <p>12-10-205</p> <p>12-10-210</p> <p>12-10-215</p>	<p>Authority. [Order 77-1, § 12-10-010, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Substitution of commission. [Order 77-1, § 12-10-020, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Scope and coverage of this chapter. [Order 77-1, § 12-10-025, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Purpose. [Order 77-1, § 12-10-030, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Effect of SEPA. [Order 77-1, § 12-10-035, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Definitions. [Order 77-1, § 12-10-040, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Use of the environmental checklist form. [Order 77-1, § 12-10-050, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Timing of the EIS process. [Order 77-1, § 12-10-055, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order 77-1, § 12-10-060, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Summary of information which may be required of a private applicant. [Order 77-1, § 12-10-100, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>No presumption of significance for nonexempt actions. [Order 77-1, § 12-10-160, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Categorical exemptions. [Order 77-1, § 12-10-170, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Exemption for emergency actions. [Order 77-1, § 12-10-180, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Use and effect of categorical exemptions. [Order 77-1, § 12-10-190, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Lead agency—Responsibilities. [Order 77-1, § 12-10-200, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Determination of lead agency—Procedures. [Order 77-1, § 12-10-203, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Lead agency designation—Governmental proposals. [Order 77-1, § 12-10-205, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Lead agency designation—Proposals involving both private and public construction activity. [Order 77-1, § 12-10-210, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order 77-1, § 12-10-215, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p>	<p>12-10-230</p> <p>12-10-240</p> <p>12-10-245</p> <p>12-10-260</p> <p>12-10-270</p> <p>12-10-300</p> <p>12-10-305</p> <p>12-10-310</p> <p>12-10-320</p> <p>12-10-330</p> <p>12-10-340</p> <p>12-10-345</p> <p>12-10-350</p> <p>12-10-355</p> <p>12-10-360</p> <p>12-10-365</p> <p>12-10-370</p> <p>12-10-375</p> <p>12-10-390</p> <p>12-10-400</p> <p>12-10-405</p> <p>12-10-410</p>	<p>Lead agency designation—Specific proposals. [Order 77-1, § 12-10-230, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Agreements as to lead agency status. [Order 77-1, § 12-10-240, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Agreements between agencies as to division of lead agency duties. [Order 77-1, § 12-10-245, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Dispute as to lead agency determination—Resolution by CEP. [Order 77-1, § 12-10-260, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Assumption of lead agency status by another agency with jurisdiction. [Order 77-1, § 12-10-270, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Threshold determination requirement. [Order 77-1, § 12-10-300, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Recommended timing for threshold determination. [Order 77-1, § 12-10-305, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Threshold determination procedures—Environmental checklist. [Order 77-1, § 12-10-310, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Threshold determination procedures—Initial review of environmental checklist. [Order 77-1, § 12-10-320, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Threshold determination procedures—Information in addition to checklist. [Order 77-1, § 12-10-330, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Threshold determination procedures—Negative declarations. [Order 77-1, § 12-10-340, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order 77-1, § 12-10-345, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Affirmative threshold determination. [Order 77-1, § 12-10-350, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Form of declaration of significance/nonsignificance. [Order 77-1, § 12-10-355, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Threshold determination criteria—Application of environmental checklist. [Order 77-1, § 12-10-360, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Environmental checklist. [Order 77-1, § 12-10-365, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Withdrawal of affirmative threshold determination. [Order 77-1, § 12-10-370, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Withdrawal of negative threshold determination. [Order 77-1, § 12-10-375, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Effect of threshold determination by lead agency. [Order 77-1, § 12-10-390, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Duty to begin preparation of a draft EIS. [Order 77-1, § 12-10-400, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Purpose and function of a draft EIS. [Order 77-1, § 12-10-405, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p> <p>Predraft consultation procedures. [Order 77-1, § 12-10-410, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.</p>
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- 12-10-420 Preparation of EIS by persons outside the lead agency. [Order 77-1, § 12-10-420, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-425 Organization and style of a draft EIS. [Order 77-1, § 12-10-425, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-440 Contents of a draft EIS. [Order 77-1, § 12-10-440, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-442 Special considerations regarding contents of an EIS on a nonproject action. [Order 77-1, § 12-10-442, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-444 List of elements of the environment. [Order 77-1, § 12-10-444, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-450 Public awareness of availability of draft EIS. [Order 77-1, § 12-10-450, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-455 Circulation of the draft EIS—Review period. [Order 77-1, § 12-10-455, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-460 Specific agencies to which draft EIS shall be sent. [Order 77-1, § 12-10-460, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-465 Agencies possessing environmental expertise. [Order 77-1, § 12-10-465, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-470 Cost to the public for reproduction of environmental documents. [Order 77-1, § 12-10-470, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-480 Public hearing on a proposal—When required. [Order 77-1, § 12-10-480, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-485 Notice of public hearing on environmental impact of the proposal. [Order 77-1, § 12-10-485, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-490 Public hearing on the proposal—Use of environmental documents. [Order 77-1, § 12-10-490, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-495 Preparation of amended or new draft EIS. [Order 77-1, § 12-10-495, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-500 Responsibilities of consulted agencies—Local agencies. [Order 77-1, § 12-10-500, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Order 77-1, § 12-10-510, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order 77-1, § 12-10-520, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Order 77-1, § 12-10-530, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-535 Cost of performance of consulted agency responsibilities. [Order 77-1, § 12-10-535, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-540 Limitations on responses to consultation. [Order 77-1, § 12-10-540, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-545 Effect of no written comment. [Order 77-1, § 12-10-545, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-550 Preparation of the final EIS—Time period allowed. [Order 77-1, § 12-10-550, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order 77-1, § 12-10-570, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order 77-1, § 12-10-580, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-600 Circulation of the final EIS. [Order 77-1, § 12-10-600, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order 77-1, § 12-10-650, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order 77-1, § 12-10-652, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-660 Use of previously prepared EIS for a different proposed action. [Order 77-1, § 12-10-660, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Order 77-1, § 12-10-690, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-695 Draft and final supplements to a revised EIS. [Order 77-1, § 12-10-695, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-700 No action for seven days after publication of the final EIS. [Order 77-1, § 12-10-700, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-710 EIS combined with existing planning and review processes. [Order 77-1, § 12-10-710, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-800 SEPA public information center. [Order 77-1, § 12-10-800, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-810 Responsibility of agencies—Amendments to this chapter. [Order 77-1, § 12-10-810, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-820 Responsibility of agencies—Procedures when consulted agency. [Order 77-1, § 12-10-820, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-830 Application of agency guidelines to ongoing actions. [Order 77-1, § 12-10-830, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-840 Fees to cover the costs of SEPA compliance. [Order 77-1, § 12-10-840, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.
- 12-10-900 Severability. [Order 77-1, § 12-10-900, filed 8/22/77.] Repealed by 96-17-078, filed 8/21/96, effective 9/21/96.

Chapter 12-12

USE OF AIRSPACE WITHOUT PILOTS

- 12-12-001 Promulgation. [Regulation 4 (part), Promulgation, filed 2/17/64; Regulation 4 (part), filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-010 Permits required. [Regulation 4 (part), filed 2/17/64; Regulation 4 (part), filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-020 Exceptions. [Regulation 4 (part), filed 2/17/64; Regulation 4 (part), filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-030 Construction of order. [Regulation 4 (part), filed 2/17/64; Regulation 4 (part), filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-040 Adoption of rules and regulations of Washington state fire marshal relating to model and experimental rocketry. [Regulation 4 (addendum), filed 2/17/64.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-101 Promulgation. [Regulation 7, Promulgation, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-110 Where permits required. [Regulation 7 (part), filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-12-150 Voluntary parachuting. [Regulation 8, filed 4/4/62.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.

Chapter 12-16

REGISTRATION AND INDICIA OF REGISTRATION

- 12-16-001 Promulgation. [Regulation 6, Promulgation, filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.
- 12-16-002 Promulgation. [Regulation 5, Promulgation, filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.
- 12-16-030 Notifying commission of sale or conveyance. [Regulation 6, filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.

- 12-16-050 Display of indicia of registration. [Regulation 5 (part), filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.
- Chapter 12-18
PILOT REGISTRATION**
- 12-18-001 Promulgation. [Statutory Authority: RCW 47.68.233 and 47.68.236. 83-01-038 (Order 74), § 12-18-001, filed 12/13/82.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-18-010 Pilot registration required. [Statutory Authority: RCW 47.68.233 and 47.68.236. 83-01-038 (Order 74), § 12-18-010, filed 12/13/82.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-18-020 Fees. [Statutory Authority: RCW 47.68.233 and 47.68.236. 83-01-038 (Order 74), § 12-18-020, filed 12/13/82.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-18-030 Possession of registration. [Statutory Authority: RCW 47.68.233 and 47.68.236. 83-01-038 (Order 74), § 12-18-030, filed 12/13/82.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-18-040 Seminars and clinics. [Statutory Authority: RCW 47.68.233 and 47.68.236. 83-01-038 (Order 74), § 12-18-040, filed 12/13/82.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-18-050 Unlicensed pilots. [Statutory Authority: RCW 47.68.233 and 47.68.236. 83-01-038 (Order 74), § 12-18-050, filed 12/13/82.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- Reviser's note:** Later promulgation, see chapter 468-210 WAC.
- Chapter 12-19
AIRCRAFT—INDICIA OF REGISTRATION**
- 12-19-010 Display of indicia of registration. [Statutory Authority: RCW 47.68.250. 88-01-089 (Order 112), § 12-19-010, filed 12/22/87.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- Reviser's note:** Later promulgation, see chapter 468-220 WAC.
- Chapter 12-20
COMMERCIAL AIRPORTS**
- 12-20-010 through 12-20-040. [Regulation 3, filed 7/20/61.] Superseded by Regulation 3, filed 11/26/65.
- 12-20-050 Regulations for the prevention and control of fires and fire hazards of airports and heliports. [May 1962 edition of the N.F.P.A., filed 11/26/65.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- Reviser's note:** Later promulgation, see chapter 468-230 WAC.
- Chapter 12-24
OBSTRUCTION MARKING AND LIGHTING**
- 12-24-002 Foreword. [Obstruction marking and lighting standards, foreword, filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-005 Introduction. [O.M.&L. standards, introduction, filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-025 General. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-030 Marking of vehicles. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-035 Marking of natural and manmade obstructions. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-040 Flags. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-045 Colors. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-050 Marking overhead lines. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-105 General. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-110 Special day lighting. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-115 Temporary warning lights. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-120 Operation of obstruction lighting. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-125 Inspection of obstruction lighting. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-130 Notification of light failure. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-135 Color of lighting. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-140 Light distribution. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-145 Rated lamp voltage. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-150 Flashing of lights. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-155 Intensity of lighting. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-160 Interference with railway signals. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-165 Obstruction lighting by nonstandard lights. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-170 Obstruction lighting equipment—Specifications and drawings. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-175 Obstruction lighting standards—Towers, poles, and similar obstructions. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-180 Obstruction lighting standards—Trees. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-185 Obstruction lighting standards—Transmission lines. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-190 Obstruction lighting standards—Smokestacks and similar obstructions. [O.M.&L. standards (part), filed

- 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-195 Obstruction lighting standards—Prominent buildings and similar extensive obstructions. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-200 Obstruction lighting standards—Bridges. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-205 Obstruction lighting standards—Water towers, grain elevators, gas holders and similar obstructions. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-210 Obstruction lighting standards—Group of structural hazards. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-215 Obstruction lighting standards—Hazard areas. [O.M.&L. standards (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-350 Appendix rules—General. [O.M.&L. standards, appendix (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-360 Appendix rules—Criteria for determining obstructions to air navigation. [O.M.&L. standards, appendix (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-370 Appendix rules—Operation of moored balloons. [O.M.&L. standards, appendix (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-24-380 Appendix rules—Illustrations. [O.M.&L. standards, appendix (part), filed 9/13/61.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- Reviser's note:** Later promulgation, see chapter 468-240 WAC.
- Chapter 12-28**
SPRAYING AND DUSTING BY AIRCRAFT
- 12-28-001 Promulgation. [Regulation 2, Promulgation, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-28-010 General. [Regulation 2, Sec. I, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-28-020 Pilots and operation of aircraft. [Regulation 2, Sec. II, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-28-030 Restrictions as to chemical application. [Regulation 2, Sec. III, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-28-040 Violations and penalties. [Regulation 2, Sec. IV, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-28-050 Persons excepted from rules. [Regulation 2, Sec. V, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-28-060 Severability. [Regulation 2, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- Chapter 12-32**
OPERATING RULES FOR SPECIFIC AREAS
- 12-32-001 Lake Washington and Lake Washington Ship Canal—Promulgation. [Regulation 1, Promulgation, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-32-010 Lake Washington and Lake Washington Ship Canal—Flight and operation rules. [Regulation 1, Flight Rules, filed 7/20/61.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- Chapter 12-36**
SPECIFICATIONS FOR DOWNED AIRCRAFT RESCUE TRANSMITTERS
- 12-36-001 Promulgation. [Order 69-1, § 12-36-001, filed 11/14/69, effective 1/1/70.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-36-010 Operation. [Order 69-1, § 12-36-010, filed 11/14/69, effective 1/1/70.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-36-020 Device quality. [Order 70-3, § 12-36-020, filed 8/17/70; Order 69-1, § 12-36-020, filed 11/14/69, effective 1/1/70.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-36-030 Transmission capabilities. [Order 69-1, § 12-36-030, filed 11/14/69, effective 1/1/70.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- 12-36-040 Dual frequency requirement. [Order 69-1, § 12-36-040, filed 11/14/69, effective 1/1/70.] Repealed by 83-01-039 (Order 75), filed 12/13/82. Statutory Authority: RCW 47.01.101(5) and 47.68.210.
- Chapter 12-40**
STATE AIRPORT RULES
- 12-40-010 Definitions. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-010, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-020 Aeronautics division to manage. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-020, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-030 Opening and closing of airports. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-030, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-040 Controlled operations. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-040, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-050 Fees. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-050, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-060 Nondiscrimination. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-060, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-070 Exclusive grants prohibited. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-070, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-080 Representations. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-080, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-090 Provisions in agreements. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-090, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-100 State/federal agreements controlling. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-100, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.

- 12-40-110 Grounds for refusal to grant agreement. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-110, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-120 Preexisting agreements. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-120, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-130 All use at own risk. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-130, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-140 Temporary rules. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-140, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-150 Accident notification. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-150, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-160 Hazard notification. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-160, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.
- 12-40-170 Littering. [Statutory Authority: RCW 47.68.100 and 47.68.210. 83-11-041 (Order 80), § 12-40-170, filed 5/18/83.] Decodified by 96-17-018 (Order 164), filed 8/13/96, effective 9/13/96. Statutory Authority: Chapter 47.68 RCW.

Reviser's note: Later promulgation, see chapter 468-250 WAC.

**Chapter 12-04 WAC
GENERAL ORGANIZATION
AND PUBLIC DISCLOSURE**

WAC

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WAC 12-04-010 Purpose. The purpose of this chapter shall be to ensure compliance by the aeronautics commission with the provisions of chapter 1, Laws of 1973 (Initiative 276) [chapter 42.17 RCW], Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Order 76-1, § 12-04-010, filed 4/29/76.]

WAC 12-04-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) The aeronautics commission is the commission appointed by the governor pursuant to section 1, chapter 252, Laws of 1945, as amended by section 1, chapter 68, Laws of 1967 [chapter 14.04 RCW]. The aeronautics commission shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the commission.

[Order 76-1, § 12-04-020, filed 4/29/76.]

WAC 12-04-030 Public records available. All public records of the commission, as defined in WAC 12-04-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and these rules.

[Order 76-1, § 12-04-030, filed 4/29/76.]

WAC 12-04-040 Membership, officers, quorum, director, administrative offices, function. (1) **Members.** The aeronautics commission shall consist of one member from each congressional district, who shall be appointed by the governor, by and with the advice and consent of the senate. The successors of the members initially appointed shall be appointed for terms of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No more than a simple majority of the members shall be appointed from the same political party. All members of the commission shall be citizens and bona fide residents of the state. No more than three members shall have any direct or indirect financial or pecuniary interest in civil aviation.

(2) **Officers, quorum.** The commission shall annually elect from among its members a chairman, vice-chairman and secretary. Four members shall constitute a quorum, and no action shall be taken by less than a majority of the commission.

(3) **Director.** A director of aeronautics shall be appointed by the commission and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly invested in and imposed upon him. He shall devote his entire time to the duties of his office and perform such services as the commission shall authorize and direct, and not be actively engaged or employed in any other business, vocation, or employment nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise.

He shall be the executive officer of the commission and under its supervision shall administer the provisions of the Aeronautics Commission Act, chapter 14.04 RCW, and the rules, regulations and orders established thereunder and all

other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission.

The director shall appoint, in accordance with chapter 41.06 RCW subject to the approval of the commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the commission and for whose services funds have been appropriated.

The commission may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by the Aeronautics Commission Act, chapter 14.04 RCW. Such delegated powers and duties may be exercised by the director in the name of the commission.

(4) **Administrative offices.** The administrative offices of the commission and its staff shall be located at 8600 Perimeter Road, Boeing Field, Seattle, Washington 98108. The commission has no established field organization and all available records relating to commission functions shall be at the foregoing address.

(5) **Function.** The commission shall have general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the commission in the development of aeronautics and aeronautical facilities in this state.

[Order 76-1, § 12-04-040, filed 4/29/76.]

WAC 12-04-050 Meetings. (1) **Regular meetings.** Pursuant to section 7, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.070, regular meetings of the aeronautics commission shall be held on the second Friday of each calendar month. Said meetings will begin with informal discussions at 8:00 a.m., followed by the formal meeting commencing at 9:30 a.m. Said meetings shall be at the specific location as determined by the commission and such specific location for any particular meeting may be obtained by contacting the commission's administrative office.

(2) **Special meetings.**

(a) A special meeting may be called at any time by the chairman or by a majority of the members. Said meeting shall be called by delivering personally or by mail written notice to each member of the commission; and to each local newspaper of general circulation and to each local radio or television station which has on file with the commission a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to

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be transacted. Final disposition shall not be taken on any other matter at such meetings by the commission. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the commission a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

(b) If the business to be transacted at the special meeting requires urgent and immediate action so that it would be impractical for the commissioners to gather at one location, the special meeting may be held by telephone conference: *Provided*, That the notice requirements of section 8, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.080 must be complied with: *And provided*, That the quorum and majority requirements of WAC 12-04-040(2) apply: *And further provided*, That all participating members must be able to hear all discussion and deliberation and be heard by all other participating members: *And further provided*, That such meeting shall be open and public and all persons shall be permitted to attend any such meeting pursuant to the provisions of chapter 250, Laws of 1971 ex. sess. [chapter 42.30 RCW], by coming to the administrative office of the commission where speakers will be provided which shall transmit all discussion and deliberation.

[Order 76-1, § 12-04-050, filed 4/29/76.]

WAC 12-04-060 Public records officer. The commission's public records shall be in charge of the public records officer designated by the commission. The person so designated shall be located in the administrative office of the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973 [chapter 42.17 RCW].

[Order 76-1, § 12-04-060, filed 4/29/76.]

WAC 12-04-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 76-1, § 12-04-070, filed 4/29/76.]

WAC 12-04-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 [chapter 42.17 RCW] that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be

inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 76-1, § 12-04-080, filed 4/29/76.]

WAC 12-04-090 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

[Order 76-1, § 12-04-090, filed 4/29/76.]

WAC 12-04-100 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 12-04-080 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 76-1, § 12-04-100, filed 4/29/76.]

WAC 12-04-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written state-

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ment by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) With regard to review of denial of requests hereunder, the provisions of WAC 12-04-040(2) regarding quorum shall be inapplicable.

[Order 76-1, § 12-04-110, filed 4/29/76.]

WAC 12-04-120 Protection of public records. The public records officer shall, to the extent practical, insure that records requested are not removed from the premises nor portions thereof removed by members of the public.

[Order 76-1, § 12-04-120, filed 4/29/76.]

WAC 12-04-130 Records index. (1) The commission has available to all persons a current index which provides identifying information as to those of the following records applicable to the commission and issued, adopted or promulgated since June 30, 1972:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 76-1, § 12-04-130, filed 4/29/76.]

WAC 12-04-140 Communications. All communications with the commission including but not limited to the

submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 [chapter 42.17 RCW] and these rules; requests for copies of the commission's decisions and other matters, shall be addressed as follows: c/o Public Records Officer, Aeronautics Commission, 8600 Perimeter Road, Boeing Field, Seattle, Washington 98108.

[Order 76-1, § 12-04-140, filed 4/29/76.]

WAC 12-04-150 Adoption of form. The aeronautics commission hereby adopts use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

Aeronautics Commission
8600 Perimeter Road
Boeing Field
Seattle, Washington 98108

AERONAUTICS COMMISSION

REQUEST FOR PUBLIC RECORDS

Date..... Time

Name.....

Address.....

Description of Records (see index):

.....

.....

.....

I certify that the information obtained through this request for public records will not be used for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$

Total charge \$

[Order 76-1, § 12-04-150, filed 4/29/76.]

**Chapter 12-08 WAC
PRACTICE AND PROCEDURE**

WAC

- 12-08-010 Uniform procedural rules.
- 12-08-020 Contested case hearing.

- 12-08-030
- 12-08-040

- Hearings before hearing officer.
- Proposed orders by hearing officers and appeal.

WAC 12-08-010 Uniform procedural rules. The Washington state aeronautics commission, hereinafter designated the commission, adopts as its rules of practice those uniform procedural rules promulgated by the code reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590 as now or hereafter amended, subject to the additional rules contained herein as WAC 12-08-020 through 12-08-040 and such other additional rules that the commission may add from time to time. The commission reserves the right to make whatever determination is fair and equitable should any question, not covered by its rules, come before the commission, said determination to be in accordance with the spirit and intent of the law (chapter 165, Laws of 1947 [chapter 14.04 RCW]).

[Order 76-1, § 12-08-010, filed 4/29/76.]

WAC 12-08-020 Contested case hearing. The commission shall hold formal hearings, conducted as contested cases under the Administrative Procedure Act, chapter 34.04 RCW, where required by the provisions of chapter 14.04 RCW.

[Order 76-1, § 12-08-020, filed 4/29/76.]

WAC 12-08-030 Hearings before hearing officer. When directed by the commission, any hearing conducted pursuant to chapter 14.04 RCW shall be heard by a hearing officer appointed by the commission. Contested case hearings shall be conducted in accordance with the uniform rules of procedure under WAC 12-08-010 as otherwise modified by this chapter.

[Order 76-1, § 12-08-030, filed 4/29/76.]

WAC 12-08-040 Proposed orders by hearing officers and appeal. (1) General. WAC 12-08-030 shall apply in any proceeding under chapter 14.04 RCW which has been the subject of a contested case hearing and which is the subject of decision by the commission, except when:

- (a) There is no objection to a request, made on the record, by a party or the hearing officer for omission of the hearing officer's proposed order; or
- (b) the decision is not adverse to any party to the proceeding other than to the commission.

(2) Preparation and service of proposed order. In proceedings covered by (1) the officer conducting the hearing, or, when required, such other officer as shall be designated by the commission, shall prepare a proposed order including findings of fact and conclusions of law and the same shall be served upon all parties of record.

(3) Briefs to hearing officer. At the conclusion of the hearing, the hearing officer may provide for the submission of briefs and fix the time to be allotted therefor.

(4) Exceptions—Who may file. Any party of record may file exceptions to the hearing officer's proposed order.

(5) Exceptions—Time for filing. Exceptions to hearing officer's proposed order must be filed in triplicate with the director of the commission and one copy must be served upon all other parties of record or their attorneys within ten days of

the date of service of said proposed order. Proof of service must be made in accordance with WAC 1-08-120.

(6) Exceptions—Contents. Exceptions to hearing officer's proposed orders shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by reference to that page or part of the record or, in the alternative, by a statement of the evidence relied upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute, and/or to the applicable rule and regulation involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to statements in the summary portion of the proposed order, there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate order.

(7) Replies—Who may file. Any party of record may file replies to exceptions.

(8) Replies—Time for filing. Replies to exceptions must be filed in triplicate with the director of the commission. One copy shall be served on all other parties of record or their attorney of record within ten days of the date of the service of the exceptions. Proof of service must be made in accordance with WAC 1-08-120.

(9) Replies—Contents. Replies to exceptions shall be specific and must be stated and numbered separately and must be supported by a reference to that page or part of the record, or in the alternative a statement of the evidence, relied upon to support the reply.

(10) Time for filing—Variance. The hearing officer or the commission may in his or its discretion, upon notice to the parties, reduce or extend the time for filing exceptions and replies.

(11) Briefs or written arguments. Briefs or written arguments shall accompany exceptions and replies.

(12) Oral argument. The commission may in its discretion hear oral argument at a time and place to be designated by it upon notice to all affected parties. Upon the failure of any party requesting and receiving permission to present oral argument to make such argument to the commission in support of its written objections, the commission may on its own motion consider the case submitted on the briefs or written arguments, unless such party shall have requested and have been granted a continuance in advance.

(13) Final decision. After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, or on its own motion if no exceptions are filed, a majority of the commission may affirm or modify the hearing officer's proposed order by an appropriate order. The statutory time for review proceedings shall not commence until the date of the commission's final decision and order.

[Order 76-1, § 12-08-040, filed 4/29/76.]

(1999 Ed.)

[Title 12 WAC—p. 9]