

WSR 10-22-115
EXPEDITED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Commission Docket A-101466—Filed November 3, 2010, 9:13 a.m.]

Title of Rule and Other Identifying Information: This rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent versions of adopted federal rules and other adopted publications and correct reference, grammatical, and punctuation errors.

Affected WAC chapters include chapters 480-15, 480-30, 480-31, 480-62, 480-70, 480-73, 480-75, 480-90, 480-93, 480-100, 480-108, and 480-120 WAC.

Proposed Rule Changes			
Adoption by Reference Date Changes and Other Changes			
Docket A-101466			
Chapter 480-15 WAC, Household goods carriers.			
Adopt	480-15-560	Equipment safety requirements	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 379, Preservation of Records - See Note 1. • Part 385, Safety Fitness Procedures - See Note 2. • Part 397, Transportation of Hazardous Materials - See Note 3. • Part 375, Consumer Protection Regulations - See Note 4. • Part 380, Special Training Requirements - See Note 5.
Adopt	480-15-570	Driver safety requirements	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs - See Note 6. • Part 385, Safety Fitness Procedures - See Note 2. • Part 397, Transportation of Hazardous Materials - See Note 3. • Part 375, Consumer Protection Regulations - See Note 4. • Part 380, Special Training Requirements - See Note 5.
Amend	480-15-999	Adoption by reference	Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of-Service Criteria - See Note 7. Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing - See Note 8. • Part 383, Commercial Driver's License Standards, Requirements and Penalties - See Note 9. • Part 390, Motor Carrier Safety Regulations, General - See Note 10. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors - See Note 11. • Part 392, Driving of Commercial Motor Vehicles - See Note 12. • Part 393, Parts and Accessories Necessary for Safe Operation - See Note 13. • Part 395, Hours of Service of Drivers - See Note 14. • Part 396, Inspection, Repair, and Maintenance - See Note 15.
Chapter 480-30 WAC, Auto transportation companies.			
Amend	480-30-999	Adoption by reference	Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of-Service Criteria - See Note 7. Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs - See Note 16. • Part 382, Controlled Substance and Alcohol Use and Testing - See Note 8. • Part 383, Commercial Driver's License Standards, Requirements and Penalties - See Note 9.

			<ul style="list-style-type: none"> • Part 379, Preservation of Records - See Note 17. • Part 380, Special Training Requirements - See Note 18. • Part 385, Safety Fitness Procedures - See Note 19. • Part 390, Motor Carrier Safety Regulations, General - See Note 10. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors - See Note 11. • Part 392, Driving of Commercial Motor Vehicles - See Note 12. • Part 393, Parts and Accessories Necessary for Safe Operation - See Note 13. • Part 395, Hours of Service of Drivers - See Note 14. • Part 396, Inspection, Repair, and Maintenance - See Note 15. • Part 397, Transportation of Hazardous Materials - See Note 20.
Chapter 480-31 WAC, Private, nonprofit transportation providers.			
Adopt	480-31-100	Equipment— Safety	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 379, Preservation of Records - See Note 1. • Part 380, Special Training Requirements - See Note 5. • Part 390, Motor Carrier Safety Regulations, General - See Note 21.
Adopt	480-31-130	Operation of motor vehicles	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs - See Note 6. • Part 385, Safety Fitness Procedures - See Note 2. • Part 380, Special Training Requirements - See Note 5.
Amend	480-31-999	Adoption by refer- ence	Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of-Service Criteria - See Note 7. Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing - See Note 8. • Part 383, Commercial Driver's License Standards, Requirements and Penalties - See Note 9. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors - See Note 11. • Part 392, Driving of Commercial Motor Vehicles - See Note 12. • Part 393, Parts and Accessories Necessary for Safe Operation - See Note 13. • Part 395, Hours of Service of Drivers - See Note 14. • Part 396, Inspection, Repair, and Maintenance - See Note 15. • Part 397, Transportation of Hazardous Materials - See Note 20.
Chapter 480-62 WAC, Railroad companies—Operations.			
Adopt	480-62-230	Traffic control devices	Adopts, by reference, Manual on Uniform Traffic Control Devices (MUTC), Part 8 - See Note 22.
Adopt	480-62-235	Flaggers	Adopts, by reference, specific chapters of Manual on Uniform Traffic Control Devices (MUTC), as follows - See Note 23: <ul style="list-style-type: none"> • Chapter 8A.08, Temporary Traffic Control Zones. • Chapter 6A, General. • Chapter 6B, Fundamental Principles. • Chapter 6D, Pedestrian and Worker Safety. • Chapter 6E, Flagger Control. • Chapter 6G.18, Work in the Vicinity of a Grade Crossing.

Amend	480-62-999	Adoption by reference	<p>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 171, General Information, Regulations, and Definitions - See Note 24. • Part 173, Shippers General Requirements for Shipments and Packages - See Note 25. • Part 174, Carriage by Rail - See Note 26. • Part 178, Specifications for Packaging's - See Note 27. • Part 179, Specifications for Tank Cars - See Note 28. • Part 209, Railroad Safety Enforcement Procedures - See Note 29. • Part 211, Rules of Practice - See Note 30. • Part 212, State Safety Participation Regulations - See Note 31. • Part 213, Track Safety Standards - See Note 32. • Part 214, Railroad Workplace Safety - See Note 33. • Part 217, Railroad Operating Rules - See Note 34. • Part 218, Railroad Operating Practices - See Note 35. • Part 219, Control of Alcohol and Drug Use - See Note 36. • Part 220, Railroad Communications - See Note 37. • Part 221, Rear-End Marking Device - See Note 38. • Part 225, Railroads Accidents/Incidents - See Note 39. • Part 228, Hours of Service of Railroad Employees - See Note 40. • Part 234, Grade Crossing Signal System Safety- See Note 41. • Part 239, Passenger Train Emergency Preparedness - See Note 42. • Part 240, Qualification and Certification of Locomotive Engineers - See Note 43. • Part 570.6 and 570.7, Vehicle in Use Inspection Standards - See Note 44.
Amend	480-62-999	Adoption by reference	<p>Amends the effective date of adoption to June 30, 2010, for the following safety standards:</p> <ul style="list-style-type: none"> • ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits - See Note 45. • ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests - See Note 46.
Chapter 480-70 WAC, Solid waste collection companies.			
Adopt	480-70-201	Vehicle and driver safety requirements	<p>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs - See Note 6. • Part 379, Preservation of Records - See Note 1. • Part 380, Special Training Requirements - See Note 5. • Part 385, Safety Fitness Procedures - See Note 2.
Amend	480-70-999	Adoption by reference	<p>Amends the effective date of adoption to April 1, 2010 for the North American Standard Out-of-Service Criteria - See Note 7.</p> <p>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing - See Note 8. • Part 383, Commercial Driver's License Standards, Requirements and Penalties - See Note 9. • Part 390, Motor Carrier Safety Regulations, General - See Note 10. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors - See Note 11. • Part 392, Driving of Commercial Motor Vehicles - See Note 12. • Part 393, Parts and Accessories Necessary for Safe Operation - See Note 13. • Part 395, Hours of Service of Drivers - See Note 14. • Part 396, Inspection, Repair, and Maintenance - See Note 15. • Part 397, Transportation of Hazardous Materials - See Note 20.

Chapter 480-73 WAC, Hazardous liquid pipeline companies.			
Amend	480-73-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations. April 1, 2010 - No change to current rule.
Chapter 480-75 WAC, Hazardous liquid pipelines—Safety.			
Amend	480-75-999 (1)(a)	Adoption by reference	1. Adoption by reference dates changed as follows: Title 49 Code of Federal Regulations. October 1, 2010 - Parts 195 and 199 including all appendices and amendments except for 49 C.F.R. Sections 195.0 and 195.1, and 49 C.F.R. Sections 199.1 and 199.2 - See Note 47.
Amend	480-75-999(2)	Adoption by reference	1. Adoption by Reference dates changed as follows: The American Society of Mechanical Engineers (ASME) B31.4, 2006 edition, October 20, 2006. See Note 47.
Amend	480-75-999(3)	Adoption by reference	1. Adoption by reference dates changed as follows: The 2007 edition, July, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code. See Note 47.
Amend	480-75-999(4)	Adoption by reference	1. Adoption by reference dates changed as follows: The commission adopts American Petroleum Institute (API) standard 1104 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008). See Note 47.
Amend	480-75-999(5)	Adoption by reference	1. Adoption by reference dates changed as follows: The commission adopts API RP standard 1117 Third Edition, July 2008, including errata December 2008. See Note 47.
Chapter 480-90 WAC, Gas companies—Operations.			
Amend	480-90-999	Adoption by reference	Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations. April 1, 2010 - No significant changes.
Chapter 480-93 WAC, Gas companies—Safety.			
Amend	480-93-999(1)	Adoption by reference	1. Adoption by reference dates changed as follows: Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office. (a) The commission adopts the version of the above regulations that were in effect on October 1, 2010, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. See Note 47.
Amend	480-93-999(2)	Adoption by reference	1. Adoption by reference dates changed as follows: (2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code. (a) The commission adopts the 2007 edition, July 1, 2007 of Section IX of the ASME Boiler and Pressure Vessel Code. See Note 47.
Amend	480-93-999(3)	Adoption by reference	1. Adoption by reference dates changed as follows: (3) The American Petroleum Institute (API) standard 1104 (20th edition 2007, including errata/addendum July 2007 and errata 2 (2008). (a) The commission adopts the 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008) of this standard. See Note 47.
Chapter 480-100 WAC, Electric companies.			
Amend	480-100-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations. <ul style="list-style-type: none"> o April 1, 2010 - No significant changes. • National Electric Code (NFPA). <ul style="list-style-type: none"> o 2011 edition.

Chapter 480-108 WAC, Electric companies.			
Amend	480-108-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • IEEE 1547: Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems. <ul style="list-style-type: none"> o 2003 version and reaffirmed in 2008 - No changes to current rule. • National Electric Code (NFPA) 2011 edition. • National Electric Safety Code (NEC) 2007 edition. • UL 1741: Inverters, Converters, Controllers, and Interconnection System Equipment for Use with Distributed Energy Resources 2010 edition.
Chapter 480-120 WAC, Telecommunications companies.			
Amend	480-120-999	Adoption by reference	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications" - (ATIS 0100510) - as of December 29, 1999, and reaffirmed 2008. <ul style="list-style-type: none"> o No change to current rule - Revises Reference Number of Title. • National Electrical Safety Code. <ul style="list-style-type: none"> o January 1, 2007 - No change to current rule. • Title 47 Code of Federal Regulations, as referenced in WAC 480-120-359 and 480-120-349. <ul style="list-style-type: none"> o October 1, 1998 - No change to current rule - See Note 48. • Title 47 Code of Federal Regulations, as referenced in WAC 480-120-202 and 480-120-146. <ul style="list-style-type: none"> o October 1, 2010 - Update to current C.F.R. version and to revise WAC reference.

Notes**1. 49 C.F.R. Part 379, Preservation of Records.**

Effective: June 30, 2010: This C.F.R. instructs companies on requirements for minimum retention periods of records for motor carriers, brokers, and household goods moving companies and brokers.

2. 49 C.F.R. Part 385, Safety Fitness Procedures.

Effective: June 30, 2010: This C.F.R. instructs companies on:

- Procedures the regulatory agency will use to determine the safety fitness of the company, to assign safety ratings, to direct remedial action by the company, and companies with an "unsatisfactory" rating from operating commercial motor vehicles.
- The safety assurance program for new entrants and consequences if the new entrant fails to maintain adequate safety management controls.
- The safety permit program for companies that wish to transport hazardous materials.

3. 49 C.F.R. Part 397, Transportation of Hazardous Materials.

Effective: June 30, 2010: This C.F.R. instructs companies on requirements for operations and routing for companies hauling hazardous materials.

4. 49 C.F.R. Part 375, Transportation of Household Goods, Consumer Protection Regulations.

Effective: June 30, 2010: This C.F.R. instructs household goods moving companies on requirements for maintaining appropriate consumer protection controls.

5. 49 C.F.R. Part 380, Special Training Requirements.

Effective: June 30, 2010: This C.F.R. instructs companies on establishing minimum requirements for entry-level drivers and for operators of longer combination vehicles (LCV).

6. 49 C.F.R. Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

Effective: October 1, 2010: This C.F.R. instructs companies on establishing and maintaining a drug and alcohol testing program, including:

- Employer responsibilities.
- Urine collection procedures.
- Drug testing laboratories.
- Medical review officers and the verification process.
- Split specimen tests.
- Alcohol testing procedures.
- Alcohol screening and confirmation tests.
- Problems in drug and alcohol testing.
- Returning to duty.
- Roles and responsibilities of various personnel involved in the testing process.
- Confidentiality.

7. North American Standard Out-Of-Service (OOS) Criteria.

Effective: April 1, 2010:

- Changes OOS criteria to place a driver out-of-service for operating a passenger-carrying vehicle without possessing a valid medical certificate, in accordance with 49 C.F.R. 391.49(a).
- Changes OOS criteria to add language allowing a driver who does not have seven previous days of records of duty status to utilize an electronic device to print and sign previously completed record of duty status, in accordance with 49 C.F.R. 395.13.
- Changes OOS criteria to put a vehicle out-of-service for the following conditions:
 - o Brake adjustment.
 - o Specification changes for defective equipment.
 - o Inoperative or missing brakes (drum air brakes, air disc brakes, hydraulic brakes, trailer break-away and emergency braking).
 - o Brake smoke or fire.
 - o Defective brake drums or rotors, brake hose or tubing.
 - o Defective low pressure warning device.
 - o Air loss rate.
 - o Defective tractor-protection system, air reservoir, and air compressor.
 - o Defective upper coupler assembly, including a defective king pin.
 - o Defective chain.
- Changes language regarding steering wheel free play and steering wheel lash.
- Changes descriptive language from "wiring and electrical systems in engine and battery compartment" to "electrical cables and systems in engine and battery compartments."
- Clarifies that in order to put a vehicle out-of-service for transport marking violations, a hazardous material or dangerous good must be present.
- Adds language to put a driver out-of-service if the driver does not hold a valid automobile driver's license or have a valid operator's status as defined in 49 C.F.R. Part 383.5.
- Adds language to put a driver out-of-service if the driver appears so fatigued that he or she should not continue the trip.
- Adds language that prohibits a disqualified driver from driving a commercial motor vehicle.
- Adds language to put a driver out-of-service if there is the presence of, or if the driver is under the influence of, alcohol.

8. 49 C.F.R. Part 382, Controlled Substance and Alcohol Use and Testing.

Effective: June 30, 2010: No changes to 49 C.F.R. Part 382 were made since the prior adoption date of December 31, 2007.

9. 49 C.F.R. Part 383, Commercial Driver's License Standards, Requirements and Penalties.

Effective June 30, 2010:

- Changes effective December 1, 2008: 73 Federal Register 73123-73125: Amends FMCSA regula-

tions to require interstate commercial driver's license (CDL) holders to provide a current copy of their medical examiner's certificates to the state driver licensing agency. Requires the state driver licensing agency to record, on the commercial driver licensing information system, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.

- Changes effective May 21, 2010: 75 Federal Register 28500-28502: Makes one minor amendment responding to a petition for reconsideration, and makes corrections for technical errors made in the December 1, 2008, final rule.

10. 49 C.F.R. Part 390, Motor Carrier Safety Regulations, General.

Effective June 30, 2010:

- Changes effective December 1, 2008: 73 Federal Register 73126: Amends FMCSA regulations to require interstate CDL holders to provide a current copy of their medical examiner's certificates to the state driver licensing agency. Requires the state driver licensing agency to record, on the commercial driver licensing information system, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.
- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A legacy for users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective December 29, 2009: 74 Federal Register 68708: Amends December 17, 2008, final rule with some minor technical amendments and corrections.
- Changes effective February 1, 2010: 75 Federal Register 5002: In accordance with SAFETEA-LU, requires bus carriers to comply with safety rules, regardless of the distance traveled.

11. 49 C.F.R. Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors.

Effective June 30, 2010:

- Changes effective December 1, 2008: 73 Federal Register 73126-73127: Amends FMCSA regulations to require interstate CDL holders to provide a current copy of their medical examiner's certificate to the state driver licensing agency. Requires the state driver licensing agency to record, on the commercial driver licensing information system, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.

- Changes effective May 21, 2010: 75 Federal Register 28500-28502: Makes one minor amendment responding to a petition for reconsideration, and makes corrections for technical errors made in the December 1, 2008, final rule.

12. 49 C.F.R. Part 392, Driving of Commercial Motor Vehicles.

Effective June 30, 2010:

- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective December 29, 2009: 74 Federal Register 68708-68709: Amends December 17, 2008, final rule with some minor technical amendments and corrections.

13. 49 C.F.R. Part 393, Parts and Accessories Necessary for Safe Operation.

Effective June 30, 2010:

- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.

14. 49 C.F.R. Part 395, Hours of Service of Drivers.

Effective June 30, 2010:

- Changes effective April 5, 2010: 75 Federal Register 17245-17252: Incorporates new performance standards for electronic on-board recorders installed on or after July 4, 2012.

15. 49 C.F.R. Part 396, Inspection, Repair, and Maintenance.

Effective June 30, 2010:

- Changes effective December 17, 2008: 73 Federal Register 76820-76825: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective April 5, 2010: 75 Federal Register 17245-17252: Incorporates new performance standards for electronic on-board recorders installed on or after July 4, 2012.
- Changes effective December 29, 2009: 74 Federal Register 68708-68709: Amends December 17, 2008, final rule with some minor technical amendments and corrections.

16. 49 C.F.R. Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

Effective October 1, 2010:

- Changes effective June 25, 2008: 73 Federal Register 35969-35975: Amends certain provisions of the drug and alcohol testing procedures to change instructions to, among others, employers regarding urine specimen results. The changes are intended to create consistency with specimen validity requirements established by the United States Department of Health and Human Services.
- Changes effective August 26, 2008: 73 Federal Register 50223: Changes the effective date of new rules adopted June 25, 2008, from August 25, 2008, to November 1, 2008. Also seeks comments on 49 C.F.R. 40.67(b).
- Changes effective October 22, 2008: 73 Federal Register 62910: Responds to comments sought in 50223 above, but makes no changes to rules.
- Changes effective November 20, 2008: 73 Federal Register 70284: United States Court of Appeals issued stay for 40.67(b). This revision changes language back to what existed prior to the November 1, 2008, effective date.
- Changes effective December 1, 2008: 73 Federal Register 73123-73125: Amends FMCSA regulations to require interstate CDL holders to provide a current copy of their medical examiner's certificate to the state driver licensing agency. Requires the state driver licensing agency to record, on the commercial driver licensing information system, the self-certification the driver made regarding applicability of driver qualification rules and the medical certification status information. Contains other minor conforming requirements.
- Changes effective July 30, 2009: 74 Federal Register 37952: United States Court of Appeals lifted the stay. This revision adopts the new language from rules adopted June 25, 2008, in (1), above.
- Changes effective February 2, 2010: 75 Federal Register 5244: Makes changes only to reflect department of transportation (DOT) reorganization and DOT moving its WA DC offices.
- Changes effective February 25, 2010: 75 Federal Register 8529-8535: Makes technical changes to authorize employers to use DOT alcohol testing form and management information system data collection form.
- Changes effective March 18, 2010: 75 Federal Register 13009: Makes minor corrections to rules adopted February 25, 2010.
- Changes effective May 21, 2010: 75 Federal Register 28500-28502: Makes one minor amendment responding to a petition for reconsideration, and makes corrections for technical errors made in the December 1, 2008, final rule.
- Changes effective October 1, 2010: 75 Federal Register 49850-49864: Amends drug testing procedures dealing with laboratory testing of urine specimens and training and procedures for medical

review officers, to create consistency with the new United States Department of Health and Human Services requirements.

17. 49 C.F.R. Part 379, Preservation of Records.

Effective: June 30, 2010: No changes to 49 C.F.R. Part 379 was [were] made since the prior adoption date of December 31, 2007.

18. 49 C.F.R. Part 380, Special Training Requirements.

Effective: June 30, 2010: No changes to 49 C.F.R. Part 380 was [were] made since the prior adoption date of December 31, 2007.

19. 49 C.F.R. Part 385, Safety Fitness Procedures.

Effective: June 30, 2010:

- Changes effective December 17, 2008: 73 Federal Register 76818: Adopts rules to implement Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for users (SAFETEA-LU). The rules set requirements for intermodal equipment providers regarding FMCSA registration, marking vehicles, and inspections and maintenance.
- Changes effective April 5, 2010: 75 Federal Register 17240-17241: Incorporates new performance standards for electronic on-board recorders installed on or after July 4, 2012.
- Changes effective December 16, 2008: 73 Federal Register 76488-76491: Amends the New Entrant Safety Assurance Program to raise the standard of compliance for passing the new entrant safety audit.

20. 49 C.F.R. Part 397, Transportation of Hazardous Materials.

Effective: June 30, 2010: No changes to 49 C.F.R. Part 380 was [were] made since the prior adoption date of December 31, 2007.

21. 49 C.F.R. Part 390, Safety Regulations, General.

Effective: June 30, 2010: This C.F.R. establishes general applicability, definitions, general requirements, and information as it pertains to persons subject to these rules.

22. Manual on Uniform Traffic Control Devices (MUTCD), Part 8.

Effective: June 30, 2010: The MUTCD, Part 8 is titled "Traffic Control for Railroad and Light Rail Transit Grade Crossings" and includes the following:

- General information about traffic control at and near railroad facilities.
- Use of standard devices, systems, and practices at highway-rail and highway-light rail crossings.
- Uniform provisions regarding traffic control at and near railroad facilities.
- Grade crossing elimination.
- Illumination and quiet zone treatment at grade crossings.
- Temporary traffic control zones.
- Signs and markings requirements, standards, and guidelines.
- Flashing light signals, gates, and traffic control signals requirements, standards, and guidelines.
- Pathway grade crossing requirements, standards, and guidelines.

23. Manual on Uniform Traffic Control Devices (MUTCD), Specific Chapters of Parts 8 and 6.

Effective: June 30, 2010: The MUTCD, Chapters 8A.08, 6A, 6B, 6D, 6E, and 6G.18, which includes the following:

- Temporary traffic control zones.
- General information and fundamental principles regarding temporary traffic control zones.
- Pedestrian and worker safety in temporary traffic control zones.
- Flagger control in temporary traffic control zones.
- Temporary traffic control zone work in the vicinity of a grade crossing.

24. 49 C.F.R. Part 171, General Information, Regulations, and Definitions.

Effective: June 30, 2010:

- Changes effective December 29, 2009: 74 Federal Register 68702: This rule change adjusts the maximum and minimum civil penalties associated with an [a] hazardous materials move, for a knowing violation of the federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.
- Changes effective October 1, 2008: 73 Federal Register 57004-57008: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.
- Changes effective January 28, 2008: 73 Federal Register 4699-4720: This rule amends the hazardous materials regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce.
- Changes effective January 4, 2010: 75 Federal Register 63-74: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- Changes effective January 14, 2010: 74 Federal Register 2199-2270: This rule makes revisions to requirements for the transportation of batteries and battery-powered devices.
- Changes effective October 16, 2009: 74 Federal Register 53182-53189: This rule corrects editorial errors, makes minor regulatory changes, responds to requests for clarification, and, improves the clarity of certain provisions in the hazardous materials regulations.

25. 49 C.F.R. Part 173, Shippers General Requirements for Shipments and Packages.

- Changes effective January 14, 2009: 74 Federal Register 2199-2270: This rule makes revisions to requirements for the transportation of batteries and battery-powered devices.

- Changes effective January 4, 2010: 75 Federal Register 63-74: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- 26. 49 C.F.R. Part 174, Carriage by Rail.**
- Changes effective January 13, 2009: 74 Federal Register 1769-1802: This rule amends the hazardous materials regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard materials, including design standards for railroad tank cars.
 - Changes effective April 16, 2008: 73 Federal Register 20751-20773: This rule requires rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials, use the data to analyze safety and security risks along rail routes where those materials are transported, assess alternative routing options, and make routing decisions based on those assessments. It also clarifies rail carriers' responsibility to address in their security plans issues related to en-route storage and delays in transit. In addition, it adopts a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or suspicious items, including improvised explosive devices.
 - Changes effective October 16, 2009: 74 Federal Register 53182-53189: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.
- 27. 49 C.F.R. Part 178, Specifications for Packagings.**
- Changes effective January 14, 2009: 74 Federal Register 2199-2270: This rule makes revisions to requirements for the transportation of batteries and battery-powered devices.
 - Changes effective January 4, 2010: 75 Federal Register 63-74: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
 - Changes effective April 9, 2009: 74 Federal Register 16135-16144: This rule amends the hazardous materials regulations to revise certain requirements applicable to the manufacture, maintenance, and use of DOT and motor carrier (MC) specification cargo tank motor vehicles, DOT specification cylinders and UN pressure receptacles.
 - Changes effective January 28, 2008: 73 Federal Register 4699-4720: This rule amends the hazardous materials regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce.
- Changes effective October 1, 2008: 73 Federal Register 57004-57008: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.
- 28. 49 C.F.R. Part 179, Specifications for Tank Cars.**
- Changes effective January 13, 2009: 74 Federal Register 1769-1802: This rule amends the hazardous materials regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard materials, including design standards for railroad tank cars.
 - Changes effective October 1, 2008: 73 Federal Register 57004-57008: This rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the hazardous materials regulations.
- 29. 49 C.F.R. Part 209, Railroad Safety Enforcement Procedures.**
- Changes effective November 26, 2008: 73 Federal Register 72194-72201: This rule establishes procedures to enable railroad carriers to challenge rail routing decisions made by the Federal Railway Administration's (FRA) Associate Administrator for Safety that carry out the requirements adopted in a separate rule making of the Pipeline and Hazardous Materials Safety Administration.
 - Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the Central Docket Management System to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
 - Changes effective May 19, 2009: 74 Federal Register 23329-23336: This rule makes miscellaneous revisions to the procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency situation or an emergency event, and the procedures for disqualifying individuals from performing safety-sensitive functions.
 - Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- 30. 49 C.F.R. Part 211, Rules of Practice.**
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central

docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

- Changes effective May 19, 2009: 74 Federal Register 23329-23336: This rule makes miscellaneous revisions to the procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency situation or an emergency event, and the procedures for disqualifying individuals from performing safety-sensitive functions.

31. 49 C.F.R. Part 212, State Safety Participation Regulations.

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

32. 49 C.F.R. Part 213, Track Safety Standards.

- Changes effective August 25, 2009: 74 Federal Register 42987-43006: This rule adopts requirements for the qualification of persons designated to inspect continuous-welded rail (CWR) track or supervise the installation, adjustment, or maintenance of CWR. The rule also clarifies the procedures associated with the submission of CWR plans by track owners.
- Changes effective October 21, 2009: 74 Federal Register 53889: This rule adopts requirements for the qualification of persons designated to inspect continuous-welded rail (CWR) track or supervise the installation, adjustment, or maintenance of CWR. The rule also clarifies the procedures associated with the submission of CWR plans by track owners.
- Changes effective January 29, 2010: 75 Federal Register 4703-4705: This rule corrects several errors in a January 14, 2009, rule which made changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

33. 49 C.F.R. Part 214, Railroad Workplace Safety.

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

34. 49 C.F.R. Part 217, Railroad Operating Rules.

- Changes effective February 13, 2008: 73 Federal Register 8441-8505: This final rule establishes greater accountability for administration of operational tests and inspections, and greater accountability for compliance with those railroad operating rules related to human factors.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective June 16, 2008: 73 Federal Register 33888-33902: This document responds to four petitions for reconsideration of FRA's rules published on February 13, 2008, in 73 F.R. 8441-8505.

35. 49 C.F.R. Part 218, Railroad Operating Practices.

- Changes effective February 13, 2008: 73 Federal Register 8441-8505: This final rule establishes greater accountability for administration of operational tests and inspections, and greater accountability for compliance with those railroad operating rules related to human factors.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

36. 49 C.F.R. Part 219, Control of Alcohol and Drug Use.

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when

it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

37. 49 C.F.R. Part 220, Railroad Communications.

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

38. 49 C.F.R. Part 221, Rear-end Marking Device.

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

39. 49 C.F.R. Part 225, Railroads accidents/incidents.

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

40. 49 C.F.R. Part 228, Hours of Service of Railroad Employees.

- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.

41. 49 C.F.R. Part 234, Grade Crossing Signal System Safety.

- Changes effective June 28, 2010: 75 Federal Register 36551-36558: This rule requires, and describes how, the ten states with the most highway-rail grade crossing collisions, on average, over the past three years, to develop state highway-rail grade crossing

action plans. It also removes the preemption provision of this regulation.

- Changes effective January 15, 2010: 75 Federal Register 2697-2722: This rule requires railroads to implement positive train control systems.

42. 49 C.F.R. Part 239, Passenger Train Emergency Preparedness.

- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

43. 49 C.F.R. Part 240, Qualification and Certification of Locomotive Engineers.

- Changes effective December 23, 2009: 74 Federal Register 68173-68185: This rule makes miscellaneous amendments to qualification and certification of locomotive engineers. The changes address unanticipated consequences arising from reclassifications, clarify the grounds upon which a railroad may revoke a locomotive engineer's certification, and make the regulation consistent with other FRA regulations and guidance.
- Changes effective December 30, 2008: 73 Federal Register 79698-79705: This rule adjusts the minimum civil monetary penalty that it will apply when it assesses a civil penalty for a violation of a railroad safety statute or regulation, and adjusts the ordinary and aggravated maximum penalties to incorporate the new civil penalty amounts authorized by the Rail Safety Improvement Act of 2008.
- Changes effective May 27, 2009: 74 Federal Register 25169-25176: This rule updates the address of the physical headquarters of FRA and the DOT in Washington, DC; amends references to the central docket management system to reflect DOT's migration to the Federal Docket Management System; modifies requirements for submitting petitions to the Railroad Safety Board; and updates outdated authority citations and removes parts for which authority no longer exists.

44. 49 C.F.R. Part 570.6 and 570.7, Vehicle in Use Inspection Standards.

- No changes have been made to these rules since the commission last adopted it effective October 1, 2007.

45. ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits.

- No changes have been made to these rules since the commission last adopted it effective May 31, 2009.

46. ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests.

- No changes have been made to these rules since the commission last adopted it effective August 9, 2006.

47. Dates are being changed in chapters 480-75 and 480-93 WAC to reflect new editions of standards previously incorporated by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

48. 47 C.F.R., Parts 32 and 42, as of October 1, 1998.

- At this time, staff will continue using the 1998 FCC Part 32 because it contains the required level of detail that fills our needs. Updated versions of Part 32 do not include some accounts and has combined other accounts. Also, the Federal Communication Commission (FCC) has opened a rule making regarding accounting rules. Staff would prefer to maintain the current accounting requirements until the FCC's accounting rule changes are solidified, and until the potential effect of changes to inter-carrier compensation on accounting needs can be determined, before making changes to the commission's accounting rules. If the FCC decides to change the accounting rules in a significant way, then the commission would be able to carefully analyze how its needs can be met through maintaining the federally required uniform system of accounts, whatever it might turn out to be, and then can decide what additional accounting requirements it may have.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO David W. Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY January 18, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would revise the adoption-by-reference dates to reflect the current version of adopted material and make other minor administrative changes in Title 480 WAC.

Reasons Supporting Proposal: The commission adopts by reference several parts in Titles 18, 47 and 49 of the Code of Federal Regulations and other state rules and national standards. This adoption package will make commission rules consistent with current published versions of federal rules, reflect the most current versions of the national safety stan-

dards and correct typographical, grammatical, and punctuation errors.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Edward J. Keating, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1312; Implementation and Enforcement: David W. Danner, Executive Director and Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1208.

November 3, 2010

David W. Danner
Executive Director
and Secretary

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-560 Equipment safety requirements.

(1) All carriers must comply with all of the following requirements:

(a) Maintain all vehicles in a safe and sanitary condition.

(b) Maintain vehicles free of defects likely to result in an accident or breakdown.

(c) Maintain vehicles consistent with the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(d) Make vehicles available for inspection by commission representatives at any time upon request.

(2) A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

(a) All markings on the power unit must be:

(i) Clearly legible.

(ii) No less than three inches high.

(iii) In a color that contrasts with the background color.

(iv) Permanent. *Exception:* Carriers may use temporary markings on vehicles operated under a lease.

(b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.

(3) Carriers must comply with all of the following requirements:

(a) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter.

(b) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.

(F) Director: The commission.

(ii) 49 CFR Part 392: Driving of Commercial Motor Vehicles.

~~((A))~~ (iii) 49 CFR Part 379: Preservation of Records.

(iv) 49 CFR Part 385: Safety Fitness Procedures.

(v) 49 CFR Part 397: Transportation of Hazardous Materials.

(vi) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation.

~~((B))~~ (vii) 49 CFR Part 396: Inspection, Repair, and Maintenance.

~~((C))~~ (viii) 49 CFR Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations. However, 49 CFR Part 375 does not apply to intrastate operations. 49 CFR Part 375 applies only to interstate operations.

(ix) 49 CFR Part 380: Special Training Requirements.

(c) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

~~((D))~~ (d) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-570 Driver safety requirements. (1) No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to all of the following requirements:

(a) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter.

(b) The *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(c) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.

(F) Director: The commission.

(ii) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing.

(iii) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties.

(iv) 49 CFR Part 391: Qualification of Drivers.

(v) 49 CFR Part 395: Hours of Service of Drivers.

(vi) 49 CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

(vii) 49 CFR Part 385: Safety Fitness Procedures.

~~((viii))~~ 49 CFR Part 397: Transportation of Hazardous Materials.

~~((ix))~~ 49 CFR Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations.

(x) 49 CFR Part 380: Special Training Requirements.

(2) Operations that are exclusively intrastate commerce are not subject to the following provisions:

(a) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(b) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore,

<http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-533, Docket No. TC-020497, filed 6/8/06, effective 7/9/06)

WAC 480-30-221 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing licensing, vehicle safety, and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR), adopted by reference, that are shown in the following chart. Information about 49 CFR, including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 CFR Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
<u>Part 379 -</u>	<u>Preservation of Records</u>	<u>Entire Part 379 is adopted and applies to Washington intrastate operations.</u>
<u>Part 380 -</u>	<u>Special Training Requirements</u>	<u>Entire Part 380 is adopted and applies to Washington intrastate operations.</u>
<u>Part 385 -</u>	<u>Safety Fitness Procedures</u>	<u>Entire Part 385 is adopted and applies to Washington intrastate operations.</u>
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions: (1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they have the meanings assigned to them in WAC 480-30-036 (Motor vehicle and private vehicle) and WAC 480-30-211 (Commercial motor vehicle). (2) Whenever the term "director" is used in Title 49 CFR, it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted ((and applies to Washington intrastate operations)) , with the following exceptions: (1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively within Washington state. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.

49 CFR Part:		Notes:
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition; and

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is prohibited by the hazardous materials rules in Title 49 CFR from being transported on passenger-carrying vehicles.

(5) All motor vehicles operated under the provisions of this chapter are at all times subject to inspection by the commission or its duly authorized representatives.

(6) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* including the version adopted and where to obtain copies is set out in WAC 480-30-999. A company must not operate any vehicle placed out-of-service until proper repairs have been completed.

(7) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until the conditions causing the driver to be placed out-of-service have been corrected.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~(2008)~~ 2010.

(b) This publication is referenced in WAC 480-30-121 (Certificates, applications, charter and excursion) and WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~(December 31, 2007)~~ June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

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, as follows:

(1) Part 379, Preservation of Records;

(2) Part 380, Special Training Requirements;

(3) Part 392, ~~((~~)Driving of Motor Vehicles~~(~~);~~)~~;

(4) Part 393, ~~((~~)Parts and Accessories Necessary for Safe Operation~~(~~);~~)~~;

(5) Part 396, ~~((~~)Inspection, Repair and Maintenance~~(~~);~~)~~;

(6) Part 397, ~~((~~)Transportation of Hazardous Materials; Driving and Parking rules~~(~~);~~)~~;

(7) Part 390, Safety Regulations, General; except the terms "motor vehicle" and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they have the meanings assigned to "motor vehicle" in WAC 480-31-030. In addition, the term "commercial motor vehicle," where used in Title 49 CFR has the meaning assigned to "commercial motor vehicle" in WAC 480-31-030.

The commission adopts by reference the provisions of federal rules in effect on the date specified in WAC 480-31-999.

AMENDATORY SECTION (Amending Order R-440, Docket No. TC 961102, 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.))~~

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

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) in effect on the date specified in WAC 480-31-999, 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 395 (Hours of Service of Drivers) in effect on the

date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(4) The rules and regulation relating to workplace drug and alcohol testing programs adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(5) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 385 (Safety Fitness Procedures) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(6) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 380 (Special Training Requirements) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(7) 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.

~~((8))~~ (8) 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.

~~((9))~~ (9) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

~~((10))~~ (10) 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.

~~((11))~~ (11) The commission adopts by reference the provisions of federal rules cited in this section in effect on the date specified in WAC 480-31-999.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-230 Traffic control devices. (1) Whenever a railroad company performs any construction, maintenance or repairs at a grade crossing or grade separated crossing, the company must install and maintain traffic control devices adequate to protect the public and railroad employees as prescribed in the Manual on Uniform Traffic Control Devices (MUTCD), Part 8, Traffic Control for Railroad and Light Rail Transit Grade Crossings, as published by the United States Department of Transportation. In addition, railroads must maintain all crossings with proper traffic control devices as prescribed in the MUTCD, Part 8. The commission adopts, by reference, the MUTCD, Part 8, as described in WAC 480-62-999. Flaggers must also be provided where necessary to adequately protect the public and railroad employees.

~~((The rules governing traffic control devices are prescribed in the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC. Information about the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.~~

~~((3))~~ Any traffic control device must be used only as long as the device is needed or applicable. Any device that is no longer needed or applicable must be immediately removed or inactivated so as to prevent confusion.

~~((4))~~ (3) All barricades, signs, and similar devices must be constructed and installed in a workmanlike manner.

~~((5))~~ (4) Bushes, weeds, or any other material or object must not be allowed to obscure any traffic control devices.

~~((6))~~ (5) All signs, barricades, and other control devices intended for use during hours of darkness must be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-62-235 Flaggers. (1) The rules in this section apply whenever a railroad company engages in the maintenance, repair, or construction of a grade crossing or grade separated crossing; however, they do not apply when flaggers are provided only because of a crossing signal malfunction or only because of inspections or repairs to a crossing signal system. The latter circumstances are covered by 49 CFR, Part 234. In addition, 49 CFR Part 234.5 recommends that railroad companies follow the requirements of Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) to the extent possible. The commission further recommends that railroads also abide by the following rules to the extent possible in situations covered by 49 CFR Part 234.

(2) Except as otherwise required in this section, traffic control devices, signs, barricades, and signaling methods must be set up ~~((and used by individuals trained in and familiar))~~ in accordance with the provisions of ((and according to the guidelines in)) the Manual on Uniform Traffic Control Devices ((Part VI)) (MUTCD). The commission adopts, by reference, specific portions of the MUTCD, as follows:

(a) Chapter 8A.08, Temporary Traffic Control Zones;

(b) Chapter 6A, General;

(c) Chapter 6B, Fundamental Principles;

(d) Chapter 6D, Pedestrian and Worker Safety;

(e) Chapter 6E, Flagger Control;

(f) Chapter 6G.18, Work in the Vicinity of a Grade Crossing.

(3) Flaggers are to be used only when other reasonable means of control will not adequately control traffic in work zones. It may be reasonable in some cases to close the road on which the crossing is located, but only if agreed to by the public authority responsible for the roadway.

(4) Standards for high-visibility safety apparel.

(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 207-2006, American National Standard for High-Visibility Public Safety Vests, specifically, a garment containing at least seven hundred seventy-five square inches of background material and two hundred one square inches of retroreflective material; and

- A high-visibility hard hat.

(b) While flagging at night, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 207-2006 over white coveralls, or other coveralls or trousers designed according to ANSI/ISEA 207-2006 standards; and

- A high-visibility hard hat that is marked with at least twelve square inches of reflectorized material providing three hundred sixty degrees of visibility.

(c) While flagging during inclement weather, yellow rain gear, white rain gear, or rain gear designed according to ANSI/ISEA 207-2006 may be substituted for white coveralls.

(5) Railroad companies must develop and use a method to ensure that whenever there is any potential hazard associated with motor vehicles, construction equipment, or on-track

equipment, that flaggers have adequate warning of objects approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:

- Mount a mirror on the flagger's hard hat;
- Use a motion detector with audible warning; or
- Use a spotter.

(6)(a) Railroad companies must conduct an on-site safety briefing for flaggers each time a flagger reports for duty, and also when job site conditions change significantly. The briefing must include applicable portions of the traffic control plan and any changes applicable during the flagger's shift. If not covered in the traffic control plan, the briefing must also include:

- The flagger's role and location at the job site;
- Motor vehicles and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- Expected train and other on-track equipment movements;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job site at a roadway allowing speeds of forty-five mph or more and the job will last more than one day, the railroad company must keep on the site a current site-specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and
- Surveillance and inspection.

(7)(a) Where flaggers are used on roads allowing speeds of at least forty-five mph, the railroad company must provide an additional warning sign marked "BE PREPARED TO STOP."

(b) This sign is in addition to those required by Part VI of the Manual on Uniform Traffic Control Devices. It should be placed between the last two warning signs in the series or on the opposite side of the road when used on undivided roads.

(c) This additional sign does not increase the required advance warning area.

(d) The purpose of this additional sign is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(8) To protect flaggers, railroad companies must ensure that:

(a) Flagger workstations are illuminated at night and during inclement weather by floodlights. It is important to adequately illuminate the workstation without creating glare in the eyes of approaching drivers. The adequacy and proper placement of floodlights can best be determined by driving

through and observing the workstation from each direction on the roadway.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs should either be taken down or covered.

(c) Flaggers are not assigned other duties while engaging in flagging activities.

(d) Flaggers do not use devices (e.g., cell phones, pagers, or radio headphones) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communication between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert.

(9) Unless an emergency makes it impossible, before performing any work, railroad companies must coordinate all repair, maintenance, and construction work with the governing authority responsible for the road on which the crossing exists.

(10) Information about Title 49 CFR, the Manual on Uniform Traffic Control Devices, and ANSI/ISEA 207-2006 regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 1, 2007))~~ June 30, 2010.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ June 30, 2010.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices)~~((;))~~ and WAC 480-62-235 (Flaggers)~~((; and WAC 480-62-245 (Passenger carrying vehicles—Operation)))~~.

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

~~(3) ((Washington state department of transportation rules, cited as chapter 468-95 WAC, are published by the statute law committee.~~

~~(a) The commission adopts the version in effect on December 4, 2005.~~

~~(b) This publication is referenced in WAC 480-62-230 (Traffic control devices).~~

~~(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet web site for the office of the code reviser (sle.leg.wa.gov).~~

~~(4)) ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits is published by the American National Standards Institute.~~

~~(a) The commission adopts the version in effect on ((May 31, 2009)) June 30, 2010.~~

~~(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).~~

~~(c) Copies of ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from Global Engineering Documents in Englewood, Colorado.~~

~~((5)) (4) ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests is published by the American National Standards Institute.~~

~~(a) The commission adopts the version in effect on ((August 9, 2006)) June 30, 2010.~~

~~(b) This publication is referenced in WAC 480-62-235 (Flaggers).~~

~~(c) Copies of ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests are available from Global Engineering Documents in Englewood, Colorado.~~

~~((6) Title 49 United States Code, cited as 49 U.S.C., is published by the United States Government Printing Office.~~

~~(a) The commission adopts the version in effect on January 2, 2002.~~

~~(b) This publication is referenced in WAC 480-62-200 (Roadway worker safety and operating rules and statutes).~~

~~(c) Copies of Title 49 United States Code are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.)~~

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR) shown in the following chart, that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 CFR Part Adopted:		Portions Not Adopted:	
Part 40 -	<u>Procedures for Transportation Workplace Drug and Alcohol Testing Programs</u>	n/a	
Part 379 -	<u>Preservation of Records</u>	n/a	
Part 380 -	<u>Special Training Requirements</u>	n/a	
Part 382 -	Controlled Substance and Alcohol Use and Testing	n/a	
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	n/a	
Part 385 -	<u>Safety Fitness Procedures</u>	n/a	
Part 390 -	Safety Regulations, General	(1)	The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle).
		(2)	Whenever the term "director" is used in Title 49 CFR, it shall mean the commission.
Part 391 -	Qualification of Drivers	(1)	A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.
		(2)	A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.11 (b)(1) (general qualifications - age). A driver operating exclusively within the state of Washington may drive a motor vehicle if he or she is at least eighteen years of age.
Part 392 -	Driving of Motor Vehicles	n/a	

49 CFR Part Adopted:		Portions Not Adopted:
Part 393 -	Parts and Accessories Necessary for Safe Operation	n/a
Part 395 -	Hours of Service of Drivers	n/a
Part 396 -	Inspection, Repair, and Maintenance	n/a
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	n/a

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition;

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and

(c) Make vehicles available for inspection by commission representatives.

(3) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.

(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2006.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-73-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 49 CFR Sections 195.0 and 195.1, and 49

CFR Sections 199.1 and 199.2, published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2009))~~ 2010.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>.

(2) **The American Society of Mechanical Engineers (ASME) B31.4**, ~~((2002))~~ 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The ~~((2004))~~ 2007 edition, ((including addenda through July 1, 2005)) July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of the 2004 edition, including addenda through July 1, 2005, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** ~~((19th edition including errata October 31, 2001; and))~~ (20th edition 2007, including errata ((December 2008)) /addendum July 2007 and errata 2 (2008)).

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (19th edition 1999 including errata October 31, 2001; and 20th edition 2007, including errata 2008) are available from, <http://www.api.org/>.

(5) The commission adopts **API RP standard 1117 Third Edition, July 2008**, including errata December 2008.

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Third Edition, July 2008, including errata December 2008 are available from API, <http://www.api.org/>.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, ~~((2009))~~ 2010, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CAR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the ~~((2004))~~ 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code ~~((including addenda through July 1, 2005))~~.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2004 edition, including addenda through July 1, 2005) are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 ~~((19th edition 1999, including errata October 31, 2001; and))~~ 20th edition 2007, including errata addendum July 2007 and errata 2 (2008).

(a) The commission adopts the ~~((19th edition 1999, including errata October 31, 2001; and))~~ 20th edition 2007, including errata addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition 1999, including errata October 31, 2001; and 20th edition 2007, including errata 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC in Washington, D.C.

(3) The **National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the ~~((version published in 2005))~~ 2011 edition.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA in Quincy, Massachusetts.

(4) The **American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2008.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-108-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library or as otherwise indicated. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the ~~((version published in 2005))~~ 2011 edition.

(b) This publication is referenced in WAC 480-108-020.

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <http://www.nfpa.org>.

(2) National Electric Safety Code (NESC).

(a) The commission adopts the version published in ~~((2002))~~ 2007.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of the National Electric Safety Code are available from the Institute of Electrical and Electronics Engineers at <http://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

(a) The commission adopts the version published in 2003 and reaffirmed in 2008.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(4) American National Standards Institute (ANSI) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published in 1992.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in 1994 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, and Controllers for Use in Independent Power Systems.

(a) The commission adopts the version published in ~~((2005))~~ 2010.

(b) This publication is referenced in WAC 480-108-020.

(c) UL Standard 1741 is available from Underwriters Laboratory at <http://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 CFR 1910.269.

(a) The commission adopts the version published in 1994.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(10) Washington Industrial Safety and Health Administration (WISHA) Standard, chapter 296-155 WAC.

(a) The commission adopts the version in effect on ~~((July 1, 2008))~~ September 1, 2010.

(b) This publication is referenced in WAC 480-108-020.

(c) The WISHA Standard is available from the Washington Department of Labor and Industries at P.O. Box 44000, Olympia, WA 98504-4000, or at internet address <http://www.lni.wa.gov>.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-558, filed 3/19/10, effective 4/19/10)

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications** - "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" (~~((ANSI T1.510-1999))~~ ATIS 0100510) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2008.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the version in effect on January 1, ~~((2002))~~ 2007.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 CFR, is published by the United States Government Printing Office.

(a) For this publication as referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports), the commission adopts the version of the relevant sections in effect on October 1, 1998.

(b) For this publication as referenced in WAC 480-120-202 (Customer proprietary network information), WAC 480-120-146 (Changing service providers from one local exchange company to another), and any other reference in chapter 480-120 WAC except for WAC 480-120-359 and 480-120-349, the commission adopts the version of the relevant sections in effect on October 1, ((2009)) 2010.

(c) The 1998 version of CFR Title 47 is available on-line in pdf format via GPO Access and the National Archives and Records Administration at www.gpoaccess.gov/cfr/index.html.

(d) The ((2009)) 2010 version of CFR Title 47 is available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

WSR 10-23-066
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 12, 2010, 10:58 a.m.]

Title of Rule and Other Identifying Information: Technical edits to WAC 181-85-033. Language in this section requires caveat for possible conflict in regulations. In WSR 10-20-079 a rule change did not include the necessary caveat.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY January 18, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adds language "notwithstanding any provisions of this chapter to the contrary" to assure no conflict in overlapping regulations.

Reasons Supporting Proposal: Technical clarification.

Statutory Authority for Adoption: RCW 28A.410.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

November 12, 2010

David Brenna

Legislative and

Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-20-079, filed 9/29/10, effective 10/30/10)

WAC 181-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors—First peoples' language, culture and oral tribal traditions. (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 181-78A-010 and 181-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(3)(a) Notwithstanding any provisions of this chapter to the contrary, individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(4) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of forty-five continuing education credit hours for completion of an assessment process as part of the National Board for Professional Teaching Standards certificate application. Upon achieving National Board certification, the individual shall receive the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per National Board certificate.

(5) Notwithstanding any provisions of this chapter to the contrary, teachers who achieve the professional certification through the external assessment per WAC 181-79A-206 will receive the equivalent of one hundred fifty continuing education credit hours.

(6) Notwithstanding any provisions of this chapter to the contrary, for designing and completing a professional growth plan under the provisions of WAC 181-85-034, participants shall receive the equivalent of no more than sixty continuing

education credit hours over a period of two school years, as defined by this chapter.

(7) Notwithstanding any provision of this chapter to the contrary, individuals who receive in-service training or continuing education according to RCW 28A.415.020(6) in first peoples' language, culture and oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section.

WSR 10-23-090
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF HEALTH
(By the Code Reviser's Office)
[Filed November 16, 2010, 9:18 a.m.]

WAC 246-870-060, proposed by the department of health in WSR 10-10-110 appearing in issue 10-10 of the State Register, which was distributed on May 19, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register