

Title 470 WAC

TRANSPORTATION OF DANGEROUS CARGOES, ADVISORY COMMITTEE ON

Chapters
470-08
470-12

Practice and procedure.
Transporting rules.

Chapter 470-08 WAC PRACTICE AND PROCEDURE

WAC

470-08-005	Definitions.
470-08-540	Petitions for rule making, amendment or repeal.
470-08-580	Declaratory rulings.
470-08-590	Forms.

WAC 470-08-005 Definitions. (1) "Committee" wherever used herein shall mean the advisory committee established in RCW 46.48.170 [46.48.190].

(2) "Chief" wherever used herein shall mean the chief of the Washington state patrol.

[Rules (part), filed 3/21/60.]

WAC 470-08-540 Petitions for rule making, amendment or repeal. (1) Any interested person may petition the chief requesting the promulgation, amendment, or repeal of any regulation.

(2) Where the petition requests the promulgation of a regulation, the requested or proposed regulation must be set out in full. The petition must also include all the reasons for the requested regulation together with briefs of any applicable law. Where the petition requests the amendment or repeal of a regulation presently in effect, the regulation or portion of the regulation in question must be set out as well as the suggested amendment form if any. The petition must include all reasons for the requested amendment or repeal of the regulation.

(3) All petitions shall be considered by the chief and he may, in his discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any regulation.

(4) The chief shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Rules (part), filed 3/21/60.]

WAC 470-08-580 Declaratory rulings. (1) As prescribed in RCW 34.04.080, any interested person may petition the chief for a declaratory ruling. The chief shall consider the petition and within a reasonable length of time shall:

(a) Issue a nonbinding declaratory ruling; or

(b) Notify the person that no declaratory ruling is to be issued.

[Rules (part), filed 3/21/60.]

(2009 Ed.)

WAC 470-08-590 Forms. (1) **Forms for declaratory rulings.** Any interested person petitioning the chief for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "Before the chief of the Washington state patrol." On the left side of the side of the page following the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(c) The original and two legible copies shall be filed with the agency. Petitions shall be on white paper 8 1/2" by 11" in size.

(2) For promulgation, amendment, or repeal of regulations. Any interested person petitioning the chief requesting a promulgation, amendment, or repeal of any regulations shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "Before the chief of the Washington state patrol." On the left side of the page following the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment, or repeal) of regulation (or regulations)." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the promulgation of new regulation or regulations, or amendment or repeal of existing regulation or regulations. The second paragraph, in the case of a proposed new regulation or regulations or amendment of an existing regulation, shall state the desired regulation in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing regulation such shall be stated and the proposed to be repealed shall either be set forth in full or shall be referred to by regulation number. The third paragraph shall set forth concisely the reason for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the

subject matter of the regulation. Additional numbered paragraphs may be used to give full explanation of the petitioners reasons for the action sought.

(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency.

(d) Petitions shall be on white paper 8 1/2" by 11" in size.

[Rules (part), filed 3/21/60.]

Chapter 470-12 WAC TRANSPORTING RULES

WAC

470-12-010	Adoption statement.
470-12-020	Scope.
470-12-030	Flammable liquids in tank vehicles.
470-12-040	Flammable liquids in portable containers and all other dangerous articles.
470-12-050	Supplemental regulations.
470-12-060	Appeals.

WAC 470-12-010 Adoption statement. Pursuant to RCW 46.48.170 and 46.48.175, the following regulations, applicable to the transportation of explosives, flammable materials, corrosives, compressed gases, poisons, oxidizing materials and other dangerous articles by motor vehicle are adopted.

[Rules (part), filed 3/21/60.]

WAC 470-12-020 Scope. These regulations shall apply to the transportation of all dangerous articles, as listed in the regulations of the Interstate Commerce Commission issued under authority of the Transportation of Explosives Act (62 Stat. 738, 18 U.S.C.A., pp 831-835) and published in Motor Carriers' Explosives and Dangerous Articles Tariff No. 7, effective date March 6, 1951.

[Rule I, filed 3/21/60.]

WAC 470-12-030 Flammable liquids in tank vehicles. Tank vehicles used for the transportation of flammable liquids shall be constructed, maintained and operated in accordance with the standards of the National Fire Protection Association, as published in "*Recommended Regulatory Standard for Tank Vehicles for Flammable Liquids*," edition of 1948, and the same are made a part of this order the same as if fully set forth herein: Provided, That any such vehicle operated in state prior to July 1, 1951, shall, in respect to the cargo tanks then in use on such vehicles, be exempt from compliance with sections 212, 222, 232: And further provided, That any such vehicle operated in the state prior to July 1, 1951, otherwise constructed and maintained in accordance herewith, shall be permitted until January 1, 1953, to comply with the provisions of sections 301, 302, 303, and 304.

[Rule II, filed 3/21/60.]

WAC 470-12-040 Flammable liquids in portable containers and all other dangerous articles. Flammable liquids in portable containers and all other dangerous articles, except flammable liquids in tank vehicles, shall be transported by

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motor vehicles only in accordance with the regulations of the Interstate Commerce Commission issued under authority of the Transportation of Explosives Act (62 Stat. 738, 18 U.S.C.A., pp 831-835) as published in "Motor Carriers' Explosives and Dangerous Articles Tariff No. 7," effective date March 6, 1951, and the same are made part of this order the same as if fully set forth herein.

[Rule III, filed 3/21/60.]

WAC 470-12-050 Supplemental regulations. (1) **Accidents.** In cases of accident, the Washington state patrol shall be notified immediately to aid in controlling the highway traffic and onlookers, and in the safe disposition of any spilled dangerous article.

(2) **Vehicle storage.** Vehicles transporting any dangerous article, and tank vehicles whether loaded or empty, used for the transportation of any dangerous article, shall not be placed in a public garage for storage.

(3) **Marking on tank vehicles.** Tank vehicles used for the transportation of flammable liquids shall, regardless of the quantity being transported or whether loaded or empty, be conspicuously and legibly marked on each side and the rear thereof, in letters at least three inches high on a background of sharply contrasting color, optionally, as follows:

With a sign or lettering on the vehicle, with the word "FLAMMABLE," or

With the common name of the flammable liquid being transported; or

With the name of the carrier or his trademark, when and only when such name or mark plainly indicates the flammable nature of the cargo.

(4) **Carboys.** Carboys which have been used for the transportation of acids or corrosive liquids shall have been thoroughly drained and washed and there shall be no residual corrosive liquid present on the outer surface of the carboy or the outer container, or within the outer container, before such carboys are carried as "empty" containers.

(5) **Compressed gases.** Compressed gases in small cylinders, when loaded horizontally, shall be carried parallel to the sides of truck, full trailer, or semitrailer with the valve protection device pointing in the direction of forward motion.

[Rule IV, filed 3/21/60.]

WAC 470-12-060 Appeals. (1) An appeal may be made to the chief of the Washington state patrol to secure temporary relief from compliance with these regulations under an emergency or other unusual circumstance.

(2) The chief of the Washington state patrol will give consideration to such appeals, and may issue a written permit allowing relief from compliance for a reasonable period of time.

[Rule V, filed 3/21/60.]