WSR 19-06-010
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed February 22, 2019, 1:22 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.-330(1).

Title of Rule and Other Identifying Information: WAC 246-282-990(4), Sanitary control of shellfish—Fees, annual paralytic shellfish poisoning (PSP) testing fee redistribution.

Hearing Location(s): On April 9, 2019, at 1:45, at the Department of Health, Town Center 2, Room 145, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: April 23, 2019.

Submit Written Comments to: Peter Beaton, Washington State Department of Health, Division of Environmental Public Health, P.O. Box 47820, Olympia, WA 98504-7820, email https://fortress.wa.gov/doh/policyreview, by April 9, 2019.

Assistance for Persons with Disabilities: Contact Theresa McGuire, phone 360-236-3301, TTY 360-833-6388 or 711, email Theresa.McGuire@doh.wa.gov, by April 2, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to equitably assess the costs of commercial geoduck PSP testing. The cost assessment will follow the annual redistribution formula that is based on the number of test[s] done in the previous year. The testing is essential to public health as it is the only way to determine if dangerous levels of PSP exist in commercial geoduck clams and ensure toxic shellfish do not reach the public.

Reasons Supporting Proposal: The proposed geoduck PSP fee redistribution is based on the 2018 total cost of service for the harvesters that submitted geoduck tests and it is based on the number of test[s] done for each harvester.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Peter Beaton, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4031; Implementation and Enforcement: Lawrence Sullivan, 243 Israel Road S.E., Tumwater, WA 98501, 360-236-3333.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

February 19, 2019
Clark Halvorson
Assistant Secretary

AMENDATORY SECTION (Amending WSR 18-09-067, filed 4/16/18, effective 5/17/18)

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	$263
Shellstock Shipper	
0 - 49 Acres	$297
50 or greater Acres	$476
Scallop Shellstock Shipper	$297
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	$542
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	$656
Plants with floor space > 5000 sq. ft.	$1,210

(2) The fee for each export certificate is $55.00.

(3) Annual biotoxin testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	$353
Harvester	3 or more	$535
Shellstock Shipper Wholesale Company		$198
Shellstock Shipper 0 - 49 acres	≤ 2	$393
Shellstock Shipper 0 - 49 acres	3 or more	$610
Shellstock Shipper 50 or greater acres	N/A	$961
Shucker-Packer (plants < 2000 ft²)	≤ 2	$752
Shucker-Packer (plants < 2000 ft²)	3 or more	$1,076
Shucker-Packer (plants 2000 - 5000 ft²)	≤ 2	$882

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Shucker-Packer (plants 2000 - 5000 ft²)	3 or more	$1,297
Shucker-Packer (plants > 5000 ft²)	N/A	$2,412

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

(i) At the time of first licensure; or

(ii) January 1st of each year for companies licensed as harvesters; or

(iii) July 1st of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Cert #	Fee
Department of Natural Resources	NA	$((~~11,725~~)) 11,268
Jamestown S'Klallam Tribe	WA-0588-SS	$((~~2,189~~)) 1,662
Lower Elwha Klallam Tribe	WA-0587-HA	$((~~2,970~~)) 2,217
Lummi Indian Business Council	WA-0098-SS	$((~~313~~)) 185
((~~Nisqually Indian Tribe~~	~~WA-1268-HA~~	~~$313~~))
Port Gamble S'Klallam Tribe	WA-0859-HA	$((~~2,658~~)) 3,140
Puyallup Tribe of Indians	WA-1137-HA	$((~~9,693~~)) 10,898
((~~Skokomish Indian Tribe~~	~~WA-0577-HA~~	~~$156~~
~~Squaxin Island Tribe~~	~~WA-0737-HA~~	~~$156~~))
Suquamish Tribe	WA-0694-SS	$((~~18,135~~)) 20,318
Swinomish Indian Tribal Community	WA-1420-SS	$1,108
The Tulalip Tribes	WA-0997-HA	$((~~4,846~~)) 3,510
Taylor Shellfish Company, Inc.	WA-0046-SP	$((~~4,846~~)) 3,694

(5) Fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WSR 19-06-023
PROPOSED RULES
BATES TECHNICAL COLLEGE
[Filed February 27, 2019, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-01-079.

Title of Rule and Other Identifying Information: Amending chapter 495A-134 WAC relating to title change and removal of a person's name.

Hearing Location(s): On April 15, 2019, at 10:30 a.m.-12:30 p.m., at the Clyde Hupp Room, Building A, Room A329, Downtown Campus Location, 1101 South Yakima Avenue, Tacoma, WA 98405-4895.

Date of Intended Adoption: May 20, 2019.

Submit Written Comments to: Dr. Jean Hernandez, 1101 South Yakima Avenue, Room A332, Tacoma, WA 98405-4895, email jehernandez@batestech.edu, fax 253-680-7101, by April 2, 2019.

Assistance for Persons with Disabilities: Contact Dr. Jean Hernandez, phone 253-680-7163, fax 253-680-7101, email jehernandez@batestech.edu, by April 5, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending to update the position title of the person who is the rule[s] coordinator for Bates Technical College.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 28B.10.140, chapter 34.05 RCW.

Statute Being Implemented: RCW 34.05.312.

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

Name of Proponent: Bates Technical College, governmental.

Name of Agency Personnel Responsible for Drafting: Dr. Jean Hernandez, Bates Technical College, 253-680-7163; Implementation and Enforcement: Office of the President, Bates Technical College, 253-680-7105.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a

rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

February 25, 2019
Dr. Jean Hernandez
Special Assistant
to the President

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-134-010 Rules coordinator. The rules coordinator for Bates Technical College as designated by the president is:

((~~Jon G. Thorpe~~
~~Senior Vice~~)) Executive Assistant to the President
1101 South Yakima Avenue
Tacoma, WA 98405

WSR 19-06-025
PROPOSED RULES
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
[Filed February 28, 2019, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-01-006.

Title of Rule and Other Identifying Information: WAC 256-20-070 Costs of providing copies of public records.

Hearing Location(s): On April 17, 2019, at 3:00 p.m., at the Gilkey Community Room, Northwest Museum of Arts and Culture, 2316 West 1st Avenue, Spokane, WA 99201.

Date of Intended Adoption: April 17, 2019.

Submit Written Comments to: Kate Rau, 2316 West 1st Avenue, Spokane, WA 99201, email kate.rau@northwestmuseum.org, fax 509-363-5303, by April 10, 2019.

Assistance for Persons with Disabilities: Contact Kate Rau, phone 509-363-5336, fax 509-363-5303, email kate.rau@northwestmuseum.org, by April 10, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: (1) To comply with EHB 1595 and RCW 42.56.120, it is necessary to update this code; (2) it is unduly burdensome for the Eastern Washington State Historical Society (EWSHS) to calculate actual costs for copying records to fulfill public records requests; and (3) pursuant to RCW 42.56.129, these changes will allow EWSHS to be reimbursed for the costs associated with fulfilling its duties under the Public Records Act.

Reasons Supporting Proposal: To comply with EHB 1595 and RCW 42.56.120.

Statutory Authority for Adoption: RCW 42.56.040, [42.56].120, 27.43.070.

Statute Being Implemented: RCW 42.56.040.

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

Name of Proponent: EWSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Kate Rau, 2316 West 1st Avenue, Spokane, WA 99201, 509-363-5336; Implementation and Enforcement: Wesley Jessup, 2316 West 1st Avenue, Spokane, WA 99201, 509-363-5336.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

February 28, 2019
Kate Rau
Executive Assistant

AMENDATORY SECTION (Amending WSR 17-07-057, filed 3/11/17, effective 4/11/17)

WAC 256-20-070 Costs of providing copies of public records. ((~~(1)~~)) The following copy fees and payment procedures apply to public records requests made after the effective date of this rule:

(1) Pursuant to RCW 42.56.120 (2)(b), the eastern Washington state historical society is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The eastern Washington state historical society does not have the resources to conduct a study to determine all its actual copying costs;

(b) It is difficult to calculate all costs directly incident to copying records; and

(c) To conduct such a study would interfere with other essential eastern Washington state historical society functions.

(2) **Costs for ((~~inspection~~)) copies.** There is no fee for inspecting public records((~~.~~

~~(2) **Costs for standard copies.** A requestor may obtain standard black and white photocopies, 8.5" x 11" for fifteen cents per page.~~

~~(3) **Costs of nonstandard copies.** Nonstandard copies include nonstandard black and white copies, color copies, engineering drawings, and photographs. An eastern Washington state historical society requestor will be charged the actual costs for nonstandard photocopies.~~

~~(4) **Use of outside vendor.** Eastern Washington state historical society is not required to copy records at its own facilities. Eastern Washington state historical society can send the project to a commercial copying center and bill the requestor for the amount charged by the vendor.~~

~~(5) **Costs for electronic records.** The cost of electronic copies of records shall be the cost of the disk or storage device. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.~~

~~(6) **Costs of mailing.** The eastern Washington state historical society may also charge actual costs of mailing, including the cost of the shipping container.~~

~~(7)~~)). The eastern Washington state historical society will charge for copies of public records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The eastern Washington state historical society will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the eastern Washington state historical society may charge other copying fees authorized by statutes outside of chapter 42.56 RCW. The eastern Washington state historical society may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the eastern Washington state historical society are summarized in the fee schedule available on the eastern Washington state historical society's web site at www.northwestmuseum.org.

(3) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred pages. If that email for any reason is not deliverable, records will be produced in accordance with this rule.

(b) Fee waivers are not applicable to records requested in installments.

(4) **Payment.** Payment may be made by cash, check, or money order to the eastern Washington state historical society. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The eastern Washington state historical society will not charge sales tax when it makes copies of public records.

(5) The eastern Washington state historical society will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

WSR 19-06-032
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed February 28, 2019, 2:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-01-149.

Title of Rule and Other Identifying Information: Chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma.

Hearing Location(s): On April 22, 2019, at 10:00 a.m. - 12:00 noon, at the Columbia Bank Lobby, William W. Philip, Hall 1st Floor, 1918 Pacific Avenue, Tacoma, WA 98402. This is located at the University of Washington, Tacoma.

Date of Intended Adoption: May 9, 2019.

Submit Written Comments to: Barbara Lechtanski, University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195, email rules@uw.edu, by April 22, 2019.

Assistance for Persons with Disabilities: Contact University of Washington, Tacoma Disability Resources for Students, phone 253-692-4508, fax 253-692-4602, TTY 253-692-4413, email drsuwt@uw.edu, http://www.tacoma.uw.edu/disability-resources-students/disability-accommodation-members-public, by April 12, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The University of Washington, Tacoma is updating terminology regarding current modes of transportation (i.e. electric assist bicycles and scooters) traveling to/from and through campus. The information in this WAC has also been updated to reflect current practices regarding carpool and disability parking, display of permits, crosswalk markings, fines and impoundment, and appeals related to the latter.

Reasons Supporting Proposal: The University of Washington is amending this WAC to keep the university's parking and transportation information accurate and up-to-date for persons traveling to/from and through campus. The parking and traffic rules are needed to protect and control pedestrian and vehicular traffic on the campus of the University of Washington, Tacoma; to ensure access at all times for emergency vehicles and equipment; to minimize traffic disturbances; to facilitate the operations of the university by ensuring access to its vehicles; to allocate limited parking space for the most efficient use; to protect state property; and to encourage travel to the campus by means other than single occupancy vehicle. This is part of a comprehensive effort to update parking and transportation information across WAC, University of Washington administrative policy, and web site information.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130.

Statute Being Implemented: RCW 28B.10.560 and 28B.20.130.

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

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting: James Sinding, Auxiliary Services Manager, University of Washington, Tacoma, Finance Office, Carlton Center, CAR 400, Tacoma, 98402, 253-692-5660; Implementation: Jan Rutledge, Associate Vice Chancellor for Finance, University of Washington, Tacoma, Finance Office, Carlton Center, CAR 400, Tacoma, 98402, 253-692-5660; and Enforcement: Chancellor Mark Pagano, Chancellor for University of Washington, Tacoma, GWP 312, Campus Box 358430, Tacoma, 98402, 253-692-4400.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The University of Washington does not consider this a significant legislative rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

February 28, 2018
Barbara Lechtanski
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-010 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To protect and control pedestrian and vehicular traffic on the campus of the University of Washington, Tacoma;

(2) To ((~~assure~~)) ensure access at all times for emergency vehicles and equipment;

(3) To minimize traffic disturbances;

(4) To facilitate the operation of the university by ((~~assuring~~)) ensuring access to its vehicles;

(5) To allocate limited parking space for the most efficient use;

(6) To protect state property; and

(7) To encourage travel to the campus by means other than a single occupancy vehicle (SOV).

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-020 Definitions. The following definitions apply to this chapter:

(1) Bicycle: Any device defined as a bicycle in chapter 46.04 RCW.

(2) Campus: The campus of University of Washington, Tacoma.

(3) Employee: An employee of the university.

(4) Fee: A charge for the use of the permit issued.

(5) Hours of operation: The hours of operation established by the university for a particular parking area, parking lot, or parking space.

(6) Impoundment: The removal of a vehicle to a storage area by either a public safety officer or agent of the university.

(7) Immobilization: The application of a device to prevent the use, activity, or movement of a vehicle.

(8)(a) Motorcycles and scooters: A motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar. For the purposes of these rules, motorcycles, motorized bicycles, and motorized scooters are considered to be motor vehicles and are subject to all traffic and parking rules controlling motor vehicles.

(((~~8~~))) (b) Motorized bicycles and scooters definition includes electric assist propelled.

(9) Nonmotor/nonmotorized vehicle: A device other than a motor vehicle used to transport persons. Nonmotorized vehicles include, but are not limited to, bicycles, skateboards, rollerblades, and roller skates.

(((~~9~~))) (10) Operator or driver: Every person who drives or is in actual physical control of a motor vehicle or a nonmotorized vehicle.

(((~~10~~))) (11) Parking space: A space for parking one motor vehicle designated by((~~:~~)) lines painted on either side of the space, at the rear of the space, a wheelstop positioned in front of the space, a sign or signs, or other markings.

(((~~11~~))) (12) Public safety officers: Employees of the university who are responsible for campus security, safety, and parking and traffic control.

(((~~12~~))) (13) Registered owner: The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

(((~~13~~))) (14) Roller skate/rollerblade: A device used to attach wheels to the foot or feet of a person.

(((~~14~~))) (15) Skateboard: Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

(((~~15~~))) (16) Student: A person enrolled in the university.

(((~~16~~))) (17) Traffic: Motorized and nonmotorized modes of transportation defined in chapter 46.04 RCW.

(((~~17~~))) (18) University: The University of Washington, Tacoma, and collectively those responsible for its control and operations.

(((~~18~~))) (19) Vehicle: Any motorized vehicle or nonmotorized vehicle.

(((~~19~~))) (20) Visitor: A person who is neither an employee nor a student of the university.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-050 Permits required for vehicles on campus. Except as provided in WAC 478-118-055, no person shall park or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus unless the person first purchases a permit from the university or from the operator of the parking lot in which the vehicle is parked. Permission to park on campus will be shown by display of a valid permit, or (if a parking lot does not issue permits) by payment of the fee for parking.

(1) A valid permit is:

(a) A current vehicle permit displayed in accordance with WAC 478-118-100. Vehicle permits are valid until revoked or expired;

(b) A temporary permit authorized by the university and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit;

(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions; or

(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 478-118-060 and 478-118-080.

(3) The university reserves the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the university owns or operates.

(5) The university may allow persons without permits to drive through the campus without parking.

(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-055 Visitor parking. (1) No permit shall be required for the following motor vehicles:

(a) Public safety and emergency vehicles while performing services;

(b) Marked taxis, tow trucks, commercial delivery; and media vehicles which have agreed to comply with university guidelines and received prior written approval of the university; ((~~and~~))

(c) School buses and tour buses parking in spaces designated by the university; and

(d) University and state operated, marked vehicles.

(2) University departments may pay for all or part of the parking fees for their official visitors and guests based on the established fee schedule.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the university for each carpool participant. This permit is transferable only among the registered members of the carpool. ((~~This~~)) Two or more permits must be displayed simultaneously in vehicle while parked on campus. These permits must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The university provides parking for the disabled in accordance with the requirements of federal and state law.

AMENDATORY SECTION (Amending WSR 02-15-174, filed 7/24/02, effective 8/24/02)

WAC 478-118-070 Permit revocations. (1) Parking permits issued by the university are the property of the university((~~,~~)) and may be recalled by the issuer for any of the following reasons:

(a) When the purpose for which the permit was issued changes or no longer exists;

(b) When an unauthorized individual uses a permit;

(c) Falsification on a parking permit application;

(d) Multiple or continued violations of parking rules;

(e) Counterfeiting or altering permits; or

(f) Failure to comply with a final decision of the citation review committee, or university hearing officer.

(2) Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 478-118-420.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-100 Display of permits. (1) Parking permits, other than hourly permits (receipts) dispensed from parking machines and motorcycle and scooter permits, shall be displayed either by hanging from the rear view mirror or by placing face-up on the driver's side dashboard and shall be fully visible from the exterior of the motor vehicle.

(2) Hourly permits dispensed from parking machines are not required to be displayed on or in the vehicle when payment is by stall number. If payment is not by stall number, the receipt must be displayed and fully visible in vehicle.

(3) When applicable, the area designator (numeral, letter, or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(4) Motorcycle and scooter license numbers shall be registered with the university. Motorcycle and scooter permits need not be displayed.

(5) When required to be displayed, permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-210 Allocation of parking spaces. The parking spaces available on campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the university may impose additional traffic, fees, and parking policies to achieve the specified objectives of this chapter.

AMENDATORY SECTION (Amending WSR 02-15-174, filed 7/24/02, effective 8/24/02)

WAC 478-118-260 Pedestrian's right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk ((~~is~~)) or marked crossings are provided, pedestrians shall proceed upon the sidewalk or crossings.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-270 Motorcycles and scooters. (1) Motorcycles and scooters are subject to all traffic rules controlling other motor vehicles.

(2)(a) Motorcycles and scooters may only be parked in areas designated for motorcycles or scooters.

(b) This also includes electric assist bicycles and scooters.

(3)(a) Motorcycles and scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(b) This also includes electric assist bicycles and scooters.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-290 Bicycle and scooter parking and traffic rules. (1) The primary aim of the bicycle control program is safety. This aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks.

All bicycle parking and traffic rules under WAC 478-118-290 also include electric assist bicycles and scooters.

(2) Bicycles and scooters may be ridden ((~~any place where~~)) anywhere vehicles are permitted. They may be ridden on most sidewalks, though pedestrians always have the right of way. It shall be a violation of this section for any bicycle rider to fail to yield to pedestrians, or to ride a bicycle on paths, sidewalks, or streets where signs indicate such is prohibited. An audible signal or warning must be given by the bicyclist whenever there is any appreciable risk of injury to a pedestrian not otherwise aware of the presence of the bicycle or scooter.

(3) Bicycles and scooters operated on paths, sidewalks, and roadways shall be subject to all relevant state statutes regulating bicycle use. Violation of those statutes shall be considered a violation of this section.

(4) Bicycles and scooters shall be operated in a safe manner at all times on paths, sidewalks, and roadways. Riding at speeds too fast for conditions, weaving in and out of vehicular or pedestrian traffic, or similar unsafe actions shall be considered "negligent riding." Negligent riding shall be a violation of this section.

(5) Bicycles and scooters shall be parked only in ((~~bicycle racks~~)) designated parking areas. All bicycle owners are encouraged to secure their bicycles with a secure lock. At no time shall a bicycle or scooter be parked in a building, except where bicycle storage rooms are provided, near a building exit, on a path or sidewalk, in planted areas ((~~nor~~)), or chained or otherwise secured to trees, lamp standards, railings, or sign posts.

(6) Moving a bicycle or scooter into any unauthorized area such as a building or construction zone is prohibited.

(7) Bicycle racks in campus areas are for parking and shall not be used for overnight storage.

(8) Impoundment for illegal parking.

(a) Bicycles and scooters parked in violation of subsections (5), (6), and (7) of this section will be subject to seizure and impoundment by the university.

(b) A bicycle abandoned or parked on university land for fourteen consecutive days or longer is presumed abandoned and is subject to seizure and impoundment by the university. A bicycle will not be considered abandoned when the owner/operator is unable to remove it and so notifies the campus safety and security office. A bicycle that has been obviously stripped or vandalized may be immediately impounded.

(c) Impounded bicycles will be stored by the campus safety and security office. Bicycles will be released at specified times and upon presentation of proof of ownership and payment of any fine that has been imposed. Owners of impounded bicycles, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim their bicycle within fifteen consecutive days. Bicycles unclaimed after sixty consecutive days will be subject to disposal, including sale at public auction, in accordance with university property disposal rules.

(d) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impoundment, storage, or sale of any item under this section.

(e) Impoundment or sale of any bicycle under this section shall not substitute for, nor release any person from liability for, damage to persons or property caused by the use of a bicycle.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-400 Issuance of traffic and parking citations. Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to((,)) or placing it prominently within((,)) the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-410 Fines and impounding. (1) The current schedule of fines shall be published by the university and made available for review in the safety and security office.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be ((~~delivered in person to the university's cashier office~~)) paid or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the university shall impose an additional fine of ten dollars per offense and may:

(a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid;

(b) Delay registration for the following quarter;

(c) Impound the violator's vehicle;

(d) Deny future parking privileges to the violator; or

(e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or

operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding or immobilizing vehicles shall include, but not be limited to, the following:

(a) Blocking a roadway so as to impede the flow of traffic;

(b) Blocking a walkway so as to impede the flow of pedestrian traffic;

(c) Blocking a fire hydrant or fire lane;

(d) Creating a safety hazard;

(e) Blocking another legally parked vehicle;

(f) Parking in a marked "tow-away" zone;

(g) Leaving a vehicle unattended on campus for longer than two days;

(h) Failing to pay a fine imposed under this chapter; ((~~or~~))

(i) Vehicle with three or more fines in late or collection status; or

(j) Parking a nonuniversity vehicle in a spot reserved for university use.

Not more than twenty-four hours after impoundment of any vehicle (excluding bicycles and skateboards), the university shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The university shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the university.

AMENDATORY SECTION (Amending WSR 05-08-017, filed 3/28/05, effective 4/28/05)

WAC 478-118-420 Appeals of fines and impoundments. (1) Except for skateboards, any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The university will make appeal forms available at the university's cashier office. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied or modified to a warning, dismissal, reduction, or suspension, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the designated university reviewing officer in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision to uphold or modify (warning, dismissal, reduction, or suspension), which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the reviewing officer to the district court may, within ten days of service of the final decision, file a written notice with the university's finance and administration office. The written notice must be submitted on the "Notice of Appeal" form provided by the university. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

WSR 19-06-034
PROPOSED RULES
CASCADIA COLLEGE
[Filed March 1, 2019, 8:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-24-093.

Title of Rule and Other Identifying Information: Chapter 132Z-116 WAC, Parking and traffic rules of Cascadia College.

Hearing Location(s): On April 24, 2019, at 10:00 a.m. - 12:00 noon, at the North Creek Events Center, 18225 N.E. Campus Way, Bothell, WA 98011. This is located at the University of Washington, Bothell (UWB), and we will be cohosting the hearing with UWB and their update to chapter 478-117 WAC, Parking and traffic rules of the University of Washington, Bothell.

Date of Intended Adoption: May 9, 2019.

Submit Written Comments to: Vicki Newton, Cascadia College, Rules Coordinator, Presidents' Office, 18345 Campus Way N.E., Bothell, WA 98011, email vnewton@cascadia.edu, by April 24, 2019.

Assistance for Persons with Disabilities: Contact Cascadia College, Gordon Dutrisac, director of student advising and support services, phone 425-352-8288, email gdutrisac@cascadia.edu, by April 15, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Cascadia College is updating terminology regarding current modes of transportation and advancement in parking technology (i.e. electric assisted bicycle and virtual permit parking) traveling to/from and through campus. The information in this WAC has also

been updated to reflect current practices regarding parking and parking related products, systems, and privileges, parking fees, citations, fines, immobilization and impoundment, and related appeals.

Reasons Supporting Proposal: Cascadia College is amending this WAC to keep the college's parking and transportation information accurate and up-to-date for persons traveling to/from and through campus. The parking and traffic rules are needed to protect and control pedestrian and vehicular traffic on the campus of Cascadia College; to ensure access at all times for emergency vehicles and equipment; to minimize traffic disturbances; to facilitate the operations of the college by ensuring access to its vehicles; to allocate limited parking space for the most efficient use; to protect state property; and to encourage travel to the campus by means other than single occupancy vehicle. This is part of a comprehensive effort to update parking and transportation information across WAC, Cascadia's administrative policy, and web site information.

Statutory Authority for Adoption: RCW 28B.50.140(10) and 28B.10.560.

Statute Being Implemented: RCW 28B.50.140(10) and 28B.10.560.

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

Name of Proponent: Cascadia College, governmental.

Name of Agency Personnel Responsible for Drafting: Terence Hsiao, Vice President of Administrative Services, Cascadia College, 18345 Campus Way N.E., Room CC3-338, Bothell, 98011, 425-352-8196; Implementation: Kimberlee Clark, Director of Facilities, and Terence Hsiao, Vice President of Administrative Services, Cascadia College, 18345 Campus Way N.E., Bothell, 98011, 425-352-8196; and Enforcement: Dr. Eric Murray, President, Cascadia College, 18345 Campus Way N.E., Bothell, 98011, 425-352-8252.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Cascadia College does not consider this a significant legislative rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

March 1, 2019
Vicki Newton
Rules Coordinator

PART I

AUTHORITY, GENERAL INFORMATION, AND DEFINITIONS

AMENDATORY SECTION (Amending WSR 15-07-109, filed 3/18/15, effective 4/18/15)

WAC 132Z-116-010 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia College.

(2) To ((~~assure~~)) ensure access at all times for emergency equipment.

(3) To minimize traffic disturbances.

(4) To facilitate the operation of the institutions by ((~~assuring~~)) ensuring access to vehicles.

(5) To allocate limited parking space for the most efficient use.

(6) To protect state property.

(7) To encourage and support travel to the campus by means other than single occupancy vehicle.

NEW SECTION

WAC 132Z-116-012 Knowledge of parking and traffic rules. It is the responsibility of all individuals parking or operating a vehicle on the campus to comply with these rules. Lack of knowledge of these rules shall not be grounds for the dismissal of any citation for a violation of the parking or traffic rules.

AMENDATORY SECTION (Amending WSR 15-07-109, filed 3/18/15, effective 4/18/15)

WAC 132Z-116-020 Definitions. The following definitions apply to this chapter:

(((~~(1) Campus: The colocated campus of University of Washington, Bothell and Cascadia College.~~

~~(2) College: Cascadia College, and collectively those responsible for its control and operations.~~

~~(3) Employee: An employee of the college or the university.~~

~~(4) Institutions: The college and the university.~~

~~(5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.~~

~~(6) Student: A person enrolled in the college or the university.~~

~~(7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.~~

~~(8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.~~

~~(9) Visitor: A person who is neither an employee nor a student of the college or the university.~~)) (1) **Authorized valid payment:** Any payment accepted by commuter services, including the online, mobile application, and pay stations.

(2) **Bicycle:** Any device defined as a bicycle in RCW 46.04.071.

(3) **Campus:** The colocated campus of University of Washington, Bothell and Cascadia College to include those lands and leased facilities where parking is managed or controlled by commuter services.

(4) **Campus safety officers:** Employees of the college or the university who are responsible for campus security, safety, parking, and traffic control.

(5) **Carpool:** A group of two or more employees or students who commute to campus in the same vehicle and com-

plete the campus commuter services carpool registration process.

(6) **Citation:** Formal written notice of a parking violation.

(7) **College:** Cascadia College, and collectively those responsible for its control and operations.

(8) **Commuter services:** The campus department that manages and maintains parking facilities, issues parking products, issues citations, processes citation appeals, and collects fees and fines.

(9) **Day:** Unless otherwise specified, the term "day" refers to a calendar day.

(10) **Disability parking:** See persons with a disability.

(11) **Disability zone/area:** A parking zone designated for exclusive use by persons with a disability and identified with a sign bearing the associated international symbol.

(12) **Electric assisted bicycle:** As defined under RCW 46.04.169.

(13) **Employee:** Any individual hired as or appointed to the faculty, staff, or administration of the college or university.

(14) **Fee:** A charge for the use of services provided and facilities managed by commuter services.

(15) **Fine:** Monetary penalty for a parking violation.

(16) **Immobilization:** The attachment of a device to a parked motor vehicle so that the vehicle cannot be moved.

(17) **Impoundment:** The removal of the vehicle to a storage facility by an authorized agent of campus safety, commuter services, or an authorized agent of commuter services.

(18) **Institutions:** The college and the university.

(19) **License plate recognition (LPR):** Technology that uses optical character recognition to automatically read license plate characters.

(20) **Meter:** A single fixed device that registers and collects payment for the length of time a vehicle occupies a single parking space. A meter does not produce a receipt, physical permit, or virtual permit. A meter is not a permit issuance machine.

(21) **Moped:** As defined under RCW 46.04.304.

(22) **Motorcycle:** As defined under RCW 46.04.330.

(23) **Motor vehicle:** As defined under RCW 46.04.320.

(24) **Nonmotorized vehicle:** A device other than a motor vehicle used to transport persons including, but not limited to, bicycles, skateboards, in-line skates, hover boards, personal conveyance devices, and roller skates.

(25) **Operator or driver:** Every person who drives or is in actual physical control of a motor vehicle or nonmotorized vehicle.

(26) **Overtime parking:** The occupation by a vehicle of a time-limited space beyond the posted time limit or time provided on a permit, meter, or permit-issuance machine.

(27) **Parking product:** A product issued by commuter services to manage motorized and nonmotorized access to the campus. Parking products include, but are not limited to, visual permits, virtual permits, access to bicycle lockers and other bicycle parking facilities, and parking access cards.

(28) **Parking space:** A space for parking one motor vehicle normally designated by lines painted on either side of the space, a wheel stop positioned in the front of the space, a sign or signs, or other markings.

(29) **Pay station:** A commuter services deployed and managed machine that issues virtual permits.

(30) **Permit:** A visual permit or virtual permit.

(31) **Persons with disability:** For the purpose of this chapter, persons with disability shall refer to a person or persons with a disability or disabilities who qualify for a state-issued individual with disabilities parking identification and permit.

(32) **Registered owner:** The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

(33) **Roller skate/in-line skate:** A device used to attach wheels to the foot or feet of a person.

(34) **Skateboard:** Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

(35) **Student:** A person enrolled in the college or the university.

(36) **Traffic:** The movement of motorized vehicles, nonmotorized vehicles and pedestrians in an area or along a street as is defined in RCW 46.04.590.

(37) **University:** The University of Washington, Bothell, and collectively those responsible for its control and operations.

(38) **Vehicle:** As defined under RCW 46.04.670.

(39) **Virtual permit:** An authorization to park, issued by commuter services, or an authorized agent, that is associated with a vehicle's license plate.

(40) **Visitor:** A person who is neither an employee nor a student of the university or college and who only visits campus on an occasional basis.

(41) **Visual permit:** A physical permit issued by campus commuter services that when properly filled out and displayed according to instructions, authorizes a vehicle to park on campus.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.

(2) The ((~~traffic code of the city of Bothell.~~

~~(3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern~~)) parking and traffic rules in this chapter and chapter 478-117 WAC.

NEW SECTION

WAC 132Z-116-035 Severability—Savings clause. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-040 Enforcement of parking and traffic rules. The institutions share responsibility for parking and traffic management on campus. Duly appointed ((~~public~~)) campus safety officers, designated commuter services employees, or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules and may conduct traffic control on campus.

NEW SECTION

WAC 132Z-116-042 Liability of institutions. Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus. No bailment, but only a license, is created by the purchase and/or issuance of a permit.

PART II

PARKING RULES

NEW SECTION

WAC 132Z-116-043 General parking regulations. (1) No person may utilize any vehicle parked on campus as a living unit without specific approval from the campus safety director. Violators may be cited and/or towed.

(2) Vehicles are to be maintained in operating condition at all times while on campus, except those in a garage, research facility, or automotive shop designated for parking such vehicles by the commuter services manager or designee.

(3) A vehicle which appears to be abandoned, with or without a current parking product or license plate(s), may be impounded after an attempt is made to locate and notify the owner of the impending action.

(4) Stopped or parked vehicles must do so in line with the flow of traffic where they are located.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-050 Permits required for all motorized vehicles parked on campus. No person shall park((~~,~~)) or leave any motor vehicle (((~~other than bicycles~~))), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by the display of a valid visual permit((~~.~~

~~(1) A valid permit is:~~

~~(a) A current vehicle permit displayed in accordance with WAC 132Z-116-110. Vehicle permits are valid until revoked.~~

~~(b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.~~

~~(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.~~

~~(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.~~

~~(2) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.~~

~~(3) The college and university reserve the right to refuse to issue parking permits.~~

~~(4) This section does not apply to vehicles that the institutions own or operate.~~

~~(5) The institutions may allow persons without permits to drive through the campus without parking.~~

~~(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.~~)) or registration of a valid virtual permit. Persons wishing to obtain virtual permits are required to complete a registration process established by commuter services and pay the corresponding fee. A vehicle associated with a virtual permit must have a visible license plate.

(1) A valid permit is:

(a) A current unexpired, visual permit issued by commuter services, or an authorized agent designated by commuter services, and displayed in accordance with the instructions given at the time of issuance.

(b) A current unexpired virtual permit issued by commuter services, or an authorized agent, that is associated with a vehicle's license plate.

(i) Vehicles with virtual permits associated with a vehicle's license plate must have the license plate exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by the LPR equipment.

(ii) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.

(2) Commuter services reserves the right to refuse to issue parking products.

(3) The institutions may allow persons without permits to drive through the campus without parking.

(a) This section does not apply to vehicles that the institutions own or operate.

(b) Any vehicle, attended or unattended, must have a valid parking permit when parked on the campus, unless the vehicle is:

(i) Parked in a metered parking space with meter payment;

(ii) Parked in a loading zone in compliance with posted limits;

(iii) Parked in a lot that does not require a permit during specified times as posted;

(iv) Parked in a posted short-term parking space in compliance with posted time limits; or

(v) Public safety or emergency vehicle parked while performing emergency services.

NEW SECTION

WAC 132Z-116-055 Overtime parking violations. After a motor vehicle has been cited for parking beyond the time posted, the vehicle may be cited at a frequency of one additional citation for each period of time equal to the maximum time limit posted for the space.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool ((~~is a group of two or more employees or students who commute to the campus in the same vehicle~~)) permit may be used with only one vehicle per day. Members of the campus carpool program must register their carpool with commuter services.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

(3) Use of disability accommodation parking on campus requires payment for parking in the form of a campus parking permit issued by commuter services, payment at a pay station, or payment at a parking meter for the designated space to which the vehicle is parked.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-090 Transfer of ((~~permits~~)) parking products limited. (1) As provided herein, a permit holder((~~s~~)) may transfer ((~~one~~)) a permit between motor vehicles when used by ((~~the~~)) that permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, the resale, lending, or transfer of a parking product or parking permit other than as provided herein. Multiple motor vehicles may be associated with a virtual permit but only one vehicle associated with a specific virtual permit may be parked on campus per calendar day. If more than one vehicle associated with a virtual permit is parked on campus during the course of a day, all additional vehicles are subject to a parking citation unless each additionally parked vehicle has a separate valid permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-100 Responsibility of person to whom ((~~permit~~)) parking product issued. (1) The ((~~person~~)) person(s) to whom a ((~~permit~~)) parking product is issued is responsible for ((~~the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit~~)) paying for the product until it expires or is returned to commuter services, unless stated otherwise in these rules. All associated outstanding commuter services related fees and fines must be satisfactorily settled before a parking product may be issued, reissued, or renewed.

(2) When requested, a parking permit holder shall provide commuter services with the current valid license plate number of any vehicle(s) with which they intend to use a parking permit.

(3) Subject to WAC 132Z-116-340, the person(s) to whom a parking product is issued is responsible for any violations of this chapter associated with a vehicle with which the product is used during the time the product is valid and up to the date and time the product expires or is reported lost or stolen.

(4) Commuter services may also require proof of a vehicle registration for certain designated parking products.

AMENDATORY SECTION (Amending WSR 15-07-109, filed 3/18/15, effective 4/18/15)

WAC 132Z-116-110 Display of permits. (1) ((~~Parking permits shall be displayed by hanging from the rear view mirror, affixed to the front window, or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.~~

~~(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.~~)) Visual permits shall be prominently displayed in accordance with the instructions printed in the permit and shall be fully visible from the exterior of the vehicle. Virtual permits are associated with a vehicle's license plate, and accordingly, a vehicle associated with a virtual permit must have its license plate exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by the LPR equipment.

(2) Instructions relating to the display and assignment of a permit to a vehicle(s) will be provided by commuter services at the time of issuance and are located on the commuter services web site.

(3) Motorcycle and scooter permits shall be registered with ((~~the affiliated institution.~~

~~(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed~~)) commuter services.

(4) Commuter services may authorize certain designated virtual permit holders to use a vehicle's license plate as a permit. Certain designated virtual permits may require the completion of a permit registration process. Virtual permit instructions will be provided at the time of permit issuance.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-200 Parking fees. The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. ((~~Each institution~~)) Commuter services, or its designee, shall sell quarterly and yearly permits to the institutions' employees and students ((~~only of its own institution. Each institution~~)). Commuter services, or its designee, may also sell quarterly and yearly permits ((~~in~~)) at its discretion to regular

visitors to ((~~that~~)) each institution. A person who parks a vehicle in a metered parking space must pay for time used during posted times of operation.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-220 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas, unless expressly authorized by commuter services or campus safety.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

(3) No person shall stop, stand, or park any motor vehicle so as to create a safety hazard, obstruct traffic along or upon any street, parking lot drive aisle, or roadway, or obstruct pedestrian movement along any plaza, path, or sidewalk unless expressly authorized by commuter services or campus safety.

NEW SECTION

WAC 132Z-116-235 Denial or revocation of parking privileges. Commuter services reserves the right to deny or revoke parking privileges to anyone who has:

(1) Had a permit revoked.

(2) Falsified a parking application or registration.

(3) Counterfeited or altered a permit.

(4) Failed to pay outstanding citations.

(5) Been found to be in possession of or using a lost, refunded, or stolen permit.

(6) Removed an immobilization device without authorization.

(7) Been banned from campus.

(8) Failed to comply with commuter services directions.

(9) Damaged campus property while driving or parking on campus.

(10) Verbally abused or assaulted staff, including commuter services staff.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-240 Regulatory signs, markings, barricades, etc. (1) The institutions may erect permanent or temporary signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by ((~~public safety officers in the~~)) commuter services employees, campus facilities employees, campus safety officers, or authorized commuter services contractors in the control and regulation of traffic. Drivers shall also comply with directions given to them by ((~~the traffic guides or parking checkers~~)) commuter services employees, campus safety officers, or authorized commuter services contractors in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

PART III

USE OF MOTORIZED AND NONMOTORIZED VEHICLES

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-270 Motorcycles, bicycles, scooters. (1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters ((~~may~~)) must be parked in designated motorcycle parking areas ((~~in addition to the regular parking lots~~)).

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including but not limited to skateboards, roller skates, and roller blades.

PART IV

FINES, CITATIONS, IMMOBILIZATION, AND IMPOUNDMENT

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-300 Issuance of ((~~traffic~~)) parking citations. Upon probable cause ((~~to believe~~)) that a violation of these rules has occurred, a ((~~public safety officer or designated contractor~~)) campus safety officer, commuter services employee, or contractor designated by commuter services may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the ((~~permit~~)) license plate number, ((~~license number,~~)) infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-310 Fines, immobilization, and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review ((~~in the Central Plant Building~~)) online and in the commuter services office.

(2) All fines are due upon receipt of the citation and must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the ((~~citation hearing office~~)) UW Bothell cashier's office, paid online, or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

(a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.

(b) Delay registration for the following quarter.

(c) Impound or immobilize the violator's vehicle.

(d) Deny future parking privileges to the violator.

(e) Refuse to issue keys to a violator who is an employee or student.

(f) Refer outstanding balances associated with unpaid fines for collection in accordance with applicable statutes and institutional procedure.

(3) In addition to imposing fines, ((~~public~~)) campus safety officers ((~~may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release~~)), commuter services employees, or authorized commuter services contractors or agents may immobilize and/or impound any vehicle parked on campus in violation of these rules. Grounds for impounding or immobilizing vehicles shall include, but not be limited to the following:

(a) Blocking a roadway so as to impede the flow of traffic.

(b) Blocking a walkway so as to impede the flow of pedestrian traffic.

(c) Blocking a fire hydrant or fire lane.

(d) Creating a safety hazard.

(e) Blocking another legally parked vehicle.

(f) Parking in a marked "tow-away" zone.

(g) Leaving a vehicle unattended on campus for longer than two days, unless the vehicle has a valid student housing resident permit.

(h) Failing to pay a fine(s) imposed under this chapter.

(i) Parking a vehicle on campus that has no license plate(s) and no observable vehicle identification number.

(4) Not more than ((~~twenty-four hours~~)) one business day after impoundment or immobilization of any motor vehicle, ((~~the institution~~)) commuter services shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. ((~~The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.~~

~~(4)~~)) Similar notice shall be given to each person who seeks to redeem an immobilized or impounded motor vehicle. If a motor vehicle is redeemed prior to the mailing of the notice, the notice may not be mailed. The notice shall contain the date of immobilization or impoundment, reason for the action, the location of the motor vehicle if impounded, redemption procedures, and an opportunity to contest the immobilization or impoundment as provided in WAC 132Z-116-320. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. All parking fines, fees, the cost of immobilization and/or impoundment (e.g., booting, towing, and storage fees) must be paid prior to the removal of an immobilization device or the release of an impounded motor vehicle. Impounded motor vehicles shall be redeemed only by the registered owner who has a valid driver's license or a person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt for motor vehicle. Proof of ownership may be required before a vehicle is released from immobilization or impound.

(5) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-320 Appeals of fines, immobilizations, and impoundments. (1) Any immobilization, impoundment, or fine under this chapter may be appealed in writing, or when available, appealed through the online parking portal, within twenty calendar days from the date of the citation ((~~or~~)), the notice of immobilization, or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation, notice of immobilization, or notice of impoundment. ((~~The institutions~~)) Commuter services will make appeal forms available at the ((~~university's cashiers office in Room UW1 176 and at the college's cashiers office in Room CC1 103~~)) commuter services office. The notice of appeal must explain the reasons for contesting the citation, immobilization or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal. Online appeal instructions can be accessed through the commuter services web site.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten calendar days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in

subsection (3) of this section shall be paid within twenty-one calendar days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one calendar days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty calendar days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten calendar days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten calendar days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 132Z-116-325 Permit and parking product revocations. Parking products are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

(1) When the purpose for which the parking product was issued changes or no longer exists;

(2) When a parking product is used on an unauthorized vehicle, by an unauthorized individual, or in an unauthorized manner;

(3) Falsification on a parking product application;

(4) Multiple or continued violations of parking rules;

(5) Counterfeiting, altering, or using a lost/stolen parking product;

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer;

(7) Nonpayment of parking product fees or parking fines.

NEW SECTION

WAC 132Z-116-330 Right to appeal revocation. Parking product revocations under this chapter may be appealed pursuant to the procedures in WAC 132Z-116-320.

NEW SECTION

WAC 132Z-116-340 Motorized vehicles—Responsible parties for illegal parking. (1) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is registered to a permit holder, there shall be a prima facie presumption that the permit holder was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(2) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is not registered to a permit holder, there shall be a prima facie presumption that the registered owner of the motor vehicle was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(3) This section shall not apply to university or college operated motor vehicles. The operator of a university owned or a college owned motor vehicle is personally liable for any citation issued to the motor vehicle.

(4) A third party other than the permit holder or registered owner can assume responsibility for a citation by either paying the citation within twenty calendars days of the date of the citation or submitting a petition where the third party agrees to take responsibility.

(5) When mitigating circumstances exist, authorized commuter services personnel may reduce or dismiss fines.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Z-116-070	Permit revocations.
WAC 132Z-116-080	Right to appeal revocation.
WAC 132Z-116-280	Distribution of literature.
WAC 132Z-116-400	Report of accident.
WAC 132Z-116-410	Liability of institutions.

WSR 19-06-035
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed March 1, 2019, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-23-070.

Title of Rule and Other Identifying Information: Chapter 478-117 WAC, Parking and traffic rules of the University of Washington, Bothell.

Hearing Location(s): On April 24, 2019, at 10:00 a.m. - 12:00 noon, at the North Creek Events Center, 18225 N.E. Campus Way, Bothell, WA 98011. This is located at the University of Washington, Bothell, and we will be cohosting the hearing with Cascadia College and their update to chapter 132Z-116 WAC, Parking and traffic rules of Cascadia College.

Date of Intended Adoption: May 9, 2019.

Submit Written Comments to: Barbara Lechtanski, University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195, email rules@uw.edu, by April 24, 2019.

Assistance for Persons with Disabilities: Contact University of Washington, Bothell, disability resources for students, phone 425-352-5307, fax 425-352-5114, TTY 425-352-5303, email uwbdrs@uw.edu, by April 15, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The University of Washington, Bothell is updating terminology regarding current modes of transportation and advancement in parking technology (i.e. electric assisted bicycle and virtual permit parking) traveling to/from and through campus. The information in this WAC has also been updated to reflect current practices regarding parking and parking related products, systems, and privileges, parking fees, citations, fines, immobilization and impoundment, and related appeals.

Reasons Supporting Proposal: The University of Washington is amending this WAC to keep the university's parking and transportation information accurate and up-to-date for persons traveling to/from and through campus. The parking and traffic rules are needed to protect and control pedestrian and vehicular traffic on the campus of the University of Washington, Bothell; to ensure access at all times for emergency vehicles and equipment; to minimize traffic disturbances; to facilitate the operations of the university by ensuring access to its vehicles; to allocate limited parking space for the most efficient use; to protect state property; and to encourage travel to the campus by means other than single occupancy vehicle. This is part of a comprehensive effort to update parking and transportation information across WAC, University of Washington administrative policy, and web site information.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130.

Statute Being Implemented: RCW 28B.10.560 and 28B.20.130.

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

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting: Martin Arroyo, Manager for Commuter Services, University of Washington, Bothell, Cascadia College, Husky Hall, Room 1430, Bothell, 98011, 425-352-5466; Implementation: Anthony R. Guerrero, Associate Vice Chancellor for Facilities Services and Campus Operations, University of Washington, Bothell, Ruth Johnston, Vice Chancellor, Planning and Administration, University of Washington, Bothell, Cascadia College, Husky Hall, Room 1430, Bothell, 98011, 425-352-5466; and Enforcement: Chancellor Bjong Wolf Yeigh, Chancellor for University of Washington, Bothell, 18115 Campus Way N.E., Bothell, 98011, 425-352-5220.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The University of Washington does not consider this a significant legislative rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

March 1, 2019
Barbara Lechtanski
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 17-14-035, filed 6/26/17, effective 7/27/17)

WAC 478-117-010 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia College.

(2) To ((~~assure~~)) ensure access at all times for emergency equipment.

(3) To minimize traffic disturbances.

(4) To facilitate the operation of the institutions by ((~~assuring~~)) ensuring access to vehicles.

(5) To allocate limited parking space for the most efficient use.

(6) To protect state property.

(7) To encourage and support travel to the campus by means other than single occupancy vehicle.

NEW SECTION

WAC 478-117-012 Knowledge of parking and traffic rules. It is the responsibility of all individuals parking or operating a vehicle on the campus to comply with these rules. Lack of knowledge of these rules shall not be grounds for the dismissal of any citation for a violation of the parking or traffic rules.

AMENDATORY SECTION (Amending WSR 17-14-035, filed 6/26/17, effective 7/27/17)

WAC 478-117-020 Definitions. The following definitions apply to this chapter:

(((~~(1) Campus: The colocated campus of University of Washington, Bothell and Cascadia College.~~

~~(2) College: Cascadia College, and collectively those responsible for its control and operations.~~

~~(3) Employee: An employee of the college or the university.~~

~~(4) Institutions: The college and the university.~~

~~(5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.~~

~~(6) Student: A person enrolled in the college or the university.~~

~~(7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.~~

~~(8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.~~

~~(9) Visitor: A person who is neither an employee nor a student of the college or the university.~~)) (1) **Authorized valid payment:** Any payment accepted by commuter services, including online, mobile application, and pay stations.

(2) **Bicycle:** Any device defined as a bicycle in RCW 46.04.071.

(3) **Campus:** The collocated campus of University of Washington, Bothell and Cascadia College to include those lands and leased facilities where parking is managed or controlled by commuter services.

(4) **Campus safety officers:** Employees of the college or the university who are responsible for campus security, safety, parking, and traffic control.

(5) **Carpool:** A group of two or more employees or students who commute to campus in the same vehicle and complete the campus commuter services carpool registration process.

(6) **Citation:** Formal written notice of a parking violation.

(7) **College:** Cascadia College and collectively those responsible for its control and operations.

(8) **Commuter services:** The campus department that manages and maintains parking facilities, issues parking products, issues citations, processes citation appeals, and collects fees and fines.

(9) **Day:** Unless otherwise specified, the term "day" refers to a calendar day.

(10) **Disability parking:** See persons with a disability.

(11) **Disability zone/area:** A parking zone designated for exclusive use by persons with a disability and identified with a sign bearing the associated international symbol.

(12) **Electric assisted bicycle:** As defined under RCW 46.04.169.

(13) **Employee:** Any individual hired as or appointed to the faculty, staff, or administration of the college or the university.

(14) **Fee:** A charge for the use of services provided and facilities managed by commuter services.

(15) **Fine:** Monetary penalty for a parking violation.

(16) **Immobilization:** The attachment of a device to a parked motor vehicle so that the vehicle cannot be moved.

(17) **Impoundment:** The removal of the vehicle to a storage facility by an authorized agent of campus safety, commuter services, or an authorized agent of commuter services.

(18) **Institutions:** The college and the university.

(19) **License plate recognition (LPR):** Technology that uses optical character recognition to automatically read license plate characters.

(20) **Meter:** A single fixed device that registers and collects payment for the length of time a vehicle occupies a single parking space. A meter does not produce a receipt, physical permit, or virtual permit. A meter is not a permit-issuance machine.

(21) **Moped:** As defined under RCW 46.04.304.

(22) **Motorcycle:** As defined under RCW 46.04.330.

(23) **Motor vehicle:** As defined under RCW 46.04.320.

(24) **Nonmotorized vehicle:** A device other than a motor vehicle used to transport persons including, but not limited to, bicycles, skateboards, in-line skates, hover boards, personal conveyance devices, and roller skates.

(25) **Operator or driver:** Every person who drives or is in actual physical control of a motor vehicle or nonmotorized vehicle.

(26) **Overtime parking:** The occupation by a vehicle of a time-limited space beyond the posted time limit or time provided on a permit, meter, or permit-issuance machine.

(27) **Parking product:** A product issued by commuter services to manage motorized and nonmotorized access to the campus. Parking products include, but are not limited to, visual permits, virtual permits, access to bicycle lockers and other bicycle parking facilities, and parking access cards.

(28) **Parking space:** A space for parking one motor vehicle normally designated by lines painted on either side of the space, a wheel stop positioned in the front of the space, a sign or signs, or other markings.

(29) **Pay station:** A commuter services deployed and managed machine that issues virtual permits.

(30) **Permit:** A visual permit or virtual permit.

(31) **Persons with a disability:** For the purpose of this chapter, persons with a disability shall refer to a person or persons with a disability or disabilities who qualify for a state-issued individual with disabilities parking identification and permit.

(32) **Registered owner:** The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

(33) **Roller skate/in-line skate:** A device used to attach wheels to the foot or feet of a person.

(34) **Skateboard:** Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

(35) **Student:** A person enrolled in the college or the university.

(36) **Traffic:** The movement of motorized vehicles, nonmotorized vehicles, and pedestrians in an area or along a street as is defined in RCW 46.04.590.

(37) **University:** The University of Washington, Bothell, and collectively those responsible for its control and operations.

(38) **Vehicle:** As defined under RCW 46.04.670.

(39) **Virtual permit:** An authorization to park, issued by commuter services, or an authorized agent, that is associated with a vehicle's license plate.

(40) **Visitor:** A person who is neither an employee nor a student of the college or the university and who only visits campus on an occasional basis.

(41) **Visual permit:** A physical permit issued by campus commuter services that when properly filled out and displayed according to instructions, authorizes a vehicle to park on campus.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.

(2) The ((~~traffic code of the city of Bothell.~~

~~(3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern~~)) parking and traffic rules in this chapter and chapter 132Z-116 WAC.

NEW SECTION

WAC 478-117-035 Severability, savings clause. If any provision of this chapter or its application to any person or

circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-040 Enforcement of parking and traffic rules. The institutions share responsibility for parking and traffic management on campus. Duly appointed ((~~public~~)) campus safety officers, designated commuter services employees, or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules and may conduct traffic control on campus.

NEW SECTION

WAC 478-117-042 Liability of institutions. Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus. No bailment, but only a license, is created by the purchase and/or issuance of a permit.

NEW SECTION

WAC 478-117-043 General parking regulations. (1) No person may use any vehicle parked on campus as a living unit without specific approval from the campus safety director. Violators may be cited and/or towed.

(2) Vehicles are to be maintained in operating condition at all times while on campus, except those in a garage, research facility, or automotive shop designated for parking such vehicles by the commuter services manager or designee.

(3) A vehicle which appears to be abandoned, with or without a current parking product or license plate(s), may be impounded after an attempt is made to locate and notify the owner of the impending action.

(4) Stopped or parked vehicles must do so in line with the flow of traffic where they are located.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-050 Permits required for all motorized vehicles parked on campus. No person shall park((~~,~~)) or leave any motor vehicle (((~~other than bicycles~~))), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by display of a valid ((~~permit~~)) visual permit or registration of a valid virtual permit. Persons wishing to obtain virtual permits are required to complete a registration process established by commuter services and pay the corresponding fee. A vehicle associated with a virtual permit must have a visible license plate.

(1) A valid permit is:

(a) A current ((~~vehicle permit displayed in accordance with WAC 478-117-110. Vehicle permits are valid until revoked.~~

~~(b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.~~

~~(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.~~

~~(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.~~

~~(2) Parking permits are not transferable, except as provided in WAC 478-117-060 and 478-117-090.~~

~~(3) The college and university reserve the right to refuse to issue parking permits.~~

~~(4) This section does not apply to vehicles that the institutions own or operate.~~

~~(5) The institutions may allow persons without permits to drive through the campus without parking.~~

~~(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal~~)) unexpired, visual permit issued by commuter services, or an authorized agent designated by commuter services, and displayed in accordance with the instructions given at the time of issuance.

(b) A virtual permit issued by commuter services, or an authorized agent that is associated with a vehicle's license plate.

(i) Vehicles with virtual permits associated with a vehicle's license plate must have the license plate exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by the LPR equipment.

(ii) Parking permits are not transferable except as provided in WAC 478-117-060 and 478-117-090.

(2) Commuter services reserves the right to refuse to issue parking products.

(3) The institutions may allow persons without permits to drive through the campus without parking.

(a) This section does not apply to vehicles that the institutions own or operate.

(b) Any vehicle, attended or unattended, must have a valid parking permit when parked on the campus unless the vehicle is:

(i) Parked in a metered parking space with meter payment;

(ii) Parked in a loading zone in compliance with posted limits;

(iii) Parked in a lot that does not require a permit during specified times as posted;

(iv) Parked in a posted short term parking space in compliance with posted time limits; or

(v) A public safety or emergency vehicle parked while performing emergency services.

NEW SECTION

WAC 478-117-055 Overtime parking violations. After a motor vehicle has been cited for parking beyond the time posted, the vehicle may be cited at a frequency of one additional citation for each period of time equal to the maximum time limit posted for the space.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the

institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool ((~~is a group of two or more employees or students who commute to the campus in the same vehicle~~)) permit may be used with only one vehicle per day. Members of the campus carpool program must register their carpool with commuter services.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

(3) Use of disability accommodation parking on campus requires payment for parking in the form of a campus parking permit issued by commuter services, payment at a pay station, or payment at a parking meter for the designated space in which the vehicle is parked.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-090 Transfer of ((~~permits~~)) parking products limited. (1) As provided herein, a permit holder((~~s~~)) may transfer ((~~one~~)) a permit between motor vehicles when used by ((~~the~~)) that permit holder. Improper transfer of a permit shall include, but is not limited to, the ((~~wrongful sale~~)) resale, lending, or transfer of a parking product or parking permit other than as provided herein. Multiple motor vehicles may be associated with a virtual permit, but only one vehicle associated with a specific virtual permit may be parked on campus per calendar day. If more than one vehicle associated with a virtual permit is parked on campus during the course of a day, all additional vehicles are subject to a parking citation unless each additionally parked vehicle has a separate valid permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-100 Responsibility of ((~~person~~)) person(s) to whom ((~~permit~~)) parking product issued. (1) The ((~~person~~)) person(s) to whom a ((~~permit~~)) parking product is issued is responsible for ((~~the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit~~)) paying for the product until it expires or is returned to commuter services unless stated otherwise in these rules. All associated outstanding commuter services related fees and fines must be satisfactorily settled before a parking product may be issued, reissued, or renewed.

(2) When requested, a parking permit holder shall provide commuter services with the current valid license plate number of any vehicle(s) with which they intend to use a parking permit.

(3) Subject to WAC 478-117-340, the person(s) to whom a parking product is issued is responsible for any violations of this chapter associated with a vehicle with which the product is used during the time the product is valid and up to the date and time the product expires or is reported lost or stolen.

(4) Commuter services may also require proof of vehicle registration for certain designated parking products.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-110 Display of permits. (1) ((~~Parking~~)) Visual permits shall be ((~~displayed by hanging from the rear view mirror or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle~~)) prominently displayed in accordance with the instructions printed on the permit and shall be fully visible from the exterior of the vehicle. Virtual permits are associated with a vehicle's license plate, and accordingly, a vehicle associated with a virtual permit must have its license plate exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by the LPR equipment.

(2) ((~~When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.~~)) Instructions relating to the display and assignment of a permit to a vehicle(s) will be provided by commuter services at the time of issuance and are located on the commuter services web site.

(3) Motorcycle and scooter permits shall be registered with ((~~the affiliated institution.~~

~~(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed~~)) commuter services.

(4) Commuter services may authorize certain designated virtual permit holders to use a vehicle's license plate as a permit. Certain designated virtual permits may require the completion of a permit registration process. Virtual permit instructions will be provided at the time of permit issuance.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-200 Parking fees. The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. ((~~Each institution~~)) Commuter services or its designee shall sell quarterly and yearly permits to the institutions' employees and students ((~~only of its own institution. Each institution~~)). Commuter services or its designee may also sell quarterly and yearly permits ((~~in~~)) at its discretion to regular visitors to ((~~that~~)) each institution. A person who parks a vehicle in a metered parking space must pay for time used during posted times of operation.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-220 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas, unless expressly authorized by commuter services or campus safety.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

(3) No person shall stop, stand, or park any motor vehicle so as to create a safety hazard, obstruct traffic along or upon any street, parking lot drive, aisle, or roadway, or obstruct pedestrian movement along any plaza, path, or sidewalk unless expressly authorized by commuter services or campus safety.

NEW SECTION

WAC 478-117-235 Denial or revocation of parking privileges. Commuter services reserves the right to deny or revoke parking privileges to anyone who has:

(1) Had a permit revoked;

(2) Falsified a parking application or registration;

(3) Counterfeited or altered a permit;

(4) Failed to pay outstanding citations;

(5) Been found to be in possession of or using a lost, refunded, or stolen permit;

(6) Removed an immobilization device without authorization;

(7) Been banned from campus;

(8) Failed to comply with commuter services directions;

(9) Damaged campus property while driving or parking on campus;

(10) Verbally abused or assaulted staff, including commuter services staff.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-240 Regulatory signs, markings, barricades, etc. (1) The institutions may erect permanent or temporary signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by ((~~public safety officers~~)) commuter services employees, campus facilities employees, campus safety officers, or authorized commuter services contractors in the control and regulation of traffic. Drivers shall also comply with directions given to them by ((~~the traffic guides or parking checkers~~)) commuter services employees, campus safety officers, or authorized commuter services contractors in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-270 Motorcycles, bicycles, scooters. (1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters ((~~may~~)) must be parked in designated motorcycle parking areas ((~~in addition to the regular parking lots~~)).

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including, but not limited to, skateboards, roller skates, and roller blades.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-300 Issuance of ((~~traffic~~)) parking citations. Upon probable cause ((~~to believe~~)) that a violation of these rules has occurred, a ((~~public safety officer or designated contractor~~)) campus safety officer, commuter services employee, or contractor designated by commuter services may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the ((~~permit number,~~)) license plate number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

AMENDATORY SECTION (Amending WSR 17-14-035, filed 6/26/17, effective 7/27/17)

WAC 478-117-310 Fines, immobilization, and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review ((~~in the Chase House~~)) online and in the campus commuter services office.

(2) All fines are due upon receipt of the citation and must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the ((~~citation hearing office~~)) UW Bothell cashier's office, paid online, or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

(a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.

(b) Delay registration for the following quarter.

(c) Impound or immobilize the violator's vehicle.

(d) Deny future parking privileges to the violator.

(e) Refuse to issue keys to a violator who is an employee or student.

(f) Refer outstanding balances associated with unpaid fines for collection in accordance with applicable statutes and institutional procedure.

(3) In addition to imposing fines, ((~~public safety officers may impound or immobilize~~)) campus safety officers, commuter services employees, or authorized commuter services contractors or agents may immobilize and/or impound any vehicle parked on campus in violation of these rules. ((~~The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release.~~)) Grounds for impounding or immobilizing vehicles shall include, but not be limited to, the following:

(a) Blocking a roadway so as to impede the flow of traffic.

(b) Blocking a walkway so as to impede the flow of pedestrian traffic.

(c) Blocking a fire hydrant or fire lane.

(d) Creating a safety hazard.

(e) Blocking another legally parked vehicle.

(f) Parking in a marked "tow-away" zone.

(g) Leaving a vehicle unattended on campus for longer than two days, unless the vehicle has a valid student housing resident permit.

(h) Failing to pay a fine(s) imposed under this chapter.

(i) Parking a vehicle on campus that has no license plate(s) and no observable vehicle identification number.

(4) Not more than ((~~twenty-four hours~~)) one business day after impoundment or immobilization of any motor vehicle, ((~~the institution~~)) commuter services shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. Similar notice shall be given to each person who seeks to redeem an immobilized or impounded motor vehicle. If a motor vehicle is redeemed prior to the mailing of the notice, the notice may not be mailed. The notice shall contain the date of immobilization or impoundment, reason for the action, the location of the motor vehicle if impounded, redemption procedures, and an opportunity to contest the immobilization or impoundment as provided in WAC 478-117-320. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. ((~~Impounding a vehicle does not remove the obligation for any fines associated with the violation.~~

~~(4)~~)) All parking fines, fees, the cost of immobilization and/or impoundment (e.g., booting, towing, and storage fees) must be paid prior to the removal of an immobilization device or the release of an impounded motor vehicle. Impounded motor vehicles shall be redeemed only by the registered owner who has a valid driver's license or a person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt for the motor vehicle. Proof of ownership may be required before a vehicle is released from immobilization or impound.

(5) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-320 Appeals of fines, immobilization, and impoundments. (1) Any immobilization, impoundment, or fine under this chapter may be appealed in writing, or when available, appealed through the online parking portal, within twenty calendar days from the date of the citation, the notice of immobilization, or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation, notice of immobilization, or notice of impoundment. ((~~The institutions will make appeal forms available at the university's cashier's office in Room UW1 176 and at the college's cashier's office in Room CC1 103.~~)) Commuter services will make appeal forms available at the commuter services office. The notice of appeal must explain the reasons for contesting the citation, immobilization, or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal. Online appeal instructions can be accessed through the commuter services web site.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten calendar days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one calendar days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one calendar days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty calendar days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten calendar days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten calendar days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been

contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 478-117-325 Permit and parking product revocations. Parking products are the property of the institutions and may be recalled by the issuer for any of the following reasons:

(1) When the purpose for which the parking product was issued changes or no longer exists;

(2) When a parking product is used on an unauthorized vehicle, by an unauthorized individual, or in an unauthorized manner;

(3) Falsification on a parking product application;

(4) Multiple or continued violations of parking rules;

(5) Counterfeiting, altering, or using a lost/stolen parking product;

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer;

(7) Nonpayment of parking product fees or parking fines.

NEW SECTION

WAC 478-117-330 Right to appeal revocation. Parking product revocations under this chapter may be appealed pursuant to the procedures in WAC 478-117-320.

NEW SECTION

WAC 478-117-340 Motorized vehicles—Responsible parties for illegal parking. (1) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is registered to a permit holder, there shall be a prima facie presumption that the permit holder was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(2) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is not registered to a permit holder, there shall be a prima facie presumption that the registered owner of the motor vehicle was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(3) This section shall not apply to university or college operated motor vehicles. The operator of a university owned or a college owned motor vehicle is personally liable for any citation issued to the motor vehicle.

(4) A third party other than the permit holder or registered owner can assume responsibility for a citation by either paying the citation within twenty calendar days of the date of the citation or submitting a petition where the third party agrees to take responsibility.

(5) When mitigating circumstances exist, authorized commuter services personnel may reduce or dismiss fines.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-117-070 Permit revocations.

WAC 478-117-080 Right to appeal revocation.

WAC 478-117-280 Distribution of literature.

WAC 478-117-400 Report of accident.

WAC 478-117-410 Liability of institutions.

WSR 19-06-044
PROPOSED RULES
HEALTH CARE AUTHORITY
[Filed March 4, 2019, 10:05 a.m.]

Supplemental Notice to WSR 18-17-187.

Preproposal statement of inquiry was filed as WSR 18-07-089 and 18-18-094.

Title of Rule and Other Identifying Information: WAC 182-535-1050 Dental-related services—Definitions, 182-535-1060 Dental-related services—Client eligibility, 182-535-1080 Dental-related services—Covered—Diagnostic, 182-535-1082 Dental-related services—Covered—Preventive services, 182-535-1084 Dental-related services—Covered—Restorative services, 182-535-1098 Dental-related services—Covered—Adjunctive general services, 182-535-1245 Access to baby and child dentistry (ABCD) program, 182-535A-0010 Orthodontic services—Definitions, 182-535A-0020 Orthodontic treatment and orthodontic services—Client eligibility, and 182-500-0070 Medical assistance definitions—M.

Hearing Location(s): On April 9, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at www.hca.wa.gov/documents/directions_to_csp.pdf or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than April 10, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by April 9, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by April 8, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency filed the initial proposed rule making under WSR 18-17-187 on August 22, 2018, and held a public hearing on September 25, 2018. The agency received comments from the public hearing and revised the proposed rules.

The agency is revising these rules to comply with legislation in SSB 5883 for providing dental services through managed care, adding coverage for teledentistry, revising limitation on visual oral assessments, revising the reference

to smoking cessation to read tobacco/nicotine cessation, and removing the restriction of "for pregnant women only" to align with other agency rule making filed under WSR 18-18-094.

Specifically, the agency:

(1) In WAC 182-500-0070, added definition for managed care organization (MCO).

(2) In WAC 182-535-1050, added definitions for asynchronous, distant site, originating site, prepaid ambulatory health plan (PAHP), synchronous, and teledentistry.

(3) In WAC 182-525-1060, updated client eligibility section to clarify when a client will be assigned to a dental managed care plan, when they will not be assigned, and when it is voluntary.

(4) In WAC 182-535-1080, for limited visual oral assessments, revised the limitation of "once every six months" to be "two times per client, per provider in a twelve-month period."

(5) In WAC 182-525-1082, changed tobacco cessation counseling to tobacco/nicotine cessation counseling and removed the "for pregnant women only." This change aligns with a separate rule making the agency is conducting under WSR 18-18-094.

(6) In WAC 182-535-1082, added silver diamine fluoride from WAC 182-525-1084(7), and added the current requirement for a signed informed consent form to be on file for each client receiving a silver diamine fluoride application.

(7) In WAC 182-535-1084, moved subsection (7) regarding silver diamine fluoride from restorative services [to] WAC 182-525-1082 Preventive services. Silver diamine fluoride belongs in the preventive services section.

(8) In WAC 182-535-1098, added new subsection (5) to describe coverage for teledentistry.

(9) In WAC 182-535-1245, removed subsection (1)(c) which states ABCD program services are paid through fee-for-service. These services will be paid through the dental managed care plan.

(10) In WAC 182-535A-0010 added a definition for PAHP.

(11) In WAC 182-535A-0020 added a new subsection (2) to clarify when clients must receive their orthodontic services through MCO or PAHP and when it is voluntary, and who is responsible for payment in the event a client transfers to or from an MCO or PAHP or fee-for-service.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, SSB 5883, section 213 (1)(c), chapter 1, Laws of 2017, SSB 5779, chapter 226, Laws of 2017.

Statute Being Implemented: RCW 41.05.021, 41.05.160, SSB 5883, section 213 (1)(c), chapter 1, Laws of 2017, SSB 5779, chapter 226, Laws of 2017.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Ruth Needham, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9967.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose any cost on small businesses.

March 4, 2019
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-11-136, filed 5/24/17, effective 7/1/17)

WAC 182-500-0070 ((~~Medical assistance~~)) Definitions—M. "Managed care organization (MCO)" see WAC 182-538-050.

"Medicaid" means the federal medical aid program under Title XIX of the Social Security Act that provides health care to eligible people.

"Medicaid agency" means the state agency that administers the medicaid program. The Washington state health care authority (HCA) is the state's medicaid agency.

"Medicaid transformation project" refers to the demonstration granted to the state by the federal government under section 1115 of the Social Security Act. Under this demonstration, the federal government allows the state to engage in a five-year demonstration to support health care systems, to implement reform, and to provide new targeted medicaid services to eligible clients with significant needs.

"Medical assistance" is the term the agency and its predecessors use to mean all federal or state-funded health care programs, or both, administered by the agency or its designees. Medical assistance programs are referred to as Washington apple health.

"Medical care services (MCS)" means the limited scope health care program financed by state funds for clients who are eligible for the aged, blind, or disabled (ABD) cash assistance (see WAC 388-400-0060) or the housing and essential needs (HEN) referral program (see WAC 388-400-0065) and not eligible for other full-scope programs due to their citizenship or immigration status.

"Medical consultant" means a physician employed by or contracted with the agency or the agency's designee.

"Medical facility" means a medical institution or clinic that provides health care services.

"Medical institution" See "institution" in WAC 182-500-0050.

"Medical services card" or **"services card"** means the card the agency issues at the initial approval of a person's Washington apple health benefit. The card identifies the person's name and medical services identification number but is not proof of eligibility. The card may be replaced upon request if it is lost or stolen, but is not required to access health care through Washington apple health.

"Medically necessary" is a term for describing requested service which is reasonably calculated to prevent,

diagnose, correct, cure, alleviate or prevent worsening of conditions in the client that endanger life, or cause suffering or pain, or result in an illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction. There is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the client requesting the service. For the purposes of this section, "course of treatment" may include mere observation or, where appropriate, no medical treatment at all.

"Medically needy (MN)" or **"medically needy program (MNP)"** means the state and federally funded health care program available to specific groups of people who would be eligible as categorically needy (CN), except their monthly income is above the CN standard. Some long-term care clients with income or resources above the CN standard may also qualify for MN.

"Medically needy income level (MNIL)" means the standard the agency uses to determine eligibility under the medically needy program. See WAC 182-519-0050.

"Medicare" is the federal government health insurance program under Titles II and XVIII of the Social Security Act. For additional information, see www.Medicare.gov.

"Medicare assignment" means the process by which a provider agrees to provide services to a medicare beneficiary and accept medicare's payment for the services.

"Medicare cost-sharing" means out-of-pocket medical expenses related to services provided by medicare. For clients enrolled in medicare, cost-sharing may include Part A and Part B premiums, co-insurance, deductibles, and copayments for medicare services. See chapter 182-517 WAC.

"Minimum essential coverage" means coverage under 26 U.S.C. Sec. 5000A(f).

"Modified adjusted gross income (MAGI)" means the adjusted gross income as determined by the Internal Revenue Service under the Internal Revenue Code of 1986 (IRC) increased by:

(((~~(1)~~))) (a) Any amount excluded from gross income under 26 U.S.C. Sec. 911;

(((~~(2)~~))) (b) Any amount of interest received or accrued by the client during the taxable year which is exempt from tax; and

(((~~(3)~~))) (c) Any amount of Title II Social Security income or Tier 1 railroad retirement benefits excluded from gross income under 26 U.S.C. Sec. 86. See chapter 182-509 WAC for additional rules regarding MAGI.

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535-1050 ((~~Dental-related services—~~)) Definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC apply to this chapter. The medicaid agency also uses dental definitions found in the American Dental Association's Current Dental Terminology (CDT) and the American Medical Association's Physician's Current Procedural Terminology (CPT). Where there is any discrepancy between the CDT or CPT and this section, this section prevails. (CPT is a trademark of the American Medical Association.)

"Access to baby and child dentistry (ABCD)" is a program to increase access to dental services for medicaid eligible infants, toddlers, and preschoolers through age five. See WAC 182-535-1245 for specific information.

"Alternate living facility" is defined in WAC 182-513-1100.

"American Dental Association (ADA)" is a national organization for dental professionals and dental societies.

"Anterior" refers to teeth (maxillary and mandibular incisors and canines) and tissue in the front of the mouth. Permanent maxillary anterior teeth include teeth six, seven, eight, nine, ten, and eleven. Permanent mandibular anterior teeth include teeth twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven. Primary maxillary anterior teeth include teeth C, D, E, F, G, and H. Primary mandibular anterior teeth include teeth M, N, O, P, Q, and R.

"Asynchronous" means two or more events not happening at the same time.

"Behavior management" means using one additional professional staff, who is employed by the dental provider or clinic and who is not delivering dental treatment to the client, to manage the client's behavior to facilitate dental treatment delivery.

"By-report" means a method of reimbursement in which the department determines the amount it will pay for a service when the rate for that service is not included in the agency's published fee schedules. Upon request the provider must submit a "report" that describes the nature, extent, time, effort and/or equipment necessary to deliver the service.

"Caries" means carious lesions or tooth decay through the enamel or decay on the root surface.

• **"Incipient caries"** means the beginning stages of caries or decay, or subsurface demineralization.

• **"Rampant caries"** means a sudden onset of widespread caries that affects most of the teeth and penetrates quickly to the dental pulp.

"Comprehensive oral evaluation" means a thorough evaluation and documentation of a client's dental and medical history to include extra-oral and intra-oral hard and soft tissues, dental caries, missing or unerupted teeth, restorations, occlusal relationships, periodontal conditions (including periodontal charting), hard and soft tissue anomalies, and oral cancer screening.

"Conscious sedation" means a drug-induced depression of consciousness during which a client responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, spontaneous ventilation is adequate, and cardiovascular function is maintained.

"Core buildup" means the building up of clinical crowns, including pins.

"Coronal" means the portion of a tooth that is covered by enamel.

"Crown" means a restoration covering or replacing the whole clinical crown of a tooth.

"Current dental terminology (CDT)" means a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental practitioners. CDT is published by the Council on Dental

Benefit Programs of the American Dental Association (ADA).

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Decay" means a term for caries or carious lesions and means decomposition of tooth structure.

"Deep sedation" means a drug-induced depression of consciousness during which a client cannot be easily aroused, ventilatory function may be impaired, but the client responds to repeated or painful stimulation.

"Dental general anesthesia" see **"general anesthesia."**

"Dentures" means an artificial replacement for natural teeth and adjacent tissues, and includes complete dentures, immediate dentures, overdentures, and partial dentures.

"Denturist" means a person licensed under chapter 18.30 RCW to make, construct, alter, reproduce, or repair a denture.

"Distant site (location of dental provider)" means the physical location of the dentist or authorized dental provider providing the dental service to a client through teledentistry.

"Edentulous" means lacking teeth.

"Endodontic" means the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

"EPSDT" means the agency's early and periodic screening, diagnostic, and treatment program for clients age twenty and younger as described in chapter 182-534 WAC.

"Extraction" see **"simple extraction"** and **"surgical extraction."**

"Flowable composite" means a diluted low-viscosity-filled resin-based composite dental restorative material that is used in cervical restorations and small, low stress bearing occlusal restorations.

"Fluoride varnish, rinse, foam or gel" means a substance containing dental fluoride which is applied to teeth, not including silver diamine fluoride.

"General anesthesia" means a drug-induced loss of consciousness during which a client is not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Clients may require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

"Interim therapeutic restoration (ITR)" means the placement of an adhesive restorative material following caries debridement by hand or other method for the management of early childhood caries. It is not considered a definitive restoration.

"Limited oral evaluation" means an evaluation limited to a specific oral health condition or problem. Typically a client receiving this type of evaluation has a dental emergency, such as trauma or acute infection.

"Limited visual oral assessment" means an assessment by a dentist or dental hygienist provided in a setting other than a dental office or dental clinic to identify signs of disease and the potential need for referral for diagnosis.

"Medically necessary" see WAC 182-500-0070.

"Oral evaluation" see **"comprehensive oral evaluation."**

"Oral hygiene instruction" means instruction for home oral hygiene care, such as tooth brushing techniques or flossing.

"Originating site (location of client)" means the physical location of the medicaid client as it relates to teledentistry.

"Partials" or **"partial dentures"** mean a removable prosthetic appliance that replaces missing teeth on either arch.

"Periodic oral evaluation" means an evaluation performed on a patient of record to determine any changes in the client's dental or medical status since a previous comprehensive or periodic evaluation.

"Periodontal maintenance" means a procedure performed for clients who have previously been treated for periodontal disease with surgical or nonsurgical treatment. It includes the removal of supragingival and subgingival microorganisms, calculus, and deposits with hand and mechanical instrumentation, an evaluation of periodontal conditions, and a complete periodontal charting as appropriate.

"Periodontal scaling and root planing" means a procedure to remove plaque, calculus, microorganisms, and rough cementum and dentin from tooth surfaces. This includes hand and mechanical instrumentation, an evaluation of periodontal conditions, and a complete periodontal charting as appropriate.

"Posterior" means the teeth (maxillary and mandibular premolars and molars) and tissue towards the back of the mouth. Permanent maxillary posterior teeth include teeth one, two, three, four, five, twelve, thirteen, fourteen, fifteen, and sixteen. Permanent mandibular posterior teeth include teeth seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two. Primary maxillary posterior teeth include teeth A, B, I, and J. Primary mandibular posterior teeth include teeth K, L, S, and T.

"Prepaid ambulatory health plan (PAHP)" see WAC 182-538-050. For the purpose of this chapter, dental managed care contractors are considered PAHPs.

"Prophylaxis" means the dental procedure of scaling and polishing which includes removal of calculus, plaque, and stains from teeth.

"Proximal" means the surface of the tooth near or next to the adjacent tooth.

"Radiograph (X-ray)" means an image or picture produced on a radiation sensitive film emulsion or digital sensor by exposure to ionizing radiation.

"Reline" means to resurface the tissue side of a denture with new base material or soft tissue conditioner in order to achieve a more accurate fit.

"Root canal" means the chamber within the root of the tooth that contains the pulp.

"Root canal therapy" means the treatment of the pulp and associated periradicular conditions.

"Root planing" means a procedure to remove plaque, calculus, microorganisms, and rough cementum and dentin from tooth surfaces. This includes hand and mechanical instrumentation.

"Scaling" means a procedure to remove plaque, calculus, and stain deposits from tooth surfaces.

"Sealant" means a dental material applied to teeth to prevent dental caries.

"Simple extraction" means the extraction of an erupted or exposed tooth to include the removal of tooth structure, minor smoothing of socket bone, and closure, as necessary.

"Standard of care" means what reasonable and prudent practitioners would do in the same or similar circumstances.

"Surgical extraction" means the extraction of an erupted or impacted tooth requiring removal of bone and/or sectioning of the tooth, and including elevation of mucoperiosteal flap if indicated. This includes related cutting of gingiva and bone, removal of tooth structure, minor smoothing of socket bone, and closure.

"Synchronous" means existing or occurring at the same time.

"Teledentistry" means the variety of technologies and tactics used to deliver HIPAA-compliant, interactive, real-time audio and video telecommunications (including web-based applications) or store-and-forward technology to deliver covered services within the dental care provider's scope of practice to a client at a site other than the site where the provider is located.

"Temporomandibular joint dysfunction (TMJ/TMD)" means an abnormal functioning of the temporomandibular joint or other areas secondary to the dysfunction.

"Therapeutic pulpotomy" means the surgical removal of a portion of the pulp (inner soft tissue of a tooth), to retain the healthy remaining pulp.

"Usual and customary" means the fee that the provider usually charges nonmedicaid customers for the same service or item. This is the maximum amount that the provider may bill the agency.

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535-1060 ((~~Dental-related services—~~))Client eligibility. (1) Refer to WAC 182-501-0060 to see which apple health programs include dental-related services in their benefit package.

(2) ((~~Managed care clients are eligible under apple health fee-for-service for covered dental-related services not covered by their managed care organization (MCO), subject to the provisions of this chapter and other applicable agency rules.~~

~~(3)~~)) Clients whose benefit package includes dental services are assigned a dental managed care plan. If a client is not eligible for a dental managed care plan, they receive services on a fee-for-service basis.

(3) Clients enrolled in an agency-contracted managed care organization (MCO) or prepaid ambulatory health plan (PAHP) must receive their dental services through that MCO or PAHP, except as described under WAC 182-538-095.

(a) All clients are eligible for dental managed care benefits with the exception of clients receiving apple health benefits under a state-only program.

(b) Clients eligible for dental managed care on a voluntary basis include:

(i) American Indian/Alaska native (AI/AN) clients; and

(ii) Clients who reside in a county that has only one MCO or PAHP.

(c) See WAC 182-538-060 for more details regarding managed care choice and assignment.

(4) See WAC 182-507-0115 for rules for clients eligible under the alien emergency medical program.

((~~(4)~~)) (5) Exception to rule procedures as described in WAC 182-501-0160 are not available for services that are excluded from a client's benefit package.

AMENDATORY SECTION (Amending WSR 16-18-033, filed 8/26/16, effective 9/26/16)

WAC 182-535-1080 ((~~Dental-related services—~~)) Covered—Diagnostic. Clients described in WAC 182-535-1060 are eligible to receive the dental-related diagnostic services listed in this section, subject to coverage limitations, restrictions, and client age requirements identified for a specific service.

(1) **Clinical oral evaluations.** The medicaid agency covers the following oral health evaluations and assessments, per client, per provider or clinic:

(a) Periodic oral evaluations as defined in WAC 182-535-1050, once every six months. Six months must elapse between the comprehensive oral evaluation and the first periodic oral evaluation.

(b) Limited oral evaluations as defined in WAC 182-535-1050, only when the provider performing the limited oral evaluation is not providing routine scheduled dental services for the client on the same day. The limited oral evaluation:

(i) Must be to evaluate the client for a:

(A) Specific dental problem or oral health complaint;

(B) Dental emergency; or

(C) Referral for other treatment.

(ii) When performed by a denturist, is limited to the initial examination appointment. The agency does not cover any additional limited examination by a denturist for the same client until three months after a removable prosthesis has been delivered.

(c) Comprehensive oral evaluations as defined in WAC 182-535-1050, once per client, per provider or clinic, as an initial examination. The agency covers an additional comprehensive oral evaluation if the client has not been treated by the same provider or clinic within the past five years.

(d) Limited visual oral assessments as defined in WAC 182-535-1050, ((~~once every six months~~)) two times per client, per provider in a twelve-month period only when the assessment is:

(i) Not performed in conjunction with other clinical oral evaluation services; and

(ii) Performed by a licensed dentist or dental hygienist to determine the need for sealants or fluoride treatment or when triage services are provided in settings other than dental offices or clinics.

(2) **Radiographs (X-rays).** The agency:

(a) Covers radiographs per client, per provider or clinic, that are of diagnostic quality, dated, and labeled with the client's name. The agency requires:

(i) Original radiographs to be retained by the provider as part of the client's dental record; and

(ii) Duplicate radiographs to be submitted:

(A) With requests for prior authorization; or

(B) When the agency requests copies of dental records.

(b) Uses the prevailing standard of care to determine the need for dental radiographs.

(c) Covers an intraoral complete series once in a three-year period for clients age fourteen and older only if the agency has not paid for a panoramic radiograph for the same client in the same three-year period. The intraoral complete series includes at least fourteen to twenty-two periapical and posterior bitewings. The agency limits reimbursement for all radiographs to a total payment of no more than payment for a complete series.

(d) Covers medically necessary periapical radiographs for diagnosis in conjunction with definitive treatment, such as root canal therapy. Documentation supporting medical necessity must be included in the client's record.

(e) Covers an occlusal intraoral radiograph, per arch, once in a two-year period, for clients age twenty and younger.

(f) Covers a maximum of four bitewing radiographs once every twelve months.

(g) Covers panoramic radiographs in conjunction with four bitewings, once in a three-year period, only if the agency has not paid for an intraoral complete series for the same client in the same three-year period.

(h) Covers one preoperative and postoperative panoramic radiograph per surgery without prior authorization. The agency considers additional radiographs on a case-by-case basis with prior authorization. For orthodontic services, see chapter 182-535A WAC.

(i) Covers one preoperative and postoperative cephalometric film per surgery without prior authorization. The agency considers additional radiographs on a case-by-case basis with prior authorization. For orthodontic services, see chapter 182-535A WAC.

(j) Covers radiographs not listed as covered in this subsection, only on a case-by-case basis and when prior authorized.

(k) Covers oral and facial photographic images, only on a case-by-case basis and when requested by the agency.

(3) **Tests and examinations.** The agency covers the following for clients who are age twenty and younger:

(a) One pulp vitality test per visit (not per tooth):

(i) For diagnosis only during limited oral evaluations; and

(ii) When radiographs or documented symptoms justify the medical necessity for the pulp vitality test.

(b) Diagnostic casts other than those included in an orthodontic case study, on a case-by-case basis, and when requested by the agency.

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535-1082 ((~~Dental-related services~~)) Covered—Preventive services. Clients described in WAC 182-535-1060 are eligible for the dental-related preventive services listed in this section, subject to coverage limitations and client-age requirements identified for a specific service.

(1) **Prophylaxis.** The medicaid agency covers prophylaxis as follows. Prophylaxis:

(a) Includes scaling and polishing procedures to remove coronal plaque, calculus, and stains when performed on primary or permanent dentition.

(b) Is limited to once every:

(i) Six months for clients age eighteen and younger;

(ii) Twelve months for clients age nineteen and older; or

(iii) Six months for a client residing in an alternate living facility or nursing facility.

(c) Is reimbursed according to (b) of this subsection when the service is performed:

(i) At least six months after periodontal scaling and root planing, or periodontal maintenance services, for clients from age thirteen through eighteen;

(ii) At least twelve months after periodontal scaling and root planing, periodontal maintenance services, for clients age nineteen and older; or

(iii) At least six months after periodontal scaling and root planing, or periodontal maintenance services for clients who reside in an alternate living facility or nursing facility.

(d) Is not reimbursed separately when performed on the same date of service as periodontal scaling and root planing, periodontal maintenance, gingivectomy, gingivoplasty, or scaling in the presence of generalized moderate or severe gingival inflammation.

(e) Is covered for clients of the developmental disabilities administration of the department of social and health services (DSHS) according to (a), (c), and (d) of this subsection and WAC 182-535-1099.

(2) **Topical fluoride treatment.** The agency covers the following per client, per provider or clinic:

(a) Fluoride rinse, foam or gel, fluoride varnish, including disposable trays, for clients age six and younger, three times within a twelve-month period with a minimum of one hundred ten days between applications.

(b) Fluoride rinse, foam or gel, fluoride varnish, including disposable trays, for clients from age seven through eighteen, two times within a twelve-month period with a minimum of one hundred seventy days between applications.

(c) Fluoride rinse, foam or gel, fluoride varnish, including disposable trays, every three times within a twelve-month period during orthodontic treatment with a minimum of one hundred ten days between applications.

(d) Fluoride rinse, foam or gel, fluoride varnish, including disposable trays, for clients age nineteen and older, once within a twelve-month period.

(e) Fluoride rinse, foam or gel, fluoride varnish, including disposable trays, for clients who reside in alternate living facilities or nursing facilities, every two times within a twelve-month period with a minimum of one hundred seventy days between applications.

(f) Additional topical fluoride applications only on a case-by-case basis and when prior authorized.

(g) Topical fluoride treatment for clients of the developmental disabilities administration of DSHS according to WAC 182-535-1099.

(3) **Silver diamine fluoride.**

(a) The agency covers silver diamine fluoride as follows:

(i) When used for stopping the progression of caries or as a topical preventive agent;

(ii) Allowed two times per client per tooth in a twelve-month period; and

(iii) Cannot be billed with interim therapeutic restoration on the same tooth when arresting caries or as a preventive agent.

(b) The dental provider or office must have a signed informed consent form on file for each client receiving a silver diamine fluoride application. The form must include the following:

(i) Benefits and risks of silver diamine fluoride application;

(ii) Alternatives to silver diamine fluoride application; and

(iii) A color photograph example that demonstrates the post-procedure blackening of a tooth with silver diamine fluoride application.

(4) **Oral hygiene instruction.** Includes instruction for home care such as tooth brushing technique, flossing, and use of oral hygiene aids. Oral hygiene instruction is included as part of the global fee for prophylaxis for clients age nine and older. The agency covers individualized oral hygiene instruction for clients age eight and younger when all of the following criteria are met:

(a) Only once per client every six months within a twelve-month period.

(b) Only when not performed on the same date of service as prophylaxis or within six months from a prophylaxis by the same provider or clinic.

(c) Only when provided by a licensed dentist or a licensed dental hygienist and the instruction is provided in a setting other than a dental office or clinic.

((~~(4)~~)) (5) **Tobacco/nicotine cessation counseling for the control and prevention of oral disease.** The agency covers tobacco/nicotine cessation counseling ((~~for pregnant women only~~)). See WAC 182-531-1720.

((~~(5)~~)) (6) **Sealants.** The agency covers:

(a) Sealants for clients age twenty and younger and clients any age of the developmental disabilities administration of DSHS.

(b) Sealants, other than glass ionomer cement, only when used on a mechanically or chemically prepared enamel surface.

(c) Sealants once per tooth:

(i) In a three-year period for clients age twenty and younger; and

(ii) In a two-year period for clients any age of the developmental disabilities administration of DSHS according to WAC 182-535-1099.

(d) Sealants only when used on the occlusal surfaces of:

(i) Permanent teeth two, three, fourteen, fifteen, eighteen, nineteen, thirty, and thirty-one; and

(ii) Primary teeth A, B, I, J, K, L, S, and T.

(e) Sealants on noncarious teeth or teeth with incipient caries.

(f) Sealants only when placed on a tooth with no preexisting occlusal restoration, or any occlusal restoration placed on the same day.

(g) Sealants are included in the agency's payment for occlusal restoration placed on the same day.

(h) Additional sealants not described in this subsection on a case-by-case basis and when prior authorized.

((~~(6)~~)) (7) **Space maintenance.** The agency covers:

(a) One fixed unilateral space maintainer per quadrant or one fixed bilateral space maintainer per arch, including recementation, for missing primary molars A, B, I, J, K, L, S, and T, when:

(i) Evidence of pending permanent tooth eruption exists; and

(ii) The service is not provided during approved orthodontic treatment.

(b) Replacement space maintainers on a case-by-case basis when authorized.

(c) The removal of fixed space maintainers when removed by a different provider.

(i) Space maintainer removal is allowed once per appliance.

(ii) Reimbursement for space maintainer removal is included in the payment to the original provider that placed the space maintainer.

AMENDATORY SECTION (Amending WSR 18-12-033, filed 5/29/18, effective 7/1/18)

WAC 182-535-1084 Dental-related services—Covered—Restorative services. Clients described in WAC 182-535-1060 are eligible for the dental-related restorative services listed in this section, subject to coverage limitations, restrictions, and client age requirements identified for a specific service.

(1) **Amalgam and resin restorations for primary and permanent teeth.** The medicaid agency considers:

(a) Tooth preparation, acid etching, all adhesives (including bonding agents), liners and bases, indirect and direct pulp capping, polishing, and curing as part of the restoration.

(b) Occlusal adjustment of either the restored tooth or the opposing tooth or teeth as part of the restoration.

(c) Restorations placed within six months of a crown preparation by the same provider or clinic to be included in the payment for the crown.

(2) **Limitations for all restorations.** The agency:

(a) Considers multiple restoration involving the proximal and occlusal surfaces of the same tooth as a multisurface restoration, and limits reimbursement to a single multisurface restoration.

(b) Considers multiple restorative resins, flowable composite resins, or resin-based composites for the occlusal, buccal, lingual, mesial, and distal fissures and grooves on the same tooth as a one-surface restoration.

(c) Considers multiple restorations of fissures and grooves of the occlusal surface of the same tooth as a one-surface restoration.

(d) Considers resin-based composite restorations of teeth where the decay does not penetrate the dentinoenamel junction (DEJ) to be sealants. (See WAC 182-535-1082 for sealant coverage.)

(e) Reimburses proximal restorations that do not involve the incisal angle on anterior teeth as a two-surface restoration.

(f) Covers only one buccal and one lingual surface per tooth. The agency reimburses buccal or lingual restorations, regardless of size or extension, as a one-surface restoration.

(g) Does not cover preventive restorative resin or flowable composite resin on the interproximal surfaces (mesial or distal) when performed on posterior teeth or the incisal surface of anterior teeth.

(h) Does not pay for replacement restorations within a two-year period unless the restoration is cracked or broken or has an additional adjoining carious surface. The agency pays for the replacement restoration as one multisurface restoration. The client's record must include X rays or documentation supporting the medical necessity for the replacement restoration.

(3) **Additional limitations for restorations on primary teeth.** The agency covers:

(a) A maximum of two surfaces for a primary first molar. (See subsection (6) of this section for a primary first molar that requires a restoration with three or more surfaces.) The agency does not pay for additional restorations on the same tooth.

(b) A maximum of three surfaces for a primary second molar. (See subsection (6) of this section for a primary posterior tooth that requires a restoration with four or more surfaces.) The agency does not pay for additional restorations on the same tooth.

(c) A maximum of three surfaces for a primary anterior tooth. (See subsection (6) of this section for a primary anterior tooth that requires a restoration with four or more surfaces.) The agency does not pay for additional restorations on the same tooth after three surfaces.

(4) **Additional limitations for restorations on permanent teeth.** The agency covers:

(a) Two occlusal restorations for the upper molars on teeth one, two, three, fourteen, fifteen, and sixteen if, the restorations are anatomically separated by sound tooth structure.

(b) A maximum of five surfaces per tooth for permanent posterior teeth, except for upper molars. The agency allows a maximum of six surfaces per tooth for teeth one, two, three, fourteen, fifteen, and sixteen.

(c) A maximum of six surfaces per tooth for resin-based composite restorations for permanent anterior teeth.

(5) **Crowns.** The agency:

(a) Covers the following indirect crowns once every five years, per tooth, for permanent anterior teeth for clients age fifteen through twenty when the crowns meet prior authorization criteria in WAC 182-535-1220 and the provider follows the prior authorization requirements in (c) of this subsection:

(i) Porcelain/ceramic crowns to include all porcelains, glasses, glass-ceramic, and porcelain fused to metal crowns; and

(ii) Resin crowns and resin metal crowns to include any resin-based composite, fiber, or ceramic reinforced polymer compound.

(b) Considers the following to be included in the payment for a crown:

(i) Tooth and soft tissue preparation;

(ii) Amalgam and resin-based composite restoration, or any other restorative material placed within six months of the crown preparation. Exception: The agency covers a one-surface restoration on an endodontically treated tooth, or a core buildup or cast post and core;

(iii) Temporaries, including but not limited to, temporary restoration, temporary crown, provisional crown, temporary prefabricated stainless steel crown, ion crown, or acrylic crown;

(iv) Packing cord placement and removal;

(v) Diagnostic or final impressions;

(vi) Crown seating (placement), including cementing and insulating bases;

(vii) Occlusal adjustment of crown or opposing tooth or teeth; and

(viii) Local anesthesia.

(c) Requires the provider to submit the following with each prior authorization request:

(i) Radiographs to assess all remaining teeth;

(ii) Documentation and identification of all missing teeth;

(iii) Caries diagnosis and treatment plan for all remaining teeth, including a caries control plan for clients with rampant caries;

(iv) Pre- and post-endodontic treatment radiographs for requests on endodontically treated teeth; and

(v) Documentation supporting a five-year prognosis that the client will retain the tooth or crown if the tooth is crowned.

(d) Requires a provider to bill for a crown only after delivery and seating of the crown, not at the impression date.

(6) **Other restorative services.** The agency covers the following restorative services:

(a) All recementations of permanent indirect crowns.

(b) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary anterior teeth once every three years only for clients age twenty and younger as follows:

(i) For age twelve and younger without prior authorization if the tooth requires a four or more surface restoration; and

(ii) For age thirteen through twenty with prior authorization.

(c) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns, for primary posterior teeth once every three years without prior authorization if:

(i) Decay involves three or more surfaces for a primary first molar;

(ii) Decay involves four or more surfaces for a primary second molar; or

(iii) The tooth had a pulpotomy.

(d) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, and prefabricated resin crowns, for permanent posterior teeth excluding one, sixteen, seventeen, and thirty-two once every three years, for clients age twenty and younger, without prior authorization.

(e) Prefabricated stainless steel crowns for clients of the developmental disabilities administration of the department of social and health services (DSHS) without prior authorization according to WAC 182-535-1099.

(f) Core buildup, including pins, only on permanent teeth, only for clients age twenty and younger, and only allowed in conjunction with crowns and when prior authorized. For indirect crowns, prior authorization must be obtained from the agency at the same time as the crown. Providers must submit pre- and post-endodontic treatment radiographs to the agency with the authorization request for endodontically treated teeth.

(g) Cast post and core or prefabricated post and core, only on permanent teeth, only for clients age twenty and younger, and only when in conjunction with a crown and when prior authorized.

((~~(7) **Silver diamine fluoride.** The agency covers silver diamine fluoride, as follows:~~

~~(a) Allowed only when used:~~

~~(i) For stopping the progression of caries; or~~

~~(ii) As a topical preventive agent.~~

~~(b) Allowed two times per client, per tooth, in a twelve-month period.~~

~~(c) Cannot be billed with interim therapeutic restoration on the same tooth when arresting caries or as a preventive agent.~~))

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535-1098 ((~~Dental-related services~~)) Covered—Adjunctive general services. Clients described in WAC 182-535-1060 are eligible to receive the adjunctive general services listed in this section, subject to coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Adjunctive general services.** The medicaid agency:

(a) Covers palliative (emergency) treatment, not to include pupal debridement (see WAC 182-535-1086 (2)(b)), for treatment of dental pain, limited to once per day, per client, as follows:

(i) The treatment must occur during limited evaluation appointments;

(ii) A comprehensive description of the diagnosis and services provided must be documented in the client's record; and

(iii) Appropriate radiographs must be in the client's record supporting the medical necessity of the treatment.

(b) Covers local anesthesia and regional blocks as part of the global fee for any procedure being provided to clients.

(c) Covers office-based deep sedation/general anesthesia services:

(i) For all eligible clients age eight and younger and clients any age of the developmental disabilities administration of the department of social and health services (DSHS). Documentation supporting the medical necessity of the anesthesia service must be in the client's record.

(ii) For clients age nine through twenty on a case-by-case basis and when prior authorized, except for oral surgery services. For oral surgery services listed in WAC 182-535-1094 (1)(f) through (m) and clients with cleft palate diagnoses, deep sedation/general anesthesia services do not require prior authorization.

(iii) For clients age twenty-one and older when prior authorized. The agency considers these services for only those clients:

(A) With medical conditions such as tremors, seizures, or asthma;

(B) Whose records contain documentation of tried and failed treatment under local anesthesia or other less costly sedation alternatives due to behavioral health conditions; or

(C) With other conditions for which general anesthesia is medically necessary, as defined in WAC 182-500-0070.

(d) Covers office-based intravenous moderate (conscious) sedation/analgesia:

(i) For any dental service for clients age twenty and younger, and for clients any age of the developmental disabilities administration of DSHS. Documentation supporting the medical necessity of the service must be in the client's record.

(ii) For clients age twenty-one and older when prior authorized. The agency considers these services for only those clients:

(A) With medical conditions such as tremors, seizures, or asthma;

(B) Whose records contain documentation of tried and failed treatment under local anesthesia, or other less costly sedation alternatives due to behavioral health conditions; or

(C) With other conditions for which general anesthesia or conscious sedation is medically necessary, as defined in WAC 182-500-0070.

(e) Covers office-based nonintravenous conscious sedation:

(i) For any dental service for clients age twenty and younger, and for clients any age of the developmental disabilities administration of DSHS. Documentation supporting the medical necessity of the service must be in the client's record.

(ii) For clients age twenty-one and older, only when prior authorized.

(f) Requires providers to bill anesthesia services using the current dental terminology (CDT) codes listed in the agency's current published billing instructions.

(g) Requires providers to have a current anesthesia permit on file with the agency.

(h) Covers administration of nitrous oxide once per day, per client per provider.

(i) Requires providers of oral or parenteral conscious sedation, deep sedation, or general anesthesia to meet:

(i) The prevailing standard of care;

(ii) The provider's professional organizational guidelines;

(iii) The requirements in chapter 246-817 WAC; and

(iv) Relevant department of health (DOH) medical, dental, or nursing anesthesia regulations.

(j) Pays for dental anesthesia services according to WAC 182-535-1350.

(k) Covers professional consultation/diagnostic services as follows:

(i) A dentist or a physician other than the practitioner providing treatment must provide the services; and

(ii) A client must be referred by the agency for the services to be covered.

(2) **Professional visits.** The agency covers:

(a) Up to two house/extended care facility calls (visits) per facility, per provider. The agency limits payment to two facilities per day, per provider.

(b) One hospital visit, including emergency care, per day, per provider, per client, and not in combination with a surgical code unless the decision for surgery is a result of the visit.

(c) Emergency office visits after regularly scheduled hours. The agency limits payment to one emergency visit per day, per client, per provider.

(3) **Drugs and medicaments (pharmaceuticals).**

(a) The agency covers oral sedation medications only when prescribed and the prescription is filled at a pharmacy. The agency does not cover oral sedation medications that are dispensed in the provider's office for home use.

(b) The agency covers therapeutic parenteral drugs as follows:

(i) Includes antibiotics, steroids, anti-inflammatory drugs, or other therapeutic medications. This does not include sedative, anesthetic, or reversal agents.

(ii) Only one single-drug injection or one multiple-drug injection per date of service.

(c) For clients age twenty and younger, the agency covers other drugs and medicaments dispensed in the provider's office for home use. This includes, but is not limited to, oral antibiotics and oral analgesics. The agency does not cover the time spent writing prescriptions.

(4) **Miscellaneous services.** The agency covers:

(a) Behavior management provided by a dental provider or clinic. The agency does not cover assistance with managing a client's behavior provided by a dental provider or staff member delivering the client's dental treatment.

(i) Documentation supporting the need for behavior management must be in the client's record and including the following:

(A) A description of the behavior to be managed;

(B) The behavior management technique used; and

(C) The identity of the additional professional staff used to provide the behavior management.

(ii) Clients, who meet one of the following criteria and whose documented behavior requires the assistance of one additional professional staff employed by the dental provider or clinic to protect the client and the professional staff from injury while treatment is rendered, may receive behavior management:

(A) Clients age eight and younger;

(B) Clients age nine through twenty, only on a case-by-case basis and when prior authorized;

(C) Clients any age of the developmental disabilities administration of DSHS;

(D) Clients diagnosed with autism;

(E) Clients who reside in an alternate living facility (ALF) as defined in WAC 182-513-1301, or in a nursing facility as defined in WAC 182-500-0075.

(iii) Behavior management can be performed in the following settings:

(A) Clinics (including independent clinics, tribal health clinics, federally qualified health centers, rural health clinics, and public health clinics);

(B) Offices;

(C) Homes (including private homes and group homes); and

(D) Facilities (including nursing facilities and alternate living facilities).

(b) Treatment of post-surgical complications (e.g., dry socket). Documentation supporting the medical necessity of the service must be in the client's record.

(c) Occlusal guards when medically necessary and prior authorized. (Refer to WAC 182-535-1094(3) for occlusal orthotic device coverage and coverage limitations.) The agency covers:

(i) An occlusal guard only for clients age twelve through twenty when the client has permanent dentition; and

(ii) An occlusal guard only as a laboratory processed full arch appliance.

(5) **Nonclinical procedures.**

(a) The agency covers teledentistry according to the department of health, health systems quality assurance office of health professions, current guidelines, appropriate use of teledentistry, and as follows (see WAC 182-531-1730 for coverage limitations not listed in this section):

(i) Synchronous teledentistry at the distant site for clients of all ages; and

(ii) Asynchronous teledentistry at the distant site for clients of all ages.

(b) The client's record must include the following supporting documentation regarding teledentistry:

(i) Service provided via teledentistry;

(ii) Location of the client;

(iii) Location of the provider; and

(iv) Names and credentials of all persons involved in the teledentistry visit and their role in providing the service at both the originating and distant sites.

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535-1245 Access to baby and child dentistry (ABCD) program. The access to baby and child dentistry (ABCD) program is a program established to increase access to dental services for medicaid-eligible clients ages five and younger.

(1) Client eligibility for the ABCD program is as follows:

(a) Clients must be age five and younger. Once enrolled in the ABCD program, eligible clients are covered until their sixth birthday.

(b) Clients eligible under one of the following medical assistance programs are eligible for the ABCD program:

(i) Categorically needy program (CNP);

(ii) Limited casualty program-medically needy program (LCP-MNP);

(iii) Children's health program; or

(iv) State children's health insurance program (SCHIP).

((~~(c) ABCD program services for eligible clients enrolled in a managed care organization (MCO) plan are paid through the fee-for-service payment system.~~))

(2) Health care providers and community service programs identify and refer eligible clients to the ABCD program. If enrolled, the client and an adult family member may receive:

(a) Oral health education;

(b) "Anticipatory guidance" (expectations of the client and the client's family members, including the importance of keeping appointments); and

(c) Assistance with transportation, interpreter services, and other issues related to dental services.

(3) ((~~The medicaid agency pays enhanced fees only to~~)) Only ABCD-certified dentists and other agency-approved certified providers are paid an enhanced fee for furnishing ABCD program services. ABCD program services include, when appropriate:

(a) Family oral health education. An oral health education visit:

(i) Is limited to one visit per day per family, up to two visits per child in a twelve-month period, per provider or clinic; and

(ii) Must include documentation of all of the following in the client's record:

(A) "Lift the lip" training;

(B) Oral hygiene training;

(C) Risk assessment for early childhood caries;

(D) Dietary counseling;

(E) Discussion of fluoride supplements; and

(F) Documentation in the client's record to record the activities provided and duration of the oral education visit.

(b) Comprehensive oral evaluations as defined in WAC 182-535-1050, once per client, per provider or clinic, as an initial examination. The agency covers an additional comprehensive oral evaluation if the client has not been treated by the same provider or clinic within the past five years;

(c) Periodic oral evaluations as defined in WAC 182-535-1050, once every six months. Six months must elapse between the comprehensive oral evaluation and the first periodic oral evaluation;

(d) Topical application of fluoride varnish;

(e) Amalgam, resin, and glass ionomer restorations on primary teeth, as specified in the agency's current published documents;

(f) Interim therapeutic restorations (ITRs) for primary teeth, only for clients age five and younger. The agency pays an enhanced rate for these restorations to ABCD-certified, ITR-trained dentists as follows:

(i) A one-surface, resin-based composite restoration with a maximum of five teeth per visit; and

(ii) Restorations on a tooth can be done every twelve months through age five, or until the client can be definitively treated for a restoration.

(g) Therapeutic pulpotomy;

(h) Prefabricated stainless steel crowns on primary teeth, as specified in the agency's current published documents;

(i) Resin-based composite crowns on anterior primary teeth; and

(j) Other dental-related services, as specified in the agency's current published documents.

(4) The client's record must show documentation of the ABCD program services provided.

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535A-0010 ((~~Orthodontic services—~~)) Definitions. The following definitions and those found in chapter 182-500 WAC apply to this chapter.

"Adolescent dentition" means teeth that are present after the loss of primary teeth and prior to the cessation of growth that affects orthodontic treatment.

"Appliance placement" means the application of orthodontic attachments to the teeth for the purpose of correcting dentofacial abnormalities.

"Cleft" means an opening or fissure involving the dentition and supporting structures, especially one occurring in utero. These can be:

(a) Cleft lip;

(b) Cleft palate (involving the roof of the mouth); or

(c) Facial clefts (e.g., macrostomia).

"Comprehensive full orthodontic treatment" means utilizing fixed orthodontic appliances for treatment of adolescent dentition leading to the improvement of a client's severe handicapping craniofacial dysfunction and/or dentofacial deformity, including anatomical and functional relationships.

"Craniofacial anomalies" means abnormalities of the head and face, either congenital or acquired, involving disruption of the dentition and supporting structures.

"Craniofacial team" means a cleft palate/maxillofacial team or an American Cleft Palate Association-certified craniofacial team. These teams are responsible for the management (review, evaluation, and approval) of patients with cleft palate craniofacial anomalies to provide integrated management, promote parent-professional partnership, and make appropriate referrals to implement and coordinate treatment plans.

"Crossbite" means an abnormal relationship of a tooth or teeth to the opposing tooth or teeth, in which normal buccolingual or labiolingual relations are reversed.

"Dental dysplasia" means an abnormality in the development of the teeth.

"Ectopic eruption" means a condition in which a tooth erupts in an abnormal position or is fifty percent blocked out of its normal alignment in the dental arch.

"EPSDT" means the agency's early and periodic screening, diagnostic, and treatment program for clients twenty years of age and younger as described in chapter 182-534 WAC.

"Hemifacial microsomia" means a developmental condition involving the first and second brachial arch. This creates an abnormality of the upper and lower jaw, ear, and associated structures (half or part of the face is smaller in size).

"Interceptive orthodontic treatment" means procedures to lessen the severity or future effects of a malformation and to affect or eliminate the cause. Such treatment may occur in the primary or transitional dentition and may include such procedures as the redirection of ectopically erupting teeth, correction of isolated dental cross-bite, or recovery of recent minor space loss where overall space is adequate.

"Limited orthodontic treatment" means orthodontic treatment with a limited objective, not involving the entire dentition. It may be directed only at the existing problem, or at only one aspect of a larger problem in which a decision is made to defer or forego more comprehensive therapy.

"Malocclusion" means improper alignment of biting or chewing surfaces of upper and lower teeth or abnormal relationship of the upper and lower dental arches.

"Maxillofacial" means relating to the jaws and face.

"Occlusion" means the relation of the upper and lower teeth when in functional contact during jaw movement.

"Orthodontics" means treatment involving the use of any appliance, in or out of the mouth, removable or fixed, or any surgical procedure designed to redirect teeth and surrounding tissues.

"Orthodontist" means a dentist who specializes in orthodontics, who is a graduate of a postgraduate program in orthodontics that is accredited by the American Dental Association, and who meets the licensure requirements of the department of health.

"Permanent dentition" means those teeth that succeed the primary teeth and the additional molars that erupt.

"Prepaid ambulatory health plan" or **"PAHP"** see WAC 182-538-050. For the purpose of this chapter, dental managed care contractors are considered PAHPs.

"Primary dentition" means teeth that develop and erupt first in order of time and are normally shed and replaced by permanent teeth.

"Transitional dentition" means the final phase from primary to permanent dentition, in which most primary teeth have been lost or are in the process of exfoliating and the permanent successors are erupting.

AMENDATORY SECTION (Amending WSR 17-20-097, filed 10/3/17, effective 11/3/17)

WAC 182-535A-0020 ((~~Orthodontic treatment and orthodontic services —~~))Client eligibility. (1) Subject to the limitations of this chapter, the medicaid agency covers medically necessary orthodontic treatment and orthodontic-related services for severe handicapping malocclusions, craniofacial anomalies, or cleft lip or palate, for eligible clients through age twenty. Refer to WAC 182-501-0060 to see which Washington apple health programs include orthodontic services in their benefit package.

(2) Clients enrolled in an agency-contracted managed care organization (MCO) or prepaid ambulatory health plan (PAHP) must receive their orthodontic services through that MCO or PAHP, except as described under WAC 182-538-095. Clients whose benefit package includes dental services are assigned a dental managed care plan. If a client is not eligible for a dental managed care plan, they receive services on a fee-for-service basis.

(a) All clients are eligible for dental managed care benefits with the exception of clients receiving apple health benefits under a state-only program.

(b) Clients eligible for dental managed care on a voluntary basis include:

(i) American Indian/Alaska native (AI/AN) clients; and

(ii) Clients who reside in a county that has only one MCO or PAHP.

(c) See WAC 182-538-060 for more details regarding managed care choice and assignment.

(d) If a client receiving orthodontic services through an MCO or PAHP chooses to transfer to another MCO or PAHP or to fee-for-service (FFS) during active orthodontic treatment, the MCO or PAHP that initiated the orthodontic treatment remains responsible for payment until completion of the orthodontic treatment.

(e) If an FFS client transfers to an MCO or PAHP during active orthodontic treatment, the MCO or PAHP assumes payment responsibility until completion of the orthodontic treatment.

(3) Eligible clients may receive the same orthodontic treatment and orthodontic-related services in recognized out-of-state bordering cities on the same basis as if provided in-state. See WAC 182-501-0175.

((~~(3)~~)) (4) Eligible clients may receive the same orthodontic treatment and orthodontic-related services for continued orthodontic treatment when originally rendered by a non-medicaid or out-of-state provider as follows:

(a) The provider must submit the initial orthodontic case study and treatment plan records with the request for continued treatment.

(b) The agency evaluates the initial orthodontic case study and treatment plan to determine if the client met the agency's orthodontic criteria per WAC 182-535A-0040 (1) through (3).

(c) The agency determines continued treatment duration based on the client's current orthodontic conditions.

(d) The agency does not cover continued treatment if the client's initial condition did not meet the agency's criteria for the initial orthodontic treatment. The agency pays a deband and retainer fee if the client does not meet the initial orthodontic treatment criteria.

WSR 19-06-048
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Hearing and Speech)
[Filed March 4, 2019, 11:40 a.m.]

Continuance of WSR 18-24-119.

Proposal is exempt under RCW.

Title of Rule and Other Identifying Information: Chapter 246-828 WAC, Hearing and speech, the board of hearing and speech (board) is proposing changes to specific rule sections

that will better align the rules with industry standards regarding examinations and educational programs.

Hearing Location(s): On March 22, 2019, at 9:05 a.m., at the Department of Health, Creekside Two at CenterPoint, Room 309, 20425 72nd Avenue South, Suite 10, Kent, WA 98032.

Date of Intended Adoption: March 22, 2019.

Submit Written Comments to: Kim-Boi Shadduck, Program Manager, Board of Hearing and Speech, P.O. Box 47852, Olympia, WA 98504-7852, email https://fortress.wa.gov/doh/policyreview, fax 360-236-2901, by March 15, 2019.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, phone 360-236-2912, fax 360-239-2901, TTY 360-833-6388 or 711, email kimboi.shadduck@doh.wa.gov, by March 15, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Due to bad weather, the board canceled the February 8, 2019, board meeting and public rules hearing listed in WSR 18-24-119. This filing notifies interested parties that the public hearing has been rescheduled.

March 4, 2019
Courtney Hendricks, Chair
Board of Hearing and Speech

WSR 19-06-057
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed March 5, 2019, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-22-127.

Title of Rule and Other Identifying Information: WAC 458-16-210 (Rule 210) Nonprofit organizations or associations organized and conducted for nonsectarian purposes, is the rule that describes the property tax exemption for nonprofit organizations that are organized and conducted for nonsectarian purposes. WAC 458-16-260 (Rule 260) Nonprofit child day care centers, libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities, is the rule that describes the property tax exemption available for these types of facilities.

Hearing Location(s): On April 17, 2019, at 10:00 a.m., at Conference Room 114C, 6400 Linderson Way S.W., Tumwater, WA 98501.

Date of Intended Adoption: April 24, 2019.

Submit Written Comments to: Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, email LeslieMu@dor.wa.gov, fax 360-534-1606, by April 17, 2019.

Assistance for Persons with Disabilities: TTY 800-833-6384, by April 15, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rules 210 and 260 are being amended to clarify property tax exemption standards and requirements for certain nonprofit organizations.

Reasons Supporting Proposal: Providing the qualifying standards used by the department of revenue when evaluating nonprofit exemption applications will provide nonprofit organizations with a better understanding of the exemption requirements before they apply.

Statutory Authority for Adoption: RCW 84.36.865.

Statute Being Implemented: RCW 84.36.030, 84.36.031, and 84.36.040.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1589; Implementation and Enforcement: Randy Simmons, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule as defined by RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed amendments for Rules 210 and 260 clarify the standards currently used by the department of revenue when determining eligibility for the property tax exemptions described in RCW 84.36.030(1) and 84.36.040, respectively. The proposed rule amendments do not impose more than a minor cost on businesses as they do not impose any new fees, filing requirements, or recordkeeping guidelines that have not already been established by the department of revenue in the administration of property tax exemptions.

March 5, 2019
Erin T. Lopez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-07-021, filed 3/10/15, effective 4/10/15)

WAC 458-16-210 Nonprofit organizations ((~~or~~)), associations, or corporations organized and conducted for nonsectarian purposes. (1) **Introduction.** This rule explains the real and personal property tax exemption available under ((~~the provisions of~~)) RCW 84.36.030(1) to nonprofit organizations ((~~or~~)), associations, or corporations organized and conducted for nonsectarian purposes.

(2) **Definitions.** For purposes of this rule, the following definitions apply:

(a) "Benevolent((~~" refers to~~)) social services" ((~~or~~)) are programs directed at persons of all ages arising from or prompted by motives of charity ((~~or a sense of benevolence~~)), that are marked by a kindly disposition to promote the happiness and prosperity of others by generosity in and pleasure at doing good works, or are organized for the purpose of doing good. ((~~For example, a benevolent organization may provide~~)) Examples of benevolent social services include, but are not limited to, providing a food bank((~~,~~ ~~a~~)) or soup kitchen((~~, or counseling services at cost~~)).

(b) "Character building((~~" means~~)) social services" ((~~or~~)) are programs designed for the general public good that assist people with general living ((~~skills, developing interview and~~)) or job seeking skills, or assist people in working towards independent living and self sufficiency. ((~~These services include, but are not limited to, programs designed to develop an individual's moral or ethical strength, leadership, integrity, self-discipline, fortitude, self-esteem, and reputation.~~)) Examples of character building social services include, but are not limited to, providing financial assistance and counseling, and vocational training which includes resume writing and job interview training.

(c) "Commercial or enterprise activity" refers to an activity or enterprise that has profit making as its primary purpose.

(d) "Community outreach group" means a nonprofit group organized to extend social services to a particular segment of the community. ((~~For example,~~)) Examples of a community outreach group include, but are not limited to, a rescue mission organized to feed the homeless or a program that targets juveniles "at risk" of criminal or abusive behavior.

(e) "Nonsectarian purpose" means a purpose that is not associated with or limited to a particular religious group or denomination.

(f) "Protective social services" ((~~refers to activities~~)) are programs that are meant to cover, ((~~to~~)) guard, or ((~~to~~)) shield other persons from injury or destruction ((~~or~~)), to save others from financial loss((~~. For example, a protective organization may provide housing~~)), or to assist persons with behavioral problems by providing encouragement, support, and training. Examples of protective social services include, but are not limited to, providing housing, counseling, encouragement, or support for battered persons or ((~~for the developmentally disabled or may assist persons with behavioral problems by providing encouragement, support, and training~~)) the physically or mentally disabled.

(g) "Rehabilitative ((~~or rehabilitation" refers to activities~~)) social services" are programs designed to restore individuals to a former capacity, to a condition of health, or to useful or constructive activity. ((~~For example, a~~)) Examples of rehabilitative ((~~organization may assist~~)) social services include, but are not limited to, assisting an exoffender's reentry into the community, assisting persons to overcome alcohol or substance abuse, or to overcome the effects of a physical injury, stroke, or heart attack.

(((~~(h) "Social service" means programs designed to help people resolve problems, become more self-sufficient, prevent dependency, strengthen family relationships, and/or enhance the functioning of individuals in society. These services include, but are not limited to, programs in the general categories of:~~

~~(i) Socialization and development; and~~

~~(ii) Therapy, help, rehabilitation, and social protection.~~))

(3) **Exemption.** The real and personal property owned by nonprofit organizations, associations, or corporations (collectively, "organizations") are exempt from taxation if the ((~~organization, association, or corporation~~)) nonprofit is organized and conducted for ((~~nonprofit and~~)) nonsectarian purposes. To be exempt, the property must be exclusively used ((~~for~~)) to provide benevolent, character-building, ((~~benevolent,~~)) protective, or rehabilitative social service((~~s directed at~~)) programs for persons of all ages, and must relieve a public obligation.

(a) Gift and giving. To qualify for this exemption, there must be an element of gift and giving in the nonprofit organization's((~~, association's, or corporation's~~)) activities, in relation to the people it serves. This ((~~element of gift and giving~~)) requires voluntarily giving something of value with no expectation of ((~~compensation or remuneration. The words "gift" and "giving," within the context of this rule, mean a voluntary act. In order to meet this requirement of gift and giving~~)) reciprocity. To comply with this requirement, the nonprofit organization((~~, association, or corporation~~)) must annually demonstrate that the property receiving the exemption meets one of the following conditions:

(i) Provides goods and/or services free of charge or at a rate that is reduced by at least twenty percent ((~~below the total actual cost of such goods and/or services~~)) of the nonprofit organization's standard rate, to a minimum of fifteen percent of the total number of people assisted by that nonprofit organization((~~, association, or corporation~~)); or

(ii) Contributes at least ten percent of ((~~its~~)) the total annual income earned from the property towards the support of benevolent, character-building, ((~~benevolent,~~)) protective, or rehabilitative social service((~~s or~~)) programs. To determine whether the ten percent requirement has been met:

(A) "Total annual income" refers to the total income earned from the property and reported to the Internal Revenue Service for ((~~that~~)) the calendar year and includes, but is not limited to, funds received through direct and indirect public support, government grants, membership fees, and other contributions. The term does not include funds that are specifically donated or contributed for capital improvements.

(((~~(A) In order to meet this ten percent requirement~~)) (B) When calculating total annual income to determine whether the ten percent requirement is met, a nonprofit organization((~~, association, or corporation may include, but is not limited to,~~)) may include the value of time volunteers donate to carry out program services and functions, the loan of its facilities to community outreach groups, and gifts of scholarships and other fee subsidies.

(((~~(B)~~))) (I) If a nonprofit organization ((~~utilizes~~)) includes volunteer time ((~~to reach the ten percent requirement~~)) in its calculation of total annual income, it must maintain records identifying the individuals who ((~~donate~~)) donated their services and the number of hours they ((~~donate~~)) donated. The value of donated time will be calculated by using the federal minimum wage standard.

(((~~(C)~~))) (II) If a nonprofit organization allows community outreach groups to use its facilities free of charge, it must maintain records identifying the community outreach groups that used the exempt property and the number of hours each group used the exempt property. The value of this use will be calculated by taking the number of hours, or any portion of an hour, the facility is used by these groups and multiplying it by the customary ((~~charge~~)) fee the nonprofit organization((~~, association, or corporation~~)) charges to rent its facility to any other group.

(b) Conditions and restrictions. A nonprofit organization((~~, association, or corporation~~)) may not impose conditions or restrictions on the use of the exempt property ((~~by~~

~~persons who do not personally pay the total actual cost of a social service~~)), except ((~~conditions or restrictions~~)) those that are reasonably necessary to safeguard the exempt property and to comply with ((~~the purposes of~~)) this exemption.

(c) Fraternal organizations. Property used by a fraternal organization or association for fraternal purposes does not qualify for ((~~an~~)) the exemption under this rule. For information regarding exemptions for property used for fraternal organizational purposes, see WAC 458-16-300 Public meeting hall—Public meeting place—Community meeting hall.

(d) Nonqualifying property. If any portion of the organization's ((~~or association's~~)) property is used for a commercial or enterprise activity rather than a nonprofit, nonsectarian exempt purpose, then that portion will not qualify for this exemption and must be segregated from property used for exempt purposes. The burden is on the applicant to prove that the property is not used for a commercial or enterprise activity.

(e) Selling donated merchandise. When property is otherwise exempt under this rule, the sale of donated merchandise is ((~~considered~~)) not considered a disqualifying commercial or enterprise activity, but rather an exempt use of the property if the proceeds are dedicated to the exempt purpose ((~~associated with~~)) of the nonprofit((~~, nonsectarian~~)) organization ((~~or association~~)). For example, a job training program conducted through the operation of a thrift store ((~~operations that are restricted to the sale of "donated merchandise" will not jeopardize~~)) is eligible for this exemption if the ((~~claimant~~)) thrift store can verify the proceeds are directed to an exempt purpose.

(f) Property with option to repurchase. According to RCW 84.36.031, property leased, loaned, ((~~or~~)) sold with the option to repurchase, or otherwise made available to organizations described in RCW 84.36.030, does not qualify for ((~~this~~)) an exemption under RCW 84.36.030 unless:

(i) The property is owned by an organization exempt under RCW 84.36.020 or 84.36.030 and the organization loans, leases, or rents the property to another organization for the exempt purposes ((~~described~~)) provided in RCW 84.36.030; or

(ii) The property is owned by an entity formed exclusively for the purpose of leasing the property to an organization that will use the property for the exempt purposes ((~~described~~)) provided in RCW 84.36.030 if:

(A) The lessee uses the property for the exempt purposes provided in RCW 84.36.030;

(B) The immediate previous owner of the property had received an exemption under RCW 84.36.020 or 84.36.030 for the property; and

(C) The benefit of the exemption ((~~inures to the benefit of the lessee organization~~)) is passed on to the nonprofit organization using the property for exempt purposes.

(4) **Additional requirements.** Any nonprofit organization ((~~or association~~)) that applies for a property tax exemption under this rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 provides additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.030.

AMENDATORY SECTION (Amending WSR 15-07-021, filed 3/10/15, effective 4/10/15)

WAC 458-16-260 Nonprofit child day care centers, free libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities. (1) **Introduction.** This rule explains the property tax exemption available under ((~~the provisions of~~)) RCW 84.36.040 for property used by nonprofit child day care centers, free libraries, orphanages, homes for the sick or infirm, hospitals, and outpatient dialysis facilities. This rule also explains the property tax exemption available to property leased to and used by a hospital for hospital purposes if the hospital is established under chapter 36.62 RCW, or is owned and operated by a public hospital district established under chapter 70.44 RCW.

(2) **Definitions.** For purposes of this rule, the following definitions apply:

(a) "Convalescent" or "chronic care" means any or all procedures commonly ((~~employed~~)) provided in caring for the sick including, but not limited to, administering medicines, preparing special diets, providing bedside nursing care, applying dressings and bandages, and carrying out any treatment prescribed by a duly licensed practitioner of the healing arts.

(b) "Child day care center" means a nonprofit organization that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four consecutive hours.

(c) "Free library" means a building or room containing collections of books, periodicals, other written materials such as magazines and newspapers, and audio or visual recordings. A free library must be accessible to the public for viewing, listening to, or borrowing these materials without charge. A nominal fee may be imposed for any materials that are damaged, lost, or not returned by the borrower in a timely manner. In the context of this rule, a "free library" does not include a library owned by an entity listed in RCW 84.36.010(1).

(d) "Home for the sick or infirm" means any home, place, or institution that operates or maintains facilities to provide convalescent or chronic care, or both, for three or more persons not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to properly care for themselves.

(i) The services must be provided to persons over a continuous period of twenty-four hours or more.

(ii) A boarding home, guest home, hotel, or similar institution that is ((~~held forth~~)) offered to the public as providing and supplying only room, board, or laundry services to persons who do not need medical or nursing treatment or supervision is not considered a "home for the sick or infirm" for purposes of this rule.

(((~~d~~))) (e) "Hospital" means a nonprofit organization, association, or corporation engaged in providing medical, surgical, nursing, or related health care services for the prevention, diagnosis, or treatment of human illness, pain, injury, disability, deformity, or abnormality, including mental illness, treatment of mentally incompetent persons, or treatment of chemically dependent persons. The term also ((~~means all~~)) includes:

(i) Buildings or portions of buildings that are currently licensed as part of a hospital pursuant to chapters 70.41 or 71.12 RCW, and are part of an integrated, interrelated, homogeneous unit exclusively used for hospital purposes. The licensed hospital must be able to provide health care services to inpatients over a continuous period of twenty-four hours or more((~~. The term also includes:~~

~~(i)~~));

(ii) Administrative and support facilities integral and necessary to the functioning of the licensed hospital;

(((~~ii~~))) (iii) Buildings used as a residence for persons engaged or employed on a regular basis in the operation of a licensed hospital. Such buildings include, but are not limited to, a nurse's home or a residence for hospital employees; and

(((~~iii~~))) (iv) Residential units administered by a licensed hospital that are exclusively used to temporarily house families of inpatients in an integrated program of therapy.

"Hospital" does not ((~~mean~~)) include:

(A) Hotels or similar places that furnish only food and lodging or simple domiciliary care;

(B) Clinics or physician's offices ((~~not~~)), unless licensed as part of a hospital((~~, where patients are not regularly kept as bed patients for twenty-four hours or more~~));

(C) Nursing homes as defined in chapter 18.51 RCW; and

(D) Maternity homes as defined in chapter 18.46 RCW.

(3) **Exemption for exclusively used property.** A nonprofit organization, association, or corporation (collectively, "organization") that operates one of the following institutions is exempt from taxation on all real and personal property exclusively used ((~~by a nonprofit organization, association, or corporation for the following institutions is exempt from taxation~~)) for the actual operation of the activity for which the exemption is granted:

(a) Child day care centers;

(b) Free ((~~public~~)) libraries;

(c) Orphanages and orphan ((~~asylums~~)) shelters;

(d) Homes for the sick or infirm;

(e) Hospitals for the sick; and

(f) Outpatient dialysis facilities.

(4) **Exemption for loaned, leased, or rented property.** Property loaned, leased, or rented to an institution listed in subsection((~~s (3)(a) through (f)~~)) (3) of this rule is also exempt from taxation if:

(a) The property is exclusively used by the nonprofit organization((~~, association, or corporation;~~

~~(b) The benefit of the exemption inures to the user~~)) for the actual operation of the activity for which the exemption is granted;

(b) The benefit of the exemption is passed on to the nonprofit organization using the property for exempt purposes; and

(c) The property was specifically identified as loaned, leased, or rented when the application for exemption was made.

(5) **Property leased or rented to and used by publicly owned and operated hospitals.** All real and personal property leased or rented to and used by a hospital for hospital purposes as defined in subsection (2)(e) of this section is exempt from property tax if the hospital is established under chapter 36.62 RCW or is owned and operated by a public hospital district established under chapter 70.44 RCW. The benefit of the exemption must ((~~inure to the entity using the exempt property~~)) be passed on to the nonprofit organization using the property for exempt purposes.

(6) **Additional requirements.** Any nonprofit organization ((~~or association~~)) that applies for a property tax exemption under this rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 provides additional conditions and requirements ((~~that~~)), including licensing obligations, which must be complied with to obtain a property tax exemption under RCW 84.36.040.

WSR 19-06-061
WITHDRAWL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
(By the Code Reviser's Office)
[Filed March 5, 2019, 10:40 a.m.]

WAC 173-303-160, proposed by the department of ecology in WSR 18-17-061, appearing in issue 18-17 of the Washington State Register, which was distributed on September 5, 2018, is withdrawn by the office of the code reviser 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

WSR 19-06-062
WITHDRAWL OF PROPOSED RULES
LIQUOR AND CANNABIS BOARD
(By the Code Reviser's Office)
[Filed March 5, 2019, 10:41 a.m.]

WAC 314-55-035, proposed by the liquor and cannabis board in WSR 18-17-185, appearing in issue 18-17 of the Washington State Register, which was distributed on September 5, 2018, is withdrawn by the office of the code reviser 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

WSR 19-06-063
WITHDRAWL OF PROPOSED RULES
HEALTH CARE AUTHORITY
(By the Code Reviser's Office)
[Filed March 5, 2019, 10:42 a.m.]

WAC 182-535-1066, proposed by the health care authority in WSR 18-17-187, appearing in issue 18-17 of the Washington

State Register, which was distributed on September 5, 2018, is withdrawn by the office of the code reviser 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

WSR 19-06-065
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed March 5, 2019, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-130.

Title of Rule and Other Identifying Information: Chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle.

Hearing Location(s): On April 19, 2019, at 10:00 a.m. - 12:00 noon, at the University of Washington, Police Department Conference Room, 3939 15th Avenue N.E., Seattle, WA 98105. This is located at the University of Washington, Seattle campus.

Date of Intended Adoption: May 9, 2019.

Submit Written Comments to: Barbara Lechtanski, University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195, email rules@uw.edu, by April 19, 2019.

Assistance for Persons with Disabilities: Contact disability services office, phone 206-543-6450, fax 206-685-7264, TTY 206-543-7264, email dso@uw.edu, by April 9, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The University of Washington, Seattle is updating terminology regarding current modes of transportation and advancement in parking technology (i.e. automatic license plate recognition and virtual permit parking) traveling to/from and through campus. The information in this WAC has also been updated to reflect current practices regarding parking and parking related products, systems, and privileges, parking fees, citations, violation categories, fines, immobilization and impoundment, and related appeals.

Reasons Supporting Proposal: The University of Washington is amending this WAC to keep the university's parking and transportation information accurate and up-to-date for persons traveling to/from and through campus. The parking and traffic rules are needed to protect and control pedestrian and vehicular traffic on the campus of the University of Washington, Seattle; to ensure access at all times for emergency vehicles and equipment; to minimize traffic disturbances; to facilitate the operations of the university by ensuring access to its vehicles; to allocate limited parking space for the most efficient use; to protect state property; and to encourage travel to the campus by means other than single occupancy vehicle. This is part of a comprehensive effort to update parking and transportation information across WAC the University of Washington administrative policy, and web site information.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130.

Statute Being Implemented: RCW 28B.10.560 and 28B.20.130.

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

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting: Marian Woodland, University of Washington Parking Operations Manager, Customer Service and Administration Support Manager, 1320 N.E. Campus Parkway, Seattle, 98195, 206-221-3701; Implementation: Anne Eskridge, University of Washington Director of Transportation Services and Eric Johnson, University of Washington Associate Director of Personal Mobility Group, 1320 N.E. Campus Parkway, Seattle, 98195, 206-221-3701; and Enforcement: Lou Cariello, Vice President for University of Washington Facilities, 1320 N.E. Campus Parkway, Seattle, 98195, 206-221-3701.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The University of Washington does not consider this a significant legislative rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

March 5, 2019
Barbara Lechtanski
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-020 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To regulate, protect, and control pedestrian and vehicular traffic on the campus of the university;

(2) To ((~~assure~~)) ensure access at all times for emergency vehicles and equipment;

(3) To minimize traffic disturbances;

(4) To facilitate the operations of the university by ((~~assuring~~)) ensuring access to its vehicles;

(5) To ((~~allocate limited parking space in order to promote its most efficient use~~)) maximize the use of the limited campus parking resource;

(6) To protect state property; and

(7) To encourage and support travel to the campus by means other than single occupancy vehicle (SOV).

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-022 Knowledge of parking and traffic rules. It is the responsibility of all individuals parking or operating a vehicle on the campus to read, understand, and comply with these rules. Lack of knowledge of these rules

shall not be grounds for the dismissal of any citation for a violation of the parking or traffic rules.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-024 Definitions. (1) **Authorized agent.** An entity or individual authorized by the director of transportation services to facilitate services provided by the department.

(2) **Automatic license plate recognition.** (Also referred to as ALPR.) A system which automatically captures an image of a vehicle's license plate to assist in streamlined enforcement of parking by authorized agents.

(3) **Automatic vehicle identification.** (Also referred to as AVI.) A system to support vehicle access control and vehicle identification.

(4) **Bicycle.** ((~~Any device defined as a bicycle in chapter 46.04 RCW.~~

~~(3)~~)) A device with two or three wheels, a saddle, fully operative pedals propelled solely by human power.

(5) **Campus.** The University of Washington, Seattle, and those lands and leased facilities of the university within UWPD jurisdiction and where parking is managed by transportation services.

(((~~4~~))) (6) **Disability parking.** See "persons with disability."

(7) **Disability zone/area.** A parking zone designated for exclusive use by persons with a disability and identified with a sign bearing the associated international symbol.

(8) **Electric-assisted bicycle (class 1, 2, and 3).** A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than seven hundred fifty watts. The electric-assisted bicycle must meet the requirements of one of the following three classifications:

(a) Class 1: The motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(b) Class 2: The motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(c) Class 3: The motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour and is equipped with a speedometer.

(9) **Electric scooter.** A stand-up motor vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by an electric motor.

(10) **Fee.** ((~~A~~)) The charge for the use of services provided and facilities managed by transportation services.

(((~~5) **Impoundment.** The removal of the vehicle to a storage facility either by an authorized agent of transportation services or UWPD.~~

~~(6)~~)) (11) **Fine.** The charge associated with a parking citation.

(12) **Immobilization.** The attachment of a ((~~metal~~)) device to a ((~~wheel of a~~)) parked car, motorcycle, bicycle, electric-assisted bicycle, motor scooter, or electric scooter so that the vehicle cannot be moved.

(((~~7~~))) (13) **Impoundment.** The removal of the vehicle, bicycle, electric-assisted bicycle, or electric scooter to a storage facility either by an authorized agent of transportation services or UWPD.

(14) **Load zone.** A stall or area signed for loading and unloading purposes, adjacent to a facility or loading dock, or in a parking area or lot.

(15) **Meter.** ((~~A single fixed device that registers and collects payment for the length of time a vehicle occupies a single parking space. A meter does not produce a receipt, physical permit, or virtual permit. A meter is not a permit-issuance machine.~~

~~(8) **Motorcycles and scooters.**~~)) See "parking meter."

(16) **Mobile payment.** Payment service performed from or via a mobile device.

(17) **Motorcycle.** Motor vehicle((~~s~~)) designed to travel with not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and which is designed to be steered with a handle bar. ((~~For the purposes of these rules, motorcycles, motorized bicycles excluding pedal-assisted electric bicycles, and scooters are considered motor vehicles and are subject to all traffic and parking rules controlling other motor vehicles.~~

~~(9)~~)) (18) **Motor scooter.** A light two-wheeled open motor vehicle with a step-through frame on which the driver sits over an enclosed engine with legs together and feet resting on a floorboard.

(19) **Motor vehicle.** An automobile, truck, motorcycle, motor scooter, or electric-assisted bicycle that is assisted by an engine or other mechanism, or a vehicle without motor power designed to be drawn or used in conjunction with the aforementioned vehicles including, but not limited to, trailers, travel trailers, and campers. ((~~In addition, any bicycle with an electric motor that is disengaged will be considered a bicycle and not a motor vehicle under this chapter.~~

~~(10)~~)) (20) **Nonmotorized vehicle.** A device other than a motor vehicle used to transport persons((~~,~~)) including, but not limited to, bicycles, skateboards, in-line skates, and roller skates.

(((~~11~~))) (21) **No parking zone/area.** Any area not specifically marked and/or signed and designed for parking.

(22) **Operator or driver.** Every person who drives or is in actual physical control of a motor vehicle or nonmotorized vehicle.

(((~~12~~))) (23) **Overtime parking.** The occupation by a vehicle of a time-limited space beyond the posted time limit or time provided on a permit((~~, meter~~)) issuance system including, but not limited to, a permit, parking meter, mobile device, or permit-issuance machine.

(((~~13~~))) (24) **Park/parking.** Refers to the placement or standing of a motorized vehicle or a nonmotorized vehicle, with or without a driver in attendance, and with or without the engine running.

(25) **Parking citation.** The notice of a parking violation.

(26) **Parking credential.** See parking product.

(27) **Parking meter.** (Also referred to as a meter.) A single fixed device that registers and collects payment for a specified length of time for a vehicle to occupy a single park-

ing space. A parking meter does not produce a receipt. A parking meter is not a permit-issuance machine.

(28) **Parking product.** A product issued by transportation services to manage motorized and nonmotorized access to ((~~the~~)) university parking. Parking products include, but are not limited to, permits, virtual permits, access to bicycle lockers and other bicycle parking facilities, and parking access cards.

(((~~14~~))) (29) **Parking space.** A space for parking one motor vehicle designated by lines painted on either side of the space, and/or a wheel stop positioned in the front of the space, and/or a sign or signs, or other markings.

(((~~15~~))) (30) **Parking system.** A parking management system that includes parking related products and technologies. This includes, but is not limited to, web-based and online technologies to purchase virtual products, enforce parking permits, issue parking citations, and the administration of parking citation payments and appeals.

(31) **Permit.** A document approved by and/or issued by transportation services that when properly displayed authorizes a person to park.

(((~~16~~))) (32) **Permit-issuance machine.** A transportation services deployed and managed machine that issues physical or virtual permits for designated spaces. A permit-issuance machine is not a parking meter.

(((~~17~~))) (33) **Persons with disability.** For the purposes of this chapter, persons with disability refers to a person who meets one or more of the criteria of RCW 46.19.010(1) for the issuance of a state disability permit. A vehicle displaying a validly issued state department of transportation disability placard or a valid disability parking permit initiated through the University of Washington disability office shall be permitted to park in designated disability parking spaces, subject to payment of all applicable parking fees.

(34) **Registered owner.** The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

(((~~18~~))) (35) **Roller skate/in-line skate.** A device used to attach wheels to the foot or feet of a person.

(((~~19~~))) (36) **Scooter.** A nonmotorized vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.

(37) **Skateboard.** Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

(((~~20~~))) (38) **Traffic.** The movement of motorized vehicles, nonmotorized vehicles, and pedestrians in an area or along a street as is defined in chapter 46.04 RCW.

(((~~21~~))) (39) **Transportation services.** The university department that manages and maintains University of Washington vehicles and shuttles, promotes alternate commute options, manages and maintains parking facilities, issues parking products, issues citations, processes citation appeals, and collects fees and fines.

(((~~22~~))) (40) **University.** The University of Washington, Seattle, and collectively those responsible for its control and operation.

(((~~23~~))) (41) **UWPD.** University of Washington police department.

(((~~24~~) **~~Vehicle.~~** ~~Any motorized or nonmotorized vehicle.~~

~~(25)~~))) (42) **Visitor.** A person who is neither an employee nor a student of the university. May also pertain to an employee or student who has not purchased a long-term product.

(((~~26~~))) (43) **Virtual permit.** A permit stored within a permit-issuance machine or permitting system that authorizes a person to park in a designated space. Virtual permits are valid for a space through the date or time ((~~stored in the machine~~)) recorded in the permit system.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

WAC 478-116-111 Permit required for all motorized vehicles parked on campus. Except as provided in WAC 478-116-112 and 478-116-155, no person shall park or leave any motorized vehicle, whether attended or unattended, upon the campus unless the person first purchases a valid permit from transportation services or a transportation services permit-issuance machine. Permission to park on campus shall be shown by display of a valid permit in accordance with WAC 478-116-122.

(1) A valid permit is:

(a) A current, physical vehicle permit issued by an authorized agent or permit-issuance machine or system designated by transportation services and displayed in accordance with WAC 478-116-122;

(b) A temporary physical permit issued by an authorized agent or permit-issuance machine designated by transportation services. Temporary permits are valid through the date or time of the permit; or

(c) A virtual permit that is stored within a permit-issuance machine or system for designated spaces. Virtual permits are valid for a specific space through the date or time stored in the machine or system and((,)) if applicable, listed on the customer receipt.

(2) Parking permits are not transferable, except as provided in WAC 478-116-114.

(3) Transportation services reserves the right to refuse to issue parking permits.

(4) The university may allow persons without permits to drive through the campus without parking.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-112 Visitor parking for motorized vehicles. (1) No permit or payment shall be required for public safety and emergency vehicles while performing emergency services.

(2) Permits and payment of fees are required for all visitors parking on campus, unless exempted by transportation services((.)) policy or state and local law.

(3) University departments may pay for all or part of the permit fee for their official visitors and guests.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-114 Transfer of permits limited. (1) Permits may be transferred between motor vehicles registered with transportation services for that individual permit((,)) but may not be transferred to a third party to be used in an unregistered vehicle. The transfer of a permit by any unauthorized means including, but not limited to, resale or lending, is prohibited.

(2) Permits are not ((~~transferrable~~)) transferable between parking areas, unless authorized by transportation services.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-118 Responsibility of person to whom the permit is issued. (1) The person(s) to whom a permit is issued is responsible for paying for the permit until the permit expires or is returned to transportation services((,)) unless stated otherwise in these rules. All associated outstanding fees must be satisfactorily settled before a parking permit may be issued, reissued, or renewed.

(2) Permit holders shall provide transportation services with the license plate numbers of any vehicles they intend to use with a permit.

(3) The person(s) to whom a permit is issued is responsible for any violations of this chapter associated with a vehicle to which the permit is affixed and/or registered pursuant to WAC 478-116-341 up to the date and time the permit expires or is reported lost or stolen.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-122 Display of permits. (1) ((~~Permits~~)) Parking permits that are required to be displayed shall be prominently displayed ((~~and be~~)) so that they are fully visible from the exterior of the vehicle ((~~or recorded in a permit-issuance machine as required by transportation services~~)).

(2) Instructions on how to properly display permits will be provided by transportation services and permit-issuance machines and permit systems at the time of sale and/or on the transportation services' web site.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-124 Parking fees. Fees for parking and the effective date thereof shall be submitted to the board of regents for approval by motion. Prior to approval by the board of regents, the university shall, after notice, hold a hearing on the proposed schedule. The hearing shall be open to the public, and shall be presided over by a presiding officer who shall prepare a memorandum for consideration by the university, summarizing the contents of the presentations made at the hearing. Approved fee schedules shall be available ((~~in the lobby of the university transportation center and~~)) on the University of Washington web site.

NEW SECTION

WAC 478-116-126 Parking fines. Fines for parking citations and the effective date thereof shall be submitted to the board of regents for approval by motion. Prior to approval by the board of regents, the university shall, after notice, hold a hearing on the proposed schedule. The hearing shall be open to the public, and shall be presided over by a presiding officer who shall prepare a memorandum for consideration by the university, summarizing the contents of the presentations made at the hearing. Approved fine schedules shall be on the University of Washington web site.

NEW SECTION

WAC 478-116-127 Parking fines—Transitory provision. Until such time as new fine schedules are approved pursuant to WAC 478-116-126 the fine schedule set forth in previous WAC 478-116-325 and 478-116-331 as posted on the University of Washington transportation services web site shall remain in effect.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-131 ((~~Special~~)) Events parking and lot closures. (1) During ((~~special events causing additional or heavy traffic~~)) events, the university may impose additional traffic and parking restrictions per WAC 478-116-035.

(2) The university reserves the right to close any campus parking area it deems necessary for maintenance, safety, events, construction, or to meet special needs. Transportation services will, to the extent practical, provide notice to users and suitable alternatives for affected permit holders.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-135 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated by transportation services as parking areas, unless authorized by transportation services, or in emergency situations, by UWPD.

(2) No person shall stop, stand, or park any motor vehicle so as to create a safety hazard, obstruct traffic along or upon any street, or obstruct pedestrian movement along any plaza, path, or sidewalk.

(3) No motor vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area((,)) unless authorized by transportation services. The fact that other motor vehicles may have been so parked as to require the vehicle to occupy a portion of more than one space or stall shall not excuse a violation of this section.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-155 Parking regulated by a parking meter or permit-issuance machine. (1) Notwithstanding display of a valid permit to park in other parking areas/lots on

campus, any motor vehicle which occupies a metered space is subject to payment of the parking meter fee and subject to the posted time limits. ((~~Motor vehicles displaying a disability permit or license plate issued by the state department of licensing shall not be subject to payment of fees when parked in a space which is restricted as to the length of time parking is permitted.~~))

(2) Notwithstanding the display of a valid permit to park in other parking area/lots on campus, any motor vehicle which occupies a space requiring a space-specific permit ((~~administered~~)) issued by a permit-issuance machine or system is subject to payment of ((~~a~~)) the applicable permit fee and the ((~~posted~~)) specified time limits. ((~~Vehicles displaying a disability permit or license plate issued by the state department of licensing shall not be subject to payment of fees when parked in a space which is restricted as to the length of time parking is permitted.~~))

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-191 Regulatory signs, markings, barricades, etc. (1) The university may install/erect permanent or temporary signs, barricades, paint marks, and other structures or directions upon the streets, curbs, and parking areas within the campus. Drivers of motorized and nonmotorized vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of motorized and nonmotorized vehicles shall comply with directions given to them by authorized agents of transportation services and UWPD in the control and regulation of traffic, in the assignment of parking spaces, and in the collection of parking fees.

(2) No one without authorization from transportation services or UWPD shall move, deface, install/erect, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-193 Prohibited parking area(s). (1) No motor vehicle shall be parked at any place where official signs, curbs, and/or ground markings prohibit parking such as, but not limited to, "tow zone," "fire zone," "prohibited," or "no parking."

(2) No motor vehicle shall be parked within fifteen feet of a fire hydrant.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-195 Prohibited parking—Space designated ((~~as~~)) for disability ((~~or wheelchair~~)). No ((~~motor~~)) motorized vehicle or nonmotorized vehicle shall be parked in a disability ((~~or wheelchair~~)) space or lot without an appropriate permit.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-197 Motorcycle((~~, moped,~~)) and motor scooter((~~, and motorized bicycle~~)) parking. (((~~1~~))) Motorcycles((~~,~~)) and motor scooters((~~, mopeds, and motorized bicycles powered or assisted by combustible engines~~)) are considered motor vehicles and subject to all parking rules. These vehicles shall not be permitted to park on pathways, sidewalks, authorized bicycle racks, or storage facilities, pedestrian areas, or in buildings.

(((~~(2) Motorcycles, scooters, mopeds, and motorized bicycles powered or assisted by combustible engines may only be parked in designated cycle areas and require a permit.~~)))

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-199 Bicycle, electric-assisted bicycle and electric scooter parking. (1) Bicycles ((~~and bicycles assisted by electric motors~~)), electric-assisted bicycles, and electric scooters shall be parked only in bicycle racks or designated bicycle parking facilities. ((~~All bicycle owners are encouraged to secure their bicycles with a secure lock.~~)) Without limiting the generality of the foregoing, at no time shall a bicycle, electric-assisted bicycle, or electric scooter be parked:

(a) In a building, except where bicycle storage rooms are provided;

(b) Near a building exit;

(c) On a path or sidewalk unless attached to a university bike rack;

(d) In planted areas; or

(e) Chained or otherwise secured to trees, lamp standards, railings, garbage receptacles, fencing, or sign posts.

(2) Bicycle racks in campus areas are for parking and shall not be used for overnight storage, except for those racks adjacent to residence halls, which may be used for storage when the owner/operator is a current resident of that hall. Bicycle lockers ((~~in~~)) on campus are to be used for bicycle parking and may not be used for overnight storage of a bicycle. Bicycle houses on campus are to be used for bicycle parking and may not be used for overnight storage of a bicycle.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-221 Use of motorcycles, ((~~mopeds,~~)) motor scooters, electric-assisted bicycles, and electric scooters((~~, and motorized bicycles~~)). (1) Motorcycles, motor scooters, ((~~mopeds, and motorized~~)) and class 3 electric-assisted bicycles powered or assisted by combustible engines or engaged electric motors are considered motor vehicles and subject to all traffic rules. These vehicles shall not be permitted on paths, sidewalks, authorized bicycle or pedestrian areas, or in buildings.

(2) ((~~Bicycles assisted by electric motors are permitted on campus paths and sidewalks where bicycles are permitted to travel if the motor is disengaged and the bicycle is powered~~

~~solely through human pedaling.~~)) Class 1 and 2 electric-assisted bicycles are subject to all of the restrictions set forth in WAC 478-116-232 relating to the use of bicycles.

(3) Electric scooters are permitted on campus paths where bicycles are permitted to travel with the exception of sidewalks, unless there is no alternative for an electric scooter to travel over a sidewalk as part of a bicycle or pedestrian path. It shall be a violation of this section for any electric scooter rider to fail to yield to pedestrians or to ride an electric scooter on paths, sidewalks, or streets where signs indicate it is prohibited. An audible signal or warning must be given by the electric scooter rider whenever there is any appreciable risk of injury to a pedestrian not otherwise aware of the presence of the electric scooter.

(4) Class 1 and 2 electric-assisted bicycles and electric scooters operated on paths, sidewalks, and roadways shall be subject to all relevant state statutes regulating class 1 and 2 bicycle and electric scooter use. Violation of those statutes shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-242 Use of skateboards. Skateboard use in pedestrian areas including, but not limited to, walkways, ramps, concourses, and plazas (such as "Red Square"), and on internal university streets and loading areas on the campus, is restricted solely to transporting an individual from one campus destination to another. Any recreational, athletic, or other ((~~exhibitional~~)) exhibitioner use of skateboards unrelated to transportation is strictly prohibited, unless expressly approved in advance by the appropriate committee on the use of university facilities, pursuant to chapter 478-136 WAC. The use of skateboards for any purpose within parking lots or parking garages is strictly prohibited.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-301 Issuance of parking and traffic citations. (1) Upon probable cause to believe that a violation of this chapter related to motorized vehicle parking has occurred, an authorized agent of transportation services may issue a parking citation setting forth the date, approximate time, locality, nature of the violation, identifiable characteristics of the vehicle if applicable, and the amount of the fine(s).

(2) Upon probable cause to believe that a violation related to parking, traffic, or nonmotorized vehicles has occurred, UWPD may issue a citation setting forth the date, approximate time, locality, nature of violation, identifiable characteristics of the vehicle if applicable, and amount of the fine(s).

(3) The following information shall accompany and/or be printed on the citation:

(a) The violation fine and instructions for payment; and

(b) Instruction for contesting the citation, including where to obtain and submit petitions.

(4) The citation shall be served on the person responsible for the violation by:

(a) Attaching a copy of the citation to the vehicle allegedly involved in the violation; and

(b) Mailing a copy of the citation to the registered owner; or

(c) Serving a copy of the citation personally to the person responsible.

(5) Failure to pay fines or contest the citation within the time specified in these rules can result in a late payment fee as set forth in WAC 478-116-335.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-315 Parking product revocations. Parking products issued by the university are the property of the university, and may be recalled or revoked by the university for any of the following reasons:

(1) When the purposes for which the parking product was issued changes or no longer exists;

(2) When an unauthorized individual uses the parking product;

(3) Falsification on a parking product application;

(4) Nonpayment of fees and/or fines;

(5) ((~~Receiving over eight citations within a calendar year;~~

~~(6)~~)) Counterfeiting or altering of parking products; or

((~~(7)~~)) (6) Failure to comply with a final adjudicated decision of transportation services.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-321 Use of recalled, revoked, lost, stolen, or forged/altered permits prohibited. (1) Vehicles displaying parking products that have been recalled, revoked, forged, altered, or reported lost or stolen will be subject to a citation and ((~~immobilization or impoundment~~)) may be immobilized or impounded on sight. Parking products that have been revoked, recalled, or reported lost or stolen must be returned to transportation services or an authorized agent of transportation services before the vehicle will be released.

(2) Purchasing a parking product from a party other than transportation services or a lawful designee((~~,~~)) shall not constitute an excuse or defense for violating this section.

(3) Parties using parking products that have been recalled, revoked, forged, altered, or reported lost or stolen shall be subject to a serious violation per WAC 478-116-325, and((~~,~~)) in addition, will be responsible for paying the cost of an equivalent permit fee from the date the permit was revoked, recalled, or reported lost or stolen to the date the permit expired or was returned to transportation services.

(4) Any unpaid fines for a violation of the rules in chapter 478-116 WAC will be deducted from any refunds resulting from the revocation of parking products.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

WAC 478-116-325 Motor vehicle ((~~fine schedule~~)) violation types by category. The following ((~~schedule of fines for~~)) offense categories and applicable violations of the rules listed below is hereby established.

((~~Offense Category~~	~~Maximum Citation Fine~~	~~Fine if Citation is Paid Within 20 Calendar Days~~	~~Applicable Violations~~
~~Minor~~	~~$20.00~~	~~$15.00~~	• ~~Permit not registered to vehicle, see WAC 478-116-114;~~ • ~~Parking outside of area assigned by permit, see WAC 478-116-114;~~ • ~~Improper display of permit, see WAC 478-116-122.~~
~~General~~	~~$40.00~~	~~$35.00~~	• ~~No valid permit displayed, no valid permit for space or parking without making payment, see WAC 478-116-111, 478-116-112, and 478-116-155;~~ • ~~Occupying more than one space, see WAC 478-116-135;~~ • ~~Parking at expired meter, see WAC 478-116-155;~~ • ~~Overtime parking, see WAC 478-116-175;~~ • ~~All other violations of this chapter.~~
~~Major~~	~~$60.00~~	~~$50.00~~	• ~~Obstructing traffic or pedestrian movements, see WAC 478-116-135;~~ • ~~Parking in restricted, prohibited, or nonparking areas, see WAC 478-116-135, 478-116-191, 478-116-193, and 478-116-197.~~
~~Serious~~	~~$300.00~~	~~$250.00~~	• ~~Disability/wheelchair space violations, see WAC 478-116-195;~~ • ~~Use of revoked, stolen, forged, or altered parking products, see WAC 478-116-321.~~
~~Late Payment Fee~~	~~Maximum Citation Fine + $25.00~~	~~N/A~~	~~Penalty for failure to pay fine, respond, or comply with final decision of the citation hearing office within time limits, see WAC 478-116-301.~~))

Offense Category	Applicable Violations
Minor	Permit not registered to vehicle, see WAC 478-116-114;
	Parking outside of area assigned by permit, see WAC 478-116-114;
	Improper display of permit, see WAC 478-116-122.
General	No valid permit displayed, no valid permit for space or parking without making payment, see WAC 478-116-111, 478-116-112, and 478-116-155;
	Occupying more than one space, see WAC 478-116-135;
	Parking at expired meter, see WAC 478-116-155;
	Overtime parking, see WAC 478-116-175;
	All other violations of this chapter.

Offense Category	Applicable Violations
Major	Obstructing traffic or pedestrian movements, see WAC 478-116-135;
	Parking in restricted, prohibited, or nonparking areas, see WAC 478-116-135, 478-116-191, 478-116-193, and 478-116-197.
Serious	Disability/wheelchair space violations, see WAC 478-116-195;
	Use of revoked, stolen, forged, or altered parking products, see WAC 478-116-321.
Late Payment Fee	Penalty for failure to pay fine, respond, or comply with final decision of the citation hearing office within time limits, see WAC 478-116-301.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-331 Nonmotorized vehicle ((~~fine schedule~~)) violation types by category. The following ((~~schedule of fines for~~)) offense categories and applicable violations of the rules listed below is hereby established.

((~~Offense Category~~	~~Maximum Citation Fine~~	~~Applicable Violations~~
~~General~~	~~$10.00~~	~~Failure to yield to pedestrians, riding in restricted/prohibited areas, violation of state bicycle codes, see WAC 478-116-232.~~
~~Major~~	~~$25.00~~	~~Negligent riding, see WAC 478-116-232.~~
~~Impoundment Fee~~	~~$10.00~~	~~Bicycle impoundment, skateboard impoundment, see WAC 478-116-365 and 478-116-371.~~
~~Skateboard Violations~~	~~$10.00 - $30.00~~	~~Fines based on number of violations within a set time period, see WAC 478-116-371.~~
~~Late Payment Fee~~	~~Maximum Citation Fine + $25.00~~	~~Penalty for failure to pay fine, respond, or comply with the final decision of the citation hearing office within time limits, see WAC 478-116-301.~~))

Offense Category	Applicable Violations
General	Failure to yield to pedestrians, riding in restricted/prohibited areas, violation of state bicycle codes, see WAC 478-116-232.
Major	Negligent riding, see WAC 478-116-232.
Impoundment Fee	Bicycle, class 1 and 2 electric-assisted bicycles, and electric scooters impoundment, skateboard impoundment, see WAC 478-116-365 and 478-116-371.
Skateboard Violations	Fines based on number of violations within a set time period, see WAC 478-116-371.
Late Payment Fee	Penalty for failure to pay fine, respond, or comply with the final decision of the citation hearing office within time limits, see WAC 478-116-301.

AMENDATORY SECTION (Amending WSR 17-15-068, filed 7/14/17, effective 8/18/17)

WAC 478-116-335 Payment of citation fines. (1) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. ((~~If a parking citation is paid within twenty calendar days, the citation fine shall be discounted according to the amounts listed in WAC 478-116-325.~~))

(2) Fines for parking citations must be delivered in person to the transportation services' office, paid online, or mailed and postmarked on or before the due date specified in these rules to avoid additional penalties.

(3) Fines for traffic citations associated with violations of this chapter must be delivered in person to the UWPD office, or mailed and postmarked on or before the due date specified in these rules to avoid additional penalties.

(4) If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the university shall impose an additional fine as specified in WAC 478-116-325 or 478-116-331 and may:

(a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid;

(b) Delay registration for the following quarter;

(c) Impound or immobilize the violator's vehicle after providing notice of nonpayment to the permit holder and/or registered owner;

(d) Deny future ((~~parking~~)) transportation product privileges to the violator; or

(e) Refer outstanding balances associated with unpaid fines for collection in accordance with applicable statutes and university procedure.

(5) An accumulation of traffic and parking violations by a student may be cause for discipline under the student conduct code of the university (see chapter 478-121 WAC).

(6) In addition to any other penalty which may be imposed as a result of actions described in this chapter, campus parking privileges shall be suspended until all such debts are paid.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-351 Motorized vehicles—Immobilization and impoundment. (1) In addition to issuing citations for violations of these rules, authorized agents of transportation services and UWPD may immobilize or impound any motorized vehicle parked on campus in violation of these rules. The expenses of immobilization, impoundment, and storage shall be charged to the owner or operator of the motor vehicle, or both, and must be paid before the motor vehicle's release. Grounds for immobilizing or impounding motor vehicles shall include, but not be limited to, the following:

(a) Blocking a roadway so as to impede the flow of traffic;

(b) Blocking a walkway, trail, sidewalk, or crosswalk so as to impede the flow of pedestrian traffic or impede the ability of any person to fully access such walkway, trail, sidewalk, or crosswalk;

(c) Blocking a fire hydrant or fire lane;

(d) Creating a public safety hazard;

(e) Blocking another legally parked vehicle;

(f) Parking in a marked "tow-away" zone;

(g) Failing to pay a fine imposed under this chapter following notice of nonpayment to the registered permit holder and/or registered owner of the motor vehicle;

(h) Use of recalled, revoked, lost, stolen, or forged/altered permits prohibited as per WAC 478-116-321;

(i) UWPD has probable cause to believe the motor vehicle is stolen;

((~~(i)~~)) (j) UWPD has probable cause to believe the motor vehicle contains or constitutes evidence of a crime and impoundment is necessary to obtain or preserve such evidence; or

((~~(j)~~)) (k) When a driver is arrested and/or deprived of the right to leave with the driver's motor vehicle and UWPD is responsible for safekeeping of the vehicle.

(2) Not more than one business day after immobilization or impoundment of any motor vehicle, the university shall mail a notice of immobilization or impoundment to the permit holder and/or registered owner of the motor vehicle and to any other person who claims the right to possession of the motor vehicle, if those persons can be identified. Similar notice shall be given to each person who seeks to redeem an immobilized or impounded motor vehicle. If a motor vehicle is redeemed prior to the mailing of the notice, the notice may not be mailed. The notice shall contain the date of immobilization or impoundment, reason for the action, the location of the motor vehicle if impounded, and redemption procedures((~~, and an opportunity to contest the immobilization or impoundment as provided in WAC 478-116-415~~)).

(3) A sticker will be attached to a motor vehicle that is immobilized which shall include, but is not limited to, the following information:

(a) Date and time of immobilization;

(b) Reason for immobilization;

(c) Instruction for motor vehicle release; and

(d) Notification that the motor vehicle will be towed within seventy-two hours of the date/time indicated on the sticker if the motor vehicle remains immobilized.

Motor vehicles that remain immobilized seventy-two hours after the immobilization device was placed on the motor vehicle will be impounded. Impoundment of these motor vehicles will follow the procedures outlined in WAC 478-116-361.

(4) Impounding or immobilizing a motor vehicle does not remove the obligation for any fines associated with the violation or other outstanding citations. All fines, fees, and the cost of the immobilization and impoundment (e.g., booting, towing, storage fees) must be paid prior to the removal of an immobilization device or the release of an impounded motor vehicle.

(5) Impounded motor vehicles shall only be redeemed by the registered owner who has a valid driver's license or a person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt for the motor vehicle.

(~~((6) Any person seeking to redeem a motor vehicle impounded or immobilized under this chapter has the right to contest the validity of the impoundment or immobilization, the amount of applicable booting, towing, and storage fees and shall have the motor vehicle released upon requesting a review provided in WAC 478-116-415, and paying any outstanding fines, towing, and storage charges.~~))

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-361 Motorized vehicles—Impoundment of abandoned motor vehicles. Authorized agents of transportation services discovering an apparently abandoned motor vehicle shall attach to the motor vehicle a readily visible notification sticker warning of impoundment if the motor vehicle is not removed within seventy-two hours from the time the sticker is attached. The sticker shall contain the following information:

(1) The date and time sticker was attached;

(2) A statement that if the motor vehicle is not removed within seventy-two hours from the time the sticker is attached, the motor vehicle will be impounded; and

(3) The address and telephone number where additional information may be obtained.

If((~~,~~)) the motor vehicle is not removed within seventy-two hours, the motor vehicle shall be impounded as described in WAC 478-116-351.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-365 Nonmotorized vehicles—Impoundment of bicycles, electric-assisted bicycles, and electric scooters. (1) Bicycles, electric-assisted bicycles, and electric scooters parked in violation of WAC 478-116-199 will be subject to seizure and impoundment by the university.

(2) Except as provided by WAC 478-116-199(2), a bicycle abandoned or parked on campus, other than at residential halls, for fourteen consecutive days or longer is presumed abandoned and is subject to seizure and impoundment by the university. Bicycles remaining at resident halls once the school year ends will be presumed abandoned and are subject to seizure and impoundment by the university. A bicycle will not be considered abandoned when the owner/operator is unable to remove it and so notifies UWPD. A bicycle that has been obviously stripped or vandalized may be immediately impounded.

(3) Owners of impounded bicycles, electric-assisted bicycles, and electric scooters, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim their bicycle within fifteen consecutive days. All fines, fees, and the impoundment fee must be paid prior to the release of the bicycle. Bicycles, electric-assisted bicycles, and electric scooters unclaimed after sixty consecutive days will be subject to sale through the university surplus property department.

(4) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impoundment, storage, or sale of any item under this section.

(5) Impoundment or sale of any bicycle, electric-assisted bicycles, and electric scooters under this section shall neither substitute for, ((~~or~~)) nor release, any person from liability for

damage to persons or property caused by the use of a bicycle, nor does it remove the obligation for any fines associated with the violation or other outstanding citations. Any proceeds resulting from the sale of a bicycle though the university surplus department will be credited toward the outstanding fee associated with the impoundment of that bicycle.

(((~~(6) Any person seeking to redeem a bicycle impounded under this chapter has the right to contest the validity of the impoundment and the amount of applicable fees and shall have the bicycle released upon establishing ownership, requesting a review provided in WAC 478-116-415, and paying any outstanding fines or storage charges.~~))

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-371 Nonmotorized vehicles—Skateboard violations. (1) Skateboard use in violation of WAC 478-116-242 shall result in the following:

(a) For the first offense, UWPD will record the name of the individual and provide a written warning against further skateboard use in violation of WAC 478-116-242. Individuals who cannot produce satisfactory identification will be given a receipt for their skateboard, which will be impounded at the UWPD station until they are able to return with the receipt and identification. There will be no impoundment fee.

(b) For a second offense, within twenty-four months of any previous offense or warning, the skateboard will be impounded for not less than forty-eight hours and the offender shall be subject to a fine of ten dollars plus applicable impoundment fee.

(c) For a third or subsequent offense, within twenty-four months of any previous two offenses, warnings, or combination thereof, the skateboard will be impounded for not less than thirty calendar days and the offender shall be subject to a fine of thirty dollars plus the applicable impoundment fee.

(d) Impounded skateboards will be held by UWPD and released only during regular business hours to individuals with satisfactory identification. Payment of a ten-dollar storage fee will also be required for release, except as provided in (a) of this subsection.

(2) Skateboards impounded under this section which are unclaimed sixty consecutive days after the applicable minimum impoundment time period has elapsed will be presumed abandoned and be subject to sale at a public auction conducted by the university surplus property department.

(3) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impounding, storage, or sale of any item under this section.

(4) Impoundment or sale of any skateboard under this section shall neither substitute for, nor release any person from liability for damage to persons or property caused by use of a skateboard at the university, nor does it remove the obligation for any fines associated with the violation or other outstanding citations. Any proceeds resulting from the sale of a skateboard though the university surplus department will be credited toward the outstanding fee associated with the impoundment of that skateboard.

(((~~(5) Any person seeking to redeem a skateboard impounded under this chapter has the right to contest the validity of the impoundment, the amount of applicable fees, and shall have the skateboard released upon requesting a review provided in WAC 478-116-415, and paying any outstanding fines or impoundment fees.~~))

PART V

CITATION((~~, IMMOBILIZATION, AND IMPOUNDMENT~~)) APPEALS

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-405 Election to pay fine or contest citations. (1) **Election to pay fine.** A person who receives a citation((~~,~~)) shall, within twenty calendar days from the date of the citation, either pay the applicable fine or contest the issuance of the citation in the manner prescribed in subsection (2) of this section. ((~~If paid within twenty calendar days of citation issuance, motorized parking citation fines shall be discounted per WAC 478-116-325.~~)) Once the applicable fine is paid, the citation can no longer be appealed. Failure to either pay the fine or timely appeal the citation shall automatically result in the citation being final, ((~~the full amount of the fine shall stand,~~)) and an additional late payment fee per offense shall be imposed for each citation which is not responded to within the time limits set forth in this section.

(2) **Election to contest a citation.** A person wishing to contest a citation (hereinafter "petitioner") may do so by completing and submitting a citation petition (hereinafter "petition") ((~~to the citation hearing office~~)) within twenty calendar days of the date of the citation. Petitions for motorized and nonmotorized parking citations must be ((~~delivered to transportation services~~)) submitted through the citation appeal process as described on the citation notification(s) within the allotted time limit. Petitions for traffic and all other nonmotorized citations must be delivered to UWPD within the allotted time limit.

((~~Petition forms are~~)) Petitioners may submit their petition through the citation appeals portal available ((~~at~~)) on the transportation services and UWPD ((~~or on the transportation services and UWPD~~)) web sites. The petitioner must complete each section of the petition form and provide a brief statement regarding circumstances associated with the citation. A citation hearing officer shall review the petition and provide written notification of his or her initial decision with information about the opportunity for further review ((~~within ten calendar days of taking action on the initial decision~~)). The amount of any reduction to the fine assessed in the initial decision is at the discretion of the citation hearing officer. Any fines owed on an initial decision not contested as provided in subsection (3) of this section shall be paid within twenty-one calendar days after service of the initial decision. If payment is not received within twenty-one calendar days, any offer of settlement or reduction is withdrawn, the full amount of the fine shall stand, an additional late fee shall be imposed, and the citation shall be deemed final.

(3) **Review of initial decision.** If a petitioner chooses to contest the initial decision issued by the citation hearing officer, the petitioner shall forfeit any reduction in the assessed fines offered in the initial decision. The petitioner must contact the department processing the petition (transportation services or UWPD) orally or in writing within twenty-one calendar days after service of the decision. The request for review shall contain an explanation of the petitioner's position and a statement of reasons why the initial decision on the petition was incorrect. The reviewing officer shall, within twenty calendar days of the date of the request to review the initial decision, render a final written decision which shall include a brief statement of the reasons for the decision, offer of settlement if applicable, and provide information about the opportunity to appeal the decision to district court. The amount of fine or settlement assessed in the final decision is at the discretion of the citation hearing officer. Any final decision of the reviewing officer not appealed as provided in subsection (4) or (5) of this section shall be paid within ten calendar days after service of the decision. If payment is not received within ten calendar days, any offer of settlement or reduction is withdrawn, the full amount of the fine shall stand, an additional late fee shall be imposed, and the citation shall be deemed final.

(4) **Discretionary review of initial decision.** If the petitioner has not requested a review of the initial decision, the citation hearing officer may, within twenty calendar days after service of the initial decision, conduct a review and issue a final decision on its own motion and without notice to the parties, but it may not take any action on review less favorable to the petitioner than the initial decision without giving the petitioner notice and opportunity to explain his or her view of the matter.

(5) **Appeal to district court.** The application for appeal to district court shall be in writing and must be filed with the department processing the petition (transportation services or UWPD) within ten calendar days of service of the final decision. The written notice must be submitted on the "Notice of Appeal" form provided by transportation services or UWPD. The Notice of Appeal form will be available at transportation services or UWPD during regular hours of operation. The department processing the citation will forward the documents relating to the appeal to district court. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section, in addition to this subsection. If a petitioner chooses to contest the decision issued by the citation hearing officer via appeal to the district court, the petitioner shall forfeit any reduction in the assessed fines offered in the hearing officer's decision.

~~(((6) **Providing an oral statement.** A petitioner who requests a review of the initial decision under subsection (3) of this section may request the opportunity to provide an oral statement before the citation hearing officer. A request to make an oral statement must be included in the request for review of the initial decision and must be submitted within ten calendar days of the initial decision. If the request for an oral statement is made, the citation hearing officer shall provide reasonable notice of the time and place for receiving the oral statement, which must occur no later than twenty calendar days after the request for review was submitted. If an oral statement cannot be scheduled within this time frame, the citation hearing officer will review the request as outlined in subsection (3) of this section.~~))

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-116-415	Election to contest immobilization or impoundment.

WSR 19-06-066
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed March 5, 2019, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-22-034.

Title of Rule and Other Identifying Information: Chapter 246-834 WAC, Midwifery, the department of health (department) is revising sections of the midwifery chapter in order to clarify licensure rules and to update the legend drugs and devices rules for safety: WAC 246-834-060 Initial application, 246-834-250 Legend drugs and devices, 246-834-400 Expired license, and 246-834-450 Inactive license.

Hearing Location(s): On April 17, 2019, at 12:00 p.m., at the Department of Health, Town Center 2, Room 145, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: April 24, 2019.

Submit Written Comments to: Kathy Weed, P.O. Box 47852, Olympia, WA 98504, email https://fortress.wa.gov/doh/policyreview, fax 360-236-2901, by April 17, 2019.

Assistance for Persons with Disabilities: Contact Kathy Weed, phone 360-236-4883, fax 360-236-2901, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov, by April 10, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules update requirements for initial application, expired or inactive credentials, and legend drugs and devices. Proposed language will modernize the initial applications section, update legend drugs and devices section to include drugs contemporarily used in out of hospital births to increase patient safety, and clarify rule language for expired and inactive licenses.

Reasons Supporting Proposal: The legend drug and devices section has not been updated since 2005, and the other sections have dated or unclear language. The proposed language will streamline initial applications for licensees, expand access to legend drugs and devices used in out of hospital births necessary to protect mother and newborn safety, and clarify requirements for licensees who are looking to reactivate expired or inactive licenses to increase the number of active midwives practicing in Washington. The proposed rule amendments are based on input from stakeholders, specifically midwifery practitioners and state associations.

Statutory Authority for Adoption: RCW 18.50.135 and 18.50.115.

Statute Being Implemented: RCW 18.50.135 and 18.50.115.

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

Name of Proponent: The department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kathy Weed, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4883.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kathy Weed, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4883, fax 360-236-2901, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of exemptions: WAC 246-834-060 is exempt under RCW 34.05.310 (4)(c).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. With the exception of WAC 246-834-060, which is exempt from analysis, the remaining sections of rule were analyzed. The analysis determined that the proposed rule would not impose more-than-minor costs on businesses in an industry.

March 4, 2019
John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 15-20-049, filed 9/30/15, effective 10/31/15)

WAC 246-834-060 Initial application requirements for licensure as a midwife. (1) An applicant for a midwife license shall submit to the department the following:

(a) Initial application on forms provided by the department.

(b) Fees required in WAC 246-834-990.

(c) Proof of high school graduation, or its equivalent.

(d) Proof of at least three years of midwifery training, per RCW 18.50.040 (2)(a), unless the applicant qualifies for a reduced academic period.

(e) ((~~A current plan for consultation, emergency transfer and transport.~~

(f)~~)~~)) Proof of completion of seven clock hours of HIV/AIDS education as required in chapter 246-12 WAC, Part 8.

(((~~g~~)~~)~~)) (f) Proof of successful completion of the midwifery jurisprudence exam, as offered by the department.

(2) In addition to the requirements in subsection (1) of this section, an applicant for a midwife license shall also:

(a) Have transcripts sent directly to the department from the applicant's midwifery school demonstrating that the applicant has received a certificate or diploma in midwifery. ((~~Those~~)) An applicant((~~s~~)) applying under WAC 246-834-065 or 246-834-066 ((~~or 246-834-220~~)) may be exempted from this requirement.

(b) Have verification of passing the North American Registry of Midwives (NARM) examination. Results must be sent directly to the department from NARM.

(3) Once all application requirements in this section are met, and additional requirements in WAC 246-834-065 or 246-834-066 ((~~or 246-834-220~~)) if applicable, the department will schedule the applicant for the Washington state specific component exam.

AMENDATORY SECTION (Amending WSR 05-06-118, filed 3/2/05, effective 4/2/05)

WAC 246-834-250 Legend drugs and devices. (1) Licensed midwives may purchase and use legend drugs and devices as follows:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal ((~~monitoring, toco monitoring, neonatal and adult resuscitation equipment, oxygen, glucometer, and centrifuge; and~~

(~~b~~)~~)~~)) monitors, tocodynamometer monitors, oxygen and associated equipment, glucose monitoring systems and testing strips, neonatal pulse oximetry equipment, hearing screening equipment, and centrifuges;

(b) Nitrous oxide as an analgesic, self-administered inhalant in a 50 percent blend with oxygen, and associated equipment, including a scavenging system;

(c) Neonatal and adult resuscitation equipment and medication, including airway devices and epinephrine for neonates.

(2) Pharmacies may issue breast pumps, compression stockings and belts, maternity belts, diaphragms and cervical caps, glucometers and testing strips, iron supplements, prenatal vitamins, and recommended vaccines as specified in subsection (3)(e) through (j) of this section ordered by licensed midwives.

(((~~2~~)~~)~~)) (3) In addition to prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho (D) immune globulin (((~~human~~)~~)~~)), and local anesthetic medications as listed in RCW 18.50.115, licensed midwives may obtain and administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers heparin and 0.9% sodium chloride for use in intravenous locks;

(b) Sterile water for intradermal injections for pain relief;

(c) Magnesium sulfate for prevention of maternal seizures pending transport;

(d) Epinephrine for use in maternal anaphylaxis and resuscitation and neonatal resuscitation, pending transport;

(e) Measles, Mumps, and Rubella (MMR) vaccine to nonimmune postpartum women((~~, HBIG and HBV for neonates born to hepatitis B+ mothers~~));

(f) Tetanus, diphtheria, acellular pertussis (Tdap) vaccine for use in pregnancy;

(g) Hepatitis B (HBV) birth dose for any newborn administration;

(h) HBIG and HBV for any neonates born to hepatitis B+ mothers;

(i) Influenza vaccine for use in pregnancy;

(j) Any vaccines recommended by the CDC advisory committee on immunization practices for pregnant or postpartum people or infants in the first two weeks after birth, as it existed on the effective date of this section;

(k) Terbutaline ((~~for nonreassuring fetal heart tones and/or cord prolapse~~)) to temporarily decrease contractions pending emergent intrapartal transport;

(((~~(g)~~))) (l) Antibiotics for intrapartum prophylaxis of Group B beta hemolytic Streptococcus (GBS) per current CDC guidelines; and

(((~~(h)~~))) (m) Antihemorrhagic drugs to control postpartum hemorrhage((~~, such as misoprostel per rectum (for use only in postpartum hemorrhage)~~))) including, but not limited to, oxytocin, misoprostol, methylergonovine maleate ((~~in the absence of hypertension,~~)) (oral or intramuscular), and prostaglandin F2 alpha (((~~hemobate), intramuscular~~)).

(((~~(3)~~))) (4) The client's records ((~~shall~~)) must contain documentation of all medications administered.

(((~~(4)~~))) (5) The midwife must have a procedure, policy or guideline for the use of each drug and device. A midwife may not administer a legend drug or use a legend device for which he or she is not qualified by education, training, and experience.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-400 Expired license. (1) If a midwife's license under this chapter has been expired for less than three years ((~~or less~~)), to reinstate the license the practitioner shall meet the requirements of chapter 246-12 WAC, Part 2.

(2) If a midwife's license under this chapter has expired and the practitioner has been engaged in the active practice of midwifery in another United States jurisdiction or territory, or other location approved by the department, to reinstate the license the practitioner shall:

(a) Submit verification of active practice; and

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If a midwife's license under this chapter has been expired for ((~~more than~~)) three years or more but less than five years at time of application, and the practitioner has not been actively engaged in midwifery, the practitioner shall:

(a) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of ten births; and

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(4) If a midwife's license under this chapter has been expired for more than five years at time of application, and the practitioner has not been actively engaged in midwifery, the practitioner shall:

(a) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of fifteen births;

(b) Retake and successfully pass the Washington state licensing examination; and

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(5) A proposed preceptor shall:

(a) Hold an active license without restriction, current discipline, or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, an allopathic physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW;

(b) Have actively practiced at least three consecutive years or attended at least one hundred fifty births; and

(c) Have demonstrated ability and skill to provide safe, quality care.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-450 Inactive license. (1) A licensed midwife may obtain an inactive license((~~. Refer to~~)) by meeting the requirements of chapter 246-12 WAC, Part 4.

(2) An inactive license must be renewed every year on the midwife's birthday according to WAC 246-12-100 and by paying the fee required under WAC 246-834-990.

(3) A midwife with an inactive license may return to active status.

(a) A midwife with an inactive license for three years or less who wishes to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(b) A midwife with an inactive license for more than three years, who has been in active practice in another United States jurisdiction or territory or other location approved by the department and wishes to return to active status must:

(i) Submit verification of active practice; and

(ii) Meet the requirements of chapter 246-12 WAC, Part 4.

(c) A midwife with an inactive license for more than three years but less than five, who has not been in active practice and wishes to return to active status must:

(i) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of ten births; and

(ii) Meet the requirements of chapter 246-12 WAC, Part 4.

(d) A midwife with an inactive license for more than five years who has not been in active practice and wishes to return to active status must:

(i) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of fifteen births;

(ii) Retake and successfully pass the Washington state licensing examination; and

(iii) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) A proposed preceptor shall:

(a) Hold an active license without restriction, current discipline, or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, an allopathic physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW;

(b) Have actively practiced at least three consecutive years or attended at least one hundred fifty births; and

(c) Have demonstrated ability and skill to provide safe, quality care.

WSR 19-06-067
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 5, 2019, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-104.

Title of Rule and Other Identifying Information: Chapter 296-45 WAC, Electric power generation, transmission, and distribution.

Hearing Location(s): On April 9, 2019, at 1:00 p.m., at the Department of Labor and Industries, 7273 Linderson Way S.W., Room S119, Tumwater, WA; or on April 11, 2019, at 9:00 a.m., at the Department of Labor and Industries, 3001 West Broadway Avenue, Moses Lake, WA.

Date of Intended Adoption: June 18, 2019.

Submit Written Comments to: Cynthia Ireland, P.O. Box 44620, Olympia, WA 98504, email cynthia.ireland@lni.wa.gov, fax 360-902-5619, by April 18, 2019.

Assistance for Persons with Disabilities: Contact Cynthia Ireland, phone 360-902-5522, fax 360-902-5619, email cynthia.ireland@lni.wa.gov, by March 26, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule making is being done to comply with the division of safety and health (DOSH) eRules initiative in addition to making necessary corrections to the rule that have been identified since the updated rule was adopted on May 3, 2016. The eRules portion of this rule making will provide a format consistent with all the other DOSH rules, and allow ease of access using the DOSH web site. Washington is a state plan state under the Occupational Safety and Health Administration (OSHA). As a state plan state, Washington assumes responsibility for occupational safety and health in the state under the Washington Industrial Safety and Health Act (WISHA). To maintain its status, Washington's safety and health standards must be at-least-as-effective-as those standards adopted or recognized by OSHA. Additional amendments include: Correct an error relating to hard hats; include a reference in the scope of this rule to chapter 296-32 WAC; include language in the scope of this chapter identifying a WAC that applies to line clearance tree trimmers to align with and be at-least-as-effective-as OSHA; include language relating to doing work with voltages over 72.5 kilovolts to align with and be at-least-as-effective-as OSHA. Additional housekeeping changes are also being made. Below are the proposed amendments:

DOSH eRules proposed amendments throughout the chapter:

- Change "shall" to "must" or "will."
- Change "may not" to "cannot" or "must not."
- Remove "shall" from the definitions.
- Change "he/she" and "his/her" to "they" or "their."
- Reformat definitions to eRule format.

Additional corrections include:

WAC 296-45-015 Scope and application.

- In subsection (1)(e)(ii), add WAC 296-45-067 Information transfer, to the list WAC that apply to line-clearance tree-trimming operations to align with and be at-least-as-effective[-as] OSHA.
- In subsection (4), add a reference to chapter 296-32 WAC, Safety standards for telecommunications.

WAC 296-45-045 NESC applicable.

- Update the National Electrical Safety Code (NESC) to the 2017 edition.

WAC 296-45-075 Employer's safety program.

- In subsection (7), add the words "and communicated to employees" to this sentence. It now reads, "Existing conditions related to the safety of the work to be performed must be determined and communicated to employees before work on or near electric lines or equipment is started." This change is for clarity.

WAC 296-45-105 Work required of leadworkers.

- In subsection (1), remove the words "look out for" in this sentence. It now reads, "A leadworker cannot properly supervise the work and the safety of employees under their direction if required to work as a leadworker and a qualified electrical employee at the same time." This change is for clarity.

WAC 296-45-17505 Lockout/tagout (hazardous control) program.

- In subsection (1), replace the word "inoperative" with "inoperable." OSHA changed "inoperative" wherever it appeared in their existing standard to "inoperable" as it is a more precise term.

WAC 296-45-25505 Personal protective equipment.

- In subsection (2), remove the words "Type II" from this sentence. This change is to correct an error made in the 2016 rule making.

WAC 296-45-325 Working on or near exposed energized parts.

- In subsection (4)(c), add a reference to Appendix A for additional information relating to working on exposed energized parts. This change is for clarity.

- In subsection (4)(d), add language relating to doing work with voltages over 72.5 kilovolts to align with and be at-least-as-effective-as OSHA. Also, add a new Table 4, Assumed Maximum Per-Unit Transient Overvoltage, this table is identical to OSHA's Table R-9.
- Modify Table 2, AC Live Work Minimum Approach Distance, to match OSHA's tables of minimum approach distances.
- Reformat the notes in Table 2, AC Live Work Minimum Approach Distance.
- In subsection (5)(a), add the words "and communicated to employees" to this sentence. It now reads, "Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, must be determined and communicated to employees as will any other particular hazard of a particular worksite."
- In subsection (12)(b), replace the word "workers" with the word "employees" for consistency.

WAC 296-45-355 Underground grounding.

- In subsection (3), replace the word "worker" with the word "employee" for consistency.

WAC 296-45-375 Mechanical equipment, including aerial manlift equipment.

- In subsection (18), replace the word "inoperative" with "inoperable." OSHA changed "inoperative" wherever it appeared in their existing standard to "inoperable" as it is a more precise term.

WAC 296-45-385 Overhead lines.

- In subsection (2)(d), replace the word "inoperative" with "inoperable." OSHA changed "inoperative" wherever it appeared in their existing standard to "inoperable" as it is a more precise term.

WAC 296-45-465 Communication facilities.

- Add a note/reference to this section relating to additional information about radio frequency radiation exposure can be found in WAC 296-32-22572 and 296-32-22574.

WAC 296-45-475 Substations.

- Update NESC to the 2017 edition.
- Reformat the notes by removing numbers and adding bullets.
- In subsection (2), replace the word "inoperative" with "inoperable." OSHA changed "inoperative" wherever it appeared in their existing standard to "inoperable" as it is a more precise term.

WAC 296-45-48515 Access and working space and 296-45-48525 Guarding of energized parts.

- Update NESC to the 2017 edition.
- Reformat the notes by removing numbers and adding bullets.

WAC 296-45-52540 Lasers.

- Add a note/reference to this section relating to additional information about lasers can be found in WAC 296-32-22576.

WAC 296-45-902 Appendix A—Working on exposed energized parts—Nonmandatory.

- Fix a grammatical error in the first note of this appendix.
- Remove an OSHA reference to live-line barehand work since that type of work is prohibited in Washington state.
- Delete Tables 6 through 13, they became obsolete on April 1, 2015.
- Add a note letting employers know that Tables 6 through 13 have been deleted, they became obsolete on April 1, 2015.
- Corrected Tables 14 through 21 relating to "phase-to-ground" vs. "phase-to-phase" terminology.

WAC 296-45-906 Appendix D—Protection from flames and electric arcs—Nonmandatory and 296-45-910 Appendix H—Reference documents.

- Update NESC to the 2017 edition.

Reasons Supporting Proposal: When the agency updated its web site, template DOSH rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules. This proposal will also correct and clarify some areas of the rule since the May 2016 adoption.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is necessary because of federal law, 29 C.F.R. 1910.269.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, 360-902-5090.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Cynthia Ireland, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5522, fax 360-902-5619, email cynthia.ireland@lni.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 29 C.F.R. 1910.269. Washington is a state plan state under OSHA. As a state plan state, Wash-

ington assumes responsibility for occupational safety and health in the state under WISHA. To maintain its status, Washington's safety and health standards must be at-least-as-effective-as those standards adopted or recognized by OSHA.

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

March 5, 2019
Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-015 Scope and application. (1) This chapter covers the operation, maintenance, and construction of electric power generation, control, transformation, transmission, and distribution lines and equipment. These provisions apply to:

(a) Power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified electrical employees;

Note: The types of installations covered by this chapter include the generation, transmission, and distribution installations of electric utilities, as well as equivalent installations of industrial establishments. Trolley maintenance, jumpering, and bypass is also covered by this chapter. Supplementary electric generating equipment that is used to supply a workplace for emergency, standby, or similar purposes only is covered under Part L of chapter 296-24 WAC and WAC 296-800-280.

(b) Other installations at an electric power generating station, as follows:

(i) Fuel and ash handling and processing installations, such as coal conveyors;

(ii) Water and steam installations, such as penstocks, pipelines, and tanks, providing a source of energy for electric generators; and

(iii) Chlorine and hydrogen systems.

(c) Test sites where electrical testing involving temporary measurements associated with electric power generation, transmission, and distribution is performed in laboratories, in the field, in substations, and on lines, as opposed to metering, relaying, and routine line work;

(d) Work on or directly associated with the installations covered in subsection((~~s~~)) (1)(a) through (c) of this section; and

(e) Line-clearance tree-trimming operations, as follows:

(i) This chapter except WAC 296-45-455, applies to line-clearance tree-trimming operations performed by qualified electrical employees (those who are knowledgeable in the construction and operation of electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(ii) WAC 296-45-065, 296-45-067, 296-45-125, 296-45-135, 296-45-255, 296-45-315, 296-45-375, and 296-45-455 through 296-45-45530 apply to line-clearance tree-trimming operations performed by line-clearance tree trimmers who are not qualified electrical employees.

(2) Notwithstanding subsection (1) of this section, this chapter does not apply to electrical installations, electrical safety-related work practices, or electrical maintenance considerations covered by Part L of chapter 296-24 WAC and WAC 296-800-280.

Note 1: Work practices conforming to WAC 296-24-970 through 296-24-985 are considered as complying with the electrical safety-related work practice requirements of this chapter, provided the work is being performed on a generation or distribution installation meeting WAC 296-24-95601 through 296-24-95699. This chapter also applies to work by qualified electrical employees directly on or associated with installations of electric power generation, transmission, and distribution lines or equipment, regardless of compliance with WAC 296-24-970 through 296-24-985.

Note 2: Work practices performed by qualified electrical employees and conforming to this chapter are considered as complying with WAC 296-24-95601 through 296-24-95699.

(3) This section applies in addition to all other applicable safety and health standards administered by the department. Specific references in this section to other standards are provided for emphasis only.

(4) Operation, conditions, work methods and other work related situations or activities not specifically covered by this chapter are subject to the rules and regulations of chapter 296-24 WAC General safety and health standards; chapter 296-27 WAC Recordkeeping and reporting; chapter 296-32 WAC Safety standards for telecommunications; chapter 296-62 WAC General occupational health standards; chapter 296-155 WAC Safety standards for construction work; chapter 296-800 WAC Safety and health core rules; and, insofar as applicable to employee safety and health, chapter 19.29 RCW. Additionally, operations, conditions, work methods and other work related situations or activities may be subject to additional rules and regulations depending upon the nature of the work being performed.

(5) These rules ((~~shall~~)) do not apply to the use of existing electrical installations during their lifetime, provided they are maintained in good condition and in accordance with the applicable safety factor requirements and the rules in effect at the time they were installed, and provided that reconstruction ((~~shall~~)) conforms to the rules as herein provided.

(6) Any rule, regulation or standard contained within this chapter, if subject to interpretation, ((~~shall~~)) must be interpreted ((~~so as~~)) to achieve employee safety, which is the ultimate purpose of this chapter.

(7) Should a rule or standard contained within this chapter conflict, in any manner, with a standard or rule contained within any other chapter of Title 296 WAC the standard or rule contained herein ((~~shall apply~~)) applies so long as the

work being done is power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified electrical employees. If there are rules within this chapter that conflict, the rule that provides the greatest employee safety will apply.

(8) Neither the promulgation of these rules, nor anything contained in these rules ((~~shall~~)) will be construed as affecting the relative status or civil rights or liabilities between employers and their employees and/or the employees of others and/or the public generally; nor ((~~shall~~)) will the use herein of the words "duty" and "responsibility" or either, import or imply liability other than provided for in the industrial insurance and safety laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform or discharge any such "duty" or "responsibility," but failure on the part of the employees, leadworker, or employer to comply with any compulsory rule may be cause for the department of labor and industries to take action in accordance with the industrial insurance and safety laws.

(9) ((~~"Shall" and~~)) "Must" as used in this chapter make the provisions mandatory. ((")) Should,((" ")) may,((")) or ((")) it is recommended((")), are used to indicate the provisions are not mandatory but are recommended.

(10) If any section, subsection, phrase, or provisions of this chapter or part thereof should be held invalid by any court for any reason, such invalidity ((~~shall~~)) will not in any way affect the validity of the remainder of this chapter, unless such decision renders the remainder of the provision unintelligible, or changes the meaning of such other provision or provisions.

(11) When the language used in this chapter indicates that it is the responsibility, duty, or obligation of the leadworker or other employee, it ((~~shall~~)) must also be the employer's responsibility, obligation, and duty.

(12) Whenever this chapter refers to the provisions of another safety and health standard or statute affecting safety and health, such reference refers to the statute or code in effect at the time the work is being performed.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-035 Definitions. These definitions apply to chapter 296-45 WAC.

((")) Aerial manlift equipment((")). Equipment such as extended towers, boom-mounted cages or baskets, and truck-mounted ladders, that is primarily designed to place personnel and equipment aloft to work on elevated structures and equipment.

((")) Affected employee((")). An employee whose job requires him or her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him or her to work in an area in which such servicing or maintenance is being performed.

((")) Apprentice((")). An employee who is being trained to be journey level.

((")) Approved((")). Meets or exceeds the recognized standards of safety within the industry.

((")) Approved protectors((")). Gloves worn over rubber insulating gloves which are of such material or substance and so constructed as to protect the rubber gloves from abrasions, lacerations, or other physical damage which might otherwise occur to rubber gloves. Approved protectors must conform to the standards which are recognized by the industry.

((")) Attendant((")). An employee assigned to remain immediately outside the entrance to an enclosed or other space to render assistance as needed to employees inside the space.

((")) Authorized employee((")). An employee who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this section.

((")) Automatic reclosing device((")). A self-controlled device for interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold-closed, or lockout operation.

((")) Barricade((")). A physical obstruction such as tapes, cones, or A-frame type wood or metal structures intended to provide a warning about and to limit access to a hazardous area.

((")) Barrier((")). A physical obstruction which is intended to prevent contact with energized lines or equipment or to prevent unauthorized access to a work area.

((")) Bond((")). The electrical interconnection of conductive parts designed to maintain a common electrical potential.

((")) Bus((")). A conductor or a group of conductors that serve as a common connection for two or more circuits.

((")) Bushing((")). An insulating structure, including a through conductor or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purposes of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

((")) Cable((")). A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

((")) Cable sheath((")). A conductive protective covering applied to cables.

Note: A cable sheath may consist of multiple layers of which one or more is conductive.

((")) Circuit((")). A conductor or system of conductors through which an electric current is intended to flow.

((")) Clearance((")) (between objects)((—)). The clear distance between two objects measured surface to surface.

((")) Clearance((")) (for work)((—)). Authorization to perform specified work or permission to enter a restricted area.

((")) Communication lines.(("))) (See "Lines, communication.").

((")) Conductor((")). A material, usually in the form of a wire, cable, or bus bar, used for carrying an electric current.

((")))Contract employer((")). An employer, other than a host employer, that performs work covered by this chapter under contract.

((")))Covered conductor((")). A conductor covered with a dielectric having no rated insulating strength or having a rated insulating strength less than the voltage of the circuit in which the conductor is used.

((")))Current-carrying part((")). A conducting part intended to be connected in an electric circuit to a source of voltage. Noncurrent-carrying parts are those not intended to be so connected.

((")))Deenergized((")). Free from any electrical connection to a source of potential difference and from electric charge; not having a potential difference from that of the earth.

Note: The term is used only with reference to current-carrying parts, which are sometimes energized (alive).

((")))Designated employee((")). A person who is designated by the employer to perform specific duties under the terms of this chapter and who is knowledgeable in the construction and operation of the equipment and the hazards involved.

Note: Considering an employee to be a designated employee will depend on various circumstances in the workplace, on the level of training they have received, and the proficiency demonstrated by the employee with the tasks required of the job.

((")))Electric line truck((")). Any vehicle used to transport employees, tools, and material, which serves as a traveling workshop for electric power line construction and maintenance work. It may be equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material and/or workers.

((")))Electric supply equipment((")). Equipment that produces, modifies, regulates, controls, or safeguards a supply of electric energy.

((")))Electric supply lines.(("))) (See "Lines, electric supply.").

((")))Emergency((")). An unforeseen occurrence endangering life, limb, or property.

((")))Enclosed((")). Surrounded by a case, cage, fence or otherwise which will protect the contained equipment and prevent accidental contact of a person with live parts.

((")))Enclosed space((")). A working space, such as a manhole, vault, tunnel, or shaft, that has a limited means of egress or entry, that is designed for periodic employee entry under normal operating conditions, and that under normal conditions does not contain a hazardous atmosphere, but that may contain a hazardous atmosphere under abnormal conditions.

Note: Spaces that are enclosed but not designed for employee entry under normal operating conditions are not considered to be enclosed spaces for the purposes of this section. Similarly, spaces that are enclosed and that are expected to contain a hazardous atmosphere are not considered to be enclosed spaces for the purposes of this section. Such spaces meet the definition of permit spaces in chapter 296-809 WAC, Confined spaces, and entry into them must be performed in accordance with that standard.

((")))Energized((")) (alive, live)((—)). Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of earth in the vicinity.

((")))Energy isolating device((")). A physical device that prevents the transmission or release of energy, including, but not limited to, the following: A manually operated electric circuit breaker, a disconnect switch, a manually operated switch, a slide gate, a slip blind, a line valve, blocks, and any similar device with a visible indication of the position of the device. (Push buttons, selector switches, and other control-circuit-type devices are not energy isolating devices.)

((")))Energy source((")). Any electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, thermal, or other energy source that could cause injury to personnel.

((")))Entry(("))) (as used in WAC 296-45-205 of this chapter)((—)). The action by which a person passes through an opening into an enclosed space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

((")))Equipment((")) (electric)((—)). A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like used as part of or in connection with an electrical installation.

((")))Exposed((")). Not isolated or guarded.

((")))Fall restraint system((")). A fall protection system that prevents the user from falling any distance.

((")))Fault current((")). The current that flows in an electrical system because of a defect in the circuit induced accidentally or otherwise.

((")))First-aid training((")). Training in the initial care, including cardiopulmonary resuscitation (which includes chest compressions, rescue breathing, and, as appropriate, other heart and lung resuscitation techniques), performed by a person who is not a medical practitioner, of a sick or injured person until definitive medical treatment can be administered.

((")))Fixed ladder((")). A ladder that is permanently secured to a structure.

((")))Ground((")). A conducting connection, whether intentional or accidental, between an electric circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

((")))Grounded((")). Connected to earth or to some conducting body that serves in place of the earth.

((")))Grounded system((")). A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded either solidly or through a current-limiting device (not a current-interrupting device).

((")))Groundperson((")). A member of crew working on ground under direction of a leadworker.

((")))Guarded((")). Covered, fenced, enclosed, or otherwise protected, by means of suitable covers or casings, barrier rails or screens, mats, or platforms, designed to prevent the possibility, under normal conditions, of dangerous approach or accidental contact by persons or objects.

Note: Wires which are insulated, but not otherwise protected, are not considered as guarded.

((")))Hazardous atmosphere((")). An atmosphere that may expose employees to the risk of death, incapacita-

tion, impairment of ability to self-rescue (that is, escape unaided from an enclosed space), injury, or acute illness from one or more of the following causes:

((•)) (a) Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);

((•)) (b) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of 5 feet (1.52 m) or less;

((•)) (c) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

((•)) (d) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, Part L, or in chapter 296-62 WAC, toxic and hazardous substances, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

((•)) (e) Any other atmospheric condition that is "immediately dangerous to life or health" (IDLH).

((")))High-power tests((")). Tests in which fault currents, load currents, magnetizing currents, and line-dropping currents are used to test equipment, either at the equipment's rated voltage or at lower voltages.

((")))High-voltage tests((")). Tests in which voltages of approximately 1000 volts are used as a practical minimum and in which the voltage source has sufficient energy to cause injury.

((")))High wind((")). A wind of such velocity that the following hazards would be present:

((•)) (a) An employee would be exposed to being blown from elevated locations; or

((•)) (b) An employee or material handling equipment could lose control of material being handled; or

((•)) (c) An employee would be exposed to other hazards not controlled by the standard involved.

Note: Winds exceeding 40 miles per hour (64.4 kilometers per hour), or 30 miles per hour (48.3 kilometers per hour) if material handling is involved, are normally considered as meeting this criteria unless precautions are taken to protect employees from the hazardous effects of the wind.

((")))Host employer((")). An employer that operates, or that controls the operating procedures for, an electric power generation, transmission, or distribution installation on which a contract employer is performing work covered by this chapter.

Note: The division of occupational safety and health (DOSH) will treat the electric utility or the owner of the installation as the host employer if it operates or controls operating procedures for the installation. If the electric utility or installation owner neither operates nor controls operating procedures for the installation, DOSH will treat the employer that the utility or owner has contracted with to operate or control the operating procedures for the installation as the host employer. In no case will there be more than one host employer.

((")))IDLH((")). Any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials (hydrogen fluoride gas and cadmium vapor, for example) may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse twelve to seventy-two hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as safety data sheets that comply with the hazard communication program, WAC 296-901-140, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

((")))Insulated((")). Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Note: When any object is said to be insulated, it is understood to be insulated for the conditions to which it is normally subjected. Otherwise, it is, within the purpose of this section, uninsulated.

((")))Insulation((")) (cable)((—)). That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

((")))Insulation shielding((")). An envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

((")))Isolated((")). An object that is not readily accessible to persons unless special means of access are used.

((")))Leadworker((")). The person directly in charge of workers doing the work, regardless of title.

((")))Line-clearance tree trimmer((")). An employee who, through related training or on-the-job experience or both, is familiar with the special techniques and hazards involved in line-clearance tree trimming.

Note 1: An employee who is regularly assigned to a line-clearance tree-trimming crew and who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a line-clearance tree trimmer is considered to be a line-clearance tree trimmer.

Note 2: A line-clearance tree trimmer is not considered to be a "qualified electrical employee" under this section unless they have the training required for a qualified electrical employee under WAC 296-45-065. However, under the electrical safety-related work practices standard, a line-clearance tree trimmer is considered to be a "qualified employee." Tree trimming performed by such "qualified employees" is not subject to the electrical safety-related work practice requirements contained in WAC 296-24-970. (See also the note following WAC 296-24-970 for information regarding the training an employee must have to be considered a qualified employee.)

((")))Line-clearance tree trimming((")). The pruning, trimming, repairing, maintaining, removing, or clearing of trees or the cutting of brush that is within the following distance of electric supply lines and equipment:

((•)) (a) For voltages to ground of 50 kilovolts or less - 3.05 meters (10 feet);

((•)) (b) For voltages to ground of more than 50 kilovolts - 3.05 meters (10 feet) plus 0.10 meters (4 inches) for every 10 kilovolts over 50 kilovolts.

((")))Lines((")).

((•)) (a) **"Communication lines."**((—)) The conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. If the lines are operating at less than 150 volts, no limit is placed on the transmitted power of the system. Under certain conditions, communication cables may include communication circuits exceeding these limitations where such circuits are also used to supply power solely to communication equipment.

Note: Telephone, telegraph, railroad signal, data, clock, fire, police alarm, cable television, and other systems conforming with this definition are included. Lines used for signaling purposes, but not included under this definition, are considered as electric supply lines of the same voltage.

((•)) (b) **"Electric supply lines."**((—)) Conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts are always supply lines within this section, and those of less than 400 volts are considered as supply lines, if so run and operated throughout.

((")))Live-line tools and ropes((")). Tools and ropes specifically designed for work on energized high voltage lines and equipment.

((")))Load-break elbow((")). A connector designed to close and interrupt current on energized circuits within the design current and voltage rating.

((")))Manhole((")). A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment or cable.

((")))Manhole steps((")). A series of steps individually attached to or set into the walls of a manhole structure.

((")))May(("))) and **((")))should((")))** or **((")))it is recommended((")).** These terms are used to indicate the provisions are not mandatory but are recommended.

((")))Minimum approach distance((")). The closest distance an employee is permitted to approach an energized or a grounded object.

((")))Must((~~" and "shall"~~)). As used in this chapter make the provisions mandatory.

((")))Network system((")). An electrical installation fed from multiple primary sources directly associated with area-wide secondary network connected into a common grid.

((")))Neutral((")). A system in which one conductor is used as the neutral for one or more circuits; one conductor may be used as the neutral for both primary and secondary circuits of a distribution system.

((")))Personal fall arrest system((")). A system used to arrest an employee in a fall from a working level.

((")))Pole((")). Any device used to support a power distribution or transmission line. The pole may be made of any substance including wood, concrete, metal, is usually cylindrical in shape and comparatively slender. It is the upright standard to which is affixed part of the power distribution and transmission line system as defined in this chapter.

((")))Power dispatcher((")) (load dispatcher or system operator)((—)). A person who has been designated by the employer as having authority over switching and clearances of high voltage lines and station equipment.

((")))Protective devices((")). Devices such as rubber gloves, rubber blankets, line hose, rubber boots, or other insulating devices, which are specifically designed for the protection of employees.

((")))Qualified electrical employee((")). A person who is familiar and knowledgeable in the construction and operation of the electric power generation, transmission, and distribution equipment involved, and such lines and/or equipment that concerns his/her position and who is fully aware of the hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected.

Notes:
- An employee must have the training required by WAC 296-45-065 in order to be considered a qualified electrical employee.
- An employee who is undergoing on-the-job training (an apprentice) who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified electrical employee is considered to be a qualified electrical employee for the performance of those duties.
- An employee having experience and training comparable to journey level would be considered a qualified electrical employee.

((")))Roadway or public highway((")). Every way, land, road, street, boulevard, and every other way or place in the state open as a matter of right to public vehicular travel, both inside and outside the limits of cities and towns, regardless of ownership.

((")))Rubber((")). Any goods, equipment, or tool made out of either natural or synthetic rubber.

((")))Secured ladder((")). A ladder which is not capable of being dislodged from the top by lateral, or jerking motion(s).

((~~**"Shall"** and **"must"** as used in this chapter make the provisions mandatory.~~

")))Sheath((")). As applied to tools carried in a lineman's tool belt, a sheath that effectively covers the tool and prevents such tool from falling from the belt.

((")))Should(("))) and **((")))may((")))** or **((")))it is recommended((")).** These terms are used to indicate the provisions are not mandatory but are recommended.

((")))Statistical sparkover voltage((")). A transient overvoltage level that produces a 97.72 percent probability of sparkover (that is, two standard deviations above the voltage at which there is a 50 percent probability of sparkover).

((")))Statistical withstand voltage((")). A transient overvoltage level that produces a 0.14 percent probability of sparkover (that is, three standard deviations below the voltage at which there is a 50 percent probability of sparkover).

((")))Step bolt((")). A bolt or rung attached at intervals along a structural member and used for foot placement during climbing or standing.

((")))Supporting structure((")). The main supporting unit (usually a pole or tower).

((")))Switch((")). A device for opening and closing or for changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

((")))System operator or power dispatcher((")). A qualified electrical employee who has been designated by the employer and having authority over switching, clearances, and operation of the system and its parts.

((")))Tag((")). A system or method of identifying circuits, systems, or equipment for the purpose of alerting employees and others that the circuit, system, or equipment is being worked on.

((")))Underground residential distribution system((")) (URD)((—)). An electrical installation normally fed from a single primary source which may feed one or more transformers with secondaries not connected to a common grid.

((")))Utility((")). An organization responsible for the installation, operation, or maintenance of electric supply or communications systems.

((")))Vault((")). An enclosure, above or below ground, which personnel may enter and which is used for the purpose of installing, operating, or maintaining equipment or cable.

((")))Vented vault((")). A vault that has provision for air changes using exhaust flue stacks and low level air intakes operating on differentials of pressure and temperature providing for airflow which precludes a hazardous atmosphere from developing.

((")))Voltage((")). The effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values unless otherwise indicated. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

Note: Low voltage includes voltages from 50 to 600 volts. High voltage shall mean those voltages of 601 volts to 230,000. Extra high voltage means any voltage over 230,000 volts. Where the words "high voltage" are used in this chapter it shall include extra high voltage, unless otherwise specified.

((")))Work-positioning equipment((")). A body belt or body harness system rigged to allow an employee to be supported on an elevated vertical surface, such as a utility pole or tower leg, and work with both hands free while leaning.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-045 NESC applicable. (1) All electric utilities and entities operating transmission and distribution facilities within the state of Washington must design, construct, operate, and maintain their lines and equipment according to the requirements of the ((~~2012~~)) 2017 National Electrical Safety Code (NESC) (ANSI-C2), parts (1), (2), and (3).

Note: The department has copies of the NESC available for review at each service location across the state. To purchase a copy, write to:

The Institute of Electrical and Electronics Engineers, Inc. (IEEE, Inc.)
445 Hoes Lane
Piscataway, NJ 08855-1331

(2) The employer must ensure that climbing space is provided on all poles and structures. The climbing space must meet the requirements of the ((~~2012~~)) 2017 National Electrical Safety Code (NESC) (ANSI-C2), except that Rule 236H does not apply.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-055 Employer's responsibility. (1) The employer ((~~shall~~)) must provide and maintain the necessary protective devices specified in these rules and require the employees to use them properly.

(2) The employer ((~~shall~~)) must develop and maintain a hazard communication program as required by chapter 296-901 WAC, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) There ((~~shall~~)) must be installed and maintained in every fixed establishment employing eight or more persons a safety bulletin board of a size to display and post safety bulletins, newsletters, posters, accident statistics and other safety educational material. It is recommended that safety bulletin boards be painted green and white.

(4) The employer ((~~shall~~)) must require the leadworker to observe and enforce all safety rules and ((~~shall~~)) furnish a copy of the electrical workers' safety rules to each employee who is covered by these rules.

(5) The employer ((~~shall~~)) must appoint only competent workers to supervise other employees and those appointed ((~~shall~~)) will be responsible for the safety of the employees under their supervision.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-065 Training. (1) Each employee ((~~shall~~)) must be trained and proficient in the safety-related work practices, safety procedures, and other safety requirements in this section that pertain to their respective job assignments. Employees ((~~shall~~)) must also be trained in and proficient with any other safety practices, including applicable emergency procedures (such as pole top, aerial, manhole, and tree rescue), that are not specifically addressed by this section but that are related to their work and are necessary for their safety.

(2) The degree of training ((~~shall~~)) must be determined by the risk of the employee for the hazard involved.

(3) Qualified electrical employees ((~~shall~~)) must also be trained and competent in:

(a) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment;

(b) The skills and techniques necessary to determine the nominal voltage of exposed live parts;

(c) The minimum approach distances specified in this chapter corresponding to the voltages to which the qualified electrical employee will be exposed and the skills and techniques necessary to maintain those distances;

(d) The proper use of the special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools for working on or near exposed energized parts of electric equipment; and

(e) The recognition of electrical hazards to which the employee may be exposed and the skills and techniques necessary to control or avoid these hazards.

Note: For the purposes of this section, a person must have this training in order to be considered a qualified electrical employee.

(4) The employer ((~~shall~~)) must determine, through regular supervision and through inspections conducted on at least an annual basis, that each employee is complying with the safety-related work practices required by this chapter.

(5) An employee ((~~shall~~)) must receive additional training (or retraining) under any of the following conditions:

(a) If the supervision and annual inspections required by subsection (4) of this section indicate that the employee is not complying with the safety-related work practices required by this chapter; or

(b) If new technology, new types of equipment, or changes in procedures necessitate the use of safety-related work practices that are different from those which the employee would normally use; or

(c) If the employee must employ safety related work practices that are not normally used during their regular job duties.

Note: DOSH would consider tasks that are performed less often than once per year to necessitate retraining before the performance of the work practices involved.

(6) The training required by this section ((~~shall~~)) must be of the classroom or on-the-job type.

(7) The training ((~~shall~~)) must establish employee proficiency in the work practices required by this section and ((~~shall~~)) must introduce the procedures necessary for compliance with this section.

(8) The employer ((~~shall~~)) must certify that each employee has received the training required by this section. This certification ((~~shall~~)) must be made when the employee demonstrates proficiency in the work practices involved and ((~~shall~~)) must be maintained for the duration of the employee's employment.

Notes:
- Employment records that indicate that an employee has received the required training are an acceptable means of meeting this requirement.
- For an employee with previous training, an employer may determine that the employee has demonstrated the proficiency required by this subsection using the following process:
  - Confirm that the employee has the training required by this section;
  - Use an examination or interview to make an initial determination that the employee understands the relevant safety related work practices before he or she performs any work covered by this chapter; and
  - Supervise the employee closely until that employee has demonstrated proficiency as required by this section.

(9) Each line-clearance tree trimmer who is not a qualified electrical employee ((~~shall~~)) must also be trained and competent in:

(a) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment;

(b) The skills and techniques necessary to determine the nominal voltage of exposed live parts; and

(c) The minimum approach distances specified in this chapter corresponding to the voltages to which the employee will be exposed and the skills and techniques necessary to maintain those distances.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-067 Information transfer. (1) Host employer responsibilities. Before work begins, the host employer ((~~shall~~)) must inform contract employers of:

(a) The characteristics of the host employer's installation that are related to the safety of the work to be performed and are listed in subsection (4)(a) through (e) of this section;

Note: This subsection requires the host employer to obtain information listed in subsection (4)(a) through (e) of this section if it does not have this information in existing records.

(b) Conditions that are related to the safety of the work to be performed, that are listed in subsection (4)(f) through (h) of this section, and that are known to the host employer;

Note: For the purposes of this subsection, the host employer need only provide information to contract employers that the host employer can obtain from its existing records through the exercise of reasonable diligence. This subsection does not require the host employer to make inspections of worksite conditions to obtain this information.

(c) Information about the design and operation of the host employer's installation that the contract employer needs to make the assessments required by this chapter; and

Note: This subsection requires the host employer to obtain information about the design and operation of its installation that contract employers need to make required assessments if it does not have this information in existing records.

(d) Any other information about the design and operation of the host employer's installation that is known by the host employer, that the contract employer requests, and that is related to the protection of the contract employer's employees.

Note: For the purposes of this subsection, the host employer need only provide information to contract employers that the host employer can obtain from its existing records through the exercise of reasonable diligence. This subsection does not require the host employer to make inspections of worksite conditions to obtain this information.

(2) Contract employer responsibilities.

(a) The contract employer ((~~shall~~)) must ensure that each of its employees is instructed in the hazardous conditions relevant to the employee's work that the contract employer is aware of as a result of information communicated to the con-

tract employer by the host employer under subsection (1) of this section.

(b) Before work begins, the contract employer ((~~shall~~)) must advise the host employer of any unique hazardous conditions presented by the contract employer's work.

(c) The contract employer ((~~shall~~)) must advise the host employer of any unanticipated hazardous conditions found during the contract employer's work that the host employer did not mention under subsection (1) of this section. The contract employer ((~~shall~~)) must provide this information to the host employer within two working days after discovering the hazardous condition.

(3) Joint host- and contract-employer responsibilities. The contract employer and the host employer ((~~shall~~)) must coordinate their work rules and procedures so that each employee of the contract employer and the host employer is protected as required by this section.

(4) Existing characteristics and conditions. Existing characteristics and conditions of electric lines and equipment that are related to the safety of the work to be performed ((~~shall~~)) must be determined before work on or near the lines or equipment is started. Such characteristics and conditions include, but are not limited to:

(a) The nominal voltages of lines and equipment;

(b) The maximum switching-transient voltages;

(c) The presence of hazardous induced voltages;

(d) The presence of protective grounds and equipment grounding conductors;

(e) The locations of circuits and equipment, including electric supply lines, communication lines, and fire protective signaling circuits;

(f) The condition of protective grounds and equipment grounding conductors;

(g) The condition of poles; and

(h) Environmental conditions relating to safety.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-075 Employer's safety program. (1) The employer ((~~shall~~)) must hold safety meetings at least once a month, which meetings ((~~shall~~)) will be held at a reasonable time and place as selected by the employer. The employer ((~~shall~~)) must require all employees subject to provisions of this chapter to attend said meetings: Provided, That employees whose presence is otherwise required by reason of an emergency or whose function is such that they cannot leave their station or cease their work without serious detriment to the service provided, such as dispatcher, may be excused from such meeting under those circumstances. Minutes ((~~shall~~)) must be kept of each safety meeting and retained for a period of one year.

(2) The employer or a representative(s) designated ((~~shall~~)) must investigate all accidents or injuries of a serious nature and, where possible, take the proper remedial steps to prevent the occurrence of similar accidents.

(3) The employer ((~~shall~~)) must furnish instructions stating the proper procedure in event of an emergency, which ((~~shall~~)) must include the names of those individuals to be notified and methods of contacting them.

(4) The employer ((~~shall~~)) must provide and make available to all employees accident reports and safety suggestion forms or other approved methods. Safety suggestion forms should, where possible, be used for suggesting the elimination of hazardous conditions and such reported suggestions ((~~shall~~)) must be retained (for one year) by the employer or an authorized representative.

(5) For work-related injuries and illnesses involving any employee that resulted in death, inpatient hospitalization, amputation or loss of an eye, the employer must comply with the recordkeeping and reporting regulations located in chapter 296-27 WAC.

(6) Nothing contained within this chapter ((~~shall~~)) will prohibit an employer or an authorized representative from disciplining employees for failure to comply with the provisions of this or any other safety code.

(7) Existing conditions related to the safety of the work to be performed ((~~shall~~)) must be determined and communicated to employees before work on or near electric lines or equipment is started. Such conditions include, but are not limited to, the nominal voltages of lines and equipment, the maximum switching transient voltages, the presence of hazardous induced voltages, the presence and condition of protective grounds and equipment grounding conductors, the condition of poles, environmental conditions relative to safety, and the locations of circuits and equipment, including power and communication lines and fire protective signaling circuits.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-085 Leadworker's responsibility. (1) Every leadworker ((~~shall~~)) must understand these and any other applicable safety rules and comply therewith. Leadworkers ((~~shall~~)) must require all employees under their direction or supervision to read this chapter and the provisions contained therein and require every employee subject to this chapter to be able to apply this chapter and any provision of this chapter on a day-to-day basis.

(2) Leadworkers ((~~shall~~)) must inform employees under their supervision or direction of the type and voltage of circuits on or near which the employees are to work.

(3) Leadworkers ((~~shall~~)) must require all employees under their supervision to properly use safety devices and equipment, including barricades, warning flags or signs, or any other device called for to protect employees.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-095 Leadworker-employee responsibility. (1) An employee ((~~shall~~)) must protect ((~~his/her~~)) their climbing and working space at all times if the conductors are so spaced that in climbing or working ((~~he/she~~)) they will be, or where it is possible to come within, the minimum required distances specified in these rules.

(2) Leadworkers or supervisors ((~~shall~~)) must in good faith consider verbal or written reports of hazardous conditions and shall, as soon as practicable, investigate and remedy same if warranted.

(3) When hazards are reported by employees, leadworkers and others having authority ((~~shall~~)) must accept the report in a cooperative manner, and in no case ((~~shall~~)) will an employee be reprimanded or penalized for reporting hazards or potential hazards.

(4) Leadworkers ((~~shall~~)) must require all employees under their supervision to keep their belts, spurs, and straps in good working condition. When straps and belts are in poor condition or defective, they ((~~shall~~)) must not be used.

(5) Before leaving a job site, leadworkers ((~~shall~~)) must correct or arrange to give warning of any condition which might result in injury to employees.

(6) No employee ((~~shall~~)) will be permitted or allowed to remain on the job site when under the influence of any intoxicating beverage or controlled substance or substances: Provided, That if an employee is taking prescription medication under the direction of a practicing physician and such prescription does not interfere with the safe performance of the work assigned, such employee may be permitted to work.

(7) No intoxicating beverages or controlled substances ((~~shall~~)) will be consumed on the job site other than prescription medication as set forth above.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-105 Work required of leadworkers. (1) A leadworker cannot properly supervise the work and ((~~look out for~~)) the safety of employees under their direction if required to work as a leadworker and a qualified electrical employee at the same time.

(2) Leadworkers should be constantly alert and ((~~shall~~)) must not be required to serve in such dual capacity, except in crews of not more than two qualified electrical employees, in which case they may work as one of the qualified electrical employees.

(3) In crews of two qualified electrical employees or less, each qualified electrical employee may have a groundworker but, if additional qualified electrical employees or groundworkers are added to the crew, the leadworker ((~~shall~~)) must confine ((~~his/her~~)) their activities to supervising the work, as exhibited below:

Type of Crew	Minimum Requirements
2 qualified electrical employees	One qualified electrical employee as person-in-charge.
2 qualified electrical employees plus 1 groundworker	One qualified electrical employee as person-in-charge or climbing leadworker.
2 qualified electrical employees plus 2 groundworkers	One qualified electrical employee as person-in-charge or climbing leadworker.
2 qualified electrical employees plus any combination of 3 qualified electrical employees or groundworkers	One nonclimbing leadworker.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-115 Employee's responsibility. (1) Employees ((~~shall~~)) must not engage in horseplay or scuffling while on the job or job site and the employer ((~~shall~~)) must not permit horseplay or scuffling while on the job site or otherwise in the course of employment.

(2) During such time as any employee is working on or near any energized line or energized equipment in excess of 600 volts there ((~~shall~~)) must be no talking or communication other than that which is absolutely necessary and essential for the safe and proper performance of the work. Should there be communication or talk from a person other than an employee, the work ((~~shall~~)) must stop until such time as the distraction ceases.

(3) Employees ((~~shall~~)) must report any hazardous or potentially hazardous condition, operation, means, or work in a constructive manner and ((~~shall~~)) must not engage in personality conflicts.

(4) Neither the employer nor the employees ((~~shall~~)) will throw or permit anything to be thrown from elevated position(s) or poles to the ground or lower level, nor ((~~shall~~)) must anything be thrown from the ground or lower level to an elevated position, whether that elevated position is on a pole, aerial manlift or otherwise. Tools and loose materials ((~~shall~~)) must not be left on poles, crossarms, ladders or other elevated structures or positions.

(5) Employees ((~~shall~~)) must report all injuries, regardless of severity, to the employer or designated representative. Report forms furnished by the employer should be used.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-125 Medical services and first aid. The employer ((~~shall~~)) must provide medical services and first aid as required in WAC 296-800-150. The following requirements also apply:

(1) Cardiopulmonary resuscitation and first-aid training. When employees are performing work on or associated with exposed lines or equipment energized at 50 volts or more, persons trained in first aid including cardiopulmonary resuscitation (CPR) ((~~shall~~)) must be available as follows:

(a) For field work involving two or more employees at a work location, at least two trained persons ((~~shall~~)) must be available. However, for line-clearance tree trimming operations performed by line-clearance tree trimmers who are not qualified electrical employees, only one trained person need be available if all new employees are trained in first aid, including CPR, within 3 months of their hiring dates.

(b) For fixed work locations such as generating stations, the number of trained persons available ((~~shall~~)) must be sufficient to ensure that each employee exposed to electric shock can be reached within 4 minutes by a trained person. However, where the existing number of employees is insufficient to meet this requirement (at a remote substation, for example), all employees at the work location ((~~shall~~)) will be trained.

(2) First-aid supplies. First-aid supplies required by WAC 296-800-150 ((~~shall~~)) must be placed in weatherproof containers if the supplies could be exposed to the weather.

(3) First-aid kits. The employer ((~~shall~~)) must maintain each first-aid kit, ((~~shall~~)) ensure that it is readily available for use, and ((~~shall~~)) must inspect it frequently enough to ensure that expended items are replaced. The employer also ((~~shall~~)) must inspect each first-aid kit at least once per year.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-135 Job briefing. (1) The employer ((~~shall~~)) must ensure that the leadworker conducts a job briefing with the employees involved before they start each job.

(2) The employer ((~~shall~~)) must provide the employee in charge of the job with all available information that relates to the determination of existing characteristics and conditions required by WAC 296-45-067(4) of this chapter.

(3) The briefing ((~~shall~~)) must also cover at the least the following subjects:

(a) Hazards associated with the job;

(b) Work procedures involved;

(c) Special precautions;

(d) Energy source controls; and

(e) Personal protective equipment requirements.

(4) Number of briefings. If the work or operations to be performed during the work day or shift are repetitive and similar, at least one job briefing ((~~shall~~)) must be conducted before the start of the first job of each day or shift. Additional job briefings ((~~shall~~)) must be held if significant changes, which might affect the safety of the employees, occur during the course of the work.

(5) Extent of briefing. A brief discussion is satisfactory if the work involved is routine and if the employee, by virtue of training and experience, can reasonably be expected to recognize and avoid the hazards involved in the job. A more extensive discussion ((~~shall~~)) must be conducted:

(a) If the work is complicated or particularly hazardous; or

(b) If the employee cannot be expected to recognize and avoid the hazards involved in the job.

Note: The briefing is always required to touch on all the subjects listed in the introductory text to this section.

(6) Working alone. An employee working alone need not conduct a job briefing. However, the employer ((~~shall~~)) must ensure that the tasks to be performed are planned as if a briefing were required.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17505 Lockout/tagout (hazardous control) program. (1) The employer ((~~shall~~)) must establish a program consisting of energy control procedures, employee training, and periodic inspections to ensure that, before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine or equipment is isolated from the energy source and rendered ((~~inoperative~~)) inoperable.

(2) The employer's energy control program under this section ((~~shall~~)) must meet the following requirements:

(a) If an energy isolating device is not capable of being locked out, the employer's program ((~~shall~~)) must use a tagout system.

(b) If an energy isolating device is capable of being locked out, the employer's program ((~~shall~~)) must use lockout, unless the employer can demonstrate that the use of a tagout system will provide full employee protection as follows:

(i) When a tagout device is used on an energy isolating device which is capable of being locked out, the tagout device ((~~shall~~)) must be attached at the same location that the lockout device would have been attached, and the employer ((~~shall~~)) must demonstrate that the tagout program will provide a level of safety equivalent to that obtained by the use of a lockout program.

(ii) In demonstrating that a level of safety is achieved in the tagout program equivalent to the level of safety obtained by the use of a lockout program, the employer ((~~shall~~)) must demonstrate full compliance with all tagout-related provisions of this standard together with such additional elements as are necessary to provide the equivalent safety available from the use of a lockout device. Additional means to be considered as part of the demonstration of full employee protection ((~~shall~~)) must include the implementation of additional safety measures such as the removal of an isolating circuit element, blocking of a controlling switch, opening of an extra disconnecting device, or the removal of a valve handle to reduce the likelihood of inadvertent energizing.

(3) Whenever replacement or major repair, renovation, or modification of a machine or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment ((~~shall~~)) must be designed to accept a lockout device.

(4) Procedures ((~~shall~~)) must be developed, documented, and used for the control of potentially hazardous energy covered by this section.

(5) The procedure ((~~shall~~)) must clearly and specifically outline the scope, purpose, responsibility, authorization, rules, and techniques to be applied to the control of hazardous energy, and the measures to enforce compliance including, but not limited to, the following:

(a) A specific statement of the intended use of this procedure;

(b) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;

(c) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and

(d) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

(6) The employer ((~~shall~~)) must conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the provisions of this section are being followed.

(a) The periodic inspection ((~~shall~~)) must be performed by an authorized/designated employee who is not using the energy control procedure being inspected.

(b) The periodic inspection ((~~shall~~)) must be designed to identify and correct any deviations or inadequacies.

(c) If lockout is used for energy control, the periodic inspection ((~~shall~~)) must include a review, between the inspector and each authorized/designated employee, of that employee's responsibilities under the energy control procedure being inspected.

(d) Where tagout is used for energy control, the periodic inspection ((~~shall~~)) must include a review, between the inspector and each authorized/designated and affected employee, of that employee's responsibilities under the energy control procedure being inspected, and the elements set forth in this section.

(e) The employer ((~~shall~~)) must certify that the inspections required by this section have been accomplished. The certification ((~~shall~~)) must identify the machine or equipment on which the energy control procedure was being used, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

Note: If normal work schedule and operation records demonstrate adequate inspection activity and contain the required information, no additional certification is required.

(7) The employer ((~~shall~~)) must provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of energy controls are acquired by employees. The training ((~~shall~~)) must include the following:

(a) Each authorized/designated employee ((~~shall~~)) will receive training in the recognition of applicable hazardous energy sources, the type and magnitude of energy available in the workplace, and in the methods and means necessary for energy isolation and control.

(b) Each affected employee ((~~shall~~)) must be instructed in the purpose and use of the energy control procedure.

(c) All other employees whose work operations are or may be in an area where energy control procedures may be used ((~~shall~~)) must be instructed about the procedures and about the prohibition relating to attempts to restart or reenergize machines or equipment that are locked out or tagged out.

(8) When tagout systems are used, employees ((~~shall~~)) must also be trained in the following limitations of tags:

(a) Tags are essentially warning devices affixed to energy isolating devices and do not provide the physical restraint on those devices that is provided by a lock.

(b) When a tag is attached to an energy isolating means, it is not to be removed without authorization of the authorized/designated person responsible for it, and it is never to be bypassed, ignored, or otherwise defeated.

(c) Tags must be legible and understandable by all authorized/designated employees, affected employees, and all other employees whose work operations are or may be in the area, in order to be effective.

(d) Tags and their means of attachment must be made of materials which will withstand the environmental conditions encountered in the workplace.

(e) Tags may evoke a false sense of security, and their meaning needs to be understood as part of the overall energy control program.

(f) Tags must be securely attached to energy isolating devices so that they cannot be inadvertently or accidentally detached during use.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17510 Retraining. (1) Retraining ((~~shall~~)) must be provided for all authorized/designated and affected employees whenever there is a change in their job assignments, a change in machines, equipment, or processes that present a new hazard or whenever there is a change in the energy control procedures.

(2) Retraining ((~~shall~~)) must also be conducted whenever a periodic inspection reveals, or whenever the employer has reason to believe, that there are deviations from or inadequacies in an employee's knowledge or use of the energy control procedures.

(3) The retraining ((~~shall~~)) must reestablish employee proficiency and ((~~shall~~)) must introduce new or revised control methods and procedures, as necessary.

(4) The employer ((~~shall~~)) must certify that employee training has been accomplished and is being kept up to date. The certification ((~~shall~~)) must contain each employee's name and dates of training.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17515 Protective materials and hardware. (1) Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware ((~~shall~~)) must be provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources.

(2) Lockout devices and tagout devices ((~~shall~~)) must be singularly identified; ((~~shall~~)) must be the only devices used for controlling energy; may not be used for other purposes; and ((~~shall~~)) must meet the following requirements:

(a) Lockout devices and tagout devices ((~~shall~~)) must be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected.

(b) Tagout devices ((~~shall~~)) must be constructed and printed so that exposure to weather conditions or wet and damp locations will not cause the tag to deteriorate or the message on the tag to become illegible.

(c) Tagout devices ((~~shall~~)) must be so constructed as not to deteriorate when used in corrosive environments.

(3) Lockout devices and tagout devices ((~~shall~~)) must be standardized within the facility in at least one of the following criteria: Color, shape, size. Additionally, in the case of tagout devices, print and format ((~~shall~~)) must be standardized.

(4) Lockout devices ((~~shall~~)) must be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or metal cutting tools.

(5) Tagout devices, including their means of attachment, ((~~shall~~)) must be substantial enough to prevent inadvertent or accidental removal. Tagout device attachment means ((~~shall~~)) must be of a nonreusable type, attachable by hand, self-locking, and nonreleasable with a minimum unlocking strength of no less than fifty pounds and ((~~shall~~)) must have the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie.

(6) Each lockout device or tagout device ((~~shall~~)) must include provisions for the identification of the employee applying the device.

(7) Tagout devices ((~~shall~~)) will warn against hazardous conditions if the machine or equipment is energized and ((~~shall~~)) must include a legend such as the following: Do Not Start, Do Not Open, Do Not Close, Do Not Energize, Do Not Operate.

Note: See ANSI Z535.5, 2011 for the format and design criteria of danger/warning tags.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17525 Notification. Affected employees ((~~shall~~)) must be notified by the employer or authorized/designated employee of the application and removal of lockout or tagout devices. Notification ((~~shall~~)) will be given before the controls are applied and after they are removed from the machine or equipment.

Note: This section requires that the second notification take place before the machine or equipment is reenergized.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17530 Lockout/tagout application. The established procedures for the application of energy control (the lockout or tagout procedures) ((~~shall~~)) must include the following elements and actions, and these procedures ((~~shall~~)) must be performed in the following sequence:

(1) Before an authorized/designated or affected employee turns off a machine or equipment, the authorized/designated employee ((~~shall~~)) must have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(2) The machine or equipment ((~~shall~~)) must be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown ((~~shall~~)) must be used to avoid any additional or increased hazards to employees as a result of the equipment stoppage.

(3) All energy isolating devices that are needed to control the energy to the machine or equipment ((~~shall~~)) must be physically located and operated in such a manner as to isolate the machine or equipment from energy sources.

(4) Lockout or tagout devices ((~~shall~~)) must be affixed to each energy isolating device by authorized/designated employees.

(a) Lockout devices ((~~shall~~)) must be attached in a manner that will hold the energy isolating devices in a "safe" or "off" position.

(b) Tagout devices ((~~shall~~)) must be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from the "safe" or "off" position is prohibited.

(5) Where tagout devices are used with energy isolating devices designed with the capability of being locked out, the tag attachment ((~~shall~~)) must be fastened at the same point at which the lock would have been attached.

(6) Where a tag cannot be affixed directly to the energy isolating device, the tag ((~~shall~~)) must be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17535 Releasing stored energy. Following the application of lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy ((~~shall~~)) must be relieved, disconnected, restrained, or otherwise rendered safe.

(1) If there is a possibility of reaccumulation of stored energy to a hazardous level, verification of isolation ((~~shall~~)) must be continued until the servicing or maintenance is completed or until the possibility of such accumulation no longer exists.

(2) Before starting work on machines or equipment that have been locked out or tagged out, the authorized/designated employee ((~~shall~~)) must verify that isolation and deenergizing of the machine or equipment have been accomplished. If normally energized parts will be exposed to contact by an employee while the machine or equipment is deenergized, a test ((~~shall~~)) must be performed to ensure that these parts are deenergized.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17540 Release from lockout/tagout. Before lockout or tagout devices are removed and energy is restored to the machine or equipment, procedures ((~~shall~~)) must be followed and actions taken by the authorized/designated employees to ensure the following:

(1) The work area ((~~shall~~)) must be inspected to ensure that nonessential items have been removed and that machine or equipment components are operationally intact.

(2) The work area ((~~shall~~)) must be checked to ensure that all employees have been safely positioned or removed.

(3) After lockout or tagout devices have been removed and before a machine or equipment is started, affected

employees ((~~shall~~)) must be notified that the lockout or tagout devices have been removed.

(4) Each lockout or tagout device ((~~shall~~)) must be removed from each energy isolating device by the authorized/designated employee who applied the lockout or tagout device. However, if that employee is not available to remove it, the device may be removed under the direction of the employer, provided that specific procedures and training for such removal have been developed, documented, and incorporated into the employer's energy control program. The employer ((~~shall~~)) must demonstrate that the specific procedure provides a degree of safety equivalent to that provided by the removal of the device by the authorized/designated employee who applied it. The specific procedure ((~~shall~~)) must include at least the following elements:

(a) Verification by the employer that the authorized/designated employee who applied the device is not at the facility;

(b) Making all reasonable efforts to contact the authorized/designated employee to inform him or her that his or her lockout or tagout device has been removed; and

(c) Ensuring that the authorized/designated employee has this knowledge before he or she resumes work at that facility.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-17545 Temporary removal of lockout/tagout. If the lockout or tagout devices must be temporarily removed from energy isolating devices and the machine or equipment must be energized to test or position the machine, equipment, or component thereof, the following sequence of actions ((~~shall~~)) must be followed:

(1) Clear the machine or equipment of tools and materials in accordance with this section;

(2) Remove employees from the machine or equipment area in accordance with this section;

(3) Remove the lockout or tagout devices as specified in this section;

(4) Energize and proceed with the testing or positioning; and

(5) Deenergize all systems and reapply energy control measures in accordance with this section to continue the servicing or maintenance.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17550 Group lockout/tagout. When servicing or maintenance is performed by a crew, craft, department, or other group, they ((~~shall~~)) must use a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device. Group lockout or tagout devices ((~~shall~~)) must be used in accordance with the procedures required by the following specific requirements:

(1) Primary responsibility ((~~shall~~)) must be vested in an authorized/designated employee for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);

(2) Provision ((~~shall~~)) must be made for the authorized/designated employee to ascertain the exposure status of all individual group members with regard to the lockout or tagout of the machine or equipment;

(3) When more than one crew, craft, department, or other group is involved, assignment of overall job-associated lockout or tagout control responsibility ((~~shall~~)) must be given to an authorized/designated employee designated to coordinate affected work forces and ensure continuity of protection; and

(4) Each authorized/designated employee ((~~shall~~)) must affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when ((~~he or she~~)) they begin((~~s~~)) work and ((~~shall~~)) must remove those devices when ((~~he or she~~)) they stop((~~s~~)) working on the machine or equipment being serviced or maintained.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-17555 Shift changes. Procedures ((~~shall~~)) must be used during shift or personnel changes to ensure the continuity of lockout or tagout protection, including provision for the orderly transfer of lockout or tagout device protection between off-going and on-coming employees, to minimize their exposure to hazards from the unexpected energizing or start up of the machine or equipment or from the release of stored energy.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-17560 Outside servicing personnel. Whenever outside servicing personnel are to be engaged in activities covered by this section, the on-site employer and the outside employer ((~~shall~~)) must inform each other of their respective lockout or tagout procedures, and each employer ((~~shall~~)) must ensure that ((~~his or her~~)) their personnel understand and comply with restrictions and prohibitions of the energy control procedures being used.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-17565 Central system operator. If energy isolating devices are installed in a central location under the exclusive control of a system operator, the following requirements apply:

(1) The employer ((~~shall~~)) must use a procedure that affords employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.

(2) The system operator ((~~shall~~)) must place and remove lockout and tagout devices in place of the authorized/designated employee.

(3) Provisions ((~~shall~~)) must be made to identify the authorized/designated employee who is responsible for (that is, being protected by) the lockout or tagout device, to transfer responsibility for lockout and tagout devices, and to ensure that an authorized/designated employee requesting removal or transfer of a lockout or tagout device is the one responsible for it before the device is removed or transferred.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-195 Trenching and excavation. (1) During excavation or trenching, in order to prevent exposure of employees to the hazards created by damage to dangerous underground facilities, efforts ((~~shall~~)) must be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

(2) Trenching and excavation operations ((~~shall~~)) must comply with the provisions of Part N, chapter 296-155 WAC.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-205 Enclosed spaces. This section covers enclosed spaces that may be entered by employees. It does not apply to vented vaults if the employer makes a determination that the ventilation system is operating to protect employees before they enter the space. This section applies to routine entry into enclosed spaces in lieu of the permit-space entry requirements contained in chapter 296-809 WAC. If, after the employer takes the precautions given in WAC 296-45-205, 296-45-215, and 296-45-225, the hazards remaining in the enclosed space endanger the life of an entrant or could interfere with an entrant's escape from the space, then entry into the enclosed space ((~~shall~~)) must meet the permit-space entry requirements of chapter 296-809 WAC.

Note: Entries into enclosed spaces conducted in accordance with the permit-space entry requirements of chapter 296-809 WAC are considered as complying with this section.

(1) ((")Safe work practices.((")) The employer ((~~shall~~)) must ensure the use of safe work practices for entry into, and work in, enclosed spaces and for rescue of employees from such spaces.

(2) ((")Training.((")) Each employee who enters an enclosed space or who serves as an attendant ((~~shall~~)) must be trained in the hazards of enclosed space entry, in enclosed space entry procedures, and in enclosed space rescue procedures.

(3) ((")Rescue equipment.((")) Employers ((~~shall~~)) must provide equipment to ensure the prompt and safe rescue of employees from the enclosed space.

(4) ((")Evaluating of potential hazards.((")) Before any entrance cover to an enclosed space is removed, the employer ((~~shall~~)) must determine whether it is safe to do so by checking for the presence of any atmospheric pressure or temperature differences and by evaluating whether there might be a hazardous atmosphere in the space. Any conditions making it unsafe to remove the cover ((~~shall~~)) must be eliminated before the cover is removed.

Note: The determination called for in this subsection may consist of a check of the conditions that might foreseeably be in the enclosed space. For example, the cover could be checked to see if it is hot and, if it is fastened in place, could be loosened gradually to release any residual pressure. An evaluation also needs to be made of whether conditions at the site could cause a hazardous atmosphere, such as an oxygen deficient or flammable atmosphere, to develop within the space.

(5) ((")Removing covers.((")) When covers are removed from enclosed spaces, the opening ((~~shall~~)) must be promptly guarded by a railing, temporary cover, or other barrier designed to prevent an accidental fall through the opening and to protect employees working in the space from objects entering the space.

(6) ((")Hazardous atmosphere.((")) Employees ((~~may not~~)) cannot enter any enclosed space while it contains a hazardous atmosphere, unless the entry conforms to the permit-required confined spaces standard in chapter 296-809 WAC.

Note: The term "entry" is defined in chapter 296-809 WAC.

(7) ((")Attendants.((")) While work is being performed in the enclosed space, an attendant with first-aid training ((~~shall~~)) must be immediately available outside the enclosed space to provide assistance if a hazard exists because of traffic patterns in the area of the opening used for entry. The attendant is not precluded from performing other duties outside the enclosed space if these duties do not distract the attendant from monitoring employees within the space or ensuring that it is safe for employees to enter and exit the space.

Note: See WAC 296-45-215(12) for additional requirements on attendants for work in manholes.

(8) ((")Calibration of test instruments.((")) Test instruments used to monitor atmospheres in enclosed spaces ((~~shall~~)) must be kept in calibration and ((~~shall~~)) must have a minimum accuracy of + or - 10 percent.

(9) ((")Testing for oxygen deficiency.((")) Before an employee enters an enclosed space, the atmosphere in the enclosed space ((~~shall~~)) must be tested for oxygen deficiency with a direct-reading meter or similar instrument, capable of collection and immediate analysis of data samples without the need for off-site evaluation. If continuous forced air ventilation is provided, testing is not required provided that the procedures used ensure that employees are not exposed to the hazards posed by oxygen deficiency.

(10) ((")Testing for flammable gases and vapors.((")) Before an employee enters an enclosed space, the internal atmosphere ((~~shall~~)) must be tested for flammable gases and vapors with a direct-reading meter or similar instrument capable of collection and immediate analysis of data samples without the need for off-site evaluation. This test ((~~shall~~)) must be performed after the oxygen testing and ventilation required by subsection (9) of this section demonstrate that there is sufficient oxygen to ensure the accuracy of the test for flammability.

(11) ((")Ventilation and monitoring for flammable gases or vapors.((")) If flammable gases or vapors are detected or if an oxygen deficiency is found, forced air ventilation ((~~shall~~)) must be used to maintain oxygen at a safe level and to prevent a hazardous concentration of flammable gases and vapors from accumulating. A continuous monitoring program to ensure that no increase in flammable gas or vapor concentration above safe levels occurs may be followed in lieu of ventilation if flammable gases or vapors are initially detected at safe levels.

Note: See the definition of hazardous atmosphere for guidance in determining whether a specific concentration of a substance is hazardous.

(12) ((")Specific ventilation requirements.((")) If continuous forced air ventilation is used, it ((~~shall~~)) must begin

before entry is made and ((~~shall~~)) must be maintained long enough for the employer to be able to demonstrate that a safe atmosphere exists before employees are allowed to enter the work area. The forced air ventilation ((~~shall~~)) must be so directed as to ventilate the immediate area where employees are present within the enclosed space and ((~~shall~~)) must continue until all employees leave the enclosed space.

(13) ((")Air supply.((")) The air supply for the continuous forced air ventilation ((~~shall~~)) must be from a clean source and ((~~may~~)) must not increase the hazards in the enclosed space.

(14) ((")Open flames.((")) If open flames are used in enclosed spaces, a test for flammable gases and vapors ((~~shall~~)) must be made immediately before the open flame device is used and at least once per hour while the device is used in the space. Testing ((~~shall~~)) must be conducted more frequently if conditions present in the enclosed space indicate that once per hour is insufficient to detect hazardous accumulations of flammable gases or vapors.

Note: See the definition of hazardous atmosphere for guidance in determining whether a specific concentration of a substance is hazardous.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-215 Underground electrical installations. This section provides additional requirements for work on underground electrical installations.

(1) Protective barriers, or approved guards and warning signs must be erected before removing manhole covers or making excavations in places accessible to vehicular or pedestrian traffic.

(2) Whenever an opening is made in the street, it ((~~shall~~)) must be properly guarded or covered until same is closed and whenever an obstruction is left in the roadway after dark, it ((~~shall~~)) must be marked with approved lights, flares or similar devices.

(3) Access. A ladder or other climbing device ((~~shall~~)) must be used to enter and exit a manhole or subsurface vault exceeding 4 feet (122 cm) in depth. No employee may climb into or out of a manhole or vault by stepping on cables or hangers.

(4) When work is to be performed in a manhole or unvented vault:

(a) No entry ((~~shall~~)) will be permitted unless the atmosphere is found to be safe by testing for the presence of explosive or potentially hazardous gases or fumes.

(b) No entry ((~~shall~~)) will be permitted unless the atmosphere has been found safe by testing for oxygen deficiency or forced ventilation is provided.

(c) When unsafe conditions are detected, by testing or other means, the work area ((~~shall~~)) must be ventilated and otherwise made safe before entry.

(d) Provisions ((~~shall~~)) must be made for a continuous supply of air as provided for in Part L, chapter 296-62 WAC.

(e) When forced ventilation is not used a method of monitoring said manhole or vault so as to prevent the occurrence of oxygen deficiency due to work being performed in said manhole or vault, and to detect the presence of any explosive gases or fumes which may occur while the employees are working in said manhole or vault.

(5) When open flames are used or smoking is permitted in manholes, adequate mechanical forced air ventilation ((~~shall~~)) must be used.

(6) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation ((~~shall~~)) must be tested and found safe or cleared of the combustible gases or liquids prior to the entry.

(7) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they ((~~shall~~)) must be in a sanitary condition.

(8) Care ((~~shall~~)) must be taken to prevent the possibility of vehicles or pedestrians coming in contact with the wires and equipment.

(9) Lowering equipment into manholes. Equipment used to lower materials and tools into manholes or vaults ((~~shall~~)) must be capable of supporting the weight to be lowered and ((~~shall~~)) must be checked for defects before use. Before tools or materials are lowered into the opening for a manhole or vault, each employee working in the manhole or vault ((~~shall~~)) must be clear of the area directly under the opening.

(10) Materials ((~~shall~~)) must not be thrown into or out of manholes but ((~~shall~~)) must be placed in the proper receptacle and hoisted in and out by means of a rope.

(11) Tools and materials ((~~shall~~)) must not be left on the ground around or near the manhole opening where they might be pushed or otherwise fall into the hole.

(12) Attendants for manholes.

(a) An attendant ((~~shall~~)) must be kept at the surface when there is any hazard to the employees in the manhole and the attendant should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.

(b) While work is being performed in a manhole containing energized electric equipment, an employee with first aid and CPR training meeting WAC 296-45-125(1) ((~~shall~~)) must be available on the surface in the immediate vicinity to render emergency assistance.

Notes:
- An attendant may also be required under WAC 296-45-205(7). One person may serve to fulfill both requirements. However, attendants required under WAC 296-45-205(7) are not permitted to enter the manhole.
- Employees entering manholes containing unguarded, uninsulated energized lines or parts of electric equipment operating at 50 volts or more are required to be qualified electrical employees under WAC 296-45-065.

(c) No work ((~~shall~~)) must be permitted to be done in any manhole or subway on any energized wire, cable or appliance carrying more than 300 volts of electricity by less than two qualified electrical employees who ((~~shall~~)) must at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule ((~~shall~~)) does not apply to work on telephone, telegraph or signal wires or cables.

(d) For the purpose of inspection, housekeeping, taking readings, or similar work, an employee working alone may enter, for brief periods of time, a manhole where energized

cables or equipment are in service, if the employer can demonstrate that the employee will be protected from all electrical hazards.

(e) Reliable communications, through two-way radios or other equivalent means, ((~~shall~~)) must be maintained among all employees involved in the job.

(13) Cable in manholes or underground vaults ((~~shall~~)) must be accessible to employees and a clear working space ((~~shall~~)) must be maintained at all times; and/or approved protective guards, barriers, etc., when installed ((~~shall~~)) will be considered as providing adequate working clearance for cables over 5 k.v. If a manhole and/or underground vault is determined to have an electrical or structural hazard, no work ((~~shall~~)) will be done in the manhole and/or vault until the unsafe condition is corrected or deenergized.

(14) No work ((~~shall~~)) must be performed on cables or equipment unless they have been properly identified by an approved method.

(15) Duct rods. If duct rods are used, they ((~~shall~~)) must be installed in the direction presenting the least hazard to employees. An employee ((~~shall~~)) will be stationed at the far end of the duct line being rodded to ensure that the required minimum approach distances are maintained.

(16) Multiple cables. When multiple cables are present in a work area, the cable to be worked ((~~shall~~)) must be identified by electrical means, unless its identity is obvious by reason of distinctive appearance or location or by other readily apparent means of identification. Cables other than the one being worked ((~~shall~~)) must be protected from damage.

(17) Before cutting into a high voltage cable or opening a high voltage splice, the cable ((~~shall~~)) must be deenergized then clearance obtained, tested and then grounded in an approved manner. The cable to be worked on ((~~shall~~)) must be identified by tags or equivalent means.

(18) Moving cables. Energized cables that are to be moved ((~~shall~~)) must be inspected for defects.

(19) Insulated platforms or other protective devices ((~~shall~~)) will be provided when work is to be done on energized wires or equipment in manholes.

(20) Furnaces ((~~shall~~)) must always be placed in a secure, level position on the downhill side of the manhole to avoid spillage of hot metals or compounds into the manhole.

(21) Pulling underground cable. When pulling cable(s) all employees ((~~shall~~)) must be made aware of the hazard of being caught in the sheaves, lashings or winch gears. All employees ((~~shall~~)) must stand clear of the pulling line when the pull is begun or when the line is under tension. This rule applies to all work performed by means of a winch.

(22) Fishing conduit or ducts. When fishing conduit or ducts, it ((~~shall~~)) must first be determined that the fish tape or wires will not contact any energized line or equipment.

(23) WAC 296-45-335 on clearances ((~~shall~~)) must be complied with. Also WAC 296-45-345 and/or WAC 296-45-355 on grounding ((~~shall~~)) must be complied with.

(24) Defective cables. Where a cable in a manhole has one or more abnormalities that could lead to or be an indication of an impending fault, the defective cable ((~~shall~~)) must be deenergized before any employee may work in the manhole, except when service load conditions and a lack of feasible alternatives require that the cable remain energized. In that case, employees may enter the manhole provided they are protected from the possible effects of a failure by shields or other devices that are capable of containing the adverse effects of a fault in the joint.

Note: Abnormalities such as oil or compound leaking from cables or joints, broken cable sheaths or joint sleeves, hot localized surface temperatures of cables or joints, or joints that are swollen beyond normal tolerance are presumed to lead to or be an indication of an impending fault.

(25) Sheath continuity. When work is performed on buried cable or on cable in manholes, metallic sheath continuity ((~~shall~~)) must be maintained by bonding across the opening (or by equivalent means), or the cable sheath ((~~shall~~)) must be treated as energized.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-225 Underground residential distribution (URD). (1) General.

(a) Each employee ((~~shall~~)) must be knowledgeable of the equipment provided for their use and ((~~shall~~)) must at all times use this equipment only for the purpose intended.

(b) U.R.D. cables which are properly insulated for the voltages to which they are energized ((~~shall~~)) must be considered as an effective barrier to protect the employees and table two need not apply.

(i) Workers will take adequate precautions to avoid physical contact with energized U.R.D. cable by using approved procedures and/or protective devices.

(ii) When handling energized U.R.D. primary cables, the work ((~~shall~~)) must be done with approved tools and/or procedures by two qualified electrical employees. Switching is exempt from this rule.

(iii) When energized terminators or load-break elbows are handled by a hot stick, there ((~~shall~~)) must be two qualified electrical employees at the scene.

(c) When energized pad-mounted transformers or similar equipment are to be left unlocked and open, they ((~~shall~~)) must be attended by a designated employee.

(d) Approved tools and procedures ((~~shall~~)) must be used to remove any debris, vines, weeds, etc., from an underground system.

(e) A primary and secondary system neutral on any energized circuit ((~~shall~~)) must not be opened under any circumstances except for testing.

(f) Primary and secondary neutrals ((~~shall~~)) must be firmly connected and grounded before the circuit or equipment is energized.

(g) Where different phases are in the same vault, enclosures, or parked in some manner that they could be looped, these phases ((~~shall~~)) must be marked or identified.

(h) Bayonet fuses:

(i) Bayonet fuses ((~~shall~~)) must not be closed into suspected faults or overloads.

(ii) Submersible U.G. transformer installations will require other methods of energizing or deenergizing and bayonet fuses ((~~shall~~)) must not be used for this purpose.

(iii) Bayonet fuses ((~~shall~~)) must only be operated after pad-mount transformers have been properly vented.

(iv) Bayonet fuses ((~~shall~~)) must only be operated in accordance with manufacturing design and rating capabilities.

(2) Working on cables.

(a) Before any work is to be performed on underground cables and apparatus carrying high voltage, they ((~~shall~~)) must be deenergized with the following exceptions:

(i) Replacing fuses, operating switches, closing or opening load-break elbows, when approved protective devices are used.

(ii) Work in the high-voltage compartment of pad-mounted transformers and similar equipment installed above ground, provided the work is done by approved methods.

(b) Only one energized conductor ((~~shall~~)) must be worked on at any one time, and protective means ((~~shall~~)) must be used to insulate or isolate it from all others.

(c) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they ((~~shall~~)) must be in a sanitary condition.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-255 Protective equipment. (1) Rubber protective equipment must be in accordance with and tested as follows:

Item	Standard
Rubber Insulating Gloves	(ASTM) D 120-2002
Rubber Matting for Use Around Electrical Apparatus	(ASTM) D 178-2001
Rubber Insulating Blankets	(ASTM) D 1048-1999
Rubber Insulating Hoods	(ASTM) D 1049-2002
Rubber Insulating Line Hose	(ASTM) D 1050-1999
Rubber Insulating Sleeves	(ASTM) D 1051-2002

(2) No protective equipment or material other than rubber ((~~shall~~)) must be used: Provided, That such other nonconductive equipment may be used if it provides equal or better (dielectric) electrical and mechanical protection than rubber protective equipment: Provided, That the employer obtain before placing in service, manufacturer's data or other data to demonstrate that such nonrubber protective equipment provided equal or better electrical and mechanical protection than approved rubber equipment.

(3) Protective equipment ((~~shall~~)) must not be used at voltages in excess of that for which the manufacturer has supplied data to the employer demonstrating that it is fit for such voltages.

(4) No protective equipment ((~~shall~~)) must be modified, altered, or used for purposes other than those for which it is designed unless and until the manufacturer has, in writing, agreed or suggested that there be such modification, alteration, or use.

(5) Each rubber glove before it is used ((~~shall~~)) must be inspected for defects and an approved air test performed. If, upon inspection, rubber gloves are either defective or appear to be defective, they ((~~shall~~)) must not be used.

(6) Before being placed in service, all rubber protective equipment ((~~shall~~)) must be numbered and records kept for test purposes and assignment.

(7) Rubber protective equipment ((~~shall~~)) must not be used unless it has been dielectrically tested within six months and bears marking or identification of the date of the test or the expiration date.

(8) Protector gloves must be worn over insulating gloves.

Exception: Protector gloves need not be used with Class 0 gloves, under limited-use conditions, where small equipment and parts manipulation necessitate unusually high finger dexterity.

Note: Extra care is needed in the visual examination of the glove and in the avoidance of handling sharp objects.

(9) Rubber gloves when not in use ((~~shall~~)) must be carried in an approved bag provided and designed for that purpose. It ((~~shall~~)) must be provided by the employer and made available to the employees.

(10) Approved rubber gloves and carrying bag ((~~shall~~)) must be assigned to each employee who works with, or is exposed to energized parts.

(11) Rubber protective equipment ((~~shall~~)) must not be vulcanized or patched.

(12) A compartment or box ((~~shall~~)) must be provided on each electric line truck, which box or compartment ((~~shall~~)) must be used for storing rubber protective equipment. No equipment ((~~shall~~)) must be stored in said compartment or box which can or could cause damage to the rubber equipment or goods placed in the compartment or box. Additionally, a separate container or compartment ((~~shall~~)) must be provided for rubber blankets.

(13) Line hose ((~~shall~~)) must not be doubled on themselves at any time. All blankets before storage must be wiped clean and rolled, not folded, before being placed in the container or box.

(14) Protective line equipment of material other than rubber ((~~shall~~)) must be kept clean and visually inspected before each use.

(15) If protective line equipment of material other than rubber is found to be substantially defective or unsuitable for the purpose for which it is designed and intended, said protective line equipment ((~~shall~~)) must not be used for personal protection of employees as may be required in Table 2 of this chapter. Said protective line equipment ((~~shall~~)) must be marked defective but may be otherwise used unless the defect or damage to said protective line equipment creates additional safety hazards.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-25505 Personal protective equipment. (1) General. Personal protective equipment (PPE) ((~~shall~~)) must meet the requirements of chapter 296-24 WAC, Part L and the PPE requirements in chapter 296-800 WAC. PPE required by these chapters or a hazard assessment will be provided by the employer at no cost to the employee.

(2) All protective hats ((~~shall~~)) must be in accordance with the specifications of ANSI Z89.1-2014, American

National Standard for Industrial Head Protection ((~~Type II~~)), Class E, and ((~~shall~~)) must be worn at the job site by employees who are exposed to overhead or electrical hazards.

(3) Goggles, hearing protection, respirators, rubber gloves, and other such personal protective devices ((~~shall~~)) must not be interchanged among employees unless they have been sanitized.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-25510 Fall protection. (1) Personal fall arrest systems ((~~shall~~)) must meet the requirements of chapter 296-155 WAC, Part C-1, Fall protection requirements for construction.

(2) Personal fall arrest equipment used by employees who are exposed to hazards from flames or electric arcs, as determined by the employer under WAC 296-45-325(13), ((~~shall~~)) must be capable of passing a drop test equivalent to that required by subsection (3)(l) of this section after exposure to an electric arc with a heat energy of 40±5 cal/cm^2.

(3) Body belts and positioning straps for work-positioning equipment ((~~shall~~)) must meet the following requirements:

(a) Hardware for body belts and positioning straps ((~~shall~~)) must meet the following requirements:

(i) Hardware ((~~shall~~)) must be made of drop-forged steel, pressed steel, formed steel, or equivalent material.

(ii) Hardware ((~~shall~~)) must have a corrosion-resistant finish.

(iii) Hardware surfaces ((~~shall~~)) must be smooth and free of sharp edges.

(b) Buckles ((~~shall~~)) must be capable of withstanding an 8.9 kilonewton (2,000 pound-force) tension test with a maximum permanent deformation no greater than 0.4 millimeters (0.0156 inches).

(c) D-rings ((~~shall~~)) must be capable of withstanding a 22 kilonewton (5,000 pound-force) tensile test without cracking or breaking.

(d) Snaphooks ((~~shall~~)) must be capable of withstanding a 22 kilonewton (5,000 pound-force) tension test without failure.

Note: Distortion of the snaphook sufficient to release the keeper is considered to be tensile failure of a snaphook.

(e) Top grain leather or leather substitute may be used in the manufacture of body belts and positioning straps; however, leather and leather substitutes ((~~may not~~)) cannot be used alone as a load-bearing component of the assembly.

(f) Plied fabric used in positioning straps and in load-bearing parts of body belts ((~~shall~~)) must be constructed in such a way that no raw edges are exposed and the plies do not separate.

(g) Positioning straps ((~~shall~~)) must be capable of withstanding the following tests:

(i) A dielectric test of 819.7 volts, AC, per centimeter (25,000 volts per foot) for three minutes without visible deterioration;

(ii) A leakage test of 98.4 volts, AC, per centimeter (3,000 volts per foot) with a leakage current of no more than 1 mA;

Note: Positioning straps that pass direct-current tests at equivalent voltages are considered as meeting this requirement.

(iii) Tension tests of 20 kilonewtons (4,500 pounds-force) for sections free of buckle holes and of 15 kilonewtons (3,500 pounds-force) for sections with buckle holes;

(iv) A buckle-tear test with a load of 4.4 kilonewtons (1,000 pounds-force); and

(v) A flammability test in accordance with Table 1.

Table 1 - Flammability Test

Test Method	Criteria for Passing the Test
Vertically suspend a 500 mm (19.7 inch) length of strapping supporting a 100 kg (220.5 lb) weight.	Any flames on the positioning strap ((~~shall~~)) must self-extinguish. The positioning strap ((~~shall~~)) must continue to support the 100 kg (220.5 lb) mass.
Use a butane or propane burner with a 76 mm (3 inch) flame.	
Direct the flame to an edge of the strapping at a distance of 25 mm (1 inch).	
Remove the flame after 5 seconds.	
Wait for any flames on the positioning strap to stop burning.	

(h) The cushion part of the body belt ((~~shall~~)) must contain no exposed rivets on the inside and ((~~shall~~)) must be at least 76 millimeters (3 inches) in width.

(i) Tool loops ((~~shall~~)) must be situated on the body of a body belt so that the 100 millimeters (4 inches) of the body belt that is in the center of the back, measuring from D-ring to D-ring, is free of tool loops and any other attachments.

(j) Copper, steel, or equivalent liners ((~~shall~~)) must be used around the bars of D-rings to prevent wear between these members and the leather or fabric enclosing them.

(k) Snaphooks ((~~shall~~)) must be of the locking type meeting the following requirements:

(i) The locking mechanism ((~~shall~~)) must first be released, or a destructive force ((~~shall~~)) must be placed on the keeper, before the keeper will open.

(ii) A force in the range of 6.7 N (1.5 lbf) to 17.8 N (4 lbf) ((~~shall~~)) must be required to release the locking mechanism.

(iii) With the locking mechanism released and with a force applied on the keeper against the face of the nose, the keeper ((~~may not~~)) cannot begin to open with a force of 11.2 N (2.5 lbf) or less and ((~~shall~~)) must begin to open with a maximum force of 17.8 N (4 lbf).

(l) Body belts and positioning straps ((~~shall~~)) must be capable of withstanding a drop test as follows:

(i) The test mass ((~~shall~~)) must be rigidly constructed of steel or equivalent material with a mass of 100 kg (220.5 lbm). For work-positioning equipment used by employees weighing more than 140 kg (310 lbm) fully equipped, the test

mass ((~~shall~~)) must be increased proportionately (that is, the test mass must equal the mass of the equipped worker divided by 1.4).

(ii) For body belts, the body belt ((~~shall~~)) must be fitted snugly around the test mass and ((~~shall~~)) must be attached to the test-structure anchorage point by means of a wire rope.

(iii) For positioning straps, the strap ((~~shall~~)) must be adjusted to its shortest length possible to accommodate the test and connected to the test-structure anchorage point at one end and to the test mass on the other end.

(iv) The test mass ((~~shall~~)) must be dropped an unobstructed distance of 1 meter (39.4 inches) from a supporting structure that will sustain minimal deflection during the test.

(v) Body belts ((~~shall~~)) must successfully arrest the fall of the test mass and ((~~shall~~)) must be capable of supporting the mass after the test.

(vi) Positioning straps ((~~shall~~)) must successfully arrest the fall of the test mass without breaking, and the arrest force ((~~may not~~)) cannot exceed 17.8 kilonewtons (4,000 pounds-force). Additionally, snaphooks on positioning straps ((~~may not~~)) cannot distort to such an extent that the keeper would release.

Note: When used by employees weighing no more than 140 kg (310 lbm) fully equipped, body belts and positioning straps that conform to American Society of Testing and Materials *Standard Specifications for Personal Climbing Equipment*, ASTM F887-12^{e1}, are deemed to be in compliance with (l) of this subsection.

(4) The following requirements apply to the care and use of personal fall protection equipment.

(a) Work-positioning equipment ((~~shall~~)) must be inspected before use each day to determine that the equipment is in safe working condition. Work-positioning equipment that is not in safe working condition ((~~may~~)) must not be used.

Note: Work-Positioning Equipment Inspection Guidelines are located in Appendix E of this chapter.

(b) Personal fall arrest systems ((~~shall~~)) must be used in accordance with chapter 296-155 WAC, Part C-1.

Note: Fall protection equipment rigged to arrest falls is considered a fall arrest system and must meet the applicable requirements for the design and use of those systems. Fall protection equipment rigged for work positioning is considered work-positioning equipment and must meet the applicable requirements for the design and use of that equipment.

(c) The employer ((~~shall~~)) must ensure that employees use fall protection systems as follows:

(i) Each employee working from an aerial lift ((~~shall~~)) must use a fall restraint system or a personal fall arrest system.

(ii) Except as provided in (c)(iii) of this subsection, each employee in elevated locations more than 1.2 meters (4 feet) above the ground on poles, towers, or similar structures ((~~shall~~)) must use a personal fall arrest system, work-positioning equipment, or fall restraint system, as appropriate, if the employer has not provided other fall protection meeting chapter 296-155 WAC, Part C-1.

(iii) Each qualified electrical employee climbing or changing location on poles, towers, or similar structures must use fall protection equipment unless the employer can demonstrate that climbing or changing location with fall protection is infeasible or creates a greater hazard than climbing or changing location without it.

Notes:
- These subsections apply to structures that support overhead electric power transmission and distribution lines and equipment. They do not apply to portions of buildings, such as loading docks, or to electric equipment, such as transformers and capacitors. Chapter 296-155 WAC, Part C-1 contains the duty to provide fall protection associated with walking and working surfaces.
- Until the employer ensures that employees are proficient in climbing and the use of fall protection under WAC 296-45-065(8), the employees are not considered "qualified electrical employees" for the purposes of (c)(ii) and (iii) of this subsection. These subsections require unqualified employees (including trainees) to use fall protection any time they are more than 1.2 meters (4 feet) above the ground.

(d) Work-positioning systems ((~~shall~~)) must be rigged so that an employee can free fall no more than 0.6 meters (2 feet).

(e) Anchorages for work-positioning equipment ((~~shall~~)) must be capable of supporting at least twice the potential impact load of an employee's fall, or 13.3 kilonewtons (3,000 pounds-force), whichever is greater.

Note: Wood-pole fall-restriction devices meeting American Society of Testing and Materials *Standard Specifications for Personal Climbing Equipment*, ASTM F887-12^{e1}, are deemed to meet the anchorage-strength requirement when they are used in accordance with manufacturers' instructions.

(f) Unless the snaphook is a locking type and designed specifically for the following connections, snaphooks on work-positioning equipment ((~~may~~)) must not be engaged:

(i) Directly to webbing, rope, or wire rope;

(ii) To each other;

(iii) To a D-ring to which another snaphook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object that is incompatibly shaped or dimensioned in relation to the snaphook such that accidental disengagement could occur should the connected object sufficiently depress the snaphook keeper to allow release of the object.

(5) Employees ((~~shall~~)) must not wear climbers while doing work where they are not required. Employees ((~~shall~~)) must not continue to wear their climbers while working on the ground; except for momentary or short periods of time on the ground.

(6) Employees, when working from a hook ladder, must either belt themselves securely to the ladder, attach themselves to the structures by means of a safety line, or belt themselves to ladder safety equipment, which ((~~shall~~)) must consist of a safety rope or belting threaded through the rungs or secured to the ladder at intervals of not more than three feet.

(7) Before an employee throws their weight on a belt, the employee ((~~shall~~)) must determine that the snap or fasteners are properly engaged.

(8) Safety straps ((~~shall~~)) must not be placed around poles above the cross-arm except where it is not possible for

the strap to slide or be slipped over the top of the pole by inadvertence of the employee. Neither end of the strap ((~~shall~~)) must be allowed to hang loose or dangle while the employee is ascending or descending poles or other structures.

(9) Body belts and safety straps ((~~shall~~)) must not be stored with sharp-edged tools or near sharp objects. When a body belt, safety strap and climbers are kept in the same container, they ((~~shall~~)) must be stored in such a manner as to avoid cutting or puncturing the material of the body belt or safety strap with the gaffs or climbers.

(10) Employees ((~~shall~~)) must not attach metal hooks or other metal devices to body belts. Leather straps or rawhide thongs ((~~shall~~)) must have hardwood or fibre crossbars. Leather straps and rawhide thongs ((~~shall~~)) must not have metal or other conductive crossbars on them.

(11) Climbing gaffs ((~~shall~~)) must be kept properly sharpened and ((~~shall~~)) must be at least 1-1/8 inches in length.

(12) Lifelines ((~~shall~~)) must be protected against being cut or abraded.

(13) Fall arrest equipment, work positioning equipment, or travel restricting equipment ((~~shall~~)) must be used by employees working at elevated locations more than 4 feet (1.2 m) above the ground on poles, towers, or similar structures if other fall protection has not been provided.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-275 Ladders, platforms, and manhole steps. (1) General. Requirements for ladders contained in chapter 296-876 WAC apply, except as specifically noted in subsection (2) of this section.

(2) Special ladders and platforms. Portable ladders and platforms used on structures or conductors in conjunction with overhead line work need not meet chapter 296-876 WAC. However, these ladders and platforms ((~~shall~~)) must meet the following requirements:

(a) Ladders and platforms ((~~shall~~)) must be secured to prevent their becoming accidentally dislodged.

(b) Ladders and platforms ((~~may~~)) must not be loaded in excess of the working loads for which they are designed.

(c) Ladders and platforms may be used only in applications for which they were designed.

(d) In the configurations in which they are used, ladders and platforms ((~~shall~~)) must be capable of supporting without failure at least 2.5 times the maximum intended load.

(e) All ladders ((~~shall~~)) must be handled and stored in such a manner as to prevent damage to the ladder.

(f) When ascending or descending a ladder, the employee ((~~shall~~)) must face the ladder and have free use of both hands.

(g) All defective ladders ((~~shall~~)) must be taken out of service and labeled as defective.

(h) When a ladder is being used which is not fixed or otherwise secured, there ((~~shall~~)) must be an attendant to hold the ladder and watch traffic when the work is being done on streets, alleys, sidewalks, or in industrial plants or other places where there exists the possibility of accidental contact with the ladder by third persons or vehicles.

(i) When working on the ladder, employees ((~~shall~~)) must, where possible, tie the top of the ladder to a substantial object to prevent falling unless the ladder is equipped with approved hooks which may be used for the same purpose.

(j) Portable ladders ((~~shall~~)) must not be moved with employees on the ladder.

(k) No employee ((~~shall~~)) must ascend or descend a rolling ladder while it is moving.

(l) No employee ((~~shall~~)) must stand on the top two steps of a step ladder.

(m) No employee ((~~shall~~)) must use a step ladder as a straight ladder.

(n) Ladders ((~~shall~~)) must always be placed on a secure footing with both legs resting firmly on the lower surface.

(o) Ladders made by fastening cleats or similar devices across a single rail ((~~shall~~)) must not be used.

(3) Conductive ladders. Portable metal ladders and other portable conductive ladders ((~~may~~)) must not be used near exposed energized lines or equipment. However, in specialized high-voltage work, conductive ladders ((~~shall~~)) must be used where the employer can demonstrate that nonconductive ladders would present a greater hazard than conductive ladders.

Note: A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.

(4) All conductive or metal ladders ((~~shall~~)) must be prominently marked and identified as being conductive and ((~~shall~~)) must be grounded when used near energized lines or equipment.

Note: See chapter 296-876 WAC for additional ladder requirements.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-45-285 Hand, and portable powered tools. (1) General requirements.

(a) The employer ((~~shall~~)) must assure that each hand and portable powered tool, including any tool provided by an employee, is maintained in serviceable condition.

(b) The employer ((~~shall~~)) must assure that each tool, including any tool provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection ((~~shall~~)) must include the following:

(i) Handles and guards, to assure that they are sound, tight-fitting, properly shaped, free of splinters and sharp edges, and in place;

(ii) Controls, to assure proper function;

(iii) Heads of shock, impact-driven and driving tools, to assure that there is no mushrooming;

(iv) Cutting edges, to assure that they are sharp and properly shaped; and

(v) All other safety devices, to assure that they are in place and function properly.

(c) The employer ((~~shall~~)) must assure that each tool is used only for purposes for which it has been designed.

(d) When the head of any shock, impact-driven or driving tool begins to chip, it ((~~shall~~)) must be repaired or removed from service.

(e) The cutting edge of each tool ((~~shall~~)) must be sharpened in accordance with manufacturer's specifications whenever it becomes dull during the workshift.

(f) Each tool ((~~shall~~)) must be stored in the provided location when not being used at a work site.

(g) Racks, boxes, holsters or other means ((~~shall~~)) must be provided, arranged and used for the transportation of tools so that a hazard is not created for any vehicle operator or passenger.

(2) Electric equipment connected by cord and plug must meet the following requirements:

(a) Cord- and plug-connected equipment supplied by premises wiring is covered by chapter 296-24 WAC, Part L and WAC 296-800-280.

(b) Any cord- and plug-connected equipment supplied by other than premises wiring ((~~shall~~)) must comply with one of the following instead of chapter 296-24 WAC, Part L and WAC 296-800-280:

(i) It ((~~shall~~)) must be equipped with a cord containing an equipment grounding conductor connected to the tool frame and to a means for grounding the other end (however, this option may not be used where the introduction of the ground into the work environment increases the hazard to an employee); or

(ii) It ((~~shall~~)) must be of the double-insulated type conforming to chapter 296-24 WAC, Part L and WAC 296-800-280; or

(iii) It ((~~shall~~)) must be connected to the power supply through an isolating transformer with an ungrounded secondary.

(3) Portable and vehicle-mounted generators. Portable and vehicle-mounted generators used to supply cord- and plug-connected equipment ((~~shall~~)) must meet the following requirements:

(a) The generator may only supply equipment located on the generator or the vehicle and cord- and plug-connected equipment through receptacles mounted on the generator or the vehicle.

(b) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles ((~~shall~~)) must be bonded to the generator frame.

(c) In the case of vehicle-mounted generators, the frame of the generator ((~~shall~~)) must be bonded to the vehicle frame.

(d) Any neutral conductor ((~~shall~~)) must be bonded to the generator frame.

(4) Hydraulic and pneumatic tools must meet the following requirements:

(a) Safe operating pressures for hydraulic and pneumatic tools, hoses, valves, pipes, filters, and fittings ((~~may~~)) must not be exceeded.

Note: If any hazardous defects are present, no operating pressure would be safe, and the hydraulic or pneumatic equipment involved may not be used. In the absence of defects, the maximum rated operating pressure is the maximum safe pressure.

(b) A hydraulic or pneumatic tool used where it may contact exposed live parts ((~~shall (~~)) must use nonconductive hoses and((~~)~~)) be designed and maintained for such use.

(c) The hydraulic system supplying a hydraulic tool used where it may contact exposed live parts ((~~shall~~)) must provide protection against loss of insulating value for the voltage involved due to the formation of a partial vacuum in the hydraulic line.

Note: Hydraulic lines without check valves having a separation of more than 35 feet (10.7 m) between the oil reservoir and the upper end of the hydraulic system promote the formation of a partial vacuum.

(d) A pneumatic tool used on energized electric lines or equipment or used where it may contact exposed live parts ((~~shall~~)) must provide protection against the accumulation of moisture in the air supply.

(e) Pressure ((~~shall~~)) must be released before connections are broken, unless quick acting, self-closing connectors are used. Hoses ((~~may~~)) must not be kinked.

(f) Employees ((~~may not~~)) cannot use any part of their bodies to locate or attempt to stop a hydraulic leak.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-295 Gasoline engine power chain saws. (1) Each chain saw placed into initial service after February 9, 1995, ((~~shall~~)) must be equipped with a chain brake and ((~~shall~~)) must otherwise meet the requirements of the ANSI B175.1-2012 "Safety Requirements for Gasoline-Powered Chain Saws." Each chain saw placed into service before February 9, 1995, ((~~shall~~)) must be equipped with a protective device that minimizes chain saw kickback, i.e., reduced kickback bar, chains, bar tip guard or chain brake. No chain-saw kickback device ((~~shall~~)) must be removed or otherwise disabled.

(2) Gasoline-engine power saw operations ((~~shall~~)) must meet the requirements of WAC 296-54-537(10).

(3) The chain saw ((~~shall~~)) must be operated and adjusted in accordance with the manufacturer's instructions.

(4) The employer must ensure that each chain saw, including any chain saw provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection ((~~shall~~)) must include the following:

(a) Chain-saw chains, to assure proper adjustment;

(b) Chain-saw mufflers, to assure that they are operational and in place;

(c) Chain brakes and nose shielding devices, to assure that they are in place and function properly;

(5) The chain saw ((~~shall~~)) must be fueled at least 10 feet (3 m) from any open flame or other source of ignition.

(6) The chain saw ((~~shall~~)) must be started at least 10 feet (3 m) from the fueling area.

(7) The chain saw ((~~shall~~)) must be started on the ground or where otherwise firmly supported. Drop-starting a chain saw is prohibited.

(8) The chain saw ((~~shall~~)) must be started with the chain brake engaged.

(9) The chain saw ((~~shall~~)) must be held with the thumbs and fingers of both hands encircling the handles during operation unless the employer demonstrates that a greater hazard is posed by keeping both hands on the chain saw in that particular situation.

(10) The chain-saw operator ((~~shall~~)) must be certain of footing before starting to cut. The chain saw ((~~shall~~)) must

not be used in a position or at a distance that could cause the operator to become off-balance, to have insecure footing, or to relinquish a firm grip on the saw.

(11) Prior to felling any tree, the chain saw operator ((~~shall~~)) must clear away brush or other potential obstacles which might interfere with cutting the tree or using the retreat path.

(12) The chain saw ((~~shall~~)) must not be used to cut directly overhead.

(13) The chain saw ((~~shall~~)) must be carried in a manner that will prevent operator contact with the cutting chain and muffler.

(14) The chain saw ((~~shall~~)) must be shut off or at idle before the feller starts their retreat.

(15) The chain saw ((~~shall~~)) must be shut down or the chain brake ((~~shall~~)) must be engaged whenever a saw is carried further than 50 feet (15.2 m). The chain saw ((~~shall~~)) must be shut down or the chain brake ((~~shall~~)) must be engaged when a saw is carried less than 50 feet if conditions such as, but not limited to, the terrain, underbrush and slippery surfaces, may create a hazard for an employee.

Note: When an employee working aloft in trees or on poles when supported by climbing spurs and climbing belt, or when an employee is working from a vehicle mounted elevating and rotating work platform meeting the requirements of chapter 296-869 WAC, Elevating work platforms, leg protection covering the full length of the thigh to the top of the boot on each leg to protect against contact with a moving chain saw is not required.

(16) Each power saw weighing more than 15 pounds (6.8 kilograms, service weight) that is used in trees ((~~shall~~)) must be supported by a separate line, except when work is performed from an aerial lift and except during topping or removing operations where no supporting limb will be available, and the following:

(a) Each power saw ((~~shall~~)) must be equipped with a control that will return the saw to idling speed when released;

(b) Each power saw ((~~shall~~)) must be equipped with a clutch and ((~~shall~~)) must be so adjusted that the clutch will not engage the chain drive at idling speed;

(c) Drop starting of saws over 15 pounds (6.8 kg) is permitted outside of the bucket of an aerial lift only if the area below the lift is clear of personnel;

(d) A power saw engine may be started and operated only when all employees other than the operator are clear of the saw;

(e) A power saw ((~~may not~~)) cannot be running when the saw is being carried up into a tree by an employee; and

(f) Power saw engines ((~~shall~~)) must be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor, except as the manufacturer's servicing procedures require otherwise.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-305 Live-line tools. (1) Design of tools. Live-line tool rods, tubes, and poles ((~~shall~~)) must be designed and constructed to withstand the following minimum tests:

(a) 100,000 volts per foot (3281 volts per centimeter) of length for 5 minutes if the tool is made of fiberglass-reinforced plastic (FRP); or

(b) 75,000 volts per foot (2461 volts per centimeter) of length for 3 minutes if the tool is made of wood; or

(c) Other tests that the employer can demonstrate are equivalent.

Note: Live-line tools using rod and tube that meet ASTM F711-02 (2013), Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live-Line Tools, conform to subsection (1)(a) of this section.

(2) Condition of tools.

(a) Each live-line tool ((~~shall~~)) must be wiped clean and visually inspected for defects before use each day.

(b) If any defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is present after wiping, the tool ((~~shall~~)) must be removed from service and examined and tested according to this section before being returned to service.

(c) Live-line tools used for primary employee protection ((~~shall~~)) must be removed from service every two years and whenever required under this section for examination, cleaning, repair, and testing as follows:

(i) Each tool ((~~shall~~)) must be thoroughly examined for defects.

(ii) If a defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is found, the tool ((~~shall~~)) must be repaired and refinished or ((~~shall~~)) must be permanently removed from service. If no such defect or contamination is found, the tool ((~~shall~~)) must be cleaned and waxed.

(iii) The tool ((~~shall~~)) must be tested in accordance with this section under the following conditions:

(A) After the tool has been repaired or refinished; and

(B) After the examination if repair or refinishing is not performed, unless the tool is made of FRP rod or foam-filled FRP tube and the employer can demonstrate that the tool has no defects that could cause it to fail in use.

(iv) The test method used ((~~shall~~)) must be designed to verify the tool's integrity along its entire working length and, if the tool is made of fiberglass-reinforced plastic, its integrity under wet conditions.

(v) The voltage applied during the tests ((~~shall~~)) must be as follows:

(A) 75,000 volts per foot (2461 volts per centimeter) of length for one minute if the tool is made of fiberglass; or

(B) 50,000 volts per foot (1640 volts per centimeter) of length for one minute if the tool is made of wood; or

(C) Other tests that the employer can demonstrate are equivalent.

Note: Guidelines for the examination, cleaning, repairing, and in-service testing of live-line tools are contained in the Institute of Electrical and Electronics Engineers Guide for In-Service Maintenance and Electrical Testing of Live-Line Tools, IEEE Std. 516-2009.

(d) Live-line tools and rope ((~~shall~~)) must be stored and maintained and used in such a manner as to prevent damage. Live-line tools and ropes ((~~shall~~)) must not be used for purposes other than line work.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-315 Materials handling and storage. (1) General. Material handling and storage ((~~shall~~)) must conform to the requirements of chapter 296-24 WAC, Part D.

(2) Materials storage near energized lines or equipment. In areas not restricted to qualified electrical employees only, materials or equipment ((~~may not~~)) cannot be stored closer to energized lines or exposed energized parts of equipment than the following distances plus an amount providing for the maximum sag and side swing of all conductors and providing for the height and movement of material handling equipment:

(a) For lines and equipment energized at 50 kV or less, the distance is 10 feet (305 cm).

(b) For lines and equipment energized at more than 50 kV, the distance is 10 feet (305 cm) plus 4 inches (10 cm) for every 10 kV over 50 kV.

(c) In areas restricted to qualified electrical employees, material ((~~may not~~)) cannot be stored within the working space about energized lines or equipment.

Note: Requirements for the size of the working space are contained in WAC 296-45-475(1) and 296-45-48515.

(3) Prior to unloading steel, poles, crossarms and similar materials, the load ((~~shall~~)) must be thoroughly examined to determine if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees. The hoist rope ((~~shall~~)) must not be wrapped around the load. This provision ((~~shall~~)) will not apply to electric construction crews when setting or removing poles.

(4) Pole handling.

(a) During pole hauling operations, all loads ((~~shall~~)) must be secured to prevent displacement, and a red flag ((~~shall~~)) must be displayed at the trailing end of the longest pole.

(b) While loading and unloading materials, roadways ((~~shall~~)) must not be blocked unless approved traffic control is used.

(c) When hauling poles during darkness, illuminated warning devices ((~~shall~~)) must be attached to the trailing end of the longest pole in accordance with the state of Washington motor vehicle code.

(d) Framing. During framing operations, employees must not work under a pole or a structure suspended by a crane, A-frame or similar equipment unless the pole or structure is adequately supported.

(5) Tag lines. When necessary to control loads, tag lines or other approved devices ((~~shall~~)) must be used.

(6) Oil filled equipment. During construction or repair of oil filled equipment, the oil may be stored in temporary containers other than those required by WAC 296-155-270, such as pillow tanks.

(7) Storage of tools and materials. All tools and materials ((~~shall~~)) must be stored in a safe and orderly manner in yards for equipment and other areas.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-325 Working on or near exposed energized parts. This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified electrical employees may work on or with exposed energized lines or parts of equipment. Only qualified electrical employees may work in areas containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment ((~~shall~~)) must be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified electrical employees ((~~shall~~)) must be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of deenergized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through (d) of this section.

Notes:

- One qualified electrical employee will serve principally as a standby person who must be so located that they may physically reach the other qualified electrical employee in the event of an accident either with their hand or with a hot stick twelve feet or less in length. The standby person will be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs will qualified electrical employees work simultaneously on energized wires or parts of different phases or polarity;
- When installing or removing a hot line clamp connection on a multiphase system, it is permissible for the second qualified electrical employee to stand by at the lower controls of the aerial lift provided the connection or disconnection does not interrupt or pick up the load. The hot line clamp and connecting jumper must be constructed so it cannot make contact with any other energized parts. The work must not be performed above lines or apparatus energized at more than 600 V.
- In cases of necessity the standby person may temporarily assist the other qualified electrical employee provided that they both work on wires or parts of the same phase or polarity. Both qualified electrical employees ((~~shall~~)) must so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply to (a) through (e) of this subsection. In addition to the requirements of subsection (4) of this section, a qualified electrical

employee working under this subsection (3), must position themselves so that they are neither within reach of nor otherwise exposed to contact with energized parts.

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on a single-phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

Notes: • The hot line clamp and connecting jumper must be constructed so that it cannot make contact with any other energized parts.

• On a multiphase feed this applies only when one single-phase line or apparatus is present on the load side.

(d) When installing or removing by hot stick simple load metering devices provided the connection does not interrupt or pickup load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) ((")))Minimum approach distances.((")) The employer ((~~shall~~)) must ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 2, unless:

(a) The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection (6) of this section are considered insulation of the employee only with regard to the energized part upon which work is being performed); or

(b) The energized part is insulated from the employee and from any other conductive object at a different potential;

(c) Appendix A of this chapter contains additional information relating to working on exposed energized parts.

(d) For voltages over 72.5 kilovolts, the employer must determine the maximum anticipated per-unit transient overvoltage, phase-to-ground, through an engineering analysis or assume a maximum anticipated per-unit transient overvoltage, phase-to-ground, in accordance with Table 4 of this section. When the employer uses portable protective gaps to control the maximum transient overvoltage, the value of the maximum anticipated per-unit transient overvoltage, phase-to-ground, must provide for five standard deviations between the statistical spark-over voltage of the gap and the statistical withstand voltage corresponding to the electrical component of the minimum approach distance. The employer must make any engineering analysis conducted to determine maximum anticipated per-unit transient overvoltage available upon request to employees and to the department for examination and copying.

Table 2
AC Live Work Minimum Approach Distance

	Distance to Employee					
Voltage in Kilovolts Phase-to-Phase((~~*~~))	**Phase-to-Ground**			**Phase-to-Phase**		
	(((~~(m)~~)) **(ft-in)**	**(ft-1/10)**	(((~~(ft-in)~~))) **(m)**	(((~~(m)~~)) **(ft-in)**	**(ft-1/10)**	(((~~(ft-in)~~))) **(m)**
Table 2-A For Voltages of 72.5 KV and Less ([1,2,3,4])						
0 to 0.050	not specified			not specified		
0.051 to 0.300	avoid contact			avoid contact		
0.301 to 0.750	((~~0.33~~)) 1'-2"	1.09	(((~~1'-2"~~))) 0.33	((~~0.33~~)) 1'-2"	1.09	(((~~1'-2"~~))) 0.33
0.751 to 5	((~~0.63~~)) 2'-1"	2.07	(((~~2'-1"~~))) 0.63	((~~0.63~~)) 2'-1"	2.07	(((~~2'-1"~~))) 0.63
5.1 to 15.0	((~~0.65~~)) 2'-2"	2.14	(((~~2'-2"~~))) 0.65	((~~0.68~~)) 2'-3"	2.24	(((~~2'-3"~~))) 0.68
15.1 to 36.0	((~~0.77~~)) 2'-7"	2.53	(((~~2'-7"~~))) 0.77	((~~0.89~~)) 3'-0"	2.92	(((~~3'-0"~~))) 0.89
36.1 to 46.0	((~~0.84~~)) 2'-10"	2.76	(((~~2' 10"~~))) 0.84	((~~0.98~~)) 3'-3"	3.22	(((~~3' 3"~~))) 0.98
46.1 to 72.5	((~~1.00**~~)) 3'-3"	3.29((~~**~~))	(((~~3'-3"~~))) 1.00	((~~1.20~~)) 4'-0"	3.94	(((~~4'-0"~~))) 1.20

[1]Employers may use the minimum approach distances in this table provided the worksite is at an elevation of 3,000 feet (900 meters) (((~~3,000 feet~~))) or less. If employees will be working at elevations greater than 3,000 feet (900 meters) (((~~3,000 feet~~))) above mean sea level, the employer ((~~shall~~)) must determine minimum approach distances by multiplying the distances in this table by the correction factor in Table 3 below((~~. A corresponding to the altitude of the work~~)), altitude correction factors.

[2]For single-phase systems, use voltage-to-ground.

Voltage in Kilovolts Phase-to-Phase((*))	Distance to Employee: Phase-to-Ground ((~~(m)~~)) (ft-in)	(ft-1/10)	((~~(ft-in)~~)) (m)	Phase-to-Phase ((~~(m)~~)) (ft-in)	(ft-1/10)	((~~(ft-in)~~)) (m)
[3]For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.						
[4]The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a ((~~2-0~~)) 2'-0 inadvertent movement component.						
Table 2-B For Voltages of 72.6 KV and up((~~1,2,3~~)) [5,6,7]	**Phase-to-Ground (ft-in)**	**(ft-1/10)**	**(m)**	**Phase-to-Phase (ft-in)**	**(ft-1/10)**	**(m)**
72.6 to 121	((~~1.13~~)) 3'-9"**	3.71**	((~~3'-9"~~)) 1.13	((~~1.42~~)) 4'-8"	4.66	((~~4'-8"~~)) 1.42
121.1 to 145.0	((~~1.30~~)) 4'-4"	4.27	((~~4'-4"~~)) 1.30	((~~1.64~~)) 5'-5"	5.38	((~~5'-5"~~)) 1.64
145.1 to 169.0	((~~1.46~~)) 4'-10"	4.79	((~~4'-10"~~)) 1.46	((~~1.94~~)) 6'-5"	6.36	((~~6'-5"~~)) 1.94
169.1 to 242.0	((~~2.01~~)) 6'-8"	6.59	((~~6'-8"~~)) 2.01	((~~3.08~~)) 10'-2"	10.10	((~~10'-2"~~)) 3.08
242.1 to 362.0	((~~3.41~~)) 11'-3"	11.19	((~~11'-3"~~)) 3.41	((~~5.52~~)) 18'-2"	18.11	((~~18'-2"~~)) 5.52
362.1 to 420.0	((~~4.25~~)) 14'-0"	13.94	((~~14'-0"~~)) 4.25	((~~6.81~~)) 22'-5"	22.34	((~~22'-5"~~)) 6.81
420.1 to 550.0	((~~5.07~~)) 16'-8"	16.63	((~~16'-8"~~)) 5.07	((~~8.24~~)) 27'-1"	27.03	((~~27'-1"~~)) 8.24
550.1 to 800.0	((~~6.88~~)) 22'-7"	22.57	((~~22'-7"~~)) 6.88	((~~11.38~~)) 37'-5"	37.34	((~~37'-5"~~)) 11.38
((~~4~~)) [5]Employers may use the minimum approach distances in this table provided the worksite is at an elevation of 3,000 feet (900 meters) (((~~3,000 feet~~))) or less. If employees will be working at elevations greater than 3,000 feet (900 meters) (((~~3,000 feet~~))) above mean sea level, the employer shall determine minimum approach distances by multiplying the distances in this table by the correction factor in Table 3 below((~~. A corresponding to the altitude of the work~~)), altitude corrections factor.						
((~~2~~)) [6]Employers may use the phase-to-phase minimum approach distances in this table provided that no insulated tool spans the gap and no large conductive object is in the gap. (See Equation 1 for voltages of 72.6-800 kV in Appendix A.)						
((~~3~~)) [7]The 72.6 to 121 kV phase-to-ground ((~~3-2~~)) 3-9 distance contains a ((~~2-2~~)) 2-9 electrical component and a ((~~1-0~~)) 1'-0 inadvertent movement component.**						
Note: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.						

Table 3 - Altitude Correction Factors

Altitude above sea level (m)	*A*
0 to 900	1.00
901 to 1,200	1.02
1,201 to 1,500	1.05
1,501 to 1,800	1.08
1,801 to 2,100	1.11
2,101 to 2,400	1.14
2,401 to 2,700	1.17
2,701 to 3,000	1.20
3,001 to 3,600	1.25
3,601 to 4,200	1.30
4,201 to 4,800	1.35
4,801 to 5,400	1.39
5,401 to 6,000	1.44

Table 4
Assumed Maximum Per-Unit Transient Overvoltage

Voltage Range (kV)	Type of Current (ac or dc)	Assumed Maximum Per-Unit Transient Overvoltage
72.6 to 420.0	ac	3.5
420.1 to 550.0	ac	3.0
550.1 to 800.0	ac	2.5
250 to 750	dc	1.8

Notes:
- WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.
- When an employee is required to work on or within reach of any unprotected conductors that are or may become energized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:
  - They shall wear approved insulating gloves or insulating gloves and sleeves during the time they are working on such conductor; or
  - They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.
  - Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 2 need not apply.
- Appendix A of this chapter contains additional information relating to working on exposed energized parts.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, ((~~shall~~)) must be determined ((~~as shall~~)) and communicated to employees as will any other particular hazard of a particular work site.

(b) No work ((~~shall~~)) must be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4) of this section), insulating sleeves ((~~shall~~)) must also be used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer ((~~shall~~)) must ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

(8) Making connections. The employer ((~~shall~~)) must ensure that connections are made as follows:

(a) In connecting deenergized equipment or lines to an energized circuit by means of a conducting wire or device, an employee ((~~shall~~)) must first attach the wire to the deenergized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee ((~~shall~~)) must remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors ((~~shall~~)) must be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It ((~~shall~~)) must not be permissible to consider one part of a high voltage switch or disconnect as deenergized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: Provided, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 2 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer ((~~shall~~)) must ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) ((~~Workers shall~~)) Employees must wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection ((~~shall~~)) must be worn when working on or near live parts or while climbing poles.

(13) Protection from flames and electric arcs.

(a) The employer ((~~shall~~)) must assess the workplace to identify employees exposed to hazards from flames or from electric arcs.

(b) For each employee exposed to hazards from electric arcs, the employer ((~~shall~~)) must make a reasonable estimate of the incident heat energy to which the employee would be exposed.

Notes:
- Appendix D of this chapter provides guidance on estimating available heat energy. The department will deem employers following the guidance in Appendix D to be in compliance with (b) of this subsection. An employer may choose a method of calculating incident heat energy not included in Appendix D if the chosen method reasonably predicts the incident energy to which the employee would be exposed.

• This subsection does not require the employer to estimate the incident heat energy exposure for every job task performed by each employee. The employer may make broad estimates that cover multiple system areas provided the employer uses reasonable assumptions about the energy-exposure distribution throughout the system and provided the estimates represent the maximum employee exposure for those areas. For example, the employer could estimate the heat energy just outside a substation feeding a radial distribution system and use that estimate for all jobs performed on that radial system.

(c) The employer ((~~shall~~)) must ensure that each employee who is exposed to hazards from flames or electric arcs does not wear clothing that could melt onto their skin or that could ignite and continue to burn when exposed to flames or the heat energy estimated under (b) of this subsection.

Note: This subsection prohibits clothing made from acetate, nylon, polyester, rayon and polypropylene, either alone or in blends, unless the employer demonstrates that the fabric has been treated to withstand the conditions that may be encountered by the employee or that the employee wears the clothing in such a manner as to eliminate the hazard involved.

(d) The employer ((~~shall~~)) must ensure that the outer layer of clothing worn by an employee, except for clothing not required to be arc rated under (e)(i) through (v) of this subsection, is flame resistant under any of the following conditions:

(i) The employee is exposed to contact with energized circuit parts operating at more than 600 volts;

(ii) An electric arc could ignite flammable material in the work area that, in turn, could ignite the employee's clothing;

(iii) Molten metal or electric arcs from faulted conductors in the work area could ignite the employee's clothing; or

Note: This subsection does not apply to conductors that are capable of carrying, without failure, the maximum available fault current for the time the circuit protective devices take to interrupt the fault.

(iv) The incident heat energy estimated under (b) of this subsection exceeds 2.0 cal/cm^2.

(e) The employer ((~~shall~~)) must ensure that each employee exposed to hazards from electric arcs wears protective clothing and other protective equipment with an arc rating greater than or equal to the heat energy estimated under (b) of this subsection whenever that estimate exceeds 2.0 cal/cm^2. This protective equipment ((~~shall~~)) must cover the employee's entire body, except as follows:

(i) Arc-rated protection is not necessary for the employee's hands when the employee is wearing rubber insulating gloves with protectors or, if the estimated incident energy is no more than 14 cal/cm^2, heavy-duty leather work gloves with a weight of at least 407 gm/m^2(12 oz/yd^2);

(ii) Arc-rated protection is not necessary for the employee's feet when the employee is wearing heavy-duty work shoes or boots;

(iii) Arc-rated protection is not necessary for the employee's head when the employee is wearing head protection meeting WAC 296-800-16055 if the estimated incident energy is less than 9 cal/cm^2 for exposures involving single-phase arcs in open air or 5 cal/cm^2 for other exposures;

(iv) The protection for the employee's head may consist of head protection meeting WAC 296-800-16055 and a faceshield with a minimum arc rating of 8 cal/cm^2 if the estimated incident-energy exposure is less than 13 cal/cm^2 for exposures involving single-phase arcs in open air or 9 cal/cm^2 for other exposures; and

(v) For exposures involving singlephase arcs in open air, the arc rating for the employee's head and face protection may be 4 cal/cm^2 less than the estimated incident energy.

Note: See Appendix D of this chapter for further information on the selection of appropriate protection.

(14) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer ((~~shall~~)) must ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer ((~~shall~~)) must ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1), uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(15) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(16) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, ((~~shall~~)) must be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(17) Opening circuits under load. Devices used to open circuits under load conditions ((~~shall~~)) must be designed to interrupt the current involved.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-335 Deenergizing lines and equipment for employee protection. (1) Application. This section applies to the deenergizing of transmission and distribution lines and equipment for the purpose of protecting employees. Control of hazardous energy sources used in the generation of electric energy is covered in WAC 296-45-175. Conductors and parts of electric equipment that have been deenergized under procedures other than those required by WAC 296-45-175 or 296-45-335, as applicable, ((~~shall~~)) must be treated as energized.

(2) "General."

(a) If a system operator is in charge of the lines or equipment and their means of disconnection, all of the requirements of subsection (3) of this section ((~~shall~~)) must be observed, in the order given.

(b) If no system operator is in charge of the lines or equipment and their means of disconnection, one employee in the crew ((~~shall~~)) must be designated as being in charge of the clearance. All of the requirements of subsection (3) of this section apply, in the order given, except as provided in subsection (2)(c) of this section. The employee in charge of the

clearance ((~~shall~~)) must take the place of the system operator, as necessary.

(c) If only one crew will be working on the lines or equipment and if the means of disconnection is accessible and visible to and under the sole control of the employee in charge of the clearance, subsection (3)(a), (c), and (d) of this section do not apply. Additionally, tags required by the remaining provisions of subsection (3) of this section need not be used.

(d) Any disconnecting means that are accessible to persons outside the employer's control (for example, the general public) ((~~shall~~)) must be rendered inoperable while they are open for the purpose of protecting employees.

(3) Deenergizing lines and equipment.

(a) In all cases, switching orders must be given directly to the employees in charge of operating the switches by the system operator who has jurisdiction and such communications must be repeated back word for word to the speaker. When requesting clearance on lines under the control of the system operator, a person requesting the clearance ((~~shall~~)) must obtain the name of the system operator to whom the request was made and the system operator ((~~shall~~)) must obtain the name of the person requesting the clearance; and assure that the person is qualified to receive such a clearance. A qualified electrical employee ((~~shall~~)) must make a request of the system operator to have the particular section of line or equipment deenergized. The qualified electrical employee becomes the employee in charge (as this term is used in subsection (2)(b) of this section) and is responsible for the clearance. In giving a clearance, the system operator ((~~shall~~)) must make certain that the person to whom the clearance is given is fully aware of the extent or the limits of the clearance.

(b) All switches, disconnectors, jumpers, taps, and other means through which known sources of electric energy may be supplied to the particular lines and equipment to be deenergized ((~~shall~~)) must be opened. Such means ((~~shall~~)) must be rendered inoperable, unless its design does not so permit, and tagged to indicate that employees are at work.

(c) Automatically and remotely controlled switches that could cause the opened disconnecting means to close ((~~shall~~)) must also be tagged at the point of control. The automatic or remote control feature ((~~shall~~)) must be rendered inoperable, unless its design does not so permit.

(d) Tags ((~~shall~~)) must prohibit operation of the disconnecting means and ((~~shall~~)) must indicate that employees are at work.

(e) After the applicable requirements in subsection (3)(a) through (d) of this section have been followed and the employee in charge of the work has been given a clearance by the system operator, the lines and equipment to be worked ((~~shall~~)) must be tested to ensure that they are deenergized.

(4) The system operator ((~~shall~~)) must order clearance tags printed on red cardboard, or equivalent, not less than 2-1/4 inches by 4-1/2 inches, attached to all switches opened or checked open to provide clearance on any line or equipment for employees to work thereon.

(5) Clearance tags attached to substation control devices and to line switches beyond the switchyard of any substation; indicating the limits of the clearance involved; ((~~shall~~)) must state the designation of the switch opened or checked open and tagged; the name of the person to whom the clearance is to be issued; the date and time the switch was opened or checked open; the name of the dispatcher ordering the switching and tagging; and the name of the person doing the switching and tagging.

(6) Protective grounds ((~~shall~~)) must be installed as required by WAC 296-45-345.

(7) After the applicable requirements of subsection (3)(a) through (d) of this section have been followed, the lines and equipment involved may be worked as deenergized.

(8) If two or more independent crews will be working on the same lines or equipment, each crew ((~~shall~~)) must independently comply with the requirements in subsection (3) of this section.

(9) To transfer the clearance, the employee in charge (or, if the employee in charge is forced to leave the worksite due to illness or other emergency, the employee's supervisor) ((~~shall~~)) must inform the system operator; employees in the crew ((~~shall~~)) must be informed of the transfer; and the new employee in charge ((~~shall~~)) must be responsible for the clearance.

(10) To release a clearance, the employee in charge ((~~shall~~)) must:

(a) Notify employees under ((~~his or her~~)) their direction that the clearance is to be released;

(b) Determine that all employees in the crew are clear of the lines and equipment;

(c) Determine that all protective grounds installed by the crew have been removed; and

(d) Report this information to the system operator and release the clearance.

(11) The person releasing a clearance ((~~shall~~)) must be the same person that requested the clearance, unless responsibility has been transferred under subsection (9) of this section.

(12) Tags ((~~may not~~)) cannot be removed unless the associated clearance has been released under subsection (10) of this section.

(13) Only after all protective grounds have been removed, after all crews working on the lines or equipment have released their clearances, after all employees are clear of the lines and equipment, and after all protective tags have been removed from a given point of disconnection, may action be initiated to reenergize the lines or equipment at that point of disconnection.

(14) To meet unforeseen conditions, it will be permissible to tag isolated switches for the system operator and issue clearances against this tag. In tagging out inter-utility tie lines, the open switches on the foreign end of the line ((~~shall~~)) must be tagged for the foreign system operator requesting the outage who will issue clearances to individuals of the organization against this tag.

(15) Network protectors. The employer need not use the tags mentioned in subsection (3)(d) and (e) of this section on a network protector for work on the primary feeder for the network protector's associated network transformer when the employer can demonstrate all of the following conditions:

(a) Every network protector is maintained so that it will immediately trip open if closed when a primary conductor is deenergized;

(b) Employees cannot manually place any network protector in a closed position without the use of tools, and any manual override position is blocked, locked, or otherwise disabled; and

(c) The employer has procedures for manually overriding any network protector that incorporate provisions for determining, before anyone places a network protector in a closed position, that: The line connected to the network protector is not deenergized for the protection of any employee working on the line; and (if the line connected to the network protector is not deenergized for the protection of any employee working on the line) the primary conductors for the network protector are energized.

(16) Metal-clad, draw-out switchgear of over 600 volts in which the physical separation of the disconnecting parts is not visible may be used to clear a line or equipment, provided the switchgear is equipped with:

(a) A positive positioning means to insure that the disconnecting contacts are separated;

(b) An isolating shutter which moves into place between the separated contact for circuit isolation; and

(c) A mechanically connected indicating means to show that the shutter is in place.

(17) In all other cases, only a visible break of all phases ((~~shall~~)) must be regarded as clearing a line or equipment.

(18) No person ((~~shall~~)) must make contact with a circuit or equipment that has not been taken out of service to be worked on until they have the circuit or equipment cleared and tagged for themselves or is working directly under the supervision of one who has the circuit or equipment cleared and tagged for themselves.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-345 Grounding for the protection of employees. (1) Application. This section applies to the grounding of transmission and distribution lines and equipment for the purpose of protecting employees. Subsection (4) of this section also applies to the protective grounding of other equipment as required elsewhere in this section.

(2) General. For the employee to work lines or equipment as deenergized, the lines or equipment ((~~shall~~)) must be deenergized under the provisions of WAC 296-45-335 and ((~~shall~~)) must be grounded as specified in subsections (3) through (9) of this section. However, if the employer can demonstrate that installation of a ground is impracticable or that the conditions resulting from the installation of a ground would present greater hazards than working without grounds, the lines and equipment may be treated as deenergized provided all of the following conditions are met:

(a) The lines and equipment have been deenergized under the provisions of WAC 296-45-335.

(b) There is no possibility of contact with another energized source.

(c) The hazard of induced voltage is not present.

(3) Equipotential zone. Temporary protective grounds and bonding jumpers ((~~shall~~)) must be placed at such locations and arranged in such a manner as to prevent each employee from being exposed to hazardous differences in electrical potential.

Note: This may require bonding equipment together.

(4) Protective grounding equipment.

(a) Protective grounding equipment ((~~shall~~)) must be capable of conducting the maximum fault current that could flow at the point of grounding for the time necessary to clear the fault. This equipment ((~~shall~~)) must have an ampacity greater than or equal to that of No. 2 AWG copper.

(b) Grounding jumpers ((~~shall~~)) must have approved ferrules and grounding clamps that provide mechanical support for jumper cables independent of the electrical connection.

Note: Guidelines for protective grounding equipment are contained in American Society for Testing and Materials Standard Specifications for Temporary Grounding Systems to be Used on Deenergized Electric Power Lines and Equipment, ASTM F855-2015.

(c) Protective grounds ((~~shall~~)) must have an impedance low enough to cause immediate operation of protective devices in case of accidental energizing of the lines or equipment.

(5) Testing. Before any ground is installed, lines and equipment ((~~shall~~)) must be tested and found absent of nominal voltage, unless a previously installed ground is present.

(a) Inspection before use: Grounding equipment ((~~shall~~)) must be given a visual inspection and all mechanical connections ((~~shall~~)) must be checked for tightness before each use.

(b) Ground surface cleaning: The surface to which the ground is to be attached ((~~shall~~)) must be clean before the grounding clamp is installed; otherwise, a self-cleaning clamp ((~~shall~~)) must be used.

(6) Order of connection. The employer ((~~shall~~)) must ensure that, when an employee attaches a ground to a line or to equipment, the employee attaches the ground-end connection first and then attaches the other end by means of a live-line tool. For lines or equipment operating at 600 volts or less, the employer may permit the employee to use insulating equipment other than a live-line tool if the employer ensures that the line or equipment is not energized at the time the ground is connected or if the employer can demonstrate that each employee is protected from hazards that may develop if the line or equipment is energized.

(7) ((")Order of removal.(")) When a ground is to be removed, the grounding device ((~~shall~~)) must be removed from the line or equipment using a live-line tool before the ground-end connection is removed.

(8) ((")Additional precautions.(")) When work is performed on a cable at a location remote from the cable terminal, the cable ((~~may not~~)) cannot be grounded at the cable terminal if there is a possibility of hazardous transfer of potential should a fault occur.

(9) Removal of grounds for test. Grounds may be removed temporarily during tests. During the test procedure, the employer ((~~shall~~)) must ensure that each employee uses insulating equipment and is isolated from any hazards involved, and the employer ((~~shall~~)) must institute any additional measures as may be necessary to protect each exposed employee in case the previously grounded lines and equipment become energized.

(10) Conductor separation: In cases where the conductor separation at any pole or structure is so great as to make it impractical to apply shorts on all conductors, and where only one conductor is to be worked on, only that conductor which is to be worked on needs to be grounded.

(11) Ground personnel: In cases where ground rods or pole grounds are utilized for personal protective grounding, personnel working on the ground should maintain sufficient distance from such equipment or utilize other approved procedures designed to prevent "touch-and step potential" hazards.

Note: See Appendix B of this chapter for protection from step and touch potentials.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-355 Underground grounding. (1) Grounding. A capacitance charge can remain in the high voltage cables after it has been disconnected from the circuit and a static-type arc can occur when grounds are applied to such cables.

(2) When work is to be done on cables or equipment of a high-voltage underground system, precautions to prevent back-feed ((~~shall~~)) must be taken. This ((~~shall~~)) must include either isolating or grounding of the secondary conductors.

(3) After grounding the cable, if the ((~~worker~~)) employee is to work on cable between terminations, they must first spike the cable or use other approved methods of testing. If the cable is to be cut, it ((~~shall~~)) must be cut only with approved hot cutters.

(4) Additional precautions. When work is performed on a cable at a location remote from the cable terminal, the cable ((~~may not~~)) cannot be grounded at the cable terminal if there is a possibility of hazardous transfer of potential should a fault occur.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-365 Testing and test facilities. (1) Application. This section provides for safe work practices for high-voltage and high-power testing performed in laboratories, shops, and substations, and in the field and on electric transmission and distribution lines and equipment. It applies only to testing involving interim measurements utilizing high voltage, high power, or combinations of both, and not to testing involving continuous measurements as in routine metering, relaying, and normal line work.

Note: Routine inspection and maintenance measurements made by qualified electrical employees are considered to be routine line work and are not included in the scope of this section, as long as the hazards related to the use of intrinsic high-voltage or high-power sources require only the normal precautions associated with routine operation and maintenance work required in the other subsections of this section. Two typical examples of such excluded test work procedures are "phasing-out" testing and testing for a "no-voltage" condition.

(2) General requirements.

(a) The employer ((~~shall~~)) must establish and enforce work practices for the protection of each worker from the hazards of high-voltage or high-power testing at all test areas, temporary and permanent. Such work practices ((~~shall~~)) must include, as a minimum, test area guarding, grounding, and the safe use of measuring and control circuits. A means providing for periodic safety checks of field test areas ((~~shall~~)) must also be included.

(b) Employees ((~~shall~~)) must be trained in safe work practices upon their initial assignment to the test area, with periodic reviews and updates provided as required by subsections of this section.

(3) Guarding of test areas.

(a) Permanent test areas ((~~shall~~)) must be guarded by walls, fences, or barriers designed to keep employees out of the test areas.

(b) In field testing, or at a temporary test site where permanent fences and gates are not provided, one of the following means ((~~shall~~)) must be used to prevent unauthorized employees from entering:

(i) The test area ((~~shall~~)) must be guarded by the use of distinctively colored safety tape that is supported approximately waist high and to which safety signs are attached;

(ii) The test area ((~~shall~~)) must be guarded by a barrier or barricade that limits access to the test area to a degree equivalent, physically and visually, to the barricade specified in this section; or

(iii) The test area ((~~shall~~)) must be guarded by one or more test observers stationed so that the entire area can be monitored.

(c) The barriers required by this section ((~~shall~~)) must be removed when the protection they provide is no longer needed.

(d) Guarding ((~~shall~~)) must be provided within test areas to control access to test equipment or to apparatus under test that may become energized as part of the testing by either direct or inductive coupling, in order to prevent accidental employee contact with energized parts.

(4) Grounding practices.

(a) The employer ((~~shall~~)) must establish and implement safe grounding practices for the test facility.

(i) All conductive parts accessible to the test operator during the time the equipment is operating at high voltage ((~~shall~~)) must be maintained at ground potential except for portions of the equipment that are isolated from the test operator by guarding.

(ii) Wherever ungrounded terminals of test equipment or apparatus under test may be present, they ((~~shall~~)) must be treated as energized until determined by tests to be deenergized.

(b) Visible grounds ((~~shall~~)) must be applied, either automatically or manually with properly insulated tools, to the high-voltage circuits after they are deenergized and before work is performed on the circuit or item or apparatus under test. Common ground connections ((~~shall~~)) must be solidly connected to the test equipment and the apparatus under test.

(c) In high-power testing, an isolated ground-return conductor system ((~~shall~~)) must be provided so that no intentional passage of current, with its attendant voltage rise, can occur in the ground grid or in the earth. However, an isolated ground-return conductor need not be provided if the

employer can demonstrate that both the following conditions are met:

(i) An isolated ground-return conductor cannot be provided due to the distance of the test site from the electric energy source; and

(ii) Employees are protected from any hazardous step and touch potentials that may develop during the test.

Note: See Appendix B of this chapter for information on measures that can be taken to protect employees from hazardous step and touch potentials.

(d) In tests in which grounding of test equipment by means of the equipment grounding conductor located in the equipment power cord cannot be used due to increased hazards to test personnel or the prevention of satisfactory measurements, a ground that the employer can demonstrate affords equivalent safety ((~~shall~~)) must be provided, and the safety ground ((~~shall~~)) must be clearly indicated in the test set up.

(e) When the test area is entered after equipment is deenergized, a ground ((~~shall~~)) must be placed on the high-voltage terminal and any other exposed terminals.

(i) High capacitance equipment or apparatus ((~~shall~~)) must be discharged through a resistor rated for the available energy.

(ii) A direct ground ((~~shall~~)) must be applied to the exposed terminals when the stored energy drops to a level at which it is safe to do so.

(f) If a test trailer or test vehicle is used in field testing, its chassis ((~~shall~~)) must be grounded. Protection against hazardous touch potentials with respect to the vehicle, instrument panels, and other conductive parts accessible to employees ((~~shall~~)) must be provided by bonding, insulation, or isolation.

(5) Control and measuring circuits.

(a) Control wiring, meter connections, test leads and cables ((~~may not~~)) cannot be run from a test area unless they are contained in a grounded metallic sheath and terminated in a grounded metallic enclosure or unless other precautions are taken that the employer can demonstrate as ensuring equivalent safety.

(b) Meters and other instruments with accessible terminals or parts ((~~shall~~)) must be isolated from test personnel to protect against hazards arising from such terminals and parts becoming energized during testing. If this isolation is provided by locating test equipment in metal compartments with viewing windows, interlocks ((~~shall~~)) must be provided to interrupt the power supply if the compartment cover is opened.

(c) The routing and connections of temporary wiring ((~~shall~~)) will be made secure against damage, accidental interruptions and other hazards. To the maximum extent possible, signal, control, ground, and power cables ((~~shall~~)) must be kept separate.

(d) If employees will be present in the test area during testing, a test observer ((~~shall~~)) must be present. The test observer ((~~shall~~)) must be capable of implementing the immediate deenergizing of test circuits for safety purposes.

(6) Safety check.

(a) Safety practices governing employee work at temporary or field test areas ((~~shall~~)) must provide for a routine check of such test areas for safety at the beginning of each series of tests.

(b) The test operator in charge ((~~shall~~)) must conduct these routine safety checks before each series of tests and ((~~shall~~)) must verify at least the following conditions:

(i) That barriers and guards are in workable condition and are properly placed to isolate hazardous areas;

(ii) That system test status signals, if used, are in operable condition;

(iii) That test power disconnects are clearly marked and readily available in an emergency;

(iv) That ground connections are clearly identifiable;

(v) That personal protective equipment is provided and used;

(vi) That signal, ground, and power cables are properly separated.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-375 Mechanical equipment, including aerial manlift equipment. (1) General requirements.

(a) Other applicable requirements. Mechanical equipment ((~~shall~~)) must be operated in accordance with applicable requirements in other chapters, including chapter 296-155 WAC, Parts L, M, and R, and chapter 296-869 WAC, except that WAC 296-155-605 (1)(h) and 296-155-77100 (1)(h) do not apply to operations performed by qualified electrical employees.

(b) The critical safety components of mechanical elevating and rotating equipment ((~~shall~~)) must receive a thorough visual inspection and operational test before use on each shift.

Note: Critical safety components of mechanical elevating and rotating equipment are components whose failure would result in a free fall or free rotation of the boom.

(c) No vehicular equipment having an obstructed view to the rear may be operated on off-highway job sites where any employee is exposed to the hazards created by the moving vehicle, unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level; or

(ii) The vehicle is backed up only when a designated employee signals that it is safe to do so.

(d) The operator of an electric line truck ((~~may not~~)) cannot leave their position at the controls while a load is suspended, unless the employer can demonstrate that no employee (including the operator) might be endangered.

(e) Rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler-type tractors, crawler-type loaders, and motor graders, with or without attachments, ((~~shall~~)) must have rollover protective structures that meet the requirements of chapter 296-155 WAC, Part V.

(2) Outriggers.

(a) Vehicular equipment, if provided with outriggers, ((~~shall~~)) must be operated with the outriggers extended and firmly set as necessary for the stability of the specific configuration of the equipment. Outriggers ((~~may not~~)) cannot be extended or retracted outside of clear view of the operator

unless all employees are outside the range of possible equipment motion.

(b) If the work area or the terrain precludes the use of outriggers, the equipment may be operated only within its maximum load ratings for the particular configuration of the equipment without outriggers.

(3) Applied loads. Mechanical equipment used to lift or move lines or other material ((~~shall~~)) must be used within its maximum load rating and other design limitations for the conditions under which the work is being performed.

(4) Hydraulic fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines or equipment ((~~shall~~)) must be of the insulating type.

(5) Mechanical adjustment or repairs ((~~shall~~)) must not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment ((~~shall~~)) must be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) When any aerial manlift equipment is parked for operation at the job site, the brakes ((~~shall~~)) must be set. Wheel chocks ((~~shall~~)) must be used to prevent accidental movement while parked on an incline.

(8) Employees ((~~shall~~)) must not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(9) The basket ((~~shall~~)) must not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(10) Operations near energized lines or equipment.

(a) Mechanical equipment ((~~shall~~)) must be operated so that the minimum approach distances of Table 2, located in WAC 296-45-325, are maintained from exposed energized lines and equipment. However, the insulated upper portion excluding the basket/bucket of an aerial lift operated by a qualified electrical employee in the lift is exempt from this requirement.

(b) A designated employee other than the equipment operator ((~~shall~~)) must observe the approach distance to exposed lines and equipment and give timely warnings before the minimum approach distance required by subsection (10)(a) of this section is reached, unless the employer can demonstrate that the operator can accurately determine that the minimum approach distance is being maintained.

(c) If, during operation of the mechanical equipment, the equipment could become energized, the operation ((~~shall~~)) must also comply with at least one of the following:

(i) The energized lines exposed to contact ((~~shall~~)) must be covered with insulating protective material that will withstand the type of contact that might be made during the operation.

(ii) The equipment ((~~shall~~)) must be insulated for the voltage involved. The equipment ((~~shall~~)) must be positioned so that its uninsulated portions cannot approach the lines or equipment any closer than the minimum approach distances specified in Table 2, located in WAC 296-45-325.

(iii) Each employee ((~~shall~~)) must be protected from hazards that might arise from equipment contact with the energized lines. The measures used ((~~shall~~)) must ensure that employees will not be exposed to hazardous differences in potential. Unless the employer can demonstrate that the methods in use protect each employee from the hazards that might arise if the equipment contacts the energized line, the measures used ((~~shall~~)) must include all of the following techniques:

(A) Using the best available ground to minimize the time the lines remain energized;

(B) Bonding mechanical equipment together to minimize potential differences;

(C) Providing ground mats to extend areas of equipotential; and

(D) Employing insulating protective equipment or barricades to guard against any remaining hazardous potential differences.

Note: Appendix B of this chapter contains information on hazardous step and touch potentials and on methods of protecting employees from hazards resulting from such potentials.

(11) While working in aerial equipment, employees ((~~shall~~)) must wear a full body harness and a lanyard attached to the boom or basket, in a secure manner.

(12) No component of aerial devices ((~~shall~~)) must be operated from the ground without permission from the employee in the basket except in case of emergency.

(13) Operating levers or controls ((~~shall~~)) must be kept clear of tools, materials or obstructions.

(14) Employees ((~~shall~~)) must not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception ((~~shall~~)) must not be used to circumvent safety rules.

(15) Existing safety rules governing the use of hot line tools, rubber and other protective equipment and safe work practices while performing work from poles or structures ((~~shall~~)) must also apply to work done from aerial manlift equipment.

(16) The basket ((~~shall~~)) must be kept clean and all tools not in use ((~~shall~~)) must be secured or removed.

(17) Approved warning light ((~~shall~~)) must be operating when the boom leaves the cradle. This light ((~~shall~~)) must be visible to approaching traffic when the boom is in position over any traveled area.

(18) All aerial manlift equipment ((~~shall~~)) must have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls ((~~shall~~)) must not be capable of rendering the lower controls ((~~inoperative~~)) inoperable. The lower controls should be located at or near the base of the aerial structure. If the lower controls are used, the operator ((~~shall~~)) must have a view of the elevated employee(s) or there ((~~shall~~)) must be communication between the operator and the employee in the elevated aerial structure: Provided, That no employee ((~~shall~~)) must be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure; or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

Note: This section ((~~shall~~)) must not be interpreted as an exception to any other rule in this chapter.

(19) Controls in aerial manlift equipment ((~~shall~~)) must be protected from accidental operation. Controls of the outriggers ((~~shall~~)) must also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(20) The manufacturer's recommended maximum load limit ((~~shall~~)) must be posted at a conspicuous place near each set of controls and ((~~shall~~)) must be kept in a legible condition.

(21) The manufacturer's operator's instructional manual ((~~shall~~)) must be kept on the vehicle.

(22) Operating instructions, proper sequence and maintenance procedures prescribed by the manufacturer for operation of the equipment ((~~shall~~)) must be followed.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-385 Overhead lines. This section provides additional requirements for work performed on or near overhead lines and equipment.

(1) General.

(a) Before elevated structures and adjacent structures, such as poles or towers of the adjacent supporting poles, structures, and conductor supporting hardware, are subjected to such stresses as climbing or the installation or removal of equipment may impose, the employer ((~~shall~~)) must ascertain that the structures are capable of sustaining the additional or unbalanced stresses. If the pole or other structure cannot withstand the loads which will be imposed, it ((~~shall~~)) must be braced or otherwise supported so as to prevent failure.

Note: Appendix C of this chapter contains test methods that can be used in ascertaining whether a wood pole is capable of sustaining the forces that would be imposed by an employee climbing the pole. This section also requires the employer to ascertain that the pole can sustain all other forces that will be imposed by the work to be performed.

(b) When poles are set, moved, or removed near exposed energized overhead conductors, the pole ((~~may~~)) must not contact the conductors.

(c) When a pole is set, moved, or removed near an exposed energized overhead conductor, the employer ((~~shall~~)) must ensure that each employee wears electrical protective equipment or uses insulated devices when handling the pole and that no employee contacts the pole with uninsulated parts of their body.

(d) To protect employees from falling into holes into which poles are to be placed, the holes ((~~shall~~)) must be attended by employees or physically guarded whenever anyone is working nearby.

(2) Installing and removing overhead lines. The following provisions apply to the installation and removal of overhead conductors or cable.

(a) The employer ((~~shall~~)) must use the tension stringing method, barriers, or other equivalent measures to minimize the possibility that conductors and cables being installed or removed will contact energized power lines or equipment.

(b) When conductors are being strung in or removed, they ((~~shall~~)) must be kept under positive control to prevent accidental contact with energized circuit.

(c) The protective measures required by WAC 296-45-375 (10)(c) for mechanical equipment ((~~shall~~)) must also be provided for conductors, cables, and pulling and tensioning equipment when the conductor or cable is being installed or removed close enough to energized conductors that any of the following failures could energize the pulling or tensioning equipment or the wire or cable being installed or removed:

(i) Failure of the pulling or tensioning equipment;

(ii) Failure of the wire or cable being pulled; or

(iii) Failure of the previously installed lines or equipment.

(d) When conductors being installed or removed cross over energized conductors in excess of 600 volts, rope nets or guard structures must be installed unless provision is made to isolate or insulate the worker or the energized conductor. Where the design of the circuit-interrupting devices protecting the lines so permits, the automatic-reclosing feature of these devices must be made ((~~inoperative~~)) inoperable. In addition, the line being strung must be grounded on either side of the crossover or considered and worked as energized.

(e) Before lines are installed parallel to existing energized lines, the employer ((~~shall~~)) must make a determination of the approximate voltage to be induced in the new lines, or work ((~~shall~~)) must proceed on the assumption that the induced voltage is hazardous. Unless the employer can demonstrate that the lines being installed are not subject to the induction of a hazardous voltage or unless the lines are treated as energized, temporary protective grounds ((~~shall~~)) must be placed at such locations and arranged in such a manner that the employer can demonstrate will prevent exposure of each employee to hazardous differences in electric potential.

Notes:
- If the employer takes no precautions to protect employees from hazards associated with involuntary reactions from electric shock, a hazard exists if the induced voltage is sufficient to pass a current of 1 milliampere through a 500-ohm resistor. If the employer protects employees from injury due to involuntary reactions from electric shock, a hazard exists if the resultant current would be more than 6 milliamperes.
- Appendix B of this chapter contains guidelines for protecting employees from hazardous differences in electric potential as required by this section.

(f) Reel handling equipment, including pulling and tensioning devices, ((~~shall~~)) must be in safe operating condition and ((~~shall~~)) must be leveled and aligned.

(g) Load ratings of stringing lines, pulling lines, conductor grips, load-bearing hardware and accessories, rigging, and hoists ((~~may not~~)) cannot be exceeded.

(h) Each pull must be snubbed or dead ended at both ends before subsequent pulls.

(3) Pulling lines and accessories ((~~shall~~)) must be inspected prior to each use and replaced or repaired when damaged or when there is a reasonable basis to doubt the dependability of such lines or accessories.

(4) Conductor grips ((~~may not~~)) cannot be used on wire rope, unless the grip is specifically designed for this application.

(5) Reliable communications, through two-way radios or other equivalent means, ((~~shall~~)) must be maintained between the reel tender and the pulling rig operator.

(6) The pulling rig may only be operated when it is safe to do so.

Note: Examples of unsafe conditions include employees in locations prohibited by subsection (7) of this section, conductor and pulling line hang-ups, and slipping of the conductor grip.

(7) While the conductor or pulling line is being pulled (in motion) with a power-driven device, employees are not permitted directly under overhead operations or on the cross arm, except as necessary to guide the stringing sock or board over or through the stringing sheave.

(8) Live-line bare-hand work is prohibited.

(9) When winches, trucks, or tractors are being used to raise poles, materials, to pull in wires, to pull slack or in any other operation, there ((~~shall~~)) must be an operator at the controls unless the machinery or process is stopped.

(10) Leadworkers ((~~shall~~)) must designate an employee to give signals when required.

(11) Raising poles, towers or fixtures in the close proximity of high voltage conductors ((~~shall~~)) must be done under the supervision of a qualified electrical employee.

(12) Employees ((~~shall~~)) must not crawl over insulator strings but ((~~shall~~)) must use a platform or other approved device to work from when making dead ends or doing other work beyond strings of insulators, at such distance that they cannot reach the work from the pole or fixture. While working on the platform or other device, they ((~~shall~~)) must be secured with safety straps or a rope to prevent falling. The provision of this subsection does not apply to extra high voltage bundle conductors when the use of such equipment may produce additional hazard. Climbing over dead end assemblies is permissible only after they have been completed and pinned in the final position.

(13) Towers and structures. The following requirements apply to work performed on towers or other structures which support overhead lines.

(a) The employer ((~~shall~~)) must ensure that no employee is under a tower or structure while work is in progress, except where the employer can demonstrate that such a working position is necessary to assist employees working above.

(b) Tag lines or other similar devices ((~~shall~~)) must be used to maintain control of tower sections being raised or positioned, unless the employer can demonstrate that the use of such devices would create a greater hazard.

(c) The loadline ((~~may not~~)) cannot be detached from a member or section until the load is safely secured.

(d) No one ((~~shall be~~)) is permitted to remain in the footing while equipment is being spotted for placement.

(e) A designated employee must be utilized to determine that required clearance is maintained in moving equipment under or near energized lines.

(14) All conductors, subconductors, and overhead ground conductors must be bonded to the tower at any isolated tower where it may be necessary to complete work on the transmission line.

(15) A transmission clipping crew ((~~shall~~)) must have a minimum of two structures clipped in between the crew and the conductor being sagged.

(16) While on patrol at night and operating a motor vehicle on public roadways, there ((~~shall~~)) must be two employees, at least one of whom ((~~shall~~)) must be a qualified electrical employee. If repair to line or equipment is found to be of such nature as to require two qualified electrical employees, work ((~~shall~~)) will not proceed until additional help has been obtained provided that in cases of emergency where delay would increase the danger to life, limb, or substantial property, one employee may clear the hazard without assistance.

(17) Except during emergency restoration procedures, work ((~~shall~~)) must be discontinued when adverse weather conditions would make the work hazardous in spite of the work practices required by this section.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make this work too hazardous to perform, except under emergency conditions.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-455 Line-clearance tree-trimming operations. This section provides additional requirements for line-clearance tree-trimming operations and for equipment used in these operations.

This section does not apply to qualified electrical employees.

(1) Before an employee climbs, enters, or works around any tree, a determination ((~~shall~~)) must be made of the nominal voltage of electric power lines posing a hazard to employees. However, a determination of the maximum nominal voltage to which an employee will be exposed may be made instead, if all lines are considered as energized at this maximum voltage.

(2) There ((~~shall~~)) must be a second line-clearance tree trimmer within normal, unassisted voice communication under any of the following conditions:

(a) If a line-clearance tree trimmer is to approach more closely than 10 feet (305 cm) any conductor or electrical apparatus energized at more than 600 volts; or

(b) If branches or limbs being removed are closer to lines energized at more than 600 volts than the distances listed in Table 2, located in WAC 296-45-325; or

(c) If roping is necessary to remove branches or limbs near such conductors or apparatus.

(3) Line-clearance tree trimmers ((~~shall~~)) must maintain the minimum approach distances from energized conductors given in Table 2, located in WAC 296-45-325.

(4) Branches that are contacting exposed energized conductors or equipment or that are within the distances speci-

fied in Table 2, located in WAC 296-45-325 may be removed only through the use of insulating equipment.

Note: A tool constructed of a material that the employer can demonstrate has insulating qualities meeting WAC 296-45-305(1) are considered as insulated under this section if the tool is clean and dry.

(5) Ladders, platforms, and aerial devices ((~~may~~)) must not be brought closer to an energized part than the distances listed in Table 2, located in WAC 296-45-325.

(6) Line-clearance tree-trimming work ((~~may not~~)) cannot be performed when adverse weather conditions make the work hazardous in spite of the work practices required by this section. Each employee performing line-clearance tree-trimming work in the aftermath of a storm or under similar emergency conditions ((~~shall~~)) must be trained in the special hazards related to this type of work.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make line-clearance tree-trimming work too hazardous to perform safely.

(7) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver and the employer can demonstrate that this is the safest way to perform the work.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-45505 Brush chippers. (1) Brush chippers ((~~shall~~)) must be equipped with a locking device in the ignition system.

(2) Access panels for maintenance and adjustment of the chipper blades and associated drive train ((~~shall~~)) must be in place and secure during operation of the equipment. Servicing and maintenance ((~~shall~~)) must be performed according to chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).

(3) Brush chippers not equipped with a mechanical infeed system ((~~shall~~)) must be equipped with an infeed hopper of length sufficient to prevent employees from contacting the blades or knives of the machine during operation.

(4) Trailer chippers detached from trucks ((~~shall~~)) must be chocked or otherwise secured.

(5) Each employee in the immediate area of an operating chipper feed table ((~~shall~~)) must wear personal protective equipment as required by WAC 296-45-25505 of this chapter.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-45-45510 Sprayers and related equipment. (1) Walking and working surfaces of sprayers and related equipment ((~~shall~~)) must be covered with slip-resistant material. If slipping hazards cannot be eliminated, slip-resistant footwear or handrails and stair rails meeting the requirements of chapter 296-24 WAC, Part J-1, and WAC 296-800-260 may be used instead of slip-resistant material.

(2) Equipment on which employees stand to spray while the vehicle is in motion ((~~shall~~)) must be equipped with guardrails around the working area. The guardrail ((~~shall~~)) must be constructed in accordance with chapter 296-24 WAC, Part J-1 and WAC 296-800-260.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-45515 Stump cutters. (1) Stump cutters ((~~shall~~)) must be equipped with enclosures or guards to protect employees.

(2) Each employee in the immediate area of stump grinding operations (including the stump cutter operator) ((~~shall~~)) must wear personal protective equipment as required by WAC 296-45-25505.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-45520 Backpack power units for use in pruning and clearing. (1) While a backpack power unit is running, no one other than the operator may be within 10 feet (305 cm) of the cutting head of a brush saw.

(2) A backpack power unit ((~~shall~~)) must be equipped with a quick shutoff switch readily accessible to the operator.

(3) Backpack power unit engines ((~~shall~~)) must be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor, except as the manufacturer's servicing procedures require otherwise.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-45525 Rope. (1) Climbing ropes ((~~shall~~)) must be used by employees working aloft in trees. These ropes ((~~shall~~)) must have a minimum diameter of 0.5 inch (1.2 cm) with a minimum breaking strength of 2300 pounds (10.2 kN). Synthetic rope ((~~shall~~)) must have elasticity of not more than 7 percent.

(2) Rope ((~~shall~~)) must be inspected before each use and, if unsafe (for example, because of damage or defect), ((~~may not~~)) cannot be used.

(3) Rope ((~~shall~~)) must be stored away from cutting edges and sharp tools. Rope contact with corrosive chemicals, gas, and oil ((~~shall~~)) must be avoided.

(4) When stored, rope ((~~shall~~)) must be coiled and piled, or ((~~shall~~)) must be suspended, so that air can circulate through the coils.

(5) Rope ends ((~~shall~~)) must be secured to prevent their unraveling.

(6) Climbing rope ((~~may~~)) must not be spliced to effect repair.

(7) A rope that is wet, that is contaminated to the extent that its insulating capacity is impaired, or that is otherwise not considered to be insulated for the voltage involved ((~~may not~~)) cannot be used near exposed energized lines.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-45530 Fall protection. Each employee ((~~shall~~)) must be tied in with a climbing rope and safety saddle when the employee is working above the ground in a tree, unless ((~~he or she is~~)) they are ascending into the tree.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-465 Communication facilities. (1) Microwave transmission. The employer ((~~shall~~)) must ensure that no employee looks into an open waveguide or antenna that is connected to an energized microwave source.

(2) If the electromagnetic radiation level within an accessible area associated with microwave communications systems exceeds the radiation protection guide given in chapter 296-62 WAC, Part J-1. The area ((~~shall~~)) must be posted with the warning symbol described in chapter 296-62 WAC, Part J-1. The lower half of the warning symbol ((~~shall~~)) must include the following statements or ones that the employer can demonstrate are equivalent:

Radiation in this area may exceed hazard limitations and special precautions are required. Obtain specific instruction before entering.

(3) When an employee works in an area where the electromagnetic radiation could exceed the radiation protection guide, the employer ((~~shall~~)) must institute measures that ensure that the employee's exposure is not greater than that permitted by that guide. Such measures may include administrative and engineering controls and personal protective equipment.

(4) Power line carrier. Power line carrier work, including work on equipment used for coupling carrier current to power line conductors, ((~~shall~~)) must be performed in accordance with the requirements of this section pertaining to work on energized lines.

Note: Additional information relating to radio frequency radiation exposure can be found in WAC 296-32-22572 and 296-32-22574.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-475 Substations. This section provides additional requirements for substations and for work performed in them.

(1) Access and working space. Sufficient access and working space ((~~shall~~)) must be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and working space about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI ((~~C2-2012~~)) C2-2017. Installations meeting the ANSI provisions comply with ((~~WAC 296-45-475(1)~~)) subsection (1) of this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with ((~~WAC 296-45-475(1)~~)) subsection (1) of this section if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

(((~~a~~))) • That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(((~~b~~))) • That the configuration of the installation enables employees to maintain the minimum approach distances required by WAC 296-45-325(5) while they are working on exposed, energized parts; and

(((~~c~~))) • That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI ((~~C2-2012~~)) C2-2017.

(((~~d~~))) • Precaution must be taken to prevent accidental operation of relays or other protective devices due to jarring, vibration, or improper wiring.

(2) Draw-out-type circuit breakers. When draw-out-type circuit breakers are removed or inserted, the breaker ((~~shall~~)) must be in the open position. The control circuit ((~~shall~~)) must also be rendered ((~~inoperative~~)) inoperable, if the design of the equipment permits.

(3) Substation fences. Conductive fences around substations must be grounded. When a substation fence must be expanded or removed fence continuity must be maintained and bonding must be used to prevent electrical discontinuity. A temporary fence affording similar protection when the site is unattended, must be provided. Adequate interconnection with ground must be maintained between temporary fence and permanent fence.

(4) Guarding of rooms containing electric supply equipment.

(a) Rooms and spaces in which electric supply lines or equipment are installed ((~~shall~~)) must meet the requirements of subsection (4)(b) through (e) of this section under the following conditions:

(i) If exposed live parts operating at 50 to 150 volts to ground are located within 8 feet of the ground or other working surface inside the room or space;

(ii) If live parts operating at 151 to 600 volts and located within 8 feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under subsection (5)(a) of this section; or

(iii) If live parts operating at more than 600 volts are located within the room or space, unless:

(A) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or

(B) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an 8-foot height at 50 volts.

(b) The rooms and spaces ((~~shall~~)) must be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(c) Signs warning unqualified persons to keep out ((~~shall~~)) must be displayed at entrances to the rooms and spaces.

(d) Entrances to rooms and spaces that are not under the observation of an attendant ((~~shall~~)) must be kept locked.

(e) Unqualified persons ((~~may not~~)) cannot enter the rooms or spaces while the electric supply lines or equipment are energized.

(5) Guarding of energized parts.

(a) Guards ((~~shall~~)) must be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI ((~~C2-2012~~)) C2-2017. Installations meeting the ANSI provisions comply with subsection (5)(a) of this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with subsection (5)(a) of this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

((~~(i)~~)) • That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

((~~(ii)~~)) • That each employee is isolated from energized parts at the point of closest approach; and

((~~(iii)~~)) • That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI ((~~C2-2012~~)) C2-2017.

(b) Except for fuse replacement and other necessary access by qualified electrical employees, the guarding of energized parts within a compartment ((~~shall~~)) must be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(c) When guards are removed from energized equipment, barriers ((~~shall~~)) must be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

(6) Substation entry.

(a) Upon entering an attended substation, each employee other than those regularly working in the station ((~~shall~~)) must report ((~~his or her~~)) their presence to the employee in charge in order to receive information on special system conditions affecting employee safety.

(b) The job briefing required by WAC 296-45-135 ((~~shall~~)) must cover such additional subjects as the location of energized equipment in or adjacent to the work area and the limits of any deenergized work area.

(c) Nonqualified persons may only approach exposed energized electrical equipment located in substations or switch yards up to the distances set forth in Table 2, located in WAC 296-45-325, when under the direct supervision of a qualified electrical employee acting as a safety watch. The safety watch will make sure that the nonqualified person does not encroach or take conductive objects closer to exposed energized parts than set forth in Table 2, located in WAC 296-45-325.

(i) Nonqualified persons must have hazard recognition training and attend a documented tailgate meeting prior to entering the substation.

(ii) The safety watch must be a qualified electrical employee as defined by WAC 296-45-035.

(iii) The safety watch will have the responsibility and authority to monitor work on a continuous basis and/or stop work until the hazard is eliminated or protected.

(iv) The safety watch will maintain a direct line of sight and voice communications with all nonqualified persons under their direct supervision. If the safety watch cannot meet these requirements, additional safety watches must be assigned or work must be stopped. Each safety watch will monitor no more than four persons.

(v) The safety watch will perform no other duties while acting as a safety watch.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48505 Interlocks and other safety devices. (1) Interlocks and other safety devices ((~~shall~~)) must be maintained in a safe, operable condition.

(2) No interlock or other safety device may be modified to defeat its function, except for test, repair, or adjustment of the device.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48510 Changing brushes. Before exciter or generator brushes are changed while the generator is in service, the exciter or generator field ((~~shall~~)) must be checked to determine whether a ground condition exists. The brushes ((~~may not~~)) cannot be changed while the generator is energized if a ground condition exists.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-48515 Access and working space. Sufficient access and working space ((~~shall~~)) must be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and workspace about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI ((~~C2-2012~~)) C2-2017. Installations meeting the ANSI provisions comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

((~~(1)~~)) • That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

((~~(2)~~)) • That the configuration of the installation enables employees to maintain the minimum approach distances required by this section while they work on exposed, energized parts; and

(((~~(3)~~))) • That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI ((~~C2-2012~~)) C2-2017.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48520 Guarding of rooms containing electric supply equipment. (1) Rooms and spaces in which electric supply lines or equipment are installed ((~~shall~~)) must meet the requirements of this section under the following conditions:

(a) If exposed live parts operating at 50 to 150 volts to ground are located within eight feet of the ground or other working surface inside the room or space;

(b) If live parts operating at 151 to 600 volts and located within eight feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under this section; or

(c) If live parts operating at more than 600 volts are located within the room or space; unless:

(i) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or

(ii) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an eight-foot height at 50 volts.

(2) The rooms and spaces ((~~shall~~)) must be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(3) Signs warning unqualified persons to keep out ((~~shall~~)) must be displayed at entrances to the rooms and spaces.

(4) Entrances to rooms and spaces that are not under the observation of an attendant ((~~shall~~)) must be kept locked.

(5) Unqualified persons ((~~may not~~)) cannot enter the rooms or spaces while the electric supply lines or equipment are energized.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-48525 Guarding of energized parts. (1) Guards ((~~shall~~)) must be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI ((~~C2-2012~~)) C2-2017. Installations meeting the ANSI provisions comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

(((~~(a)~~))) • That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(((~~(b)~~))) • That each employee is isolated from energized parts at the point of closest approach; and

(((~~(c)~~))) • That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI ((~~C2-2012~~)) C2-2017.

(2) Except for fuse replacement or other necessary access by qualified electrical employees, the guarding of energized parts within a compartment ((~~shall~~)) must be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(3) When guards are removed from energized equipment, barriers ((~~shall~~)) must be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48530 Water or steam spaces. The following requirements apply to work in water and steam spaces associated with boilers:

(1) A designated employee ((~~shall~~)) must inspect conditions before work is permitted and after its completion. Eye protection, or full face protection if necessary, ((~~shall~~)) must be worn at all times when condenser, heater, or boiler tubes are being cleaned.

(2) Where it is necessary for employees to work near tube ends during cleaning, shielding ((~~shall~~)) must be installed at the tube ends.

AMENDATORY SECTION (Amending WSR 03-18-090, filed 9/2/03, effective 11/1/03)

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(1) Areas where chemical cleaning is in progress ((~~shall~~)) must be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be used or might be produced during the cleaning process, the following requirements also apply:

(a) The area ((~~shall~~)) must be posted with signs restricting entry and warning of the hazards of fire and explosion; and

(b) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(2) The number of personnel in the restricted area ((~~shall~~)) must be limited to those necessary to accomplish the task safely.

(3) There ((~~shall~~)) must be ready access to water or showers for emergency use.

Note: See WAC 296-800-230, of the safety and health core rules, for requirements that apply to the water supply and to washing facilities.

(4) Employees in restricted areas ((~~shall~~)) must wear protective equipment meeting the requirements of this chapter and including, but not limited to, protective clothing, boots, goggles, and gloves.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48540 Chlorine systems. (1) Chlorine system enclosures ((~~shall~~)) must be posted with signs restricting entry and warning of the hazard to health and the hazards of fire and explosion.

Note: See chapter 296-62 WAC for requirements necessary to protect the health of employees from the effects of chlorine.

(2) Only designated employees may enter the restricted area. Additionally, the number of personnel ((~~shall~~)) must be limited to those necessary to accomplish the task safely.

(3) Emergency repair kits ((~~shall~~)) must be available near the shelter or enclosure to allow for the prompt repair of leaks in chlorine lines, equipment, or containers.

(4) Before repair procedures are started, chlorine tanks, pipes, and equipment ((~~shall~~)) must be purged with dry air and isolated from other sources of chlorine.

(5) The employer ((~~shall~~)) must ensure that chlorine is not mixed with materials that would react with the chlorine in a dangerously exothermic or other hazardous manner.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48545 Boilers. (1) Before internal furnace or ash hopper repair work is started, overhead areas ((~~shall~~)) must be inspected for possible falling objects. If the hazard of falling objects exists, overhead protection such as planking or nets ((~~shall~~)) must be provided.

(2) When opening an operating boiler door, employees ((~~shall~~)) must stand clear of the opening of the door to avoid the heat blast and gases which may escape from the boiler.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48550 Turbine generators. (1) Smoking and other ignition sources are prohibited near hydrogen or hydrogen sealing systems, and signs warning of the danger of explosion and fire ((~~shall~~)) must be posted.

(2) Excessive hydrogen makeup or abnormal loss of pressure ((~~shall~~)) must be considered as an emergency and shall be corrected immediately.

(3) A sufficient quantity of inert gas ((~~shall~~)) must be available to purge the hydrogen from the largest generator.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48555 Coal and ash handling. (1) Only designated persons may operate railroad equipment.

(2) Before a locomotive or locomotive crane is moved, a warning ((~~shall~~)) must be given to employees in the area.

(3) Employees engaged in switching or dumping cars ((~~may not~~)) cannot use their feet to line up drawheads.

(4) Drawheads and knuckles ((~~may not~~)) cannot be shifted while locomotives or cars are in motion.

(5) When a railroad car is stopped for unloading, the car ((~~shall~~)) must be secured from displacement that could endanger employees.

(6) An emergency means of stopping dump operations ((~~shall~~)) must be provided at railcar dumps.

(7) The employer ((~~shall~~)) must ensure that employees who work in coal- or ash-handling conveyor areas are trained and knowledgeable in conveyor operation and in the requirements of this section.

(8) Employees ((~~may not~~)) cannot ride a coal- or ash-handling conveyor belt at any time. Employees ((~~may~~)) must not cross over the conveyor belt, except at walkways, unless the conveyor's energy source has been deenergized and has been locked out or tagged in accordance with WAC 296-45-175.

(9) A conveyor that could cause injury when started ((~~may not~~)) cannot be started until personnel in the area are alerted by a signal or by a designated person that the conveyor is about to start.

(10) If a conveyor that could cause injury when started is automatically controlled or is controlled from a remote location, an audible device ((~~shall~~)) must be provided that sounds an alarm that will be recognized by each employee as a warning that the conveyor will start and that can be clearly heard at all points along the conveyor where personnel may be present. The warning device ((~~shall~~)) must be actuated by the device starting the conveyor and ((~~shall~~)) must continue for a period of time before the conveyor starts that is long enough to allow employees to move clear of the conveyor system. A visual warning may be used in place of the audible device if the employer can demonstrate that it will provide an equally effective warning in the particular circumstances involved.

Exception: If the employer can demonstrate that the system's function would be seriously hindered by the required time delay, warning signs may be provided in place of the audible warning device. If the system was installed before November 20, 1995, warning signs may be provided in place of the audible warning device until such time as the conveyor or its control system is rebuilt or rewired. These warning signs ((~~shall~~)) must be clear, concise, and legible and ((~~shall~~)) must indicate that conveyors and allied equipment may be started at any time, that danger exists, and that personnel must keep clear. These warning signs ((~~shall~~)) must be provided along the conveyor at areas not guarded by position or location.

(11) Remotely and automatically controlled conveyors, and conveyors that have operating stations which are not manned or which are beyond voice and visual contact from drive areas, loading areas, transfer points, and other locations on the conveyor path not guarded by location, position, or guards ((~~shall~~)) must be furnished with emergency stop buttons, pull cords, limit switches, or similar emergency stop devices. However, if the employer can demonstrate that the design, function, and operation of the conveyor do not expose an employee to hazards, an emergency stop device is not required.

(a) Emergency stop devices ((~~shall~~)) must be easily identifiable in the immediate vicinity of such locations.

(b) An emergency stop device ((~~shall~~)) must act directly on the control of the conveyor involved and ((~~may~~)) must not depend on the stopping of any other equipment.

(c) Emergency stop devices ((~~shall~~)) must be installed so that they cannot be overridden from other locations.

(12) Where coal-handling operations may produce a combustible atmosphere from fuel sources or from flammable gases or dust, sources of ignition ((~~shall~~)) must be eliminated or safely controlled to prevent ignition of the combustible atmosphere.

Note: Locations that are hazardous because of the presence of combustible dust are classified as Class II hazardous locations. See chapter 296-24 WAC, Part L.

(13) An employee ((~~may not~~)) cannot work on or beneath overhanging coal in coal bunkers, coal silos, or coal storage areas, unless the employee is protected from all hazards posed by shifting coal.

(14) An employee entering a bunker or silo to dislodge the contents ((~~shall~~)) must wear a body harness with lifeline attached. The lifeline ((~~shall~~)) must be secured to a fixed support outside the bunker and ((~~shall~~)) must be attended at all times by an employee located outside the bunker or facility.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48560 Hydroplants and equipment. Employees working on or close to water gates, valves, intakes, forebays, flumes, or other locations where increased or decreased water flow or levels may pose a significant hazard ((~~shall~~)) must be warned and ((~~shall~~)) must vacate such dangerous areas before water flow changes are made.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52505 Capacitors. The following additional requirements apply to work on capacitors and on lines connected to capacitors.

Note: See WAC 296-45-335 through 296-45-345 for requirements pertaining to the deenergizing and grounding of capacitor installations.

(1) Before employees work on capacitors, the capacitors ((~~shall~~)) must be disconnected from energized sources and, after a wait of at least 5 minutes from the time of disconnection, short-circuited.

(2) Before the units are handled, each unit in series-parallel capacitor banks ((~~shall~~)) must be short-circuited between all terminals and the capacitor case or its rack. If the cases of capacitors are on ungrounded substation racks, the racks ((~~shall~~)) must be bonded to ground.

(3) Any line to which capacitors are connected ((~~shall~~)) must be short-circuited before it is considered deenergized.

(4) After removal from service, short circuits ((~~shall~~)) must remain on capacitors in storage until returned to service.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52510 Current transformer secondaries. The secondary of a current transformer ((~~may not~~)) cannot be opened while the transformer is energized. If the primary of the current transformer cannot be deenergized before work is performed on an instrument, a relay, or other section of a current transformer secondary circuit, the circuit ((~~shall~~)) must be bridged so that the current transformer secondary will not be opened.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52515 Series streetlighting. (1) If the open-circuit voltage exceeds 600 volts, the series streetlighting circuit ((~~shall~~)) must be worked in accordance with WAC 296-45-215 or 296-45-385, as appropriate.

(2) A series loop may only be opened after the streetlighting transformer has been deenergized and isolated from the source of supply or after the loop is bridged to avoid an open-circuit condition.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52520 Illumination. Sufficient illumination ((~~shall~~)) must be provided to enable the employee to perform the work safely.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52525 Protection against drowning. (1) Whenever an employee may be pulled or pushed or may fall into water where the danger of drowning exists, the employee ((~~shall~~)) will be provided with and ((~~shall~~)) must use U.S. Coast Guard approved personal flotation devices.

(2) Each personal flotation device ((~~shall~~)) must be maintained in safe condition and ((~~shall~~)) must be inspected frequently enough to ensure that it does not have rot, mildew, water saturation, or any other condition that could render the device unsuitable for use.

(3) An employee may cross streams or other bodies of water only if a safe means of passage, such as a bridge, is provided.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52540 Lasers. Laser equipment ((~~shall~~)) must be installed, adjusted, and operated in accordance with WAC 296-155-155.

Note: Additional information relating to lasers can be found in WAC 296-32-22576.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52545 Hydraulic fluids. Hydraulic fluids used for the insulated sections of equipment ((~~shall~~)) must provide insulation for the voltage involved.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-52550 Foreign attachments and placards. Nails and unauthorized attachments should be removed before climbing above such attachments. When through bolts present a hazard to climbing, they ((~~shall~~)) must be trimmed to a safe length.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-545 Trolley maintenance, jumpering or bypassing. (1) Energized trolley wire ((~~shall~~)) must be jumpered when it is to be opened or cut.

(2) Reaching over trolley wire(s) or system(s). Qualified electrical employees ((~~shall~~)) must not reach over trolley wire(s) unless properly protected by line hose or rubber blanket.

(3) Reaching across sectional insulators. Qualified electrical employees ((~~shall~~)) must not reach across section insulator(s), insulated spacer(s) or insulated approach.

(4) Polarity on either side of sectionalizing breakers. Since the polarity on both sides of a sectionalizing insulator may be different, it is required that prior to performance of work, tests be performed with approved testing equipment to determine whether or not the polarity is the same or different on one side of the sectional insulator as compared with the other.

(5) Working on hangers. More than one truck crew ((~~shall~~)) must not work on hangers attached to the same span at the same time, without rubber protection.

(6) Workers on hangers of opposite polarity. Trolley hangers and ears of opposite polarity ((~~shall~~)) must not be worked on at the same time when trolley wire is energized.

(7) Checking electric switches. When electric switches are checked for operation, making it necessary to short circuit the contactor to each trolley wire, tools with insulated handles ((~~shall~~)) must be used.

(8) Short circuit due to use of noninsulated or conductive long handled tools. When a hazard of short circuit exists, due to use of noninsulated or conductive long handled tools, approved protective rubber equipment ((~~shall~~)) must be used as provided in this chapter.

(9) Trolley feeders. When work is to be performed on street railway trolley feeders where it is necessary for workers to work from metal or other grounded poles or fixtures or on poles or fixtures on which grounds are maintained, the feeders ((~~shall~~)) must be deenergized unless the poles or fixtures are insulated before the work is started with approved protective devices in such manner that employees cannot become grounded while working on the feeders, and employees ((~~shall~~)) must wear approved rubber gloves.

(10) Truck driver ((~~shall~~)) must remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks ((~~shall~~)) must be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(11) Working on truck towers. Employees ((~~shall~~)) must not stand on tower gates or railings. Work ((~~shall~~)) must not be done from plank(s) placed on tower railings.

(12) Tower truck railings. Towers ((~~shall~~)) must have standard railings and toeboards around the tower and all railings ((~~shall~~)) must be constructed of wood, fiberglass or other nonmetallic material. All railings ((~~shall~~)) must be a vertical height of not less than 36 inches or more than 42 inches from the floor of the platform to the upper surface of the top rail. Intermediate railings ((~~shall~~)) must be midway between the floor and the underside of the top rail. Tower gates ((~~shall~~)) must be so constructed as to prevent accidental opening.

(13) Tower truck decks ((~~shall~~)) must be kept clear of tools, wire and other materials and tools ((~~shall~~)) must be kept in proper storage area when not in use.

(14) Qualified electrical employees ((~~shall~~)) must not wear climbers or spurs while working on a tower truck.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-675 Rotorcraft/helicopter for power distribution and transmission line installation, construction and repair—Scope. (1) These standards which include WAC 296-45-675 ((~~shall~~)) apply to work being done on or near any rotorcraft, helicopter crane, or similar device when such device is for power distribution and transmission line construction, alteration, repair or similar work. These standards include work practices when such equipment is being or is about to be used and ((~~shall~~)) must apply to the exclusion of any other standard should such other standard be in conflict with the standards contained herein.

(2) These rules ((~~shall~~)) must be interpreted where necessary to achieve the protection of employees affected by the hazards particular to the helicopter operation and ((~~shall~~)) must be so interpreted as not to conflict with any federal law or regulation governing the operation or maintenance of such craft.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67503 Definitions. ((")))Approved rubber gloves.(("))) Rubber insulating gloves used for protection of electrical workers from electric shock while working on energized conductors and equipment.

((")))Cargo hooks.(("))) The cargo hook is the FAA approved primary attachment means to the aircraft. A device attached or suspended from an aircraft which is used to connect an external load to the aircraft through direct couplings or by lead lines. This unit has both primary and secondary release mechanisms.

((")))Designated employees.(("))) Those employees selected or designated by the employer to work under or near helicopters who have first been instructed in hooking,

unhooking, guiding and securing the load, including the signalperson, all of whom have been instructed in the hazards of helicopter work and who know the provisions of this section.

((")))Downwash.(("))) A down and outward air column from the main rotor system.

((")))Ground personnel or crew.(("))) Those employees who are physically and mentally capable, who are familiar with the hazards of helicopter use in power distribution and transmission line work, and who know these rules and the methods of operation.

((")))Helicopter,((")))helicopter crane,(("))) and **((")))rotorcraft.((")))** A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors. The use of the word helicopter in these rules ((~~shall~~)) also means helicopter crane, rotorcraft, or similar device.

((")))Helicopter service provider.(("))) Entity that holds the appropriate FAA operating certification and provides helicopter support services.

((")))Hooking and unhooking.(("))) The process by which an external load is either attached to or detached from the helicopter hook or sling line.

((")))Pilot in command, pilot or PIC.(("))) The person who:

• Has the final authority and responsibility for the operation and safety of the flight;

• Has been designated as pilot in command before or during the flight; and

• Holds the appropriate category, class and type rating for the conduct of the flight if applicable.

((")))Positive guide system.(("))) A system or method of installing a load into position so that the load is capable of being released from the helicopter without being otherwise secured so that the load will remain in position permanently or until otherwise secured by physical means.

((")))Rotors.(("))) That system of blades which rotates or revolves to supply lift or direction to the rotorcraft.

((")))Signalperson.(("))) That member of the ground crew that is designated by an employer to direct, signal and otherwise communicate with the operator of the helicopter.

((")))Sling line.(("))) A strap, chain, rope or the like used to securely hold something being lifted, lowered, carried or otherwise suspended.

((")))Sock line.(("))) A rope(s), cable(s) or similar line(s) that is used to pull a conductor line or other wire from a reel or to remove existing strung conductors from poles or towers.

((")))Static charge.(("))) A stationary charge of electricity.

((")))Tag line.(("))) A rope or similar device used to guide or control the direction or movement of a load.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67506 Personnel. (1) All personnel must be physically and mentally able and qualified to perform the work to which they are assigned, including being knowledgeable in these rules.

(2) There must be a sufficient number of qualified ground personnel to safely guide, secure, hook and unhook the load.

(3) No employee ((~~shall~~)) will perform or be ordered or assigned to perform any activity for which they are not trained, qualified, and competent or which they may compromise their safety or the safety of others.

Note: Applicable training requirements in WAC 296-45-065 ((~~shall~~)) must be followed.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67513 Personal protective equipment (PPE). Personal protective equipment when working on, under or in the near vicinity of helicopters:

(1) All employees ((~~shall~~)) must wear eye protection of such design as to prevent the likelihood of dust or other substances from contacting the eye(s) of employees.

(2) All employees ((~~shall~~)) must wear ANSI-approved hard hats or helmets for electrical work specific to work associated with helicopter operations that ((~~shall~~)) must be secured on the employee's head by a chinstrap or other suitable means.

(3) The employer must perform and document a hazard assessment to identify and determine the appropriate PPE for the work being performed, the location and site and/or equipment.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-67515 Wearing apparel. No employee ((~~shall~~)) will wear clothing or apparel which is either designed to or in fact can reasonably be expected to flap or otherwise react in a similar fashion in the downwash or air disturbance of a helicopter(s). No employee ((~~shall~~)) must work on, under or in the near vicinity of a helicopter while wearing such apparel or clothing which flaps or moves to the extent that it presents a hazard in that it could be caught in the moving equipment, the hoist line, or otherwise interfere with the safe performance of the work.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-67517 Loose gear and objects. All loose gear, including lunch boxes, rope, cardboard, wire covers and similar items ((~~shall~~)) must be removed or secured or otherwise made fast before the helicopter is started or allowed to approach such area. In the event the gear is not secured or fastened, it ((~~shall~~)) must be removed and located outside the downwash at least 100 feet from the helicopter.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67519 Landing zones. (1) When establishing the landing zone, the following items ((~~shall~~)) must be considered:

• Size and type of helicopter;

• Suitability of the planned activity;
• Physical barriers or obstructions;
• Helicopter touchdown area and congestion in the area.

(2) All helicopter landing, loading and unloading areas ((~~shall~~)) must be maintained in a neat and orderly fashion so as to reduce the likelihood of flying materials, tripping, or other hazards attendant to the work being performed.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67521 Pilot's responsibility. (1) The pilot and employer must ensure the pilot is properly rested and fit for duty.

(2) The helicopter pilot ((~~shall~~)) must be responsible for the size, weight and manner in which loads are connected to the helicopter.

(3) No load ((~~shall~~)) will be made if the helicopter pilot believes the lift cannot safely be performed. The employer ((~~shall~~)) must make certain that the pilot of the helicopter is able to freely exercise their prerogative and judgment as to safe operation of the helicopter itself concerning size, weight and manner by which loads are connected.

(4) No employee ((~~shall~~)) will work on, under, near or in conjunction with a helicopter whose operation does not correspond with the foregoing provisions.

(5) The pilot ((~~shall~~)) must possess the appropriate ratings for the aircraft and ((~~shall~~)) must be competent to safely conduct the assigned tasks. The pilot ((~~shall~~)) must have the final authority and is solely responsible for the safe operation of the helicopter load at all times.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67522 Cargo hooks. (1) All cargo hooks ((~~shall~~)) must have a primary and secondary release mechanism designed and installed as to prevent inadvertent operation. The hooks primary and secondary release ((~~shall~~)) must be tested prior to each day's operation to determine that the release functions properly.

(2) No employee ((~~shall~~)) will be permitted to work under a hovering helicopter(s) unless the cargo hooks used comply with Federal Aviation Administration regulations governing such hooks.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67523 Hooking and unhooking loads. (1) Work performed at an elevated position and directly under hovering helicopters ((~~shall~~)) must be performed only by qualified and capable employees.

(a) Work ((~~shall~~)) must be limited to the minimum time necessary to guide, secure, hook or unhook the loads, provided that only a single point of attachment is required to secure the load.

(b) When an employee is working from the ground under hovering helicopters, the employee ((~~shall~~)) must have a safe means of ingress and egress at all times, including a readily available escape route or routes in the event of an emergency.

(2) Except as specifically permitted under WAC 296-45-675 through 296-45-67545, no other work or work-related activity ((~~shall~~)) must be permitted under hovering helicopters.

(3) Positive guide systems ((~~shall~~)) must be used for the placement of large segments of primary tower structure and ((~~shall~~)) must enable the heavy lift helicopter to temporarily secure and release the load. Bolting of or otherwise permanently securing the structures is prohibited under hovering helicopters except that in the event of an unforeseen contingency of an emergency nature which represents a substantial hazard to life or property, an employee may do such work as is necessary to preserve life or protect substantial property.

Note: This does not apply to assembly and erection of steel monopole construction.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67525 Static charge. All loads ((~~shall~~)) must be grounded or bonded with a device capable of discharging either the actual or potential static charge before ground personnel either touch or come close enough to touch the suspended load.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67527 Line stringing. (1) Weight of the external load ((~~shall~~)) must not exceed the manufacturer's load limit.

(2) Each helicopter operator utilized in line stringing ((~~shall~~)) must be authorized by the Federal Aviation Administration, Part 133, Class C Operations.

(3) All line stringing operations ((~~shall~~)) must be conducted in accordance with the following requirements:

(a) Stringing tension method ((~~shall~~)) must enable a consistent positive control of the cable, rope, or similar lines at all times during pulling operations;

(b) During all pulling operations, the helicopter pilot ((~~shall~~)) must maintain an aircraft orientation that allows the pilot to maintain constant visibility in both directions on line;

(c) No pulling operation ((~~shall~~)) must be conducted at a ground speed greater than fifteen mph;

(d) When pulling from the aircraft belly hook attachment point, a ballast weight of a minimum three hundred pounds ((~~shall~~)) must be utilized;

(e) At no time during the pulling operation ((~~shall~~)) must the load line that is attached to helicopter's belly hook attachment point exceed a thirty degree angle from vertical.

Note: Subsection (3)(d) and (e) does not apply when pulling from the helicopter's approved side pull attachment point.

(4) A helicopter ((~~shall~~)) must not pull any cable, rope, or similar line which is at any point attached to a fixed object other than the helicopter itself. Helicopters may pull a "free-wheeling" or "pay-out" of the cable, rope, or similar line so long as the end is not tied to a truck or fixed object other than the reel itself.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67529 Visibility. Employees ((~~shall~~)) must keep clear of and outside the downwash of the helicopters except as necessary to perform a permitted activity. Where reasonably practical, reduced vision of the operator and ground crew ((~~shall~~)) must be eliminated.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67531 Communication. (1) Communication must be maintained between the air crew and ground personnel at all times by a designated and qualified signalperson. There must be a constant, open line of communication using radios or head and hand signals.

(2) Signal systems must be understood by the air crew and the ground crew, including signalpersons, prior to the hoisting of any load.

(3) Signaling and maintaining communications with the pilot will be exclusive to the designated signalperson during periods of loading and unloading. The signalperson must be distinguishable from other members of the ground crew by the pilot of the aircraft. This may be by way of orange-colored gloves, vest, or other apparel.

(4) The lead worker and one top person must also have an operating transmitter and receiver.

(5) Authorized and qualified employees may come within 50 feet of the helicopter when the rotor blades are turning, but no closer, other than to enter the aircraft or to hook or unhook the load or do other essential functions. Other employee(s) ((~~shall~~)) must not come closer than 100 feet of the aircraft when it is operating.

(6) The signals between the signalperson and the operator of the helicopter ((~~shall~~)) must be those submitted to the FAA for the particular job. When head signals are to be used, the qualified worker must utilize a visually enhanced hard hat or helmet with clear markings to indicate the desired movement. Any signals other than up/down or in/out will require the use of hand signals.

(7) Should there occur a change in the hazards, method of performing the job, signals to be used, or other operating conditions during the course of any particular job, a conference ((~~shall~~)) must immediately be held at which time all affected employees and others (including signalpersons, ground workers, and pilots) will be advised of such hazards or change of operation. No employee ((~~shall~~)) will be permitted to work unless such employee and others fully understand any changes that have taken place.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67533 Helicopter operation. (1) Whenever approaching or leaving a helicopter with blades rotating, all employees must remain in full view of the pilot and remain in a crouched position while within 50 feet of the helicopter. No employee can approach the rear of the helicopter unless directly authorized and directed by the pilot of such craft. All employees when operating or working within 50 feet of the helicopter with blades turning are subject to the direction of the helicopter pilot.

(2) All materials and equipment loaded in the aircraft ((~~shall~~)) must be properly secured for flight.

(3) Long objects, such as shovels and hot sticks, ((~~shall~~)) must be carried horizontally and below the waist to avoid contact with the aircraft rotor blades.

(4) The pilot ((~~shall~~)) must ensure that all loads are safely secured to the helicopter, or in cargo baskets, and properly loaded with regard to weight and balance.

(5) Never throw anything while loading and unloading the helicopter. Thrown items may come in contact with the aircraft rotor blade, causing damage to the aircraft and possible injury to ground personnel.

(6) While in the helicopter, safety belts must remain fastened at all times except when the pilot instructs otherwise or while entering or leaving the helicopter.

(7) Smoking in the helicopter is prohibited at all times.

(8) No employee ((~~shall~~)) can ride in or work under or near a helicopter with less than twenty minutes reserve fuel.

(9) No employee ((~~shall~~)) can have sharp objects in their pocket or unsecured while sitting in or on the helicopter.

(10) No employee ((~~shall~~)) can touch any switch, knob, instrument, or other control device in the cockpit unless specifically directed by the pilot.

(11) No employee ((~~shall~~)) can obscure or otherwise obstruct the pilot's ability to visually see the instruments or flight path during flight or operation.

(12) No employee ((~~shall~~)) can attempt to slow or stop the rotorcraft blades.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67536 Helicopter work tasks. (1) Aerial hover transfer.

(a) Full body harnesses, lanyards, hardware, and attachment points must meet the requirements in ANSI Z359.1-2007.

(b) Any employees transferring from a helicopter to a structure/conductor must wear a full body harness and lanyard fixed to an approved attachment point on the helicopter, structure/conductor. An ANSI-approved device that allows the worker to be attached simultaneously to the helicopter and the structure/conductor ((~~shall~~)) must be used until the transfer is complete.

(c) Fall protection must be established and maintained one hundred percent during the entire time the employee is transferring from the helicopter to the structure/conductor.

(2) Human external cargo (HEC).

(a) The sling/vertical suspension system (human external cargo or HEC) is a vertical system suspended from the helicopter cargo hook. The sling system will comply with all governmental requirements (e.g., 14 C.F.R. Part 133, Class B or D - External Load((.))). For Class D operations the sling system will also comply with 14 C.F.R. 27.865 or 29.865.

(b) Helicopter operations involving HEC ((~~shall~~)) must incorporate the use of a secondary safety device, in addition to the helicopter's primary attachment means, to prevent the inadvertent release of the load. This device ((~~shall~~)) must

remain jettison-able in accordance with Class B load requirements.

(i) All lines utilized for HEC operations ((~~shall~~)) must be dedicated for HEC and ((~~shall~~)) will not be used for transporting cargo.

(ii) HEC lines ((~~shall~~)) must not be less than 10:1 safety ratio between the rated breaking strength and the working load.

(iii) All harnesses utilized for helicopter short-haul operations must meet the ANSI Z359.1-2007 standards for class III (full body) harnesses and must be equipped with both dorsal and sternal D rings.

(iv) All suspension harnesses used for HEC must be adjusted to the user. The harness must be designed to prevent suspension trauma or equipped with an orthostatic shock relief device. Such devices must be deployed and used if an employee has been in suspension longer than five minutes.

(c) External platform and skid operation. If a platform system is used to transport crews or where a crew member performs work from the platform system and all aircraft attachment points ((~~shall~~)) must comply with applicable FAA regulations and requirements. All platform operations ((~~shall~~)) must be conducted in accordance with the 14 C.F.R. Part 133, Class A - External Load. Flight and hovering capabilities of the helicopter must not be adversely affected by the design of the platform. The platform must not affect the auto rotation and emergency capabilities of the helicopter. The platform and loads may affect the lateral and longitudinal CG weight and balance of the helicopter in flight. An engineered counter-balance system must be used if the platform exceeds the lateral CG limits of the manufacturer's specifications for the helicopter which will ensure stability.

(3) External cargo sling loads. Helicopter longline support operations (cargo operations) ((~~shall~~)) must only be performed by qualified, competent and trained personnel. All operations ((~~shall~~)) must be conducted in accordance with applicable Federal Aviation Administration regulations.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67537 Sling and rigging. (1) The pilot is responsible for the integrity of the rigging for any external load and must ensure safe delivery of the cargo by inspecting and monitoring the security of the rigging throughout the operation. Prior to operations, the pilot must check the condition and application of all rigging gear to ensure serviceability. Prior to commencing operations, determine the complete rigging requirements, including slings and taglines.

(2) All personnel involved with rigging activities must receive appropriate rigging training and show proficiency specific to helicopter operations and the work or tasks being performed.

(3) The slings used for the external load must be inspected each day before use. Slings must be inspected by an employee designated, trained and qualified as a rigger.

(4) No sling ((~~shall~~)) will be used unless it has a properly marked minimum tensile strength of five times the load which will be carried or is being carried.

(a) No sling ((~~shall~~)) will be used unless upon inspection it is determined to be in good condition and capable of the work which is to be performed and properly marked.

(b) Loads must be properly slung so that there will be no slippage or shifting of the load and so that the load will not ((~~accidently~~)) accidentally be dislodged from the helicopter.

(c) In an energized environment helicopter load lines must be comprised of nonconductive materials which are the appropriate weight, strength, and length to prevent the line from being lifted and entangled into the aircraft rotor system.

(d) Pressed sleeves, wedged eyes, or equivalent means ((~~shall~~)) must be used for all suspended loads utilizing wire rope. All eyes on synthetic line ((~~shall~~)) must be produced by the lines manufacturer or a certified splicer for the specific type of line.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-67541 Fires. Open fires ((~~shall~~)) must not be permitted in any area in which said fires will be affected by the downwash of the rotors, nor ((~~shall~~)) must any employee smoke in an area subject to the downdraft of the rotor.

AMENDATORY SECTION (Amending WSR 16-10-081, filed 5/3/16, effective 7/1/16)

WAC 296-45-67545 Refueling operations. (1) Refueling of any helicopter with either aviation gasoline or Jet B (Turbine) type fuel ((~~shall~~)) must be prohibited while the engines are running.

(2) Fueling of helicopters using Jet A (Turbine-Kerosene) type fuel is allowed with engines running.

(3) All helicopter fueling must comply with the following:

(a) No unauthorized persons ((~~shall~~)) must be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, ((~~shall~~)) must be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(c) All fueling personnel ((~~shall~~)) must be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There must be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. The refueling area or the fuel truck must be posted with "NO SMOKING" signs.

(e) Prior to making any fueling connection to the aircraft, the fueling equipment ((~~shall~~)) must be bonded to the aircraft by use of a cable, thus providing a conductive path to equalize the potential between the fueling equipment and the aircraft. The bond ((~~shall~~)) must be maintained until fueling connections have been removed, thus allowing separated charges that could be generated during the fueling operation

to reunite. Grounding during aircraft fueling ((~~shall~~)) must not be permitted.

(f) To control spills, fuel ((~~shall~~)) must be pumped either by hand or power. Pouring or gravity flow ((~~shall~~)) must not be permitted. Self-closing nozzles or deadman controls ((~~shall~~)) must be used and ((~~shall~~)) must not be blocked open. Nozzles ((~~shall~~)) must not be dragged along the ground.

(g) In case of a spill, the fueling operation ((~~shall~~)) must be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(4) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, ((~~shall~~)) must also comply with subsection (3)(a) through (g) of this section.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-902 Appendix A—Working on exposed energized parts—Nonmandatory.

Note: This appendix is identical to 29 C.F.R. 1910.269 Appendix B, Working on Exposed Energized Parts((,)). However, all references to live-line barehand work have been deleted since it is prohibited in Washington state.

I. Introduction

Electric utilities design electric power generation, transmission, and distribution installations to meet National Electrical Safety Code (NESC), ANSI C2, requirements. Electric utilities also design transmission and distribution lines to limit line outages as required by system reliability criteria[1] and to withstand the maximum overvoltage's impressed on the system. Conditions such as switching surges, faults, and lightning can cause overvoltages. Electric utilities generally select insulator design and lengths and the clearances to structural parts so as to prevent outages from contaminated line insulation and during storms. Line insulator lengths and structural clearances have, over the years, come closer to the minimum approach distances used by workers. As minimum approach distances and structural clearances converge, it is increasingly important that system designers and system operating and maintenance personnel understand the concepts underlying minimum approach distances.

The information in this appendix will assist employers in complying with the minimum approach-distance requirements contained in § 1910.269(l)(3) ((~~and (q)(3)~~)). Employers must use the technical criteria and methodology presented in this appendix in establishing minimum approach distances in accordance with § 1910.269(l)(3)(i) and Table R-3 and Table R-8. This appendix provides essential background information and technical criteria for the calculation of the required minimum approach distances for live-line work on electric power generation, transmission, and distribution installations.

Unless an employer is using the maximum transient overvoltage's specified in Table R-9 for voltages over 72.5 kilovolts, the employer must use persons knowledgeable in the techniques discussed in this appendix, and competent in the field of electric transmission and distribution system design, to determine the maximum transient overvoltage.

II. General

A. *Definitions*. The following definitions from § 1910.269(x) relate to work on or near electric power generation, transmission, and distribution lines and equipment and the electrical hazards they present.

Exposed. . . . Not isolated or guarded.

Guarded. Covered, fenced, enclosed, or otherwise protected, by means of suitable covers or casings, barrier rails or screens, mats, or platforms, designed to minimize the possibility, under normal conditions, of dangerous approach or inadvertent contact by persons or objects.

Note to the definition of ((")))guarded((")): Wires that are insulated, but not otherwise protected, are not guarded.

Insulated. Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Note to the definition of ((")))insulated((")): When any object is said to be insulated, it is understood to be insulated for the conditions to which it normally is subjected. Otherwise, it is, for the purpose of this section, uninsulated.

Isolated. Not readily accessible to persons unless special means for access are used.

Statistical sparkover voltage. A transient overvoltage level that produces a 97.72-percent probability of sparkover (that is, two standard deviations above the voltage at which there is a 50-percent probability of sparkover).

Statistical withstand voltage. A transient overvoltage level that produces a 0.14-percent probability of sparkover (that is, three standard deviations below the voltage at which there is a 50-percent probability of sparkover).

B. *Installations energized at 50 to 300 volts*. The hazards posed by installations energized at 50 to 300 volts are the same as those found in many other workplaces. That is not to say that there is no hazard, but the complexity of electrical protection required does not compare to that required for high voltage systems. The employee must avoid contact with the exposed parts, and the protective equipment used (such as rubber insulating gloves) must provide insulation for the voltages involved.

C. *Exposed energized parts over 300 volts AC*. Paragraph (l)(3)(i) of § 1910.269 requires the employer to establish minimum approach distances no less than the distances computed by Table R-3 for AC systems so that employees can work safely without risk of sparkover.[2]

Unless the employee is using electrical protective equipment, air is the insulating medium between the employee and energized parts. The distance between the employee and an energized part must be sufficient for the air to withstand the maximum transient overvoltage that can reach the worksite under the working conditions and practices the employee is using. This distance is the minimum air insulation distance, and it is equal to the electrical component of the minimum approach distance.

Normal system design may provide or include a means (such as lightning arrestors) to control maximum anticipated transient overvoltage's, or the employer may use temporary devices (portable protective gaps) or measures (such as preventing automatic circuit breaker reclosing) to achieve the same result. Paragraph (l)(3)(ii) of § 1910.269 requires the employer to determine the maximum anticipated per-unit

transient overvoltage, phase-to-ground, through an engineering analysis or assume a maximum anticipated per-unit transient overvoltage, phase-to-ground, in accordance with Table R-9, which specifies the following maximums for ac systems:

72.6 to 420.0 kilovolts-3.5 per unit

420.1 to 550.0 kilovolts-3.0 per unit

550.1 to 800.0 kilovolts-2.5 per unit

See paragraph IV.A.2, later in this appendix, for additional discussion of maximum transient overvoltages.

D. *Types of exposures*. Employees working on or near energized electric power generation, transmission, and distribution systems face two kinds of exposures: Phase-to-ground and phase-to-phase. The exposure is phase-to-ground with respect to an energized part, when the employee is at ground potential.

III. Determination of Minimum Approach Distances for AC Voltages Greater Than 300 Volts

A. *Voltages of 301 to 5,000 volts*. Test data generally forms the basis of minimum air insulation distances. The lowest voltage for which sufficient test data exists is 5,000 volts, and these data indicate that the minimum air insulation distance at that voltage is 20 millimeters (1 inch). Because the minimum air insulation distance increases with increasing voltage, and, conversely, decreases with decreasing voltage, an assumed minimum air insulation distance of 20 millimeters will protect against sparkover at voltages of 301 to 5,000 volts. Thus, 20 millimeters is the electrical component of the minimum approach distance for these voltages.

B. *Voltages of 5.1 to 72.5 kilovolts*. For voltages from 5.1 to 72.5 kilovolts, the Occupational Safety and Health Administration bases the methodology for calculating the electrical component of the minimum approach distance on Institute of Electrical and Electronic Engineers (IEEE) Standard 4-1995, *Standard Techniques for High-Voltage Testing*. Table 1 lists the critical sparkover distances from that standard as listed in IEEE Std 516-2009, *IEEE Guide for Maintenance Methods on Energized Power Lines*.

Table 1

Sparkover Distance for Rod-to-rod Gap

60 Hz Rod-to-Rod sparkover (kV peak)	Gap spacing from IEEE Std 4-1995 (cm)
25	2
36	3
46	4
53	5
60	6
70	8
79	10
86	12
95	14
104	16
112	18
120	20
143	25
167	30
192	35
218	40
243	45
270	50
322	60

Source: IEEE Std 516-2009.

To use this table to determine the electrical component of the minimum approach distance, the employer must determine the peak phase-to-ground transient overvoltage and select a gap from the table that corresponds to that voltage as a withstand voltage rather than a critical sparkover voltage. To calculate the electrical component of the minimum approach distance for voltages between 5 and 72.5 kilovolts, use the following procedure:

1. Divide the phase-to-phase voltage by the square root of 3 to convert it to a phase-to-ground voltage.

2. Multiply the phase-to-ground voltage by the square root of 2 to convert the rms value of the voltage to the peak phase-to-ground voltage.

3. Multiply the peak phase-to-ground voltage by the maximum per-unit transient overvoltage, which, for this voltage range, is 3.0, as discussed later in this appendix. This is the maximum phase-to-ground transient overvoltage, which corresponds to the withstand voltage for the relevant exposure.[3]

4. Divide the maximum phase-to-ground transient overvoltage by 0.85 to determine the corresponding critical sparkover voltage. (The critical sparkover voltage is 3 standard deviations (or 15 percent) greater than the withstand voltage.)

5. Determine the electrical component of the minimum approach distance from Table 1 through interpolation.

Table 2 illustrates how to derive the electrical component of the minimum approach distance for voltages from 5.1 to 72.5 kilovolts, before the application of any altitude correction factor, as explained later.

Table 2

Calculating the Electrical Component Of MAD 751 V To 72.5 KV

Step	Maximum system phase-to-phase voltage (kV)			
	15	36	46	72.5
1. Divide by √3	8.7	20.8	26.6	41.9

Step	Maximum system phase-to-phase voltage (kV)			
	15	36	46	72.5
2. Multiply by √2	12.2	29.4	37.6	59.2
3. Multiply by 3.0	36.7	88.2	112.7	177.6
4. Divide by 0.85	43.2	103.7	132.6	208.9
5. Interpolate from Table 1	3+(7.2/10)*1	14+(8.7/9)*2	20+(12.6/23)*5	35+(16.9/26)*5
Electrical component of MAD (cm)	3.72	15.93	22.74	38.25

C. *Voltages of 72.6 to 800 kilovolts*. For voltages of 72.6 kilovolts to 800 kilovolts, this section bases the electrical component of minimum approach distances, before the application of any altitude correction factor, on the following formula:

Equation 1 - For voltages of 72.6 kV to 800 kV

$$D = 0.3048(C + a)\ V_{L\text{-}G}T$$

Where:

D = Electrical component of the minimum approach distance in air in meters;

C = A correction factor associated with the variation of gap sparkover with voltage;

a = A factor relating to the saturation of air at system voltages of 345 kilovolts or higher;[4]

$V_{L\text{-}G}$ = Maximum system line-to-ground rms voltage in kilovolts - It should be the "actual" maximum, or the normal highest voltage for the range (for example, 10 percent above the nominal voltage); and

T = Maximum transient overvoltage factor in per unit.

In Equation 1, C is 0.01: (1) For phase-to-ground exposures that the employer can demonstrate consist only of air across the approach distance (gap) and (2) for phase-to-phase exposures if the employer can demonstrate that no insulated tool spans the gap and that no large conductive object is in the gap. Otherwise, C is 0.011.

In Equation 1, the term a varies depending on whether the employee's exposure is phase-to-ground or phase-to-phase and on whether objects are in the gap. The employer must use the equations in Table 3 to calculate a. Sparkover test data with insulation spanning the gap form the basis for the equations for phase-to-ground exposures, and sparkover test data with only air in the gap form the basis for the equations for phase-to-phase exposures. The phase-to-ground equations result in slightly higher values of a, and, consequently, produce larger minimum approach distances, than the phase-to-phase equations for the same value of V_{Peak}.

Table 3
Equations for Calculating the Surge Factor, *a*

Phase-to-ground exposures			
$V_{Peak} = T_{L\text{-}G}V_{L\text{-}G}\sqrt{2}$	635 kV or less 0	635.1 to 915 kV	915.1 to 1,050 kV
a		(V_{Peak}- 635)/140,000	(V_{Peak}-645)/135,000
$V_{Peak} = T_{L\text{-}G}V_{L\text{-}G}\sqrt{2}$	More than 1,050 kV		
a	(V_{Peak}-675)/125,000		
Phase-to-phase exposures [1]			
$V_{Peak} = (1.35T_{L\text{-}G} + 0.45)V_{L\text{-}G}\sqrt{2}$ . .	630 kV or less 0	630.1 to 848 kV	848.1 to 1,131 kV
a		(V_{Peak}-630)/155,000	(V_{Peak}-633.6)/152,207
$V_{Peak} = (1.35T_{L\text{-}G} + 0.45)V_{L\text{-}G}\sqrt{2}$ . .	1,131.1 to 1,485 kV	More than 1,485 kV (V_{Peak}-350.5)/203,666	
a	(V_{Peak}-628)/153,846		

[1]Use the equations for phase-to-ground exposures (with V_{Peak} for phase-to-phase exposures) unless the employer can demonstrate that no insulated tool spans the gap and that no large conductive object is in the gap.

In Equation 1, T is the maximum transient overvoltage factor in per unit. As noted earlier, § 1910.269(l)(3)(ii) requires the employer to determine the maximum anticipated per-unit transient overvoltage, phase-to-ground, through an engineering analysis or assume a maximum anticipated per-unit transient overvoltage, phase-to-ground, in accordance with Table R-9. For phase-to-ground exposures, the employer uses this value, called $T_{L\text{-}G}$, as T in Equation 1. IEEE Std 516-2009 provides the following formula to calculate the phase-to-phase maximum transient overvoltage, $T_{L\text{-}L,}$ from $T_{L\text{-}G}$:

$$T_{L\text{-}L} = 1.35T_{L\text{-}G} + 0.45$$

For phase-to-phase exposures, the employer uses this value as T in Equation 1.

D. *Provisions for inadvertent movement*. The minimum approach distance must include an "adder" to compensate for the inadvertent movement of the worker relative to an energized part or the movement of the part relative to the worker. This "adder" must account for this possible inadvertent

movement and provide the worker with a comfortable and safe zone in which to work. Employers must add the distance for inadvertent movement (called the "ergonomic component of the minimum approach distance") to the electrical component to determine the total safe minimum approach distances used in live-line work.

The Occupational Safety and Health Administration based the ergonomic component of the minimum approach distance on response time-distance analysis. This technique uses an estimate of the total response time to a hazardous incident and converts that time to the distance traveled. For example, the driver of a car takes a given amount of time to respond to a "stimulus" and stop the vehicle. The elapsed time involved results in the car's traveling some distance before coming to a complete stop. This distance depends on the speed of the car at the time the stimulus appears and the reaction time of the driver.

In the case of live-line work, the employee must first perceive that he or she is approaching the danger zone. Then, the worker responds to the danger and must decelerate and stop all motion toward the energized part. During the time it takes to stop, the employee will travel some distance. This is the distance the employer must add to the electrical component of the minimum approach distance to obtain the total safe minimum approach distance.

At voltages from 751 volts to 72.5 kilovolts,[5] the electrical component of the minimum approach distance is smaller than the ergonomic component. At 72.5 kilovolts, the electrical component is only a little more than 0.3 meters (1 foot). An ergonomic component of the minimum approach distance must provide for all the worker's unanticipated movements. At these voltages, workers generally use rubber insulating gloves; however, these gloves protect only a worker's hands and arms. Therefore, the energized object must be at a safe approach distance to protect the worker's face. In this case, 0.61 meters (2 feet) is a sufficient and practical ergonomic component of the minimum approach distance.

For voltages between 72.6 and 800 kilovolts, employees must use different work practices during energized line work. Generally, employees use live-line tools (hot sticks) to perform work on energized equipment. These tools, by design, keep the energized part at a constant distance from the employee and, thus, maintain the appropriate minimum approach distance automatically.

The location of the worker and the type of work methods the worker is using also influence the length of the ergonomic component of the minimum approach distance. In this higher voltage range, the employees use work methods that more tightly control their movements than when the workers perform work using rubber insulating gloves. The worker, therefore, is farther from the energized line or equipment and must be more precise in his or her movements just to perform the work. For these reasons, this section adopts an ergonomic component of the minimum approach distance of 0.31 m (1 foot) for voltages between 72.6 and 800 kilovolts.

Table 4 summarizes the ergonomic component of the minimum approach distance for various voltage ranges.

Table 4
Ergonomic Component of Minimum Approach Distance

Voltage range (kV)	Distance	
	m	ft
0.301 to 0.750	0.31	1.0
0.751 to 72.5	0.61	2.0
72.6 to 800	0.31	1.0

Note: The employer must add this distance to the electrical component of the minimum approach distance to obtain the full minimum approach distance.

The ergonomic component of the minimum approach distance accounts for errors in maintaining the minimum approach distance (which might occur, for example, if an employee misjudges the length of a conductive object he or she is holding), and for errors in judging the minimum approach distance. The ergonomic component also accounts for inadvertent movements by the employee, such as slipping. In contrast, the working position selected to properly maintain the minimum approach distance must account for all of an employee's reasonably likely movements and still permit the employee to adhere to the applicable minimum approach distance. (See Figure 1.) Reasonably likely movements include an employee's adjustments to tools, equipment, and working positions and all movements needed to perform the work. For example, the employee should be able to perform all of the following actions without straying into the minimum approach distance:

• Adjust his or her hardhat;

• Maneuver a tool onto an energized part with a reasonable amount of overreaching or underreaching;

• Reach for and handle tools, material, and equipment passed to him or her; and

• Adjust tools, and replace components on them, when necessary during the work procedure.

The training of qualified employees required under § 1910.269(a)(2), and the job planning and briefing required under § 1910.269(c), must address selection of a proper working position.

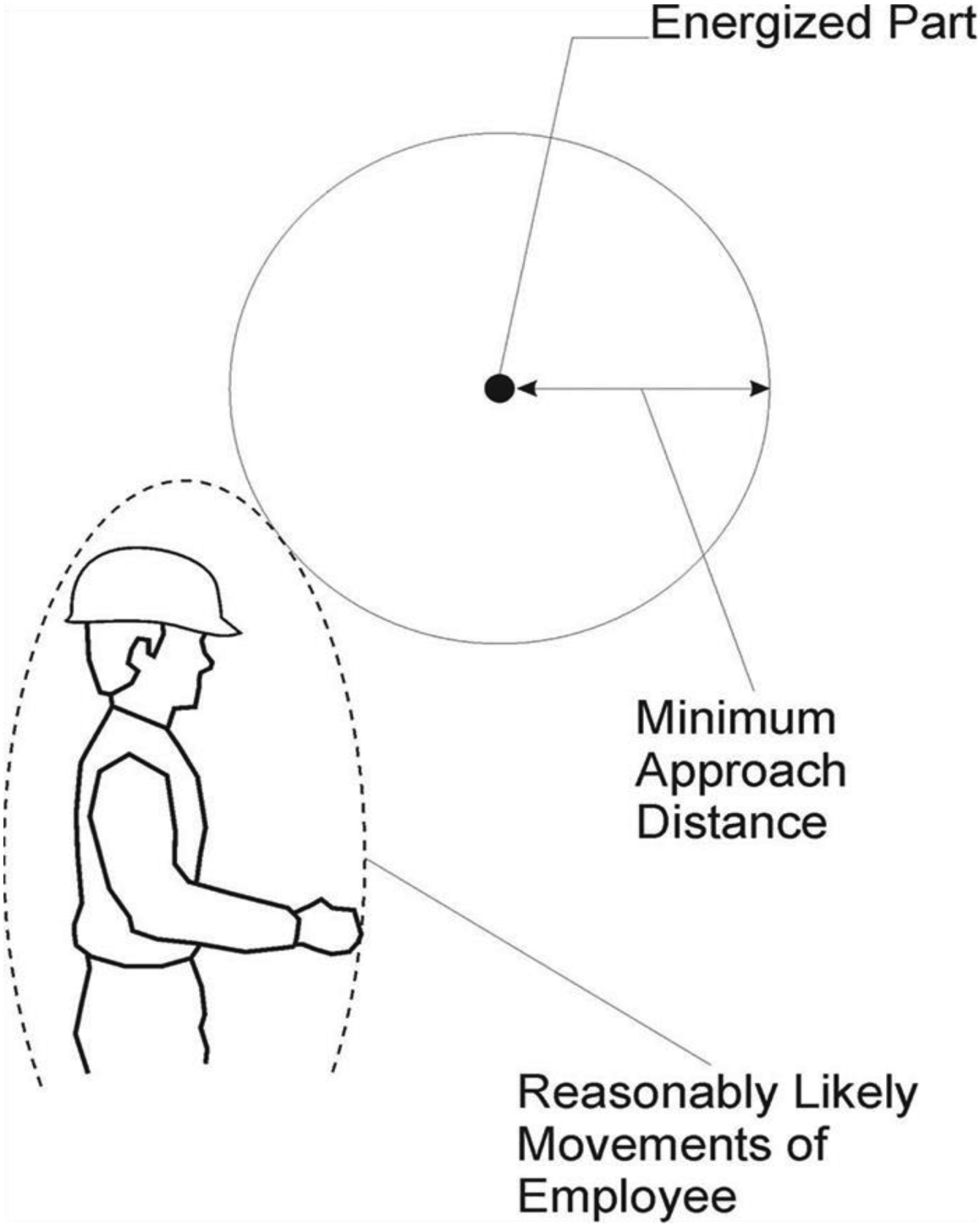


Figure 1 - Maintaining the Minimum Approach Distance

E. *Miscellaneous correction factors*. Changes in the air medium that forms the insulation influences the strength of an air gap. A brief discussion of each factor follows.

1. *Dielectric strength of air*. The dielectric strength of air in a uniform electric field at standard atmospheric conditions is approximately 3 kilovolts per millimeter.[6]

The pressure, temperature, and humidity of the air, the shape, dimensions, and separation of the electrodes, and the characteristics of the applied voltage (wave shape) affect the disruptive gradient.

2. *Atmospheric effect*. The empirically determined electrical strength of a given gap is normally applicable at standard atmospheric conditions (20°C, 101.3 kilopascals, 11 grams/cubic centimeter humidity). An increase in the density (humidity) of the air inhibits sparkover for a given air gap. The combination of temperature and air pressure that results in the lowest gap sparkover voltage is high temperature and

low pressure. This combination of conditions is not likely to occur. Low air pressure, generally associated with high humidity, causes increased electrical strength. An average air pressure generally correlates with low humidity. Hot and dry working conditions normally result in reduced electrical strength. The equations for minimum approach distances in Table R-3 assume standard atmospheric conditions.

3. *Altitude*. The reduced air pressure at high altitudes causes a reduction in the electrical strength of an air gap. An employer must increase the minimum approach distance by about 3 percent per 300 meters (1,000 feet) of increased altitude for altitudes above 900 meters (3,000 feet). Table R-5 specifies the altitude correction factor that the employer must use in calculating minimum approach distances.

IV. Determining Minimum Approach Distances

A. Factors Affecting Voltage Stress at the Worksite.

1. *System voltage (nominal)*. The nominal system voltage range determines the voltage for purposes of calculating minimum approach distances. The employer selects the range in which the nominal system voltage falls, as given in the relevant table, and uses the highest value within that range in per unit calculations.

2. *Transient overvoltages*. Operation of switches or circuit breakers, a fault on a line or circuit or on an adjacent circuit, and similar activities may generate transient overvoltages on an electrical system. Each overvoltage has an associated transient voltage wave shape. The wave shape arriving at the site and its magnitude vary considerably.

In developing requirements for minimum approach distances, the Occupational Safety and Health Administration considered the most common wave shapes and the magnitude of transient overvoltages found on electric power generation, transmission, and distribution systems. The equations in Table R-3 for minimum approach distances use per-unit maximum transient overvoltages, which are relative to the nominal maximum voltage of the system. For example, a maximum transient overvoltage value of 3.0 per unit indicates that the highest transient overvoltage is 3.0 times the nominal maximum system voltage.

3. *Typical magnitude of overvoltages*. Table 5 lists the magnitude of typical transient overvoltages.

Table 5
Magnitude of Typical Transient Overvoltages

Cause	Magnitude (per unit)
Energized 200-mile line without closing resistors	3.5
Energized 200-mile line with one-step closing resistor	2.1
Energized 200-mile line with multistep resistor	2.5
Reclosing with trapped charge one-step resistor	2.2
Opening surge with single restrike	3.0
Fault initiation unfaulted phase	2.1
Fault initiation adjacent circuit	2.5
Fault clearing	1.7 to 1.9

4. *Standard deviation-air-gap withstand*. For each air gap length under the same atmospheric conditions, there is a statistical variation in the breakdown voltage. The probability of breakdown against voltage has a normal (Gaussian) distribution. The standard deviation of this distribution varies with the wave shape, gap geometry, and atmospheric conditions. The withstand voltage of the air gap is three standard deviations (3s) below the critical sparkover voltage. (The critical sparkover voltage is the crest value of the impulse wave that, under specified conditions, causes sparkover 50 percent of the time. An impulse wave of three standard deviations below this value, that is, the withstand voltage, has a probability of sparkover of approximately 1 in 1,000.)

5. *Broken Insulators*. Tests show reductions in the insulation strength of insulator strings with broken skirts. Broken units may lose up to 70 percent of their withstand capacity. Because an employer cannot determine the insulating capability of a broken unit without testing it, the employer must consider damaged units in an insulator to have no insulating value. Additionally, the presence of a live-line tool alongside an insulator string with broken units may further reduce the overall insulating strength. The number of good units that must be present in a string for it to be "insulated" as defined by § 1910.269(x) depends on the maximum overvoltage possible at the worksite.

B. Minimum Approach Distances Based on Known, Maximum-Anticipated Per-Unit Transient Overvoltages.

1. *Determining the minimum approach distance for AC systems*. Under § 1910.269(l)(3)(ii), the employer must determine the maximum anticipated per-unit transient overvoltage, phase-to-ground, through an engineering analysis or must assume a maximum anticipated per-unit transient overvoltage, phase-to-ground, in accordance with Table R-9. When the employer conducts an engineering analysis of the system and determines that the maximum transient overvoltage is lower than specified by Table R-9, the employer must ensure that any conditions assumed in the analysis, for example, that employees block reclosing on a circuit or install portable protective gaps, are present during energized work. To ensure that these conditions are present, the employer may need to institute new livework procedures reflecting the conditions and limitations set by the engineering analysis.

2. *Calculation of reduced approach distance values*. An employer may take the following steps to reduce minimum approach distances when the maximum transient overvoltage on the system (that is, the maximum transient overvoltage without additional steps to control overvoltages) produces unacceptably large minimum approach distances:

Step 1. Determine the maximum voltage (with respect to a given nominal voltage range) for the energized part.

Step 2. Determine the technique to use to control the maximum transient overvoltage. (See paragraphs IV.C and IV.D of this appendix.) Determine the maximum transient overvoltage that can exist at the worksite with that form of control in place and with a confidence level of 3s. This volt-

age is the withstand voltage for the purpose of calculating the appropriate minimum approach distance.

Step 3. Direct employees to implement procedures to ensure that the control technique is in effect during the course of the work.

Step 4. Using the new value of transient overvoltage in per unit, calculate the required minimum approach distance from Table R-3.

C. Methods of Controlling Possible Transient Overvoltage Stress Found on a System.

1. *Introduction*. There are several means of controlling overvoltages that occur on transmission systems. For example, the employer can modify the operation of circuit breakers or other switching devices to reduce switching transient overvoltages. Alternatively, the employer can hold the overvoltage to an acceptable level by installing surge arresters or portable protective gaps on the system. In addition, the employer can change the transmission system to minimize the effect of switching operations. Section 4.8 of IEEE Std 516-2009 describes various ways of controlling, and thereby reducing, maximum transient overvoltages.

2. *Operation of circuit breakers*.[7] The maximum transient overvoltage that can reach the worksite is often the result of switching on the line on which employees are working. Disabling automatic reclosing during energized line work, so that the line will not be reenergized after being opened for any reason, limits the maximum switching surge overvoltage to the larger of the opening surge or the greatest possible fault-generated surge, provided that the devices (for example, insertion resistors) are operable and will function to limit the transient overvoltage and that circuit breaker restrikes do not occur. The employer must ensure the proper functioning of insertion resistors and other overvoltage-limiting devices when the employer's engineering analysis assumes their proper operation to limit the overvoltage level. If the employer cannot disable the reclosing feature (because of system operating conditions), other methods of controlling the switching surge level may be necessary.

Transient surges on an adjacent line, particularly for double circuit construction, may cause a significant overvoltage on the line on which employees are working. The employer's engineering analysis must account for coupling to adjacent lines.

3. *Surge arresters*. The use of modern surge arresters allows a reduction in the basic impulse-insulation levels of much transmission system equipment. The primary function of early arresters was to protect the system insulation from the effects of lightning. Modern arresters not only dissipate lightning-caused transients, but may also control many other system transients caused by switching or faults.

The employer may use properly designed arresters to control transient overvoltages along a transmission line and thereby reduce the requisite length of the insulator string and possibly the maximum transient overvoltage on the line.[8]

4. *Switching restrictions*. Another form of overvoltage control involves establishing switching restrictions, whereby the employer prohibits the operation of circuit breakers until certain system conditions are present. The employer restricts switching by using a tagging system, similar to that used for a permit, except that the common term used for this activity is a "hold-off" or "restriction." These terms indicate that the restriction does not prevent operation, but only modifies the operation during the livework activity.

D. Minimum Approach Distance Based on Control of Maximum Transient Overvoltage at the Worksite.

When the employer institutes control of maximum transient overvoltage at the worksite by installing portable protective gaps, the employer may calculate the minimum approach distance as follows:

Step 1. Select the appropriate withstand voltage for the protective gap based on system requirements and an acceptable probability of gap sparkover.[9]

Step 2. Determine a gap distance that provides a withstand voltage[10] greater than or equal to the one selected in the first step.[11]

Step 3. Use 110 percent of the gap's critical sparkover voltage to determine the phase-to-ground peak voltage at gap sparkover ($V_{PPG\ Peak}$).

Step 4. Determine the maximum transient overvoltage, phase-to-ground, at the worksite from the following formula:

$$T = \frac{V_{PPG\,Peak}}{V_{L\text{-}G}\sqrt{2}}.$$

Step 5. Use this value of T[12] in the equation in Table R-3 to obtain the minimum approach distance. If the worksite is no more than 900 meters (3,000 feet) above sea level, the employer may use this value of T to determine the minimum approach distance from Table 14 through Table 21.

Note: All rounding must be to the next higher value (that is, always round up).

Sample protective gap calculations.

Problem: Employees are to perform work on a 500-kilovolt transmission line at sea level that is subject to transient overvoltages of 2.4 p.u. The maximum operating voltage of the line is 550 kilovolts. Determine the length of the protective gap that will provide the minimum practical safe approach distance. Also, determine what that minimum approach distance is:

Step 1. Calculate the smallest practical maximum transient overvoltage (1.25 times the crest phase-to-ground voltage):[13]

$$550kV \times \frac{\sqrt{2}}{\sqrt{3}} \times 1.25 = 561kV.$$

This value equals the withstand voltage of the protective gap.

Step 2. Using test data for a particular protective gap, select a gap that has a critical sparkover voltage greater than or equal to:

$$561kV \div 0.85 = 660kV$$

For example, if a protective gap with a 1.22-m (4.0-foot) spacing tested to a critical sparkover voltage of 665 kilovolts (crest), select this gap spacing.

Step 3. The phase-to-ground peak voltage at gap sparkover (VPPG Peak) is 110 percent of the value from the previous step:

$$665kV \times 1.10 = 732kV$$

This value corresponds to the withstand voltage of the electrical component of the minimum approach distance.

Step 4. Use this voltage to determine the worksite value of *T*:

$$T = \frac{732}{564} = 1.7\,p.u.$$

Step 5. Use this value of *T* in the equation in Table R-3 to obtain the minimum approach distance, or look up the minimum approach distance in Table 14 through Table 21:

$$MAD = 2.29 \text{ m } (7.6 \text{ ft}).$$

E. Location of Protective Gaps.

1. *Adjacent structures*. The employer may install the protective gap on a structure adjacent to the worksite, as this practice does not significantly reduce the protection afforded by the gap.

2. *Terminal stations*. Gaps installed at terminal stations of lines or circuits provide a level of protection; however, that level of protection may not extend throughout the length of the line to the worksite. The use of substation terminal gaps raises the possibility that separate surges could enter the line at opposite ends, each with low enough magnitude to pass the terminal gaps without sparkover. When voltage surges occur simultaneously at each end of a line and travel toward each other, the total voltage on the line at the point where they meet is the arithmetic sum of the two surges. A gap installed within 0.8 km (0.5 mile) of the worksite will protect against such intersecting waves. Engineering studies of a particular line or system may indicate that employers can adequately protect employees by installing gaps at even more distant locations. In any event, unless using the default values for *T* from Table R-9, the employer must determine *T* at the worksite.

3. *Worksite*. If the employer installs protective gaps at the worksite, the gap setting establishes the worksite impulse insulation strength. Lightning strikes as far as 6 miles from the worksite can cause a voltage surge greater than the gap withstand voltage, and a gap sparkover can occur. In addition, the gap can sparkover from overvoltages on the line that exceed the withstand voltage of the gap. Consequently, the employer must protect employees from hazards resulting from any sparkover that could occur.

F. Disabling automatic reclosing. There are two reasons to disable the automatic-reclosing feature of circuit-interrupting devices while employees are performing live-line work:

• To prevent reenergization of a circuit faulted during the work, which could create a hazard or result in more serious injuries or damage than the injuries or damage produced by the original fault;

• To prevent any transient overvoltage caused by the switching surge that would result if the circuit were reenergized.

However, due to system stability considerations, it may not always be feasible to disable the automatic-reclosing feature.

V. Minimum Approach-Distance Tables

((~~A. *Legacy tables*. Employers may use the minimum approach distances in Table 6 through Table 13 until March 31, 2015.~~

~~TABLE 6~~
~~MINIMUM APPROACH DISTANCES UNTIL DECEMBER 31, 2014~~

~~Voltage range phase to phase (kV)~~	~~Phase-to-ground exposure~~		~~Phase-to-phase exposure~~	
	~~m~~	~~ft~~	~~m~~	~~ft~~
~~0.05 to 1.0~~	~~Avoid Contact~~		~~Avoid Contact~~	
~~1.1 to 15.0~~	~~0.64~~	~~2.10~~	~~0.66~~	~~2.20~~
~~15.1 to 36.0~~	~~0.72~~	~~2.30~~	~~0.77~~	~~2.60~~
~~36.1 to 46.0~~	~~0.77~~	~~2.60~~	~~0.85~~	~~2.80~~
~~46.1 to 72.5~~	~~0.90~~	~~3.00~~	~~1.05~~	~~3.50~~
~~72.6 to 121~~	~~0.95~~	~~3.20~~	~~1.29~~	~~4.30~~
~~138 to 145~~	~~1.09~~	~~3.60~~	~~1.50~~	~~4.90~~
~~161 to 169~~	~~1.22~~	~~4.00~~	~~1.71~~	~~5.70~~
~~230 to 242~~	~~1.59~~	~~5.30~~	~~2.27~~	~~7.50~~
~~345 to 362~~	~~2.59~~	~~8.50~~	~~3.80~~	~~12.50~~
~~500 to 550~~	~~3.42~~	~~11.30~~	~~5.50~~	~~18.10~~
~~765 to 800~~	~~4.53~~	~~14.90~~	~~7.91~~	~~26.00~~

Note: The clear live-line tool distance must equal or exceed the values for the indicated voltage ranges.

TABLE 7
MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 72.6 TO 121.0 KV WITH OVERVOLTAGE FACTOR

T (p.u.)	Phase-to-ground exposure		Phase-to-phase exposure	
	m	ft	m	ft
2.0	0.74	2.42	1.09	3.58
2.1	0.76	2.50	1.09	3.58
2.2	0.79	2.58	1.12	3.67
2.3	0.81	2.67	1.14	3.75
2.4	0.84	2.75	1.17	3.83
2.5	0.84	2.75	1.19	3.92
2.6	0.86	2.83	1.22	4.00
2.7	0.89	2.92	1.24	4.08
2.8	0.91	3.00	1.24	4.08
2.9	0.94	3.08	1.27	4.17
3.0	0.97	3.17	1.30	4.25

Note 1: The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)

Note 2: The distances specified in this table are the air and live-line tool distances.

TABLE 8
MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 121.1 TO 145.0 KV WITH OVERVOLTAGE FACTOR

T (p.u.)	Phase-to-ground exposure		Phase-to-ground exposure	
	m	ft	m	ft
2.0	0.84	2.75	1.24	4.08
2.1	0.86	2.83	1.27	4.17
2.2	0.89	2.92	1.30	4.25
2.3	0.91	3.00	1.32	4.33
2.4	0.94	3.08	1.35	4.42
2.5	0.97	3.17	1.37	4.50
2.6	0.99	3.25	1.40	4.58
2.7	1.02	3.33	1.42	4.67
2.8	1.04	3.42	1.45	4.75
2.9	1.07	3.50	1.47	4.83
3.0	1.09	3.58	1.50	4.92

Note 1: The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)

Note 2: The distances specified in this table are the air and live-line tool distances.

TABLE 9
MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 145.1 TO 169.0 KV WITH OVERVOLTAGE FACTOR

T (p.u.)	Phase-to-ground exposure		Phase-to-phase exposure	
	m	ft	m	ft
2.0	0.91	3.00	1.42	4.67
2.1	0.97	3.17	1.45	4.75

~~TABLE 9~~
~~MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 145.1 TO 169.0 KV WITH OVERVOLTAGE FACTOR~~

~~T (p.u.)~~	~~Phase-to-ground exposure~~		~~Phase-to-phase exposure~~	
	~~m~~	~~ft~~	~~m~~	~~ft~~
~~2.2~~	~~0.99~~	~~3.25~~	~~1.47~~	~~4.83~~
~~2.3~~	~~1.02~~	~~3.33~~	~~1.50~~	~~4.92~~
~~2.4~~	~~1.04~~	~~3.42~~	~~1.52~~	~~5.00~~
~~2.5~~	~~1.07~~	~~3.50~~	~~1.57~~	~~5.17~~
~~2.6~~	~~1.12~~	~~3.67~~	~~1.60~~	~~5.25~~
~~2.7~~	~~1.14~~	~~3.75~~	~~1.63~~	~~5.33~~
~~2.8~~	~~1.17~~	~~3.83~~	~~1.65~~	~~5.42~~
~~2.9~~	~~1.19~~	~~3.92~~	~~1.68~~	~~5.50~~
~~3.0~~	~~1.22~~	~~4.00~~	~~1.73~~	~~5.67~~

~~Note 1:~~ ~~The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)~~

~~Note 2:~~ ~~The distances specified in this table are the air and live-line tool distances.~~

~~TABLE 10~~
~~MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 169.1 TO 242.0 KV WITH OVERVOLTAGE FACTOR~~

~~T (p.u.)~~	~~Phase-to-ground exposure~~		~~Phase-to-ground exposure~~	
	~~m~~	~~ft~~	~~m~~	~~ft~~
~~2.0~~	~~1.17~~	~~3.83~~	~~1.85~~	~~6.08~~
~~2.1~~	~~1.22~~	~~4.00~~	~~1.91~~	~~6.25~~
~~2.2~~	~~1.24~~	~~4.08~~	~~1.93~~	~~6.33~~
~~2.3~~	~~1.30~~	~~4.25~~	~~1.98~~	~~6.50~~
~~2.4~~	~~1.35~~	~~4.42~~	~~2.01~~	~~6.58~~
~~2.5~~	~~1.37~~	~~4.50~~	~~2.06~~	~~6.75~~
~~2.6~~	~~1.42~~	~~4.67~~	~~2.11~~	~~6.92~~
~~2.7~~	~~1.47~~	~~4.83~~	~~2.13~~	~~7.00~~
~~2.8~~	~~1.50~~	~~4.92~~	~~2.18~~	~~7.17~~
~~2.9~~	~~1.55~~	~~5.08~~	~~2.24~~	~~7.33~~
~~3.0~~	~~1.60~~	~~5.25~~	~~2.29~~	~~7.50~~

~~Note 1:~~ ~~The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)~~

~~Note 2:~~ ~~The distances specified in this table are the air and live-line tool distances.~~

~~TABLE 11~~
~~MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 242.1 TO 362.0 KV WITH OVERVOLTAGE FACTOR~~

~~T (p.u.)~~	~~Phase-to-ground exposure~~		~~Phase-to-ground exposure~~	
	~~m~~	~~ft~~	~~m~~	~~ft~~
~~2.0~~	~~1.60~~	~~5.25~~	~~2.62~~	~~8.58~~
~~2.1~~	~~1.65~~	~~5.42~~	~~2.69~~	~~8.83~~
~~2.2~~	~~1.75~~	~~5.75~~	~~2.79~~	~~9.17~~
~~2.3~~	~~1.85~~	~~6.08~~	~~2.90~~	~~9.50~~
~~2.4~~	~~1.93~~	~~6.33~~	~~3.02~~	~~9.92~~

TABLE 11
MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 242.1 TO 362.0 KV WITH OVERVOLTAGE FACTOR

T (p.u.)	Phase-to-ground exposure		Phase-to-ground exposure	
	m	ft	m	ft
2.5	2.03	6.67	3.15	10.33
2.6	2.16	7.08	3.28	10.75
2.7	2.26	7.42	3.40	11.17
2.8	2.36	7.75	3.53	11.58
2.9	2.49	8.17	3.68	12.08
3.0	2.59	8.50	3.81	12.50

Note 1: The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)

Note 2: The distances specified in this table are the air and live-line tool distances.

TABLE 12
MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 362.1 TO 552.0 KV WITH OVERVOLTAGE FACTOR

T (p.u.)	Phase-to-ground exposure		Phase-to-ground exposure	
	m	ft	m	ft
1.5	1.83	6.00	2.24	7.33
1.6	1.98	6.50	2.67	8.75
1.7	2.13	7.00	3.10	10.17
1.8	2.31	7.58	3.53	11.58
1.9	2.46	8.08	4.01	13.17
2.0	2.67	8.75	4.52	14.83
2.1	2.84	9.33	4.75	15.58
2.2	3.02	9.92	4.98	16.33
2.3	3.20	10.50	5.23	17.17
2.4	3.43	11.25	5.51	18.08

Note 1: The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)

Note 2: The distances specified in this table are the air and live-line tool distances.

TABLE 13
MINIMUM APPROACH DISTANCES UNTIL MARCH 31, 2015 552.1 TO 800.0 KV WITH OVERVOLTAGE FACTOR

T (p.u.)	Phase-to-ground exposure		Phase-to-ground exposure	
	m	ft	m	ft
1.5	2.95	9.67	3.68	12.08
1.6	3.25	10.67	4.42	14.50
1.7	3.56	11.67	5.23	17.17
1.8	3.86	12.67	6.07	19.92
1.9	4.19	13.75	6.99	22.92
2.0	4.55	14.92	7.92	26.00

Note 1: The employer may apply the distance specified in this table only where the employer determines the maximum anticipated per-unit transient overvoltage by engineering analysis. (Table 6 applies otherwise.)

Note 2: The distances specified in this table are the air and live-line tool distances.))

Note: Tables 6 through 13 have been deleted. They became obsolete on April 1, 2015. Employers may use the minimum approach distances in Table 14 through Table 21 provided that the employer follows the notes to those tables.

B. Alternative minimum approach distances. Employers may use the minimum approach distances in Table 14 through Table 21 provided that the employer follows the notes to those tables.

Table 14

AC Minimum Approach Distances-72.6 to 121.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	0.67	2.2	0.84	2.8
1.6	0.69	2.3	0.87	2.9
1.7	0.71	2.3	0.90	3.0
1.8	0.74	2.4	0.93	3.1
1.9	0.76	2.5	0.96	3.1
2.0	0.78	2.6	0.99	3.2
2.1	0.81	2.7	1.01	3.3
2.2	0.83	2.7	1.04	3.4
2.3	0.85	2.8	1.07	3.5
2.4	0.88	2.9	1.10	3.6
2.5	0.90	3.0	1.13	3.7
2.6	0.92	3.0	1.16	3.8
2.7	0.95	3.1	1.19	3.9
2.8	0.97	3.2	1.22	4.0
2.9	0.99	3.2	1.24	4.1
3.0	1.02	3.3	1.27	4.2
3.1	1.04	3.4	1.30	4.3
3.2	1.06	3.5	1.33	4.4
3.3	1.09	3.6	1.36	4.5
3.4	1.11	3.6	1.39	4.6
3.5	1.13	3.7	1.42	4.7

Table 15

AC Minimum Approach Distances-121.1 to 145.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	0.74	2.4	0.95	3.1
1.6	0.76	2.5	0.98	3.2
1.7	0.79	2.6	1.02	3.3
1.8	0.82	2.7	1.05	3.4
1.9	0.85	2.8	1.08	3.5
2.0	0.88	2.9	1.12	3.7
2.1	0.90	3.0	1.15	3.8
2.2	0.93	3.1	1.19	3.9
2.3	0.96	3.1	1.22	4.0

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
2.4	0.99	3.2	1.26	4.1
2.5	1.02	3.3	1.29	4.2
2.6	1.04	3.4	1.33	4.4
2.7	1.07	3.5	1.36	4.5
2.8	1.10	3.6	1.39	4.6
2.9	1.13	3.7	1.43	4.7
3.0	1.16	3.8	1.46	4.8
3.1	1.19	3.9	1.50	4.9
3.2	1.21	4.0	1.53	5.0
3.3	1.24	4.1	1.57	5.2
3.4	1.27	4.2	1.60	5.2
3.5	1.30	4.3	1.64	5.4

Table 16
AC Minimum Approach Distances-145.1 to 169.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	0.81	2.7	1.05	3.4
1.6	0.84	2.8	1.09	3.6
1.7	0.87	2.9	1.13	3.7
1.8	0.90	3.0	1.17	3.8
1.9	0.94	3.1	1.21	4.0
2.0	0.97	3.2	1.25	4.1
2.1	1.00	3.3	1.29	4.2
2.2	1.03	3.4	1.33	4.4
2.3	1.07	3.5	1.37	4.5
2.4	1.10	3.6	1.41	4.6
2.5	1.13	3.7	1.45	4.8
2.6	1.17	3.8	1.49	4.9
2.7	1.20	3.9	1.53	5.0
2.8	1.23	4.0	1.57	5.2
2.9	1.26	4.1	1.61	5.3
3.0	1.30	4.3	1.65	5.4
3.1	1.33	4.4	1.70	5.6
3.2	1.36	4.5	1.76	5.8
3.3	1.39	4.6	1.82	6.0
3.4	1.43	4.7	1.88	6.2
3.5	1.46	4.8	1.94	6.4

Table 17
AC Minimum Approach Distances-169.1 to 242.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	1.02	3.3	1.37	4.5
1.6	1.06	3.5	1.43	4.7
1.7	1.11	3.6	1.48	4.9
1.8	1.16	3.8	1.54	5.1
1.9	1.21	4.0	1.60	5.2
2.0	1.25	4.1	1.66	5.4
2.1	1.30	4.3	1.73	5.7
2.2	1.35	4.4	1.81	5.9
2.3	1.39	4.6	1.90	6.2
2.4	1.44	4.7	1.99	6.5
2.5	1.49	4.9	2.08	6.8
2.6	1.53	5.0	2.17	7.1
2.7	1.58	5.2	2.26	7.4
2.8	1.63	5.3	2.36	7.7
2.9	1.67	5.5	2.45	8.0
3.0	1.72	5.6	2.55	8.4
3.1	1.77	5.8	2.65	8.7
3.2	1.81	5.9	2.76	9.1
3.3	1.88	6.2	2.86	9.4
3.4	1.95	6.4	2.97	9.7
3.5	2.01	6.6	3.08	10.1

Table 18
AC Minimum Approach Distances-242.1 to 362.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	1.37	4.5	1.99	6.5
1.6	1.44	4.7	2.13	7.0
1.7	1.51	5.0	2.27	7.4
1.8	1.58	5.2	2.41	7.9
1.9	1.65	5.4	2.56	8.4
2.0	1.72	5.6	2.71	8.9
2.1	1.79	6.1	2.87	9.4
2.2	1.87	6.1	3.03	9.9
2.3	1.97	6.5	3.20	10.5
2.4	2.08	6.8	3.37	11.1
2.5	2.19	7.2	3.55	11.6
2.6	2.29	7.5	3.73	12.2
2.7	2.41	7.9	3.91	12.8

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
2.8	2.52	8.3	4.10	13.5
2.9	2.64	8.7	4.29	14.1
3.0	2.76	9.1	4.49	14.7
3.1	2.88	9.4	4.69	15.4
3.2	3.01	9.9	4.90	16.1
3.3	3.14	10.3	5.11	16.8
3.4	3.27	10.7	5.32	17.5
3.5	3.41	11.2	5.52	18.1

Table 19
AC Minimum Approach Distances-362.1 to 420.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	1.53	5.0	2.40	7.9
1.6	1.62	5.3	2.58	8.5
1.7	1.70	5.6	2.75	9.0
1.8	1.78	5.8	2.94	9.6
1.9	1.88	6.2	3.13	10.3
2.0	1.99	6.5	3.33	10.9
2.1	2.12	7.0	3.53	11.6
2.2	2.24	7.3	3.74	12.3
2.3	2.37	7.8	3.95	13.0
2.4	2.50	8.2	4.17	13.7
2.5	2.64	8.7	4.40	14.4
2.6	2.78	9.1	4.63	15.2
2.7	2.93	9.6	4.87	16.0
2.8	3.07	10.1	5.11	16.8
2.9	3.23	10.6	5.36	17.6
3.0	3.38	11.1	5.59	18.3
3.1	3.55	11.6	5.82	19.1
3.2	3.72	12.2	6.07	19.9
3.3	3.89	12.8	6.31	20.7
3.4	4.07	13.4	6.56	21.5
3.5	4.25	13.9	6.81	22.3

Table 20
AC Minimum Approach Distances-420.1 to 550.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	1.95	6.4	3.46	11.4
1.6	2.11	6.9	3.73	12.2

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.7	2.28	7.5	4.02	13.2
1.8	2.45	8.0	4.31	14.1
1.9	2.62	8.6	4.61	15.1
2.0	2.81	9.2	4.92	16.1
2.1	3.00	9.8	5.25	17.2
2.2	3.20	10.5	5.55	18.2
2.3	3.40	11.2	5.86	19.2
2.4	3.62	11.9	6.18	20.3
2.5	3.84	12.6	6.50	21.3
2.6	4.07	13.4	6.83	22.4
2.7	4.31	14.1	7.18	23.6
2.8	4.56	15.0	7.52	24.7
2.9	4.81	15.8	7.88	25.9
3.0	5.07	16.6	8.24	27.0

Table 21

AC Minimum Approach Distances-550.1 to 800.0 KV

T (p.u.)	Phase-to-ground exposure		((~~Phase-to-ground~~)) Phase-to-phase exposure	
	m	ft	m	ft
1.5	3.16	10.4	5.97	19.6
1.6	3.46	11.4	6.43	21.1
1.7	3.78	12.4	6.92	22.7
1.8	4.12	13.5	7.42	24.3
1.9	4.47	14.7	7.93	26.0
2.0	4.83	15.8	8.47	27.8
2.1	5.21	17.1	9.02	29.6
2.2	5.61	18.4	9.58	31.4
2.3	6.02	19.8	10.16	33.3
2.4	6.44	21.1	10.76	35.3
2.5	6.88	22.6	11.38	37.3

Notes to Table 14 through Table 21:

1. The employer must determine the maximum anticipated per-unit transient overvoltage, phase-to-ground, through an engineering analysis, as required by § 1910.269(l)(3)(ii), or assume a maximum anticipated per-unit transient overvoltage, phase-to-ground, in accordance with Table R-9.

2. For phase-to-phase exposures, the employer must demonstrate that no insulated tool spans the gap and that no large conductive object is in the gap.

The worksite must be at an elevation of 900 meters (3,000 feet) or less above sea level.

[1]Federal, state, and local regulatory bodies and electric utilities set reliability requirements that limit the number and duration of system outages.

[2]Sparkover is a disruptive electric discharge in which an electric arc forms and electric current passes through air.

[3]The withstand voltage is the voltage at which sparkover is not likely to occur across a specified distance. It is the voltage taken at the 3s point below the sparkover voltage, assuming that the sparkover curve follows a normal distribution.

[4]Test data demonstrates that the saturation factor is greater than 0 at peak voltages of about 630 kilovolts. Systems operating at 345 kilovolts (or maximum system voltages of 362 kilovolts) can have peak maximum transient overvoltages exceeding 630 kilovolts. Table R-3 sets equations for calculating a based on peak voltage.

[5]For voltages of 50 to 300 volts, Table R-3 specifies a minimum approach distance of "avoid contact." The minimum approach distance for this voltage range contains neither an electrical component nor an ergonomic component.

[6]For the purposes of estimating arc length, § 1910.269 generally assumes a more conservative dielectric strength of 10 kilovolts per 25.4 millimeters, consistent with assumptions made in consensus standards such as the National Electrical Safety Code (IEEE C2-2012). The more conservative value accounts for variables such as electrode shape, wave shape, and a certain amount of overvoltage.

[7]The detailed design of a circuit interrupter, such as the design of the contacts, resistor insertion, and breaker timing control, are beyond the scope of this appendix. The design of the system generally accounts for these features. This appendix only discusses features that can limit the maximum switching transient overvoltage on a system.

[8]Surge arrester application is beyond the scope of this appendix. However, if the employer installs the arrester near the worksite, the application would be similar to the protective gaps discussed in paragraph IV.D of this appendix.

[9]The employer should check the withstand voltage to ensure that it results in a probability of gap flashover that is acceptable from a system outage perspective. (In other words, a gap sparkover will produce a system outage. The employer should determine whether such an outage will impact overall system performance to an acceptable degree.) In general, the withstand voltage should be at least 1.25 times the maximum crest operating voltage.

[10]The manufacturer of the gap provides, based on test data, the critical sparkover voltage for each gap spacing (for example, a critical sparkover voltage of 665 kilovolts for a gap spacing of 1.2 meters). The withstand voltage for the gap is equal to 85 percent of its critical sparkover voltage.

[11]Switch steps 1 and 2 if the length of the protective gap is known.

[12]IEEE Std 516-2009 states that most employers add 0.2 to the calculated value of *T* as an additional safety factor.

[13]To eliminate sparkovers due to minor system disturbances, the employer should use a withstand voltage no lower than 1.25 p.u. Note that this is a practical, or operational, consideration only. It may be feasible for the employer to use lower values of withstand voltage.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-903 Appendix B—Protection from step and touch potentials—Nonmandatory.

Protection from Hazardous Differences in Electric Potential

I. ((")Introduction((")))

Current passing through an impedance impresses voltage across that impedance. Even conductors have some, albeit low, value of impedance. Therefore, if a "grounded"[1] object, such as a crane or deenergized and grounded power line, results in a ground fault on a power line, voltage is impressed on that grounded object. The voltage impressed on the grounded object depends largely on the voltage on the line, on the impedance of the faulted conductor, and on the impedance to "true," or "absolute," ground represented by the object. If the impedance of the object causing the fault is relatively large, the voltage impressed on the object is essentially the phase-to-ground system voltage. However, even faults to grounded power lines or to well-grounded transmission towers or substation structures (which have relatively low values of impedance to ground) can result in hazardous voltages.[2] In all cases, the degree of the hazard depends on the magnitude of the current through the employee and the time of exposure. This document discusses methods of protecting workers against the possibility that grounded objects, such as cranes and other mechanical equipment, will contact energized power lines and that deenergized and grounded power lines will become accidentally energized.

II. ((")Voltage-gradient distribution((")))

A. *Voltage-gradient distribution curve*.

Absolute, or true, ground serves as a reference and always has a voltage of 0 volts above ground potential. Because there is an impedance between a grounding electrode and absolute ground, there will be a voltage difference between the grounding electrode and absolute ground under ground-fault conditions. Voltage dissipates from the grounding electrode (or from the grounding point) and creates a ground potential gradient. The voltage decreases rapidly with increasing distance from the grounding electrode. A voltage drop associated with this dissipation of voltage is a ground potential. Figure A is a typical voltage-gradient distribution curve (assuming a uniform soil texture).

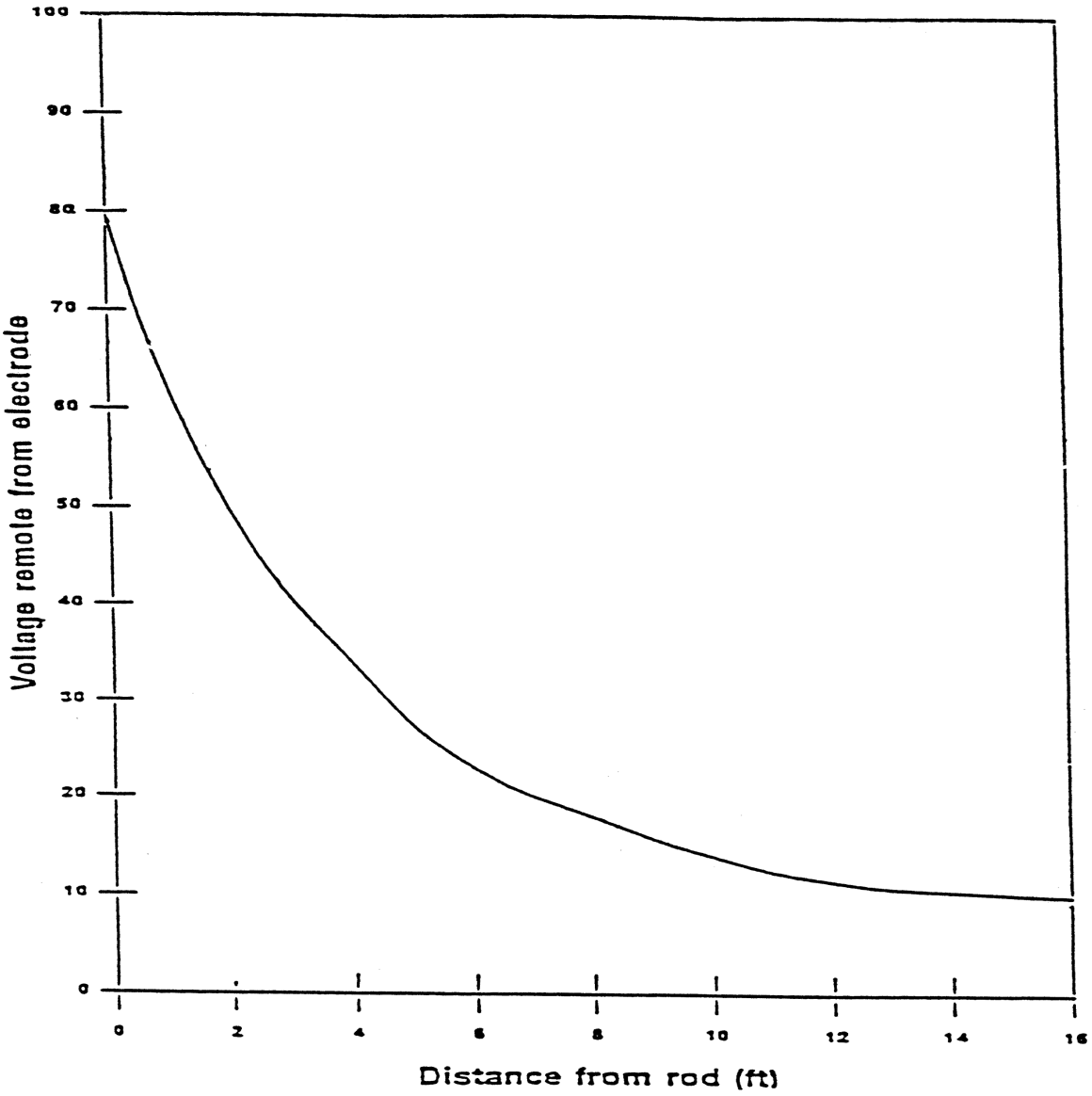


Figure A - Typical Voltage-Gradient Distribution Curve

B. *Step and touch potentials*. Figure A also shows that workers are at risk from step and touch potentials. Step potential is the voltage between the feet of a person standing near an energized grounded object (the electrode). In Figure A, the step potential is equal to the difference in voltage between two points at different distances from the electrode (where the points represent the location of each foot in relation to the electrode). A person could be at risk of injury during a fault simply by standing near the object.

Touch potential is the voltage between the energized grounded object (again, the electrode) and the feet of a person in contact with the object. In Figure A, the touch potential is equal to the difference in voltage between the electrode (which is at a distance of 0 meters) and a point some distance away from the electrode (where the point represents the location of the feet of the person in contact with the object). The touch potential could be nearly the full voltage across the grounded object if that object is grounded at a point remote from the place where the person is in contact with it. For example, a crane grounded to the system neutral and that contacts an energized line would expose any person in contact with the crane or its uninsulated load line to a touch potential nearly equal to the full fault voltage.

Figure B illustrates step and touch potentials.

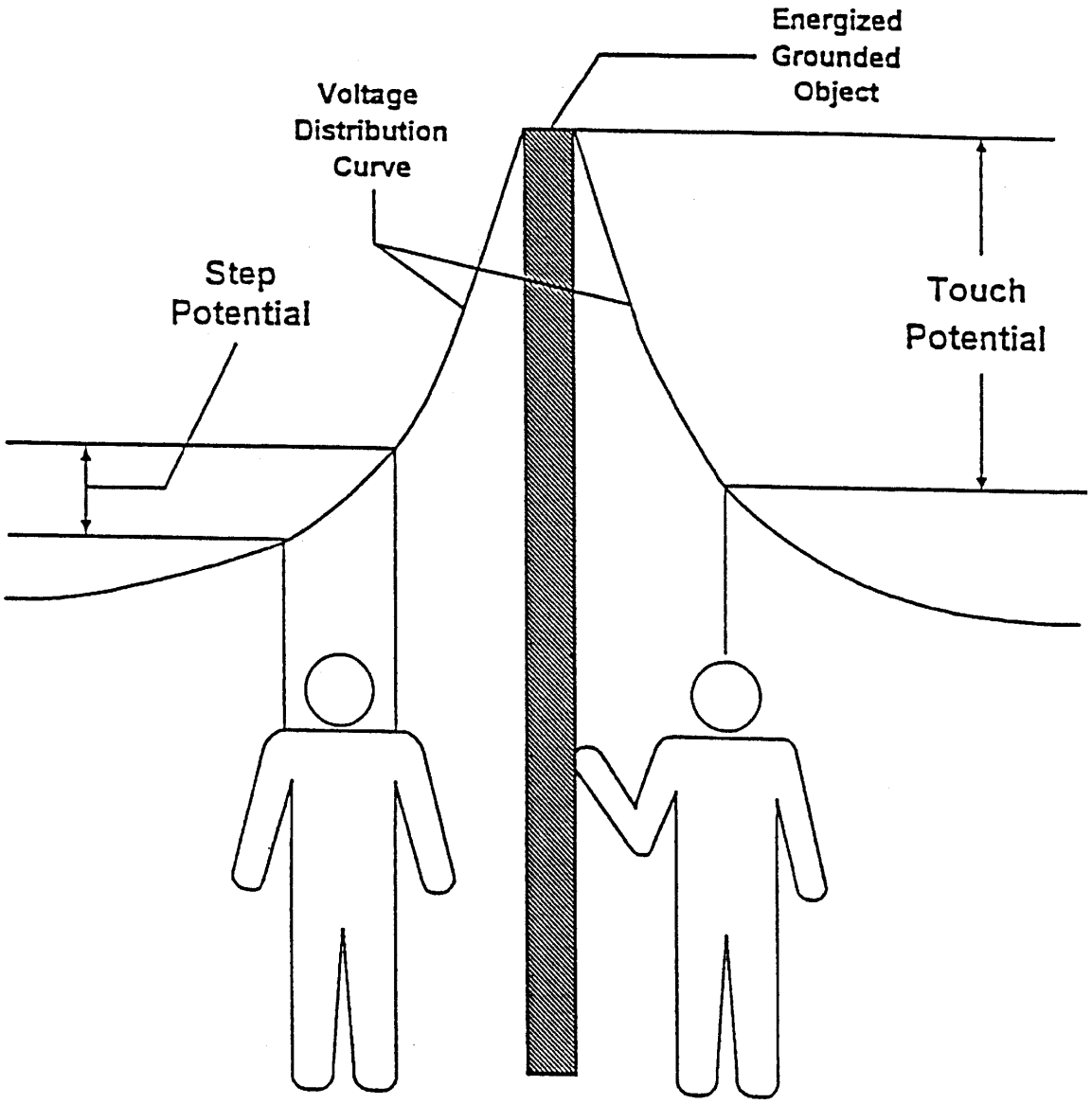


Figure B - Step and Touch Potentials

III. Protecting Workers From Hazardous Differences in Electrical Potential

A. *Definitions*. The following definitions apply to Section III of this document:

Bond. The electrical interconnection of conductive parts designed to maintain a common electric potential.

Bonding cable (bonding jumper). A cable connected to two conductive parts to bond the parts together.

Cluster bar. A terminal temporarily attached to a structure that provides a means for the attachment and bonding of grounding and bonding cables to the structure.

Ground. A conducting connection between an electric circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

Grounding cable (grounding jumper). A cable connected between a deenergized part and ground. Note that grounding cables carry fault current and bonding cables generally do not. A cable that bonds two conductive parts but carries substantial fault current (for example, a jumper connected between one phase and a grounded phase) is a grounding cable.

Ground mat (grounding grid). A temporarily or permanently installed metallic mat or grating that establishes an equipotential surface and provides connection points for attaching grounds.

B. *Analyzing the hazard*. The employer can use an engineering analysis of the power system under fault conditions to determine whether hazardous step and touch voltages will develop. The analysis should determine the voltage on all conductive objects in the work area and the amount of time the voltage will be present. Based on the analysis, the employer can select appropriate measures and protective equipment, including the measures and protective equipment outlined in Section III of this document, to protect each employee from hazardous differences in electric potential. For example, from the analysis, the employer will know the voltage remaining on conductive objects after employees install bonding and grounding equipment and will be able to select insulating equipment with an appropriate rating, as described in paragraph III.C.2 of this document.

C. *Protecting workers on the ground*. The employer may use several methods, including equipotential zones, insulating equipment, and restricted work areas, to protect employees on the ground from hazardous differences in electrical potential.

1. An equipotential zone will protect workers within it from hazardous step and touch potentials. (See Figure C.) Equipotential zones will not, however, protect employees located either wholly or partially outside the protected area. The employer can establish an equipotential zone for workers on the ground, with respect to a grounded object, through the use of a metal mat connected to the grounded object. The employer can use a grounding grid to equalize the voltage within the grid or bond conductive objects in the immediate work area to minimize the potential between the objects and between each object and ground. (Bonding an object outside the work area can increase the touch potential to that object, however.) Section III.D of this document discusses equipotential zones for employees working on deenergized and grounded power lines.

2. Insulating equipment, such as rubber gloves, can protect employees handling grounded equipment and conductors from hazardous touch potentials. The insulating equipment must be rated for the highest voltage that can be impressed on the grounded objects under fault conditions (rather than for the full system voltage).

3. Restricting employees from areas where hazardous step or touch potentials could arise can protect employees not directly involved in performing the operation. The employer must ensure that employees on the ground in the vicinity of transmission structures are at a distance where step voltages would be insufficient to cause injury. Employees must not handle grounded conductors or equipment likely to become energized to hazardous voltages unless the employees are within an equipotential zone or protected by insulating equipment.

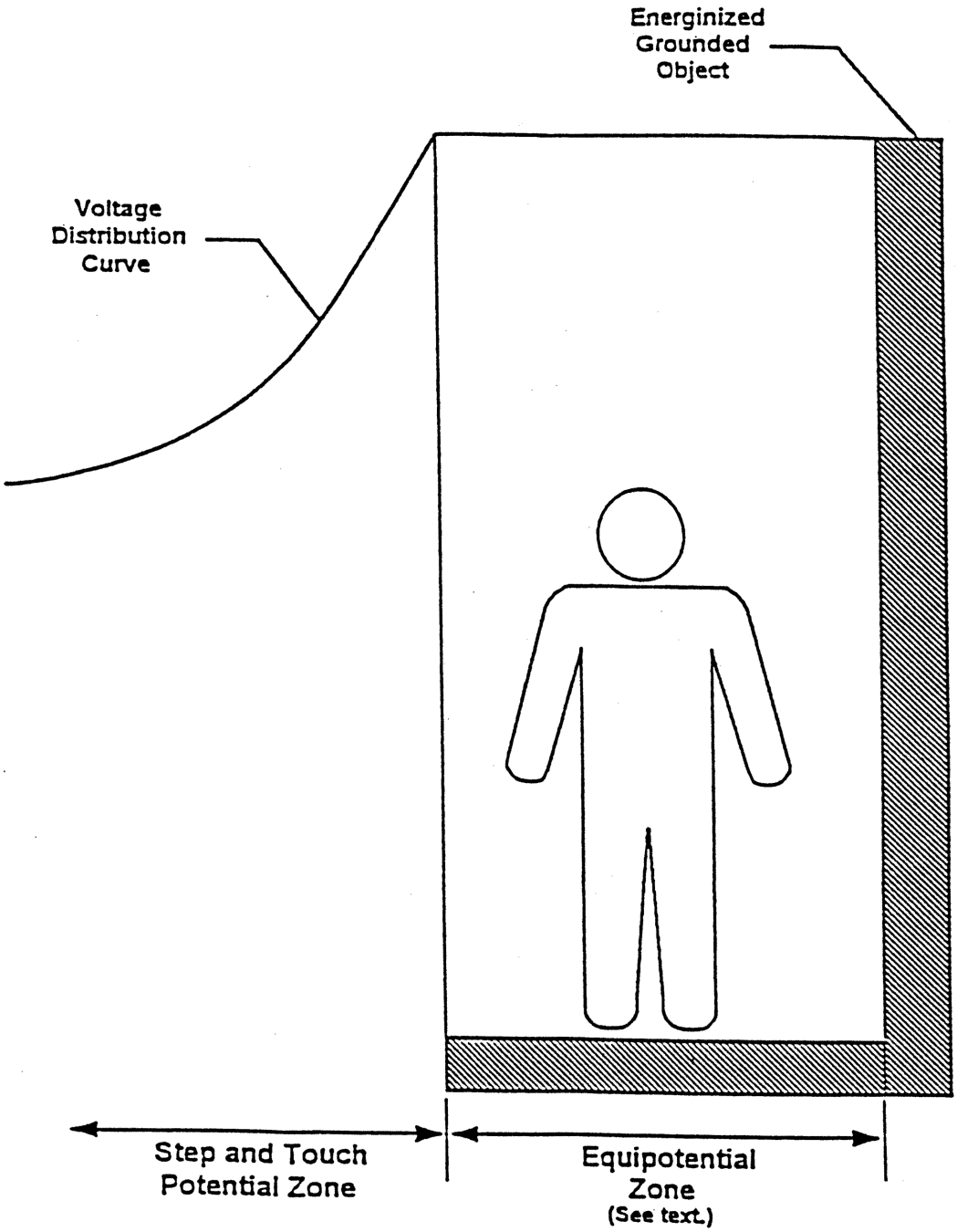


Figure C - Protection from Ground-Potential Gradients

D. *Protecting employees working on deenergized and grounded power lines*. This Section III.D of this document establishes guidelines to help employers comply with requirements in WAC 296-45-345 for using protective grounding to protect employees working on deenergized power lines. WAC 296-45-345 applies to grounding of transmission and distribution lines and equipment for the purpose of protecting workers. WAC 296-45-345(3) requires temporary protective grounds to be placed at such locations and arranged in such a manner that the employer can demonstrate will prevent exposure of each employee to hazardous differences in electric potential.[3] Sections III.D.1 and III.D.2 of this document provide guidelines that employers can use in making the demonstration required by WAC 296-45-345(3). Section III.D.1 of this document provides guidelines on how the employer can determine whether particular grounding practices expose employees to hazardous differences in electric potential. Section III.D.2 of this document describes grounding methods that the employer can use in lieu of an engineering analysis to make the demonstration required by WAC

296-45-345(3). The department will consider employers that comply with the criteria in this document as meeting WAC 296-45-345(3).

Finally, Section III.D.3 of this document discusses other safety considerations that will help the employer comply with other requirements in WAC 296-45-345. Following these guidelines will protect workers from hazards that can occur when a deenergized and grounded line becomes energized.

1. *Determining safe body current limits*. This Section III.D.1 of this document provides guidelines on how an employer can determine whether any differences in electric potential to which workers could be exposed are hazardous as part of the demonstration required by WAC 296-45-345(3).

Institute of Electrical and Electronic Engineers (IEEE) Standard 1048-2003, IEEE Guide for Protective Grounding of Power Lines, provides the following equation for determining the threshold of ventricular fibrillation when the duration of the electric shock is limited:

$$I = \frac{116}{\sqrt{t}},$$

Where *I* is the current through the worker's body, and *t* is the duration of the current in seconds. This equation represents the ventricular fibrillation threshold for 95.5 percent of the adult population with a mass of 50 kilograms (110 pounds) or more. The equation is valid for current durations between 0.0083 to 3.0 seconds.

To use this equation to set safe voltage limits in an equipotential zone around the worker, the employer will need to assume a value for the resistance of the worker's body. IEEE Std 1048-2003 states that "total body resistance is usually taken as 1000 Ω for determining . . . body current limits." However, employers should be aware that the impedance of a worker's body can be substantially less than that value. For instance, IEEE Std 1048-2003 reports a minimum hand-to-hand resistance of 610 ohms and an internal body resistance of 500 ohms. The internal resistance of the body better represents the minimum resistance of a worker's body when the skin resistance drops near zero, which occurs, for example, when there are breaks in the worker's skin, for instance, from cuts or from blisters formed as a result of the current from an electric shock, or when the worker is wet at the points of contact.

Employers may use the IEEE Std 1048-2003 equation to determine safe body current limits only if the employer protects workers from hazards associated with involuntary muscle reactions from electric shock (for example, the hazard to a worker from falling as a result of an electric shock). Moreover, the equation applies only when the duration of the electric shock is limited. If the precautions the employer takes, including those required by applicable standards, do not adequately protect employees from hazards associated with involuntary reactions from electric shock, a hazard exists if the induced voltage is sufficient to pass a current of 1 milliampere through a 500-ohm resistor. (The 500-ohm resistor represents the resistance of an employee. The 1-milliampere current is the threshold of perception.) Finally, if the employer protects employees from injury due to involuntary reactions from electric shock, but the duration of the electric shock is unlimited (that is, when the fault current at the work location will be insufficient to trip the devices protecting the circuit), a hazard exists if the resultant current would be more than 6 milliamperes (the recognized let-go threshold for workers[4]).

2. *Acceptable methods of grounding for employers that do not perform an engineering determination*. The grounding methods presented in this section of this document ensure that differences in electric potential are as low as possible and, therefore, meet WAC 296-45-345(3) without an engineering determination of the potential differences. These methods follow two principles: (i) The grounding method must ensure that the circuit opens in the fastest available clearing time, and (ii) the grounding method must ensure that the potential differences between conductive objects in the employee's work area are as low as possible.

WAC 296-45-345(3) does not require grounding methods to meet the criteria embodied in these principles. Instead, the paragraph requires that protective grounds be "placed at such locations and arranged in such a manner that the employer can demonstrate will prevent exposure of each employee to hazardous differences in electric potential." However, when the employer's grounding practices do not follow these two principles, the employer will need to perform an engineering analysis to make the demonstration required by WAC 296-45-345(3).

i. *Ensuring that the circuit opens in the fastest available clearing time*. Generally, the higher the fault current, the shorter the clearing times for the same type of fault. Therefore, to ensure the fastest available clearing time, the grounding method must maximize the fault current with a low impedance connection to ground. The employer accomplishes this objective by grounding the circuit conductors to the best ground available at the worksite. Thus, the employer must ground to a grounded system neutral conductor, if one is present. A grounded system neutral has a direct connection to the system ground at the source, resulting in an extremely low impedance to ground. In a substation, the employer may instead ground to the substation grid, which also has an extremely low impedance to the system ground and, typically, is connected to a grounded system neutral when one is present. Remote system grounds, such as pole and tower grounds, have a higher impedance to the system ground than grounded system neutrals and substation grounding grids; however, the employer may use a remote ground when lower impedance grounds are not available. In the absence of a grounded system neutral, substation grid, and remote ground, the employer may use a temporary driven ground at the worksite.

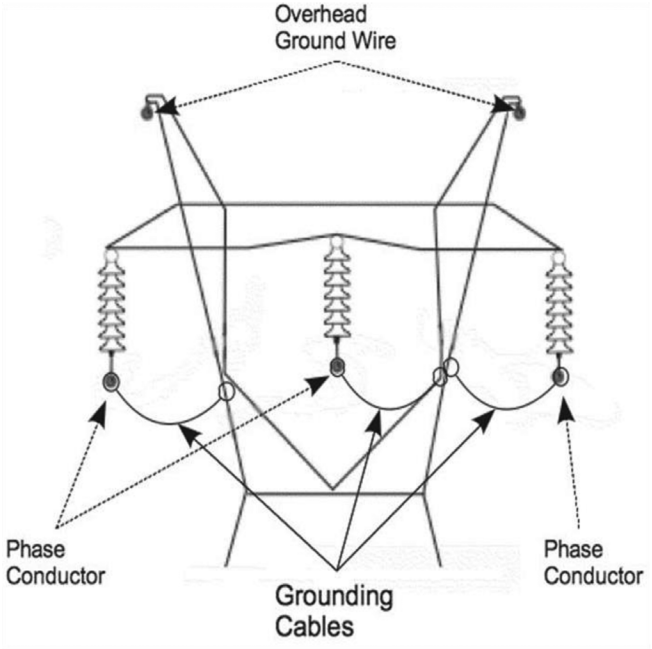
In addition, if employees are working on a three-phase system, the grounding method must short circuit all three phases. Short circuiting all phases will ensure faster clearing and lower the current through the grounding cable connecting the deenergized line to ground, thereby lowering the voltage across that cable. The short circuit need not be at the worksite; however, the employer must treat any conductor that is not grounded at the worksite as energized because the

ungrounded conductors will be energized at fault voltage during a fault.

ii. *Ensuring that the potential differences between conductive objects in the employee's work area are as low as possible*. To achieve as low a voltage as possible across any two conductive objects in the work area, the employer must bond all conductive objects in the work area. This section of this document discusses how to create a zone that minimizes differences in electric potential between conductive objects in the work area.

The employer must use bonding cables to bond conductive objects, except for metallic objects bonded through metal-to-metal contact. The employer must ensure that metal-to-metal contacts are tight and free of contamination, such as oxidation, that can increase the impedance across the connection. For example, a bolted connection between metal lattice tower members is acceptable if the connection is tight and free of corrosion and other contamination. Figure D shows how to create an equipotential zone for metal lattice towers.

Wood poles are conductive objects. The poles can absorb moisture and conduct electricity, particularly at distribution and transmission voltages. Consequently, the employer must either: (1) Provide a conductive platform, bonded to a grounding cable, on which the worker stands or (2) use cluster bars to bond wood poles to the grounding cable. The employer must ensure that employees install the cluster bar below, and close to, the worker's feet. The inner portion of the wood pole is more conductive than the outer shell, so it is important that the cluster bar be in conductive contact with a metal spike or nail that penetrates the wood to a depth greater than or equal to the depth the worker's climbing gaffs will penetrate the wood. For example, the employer could mount the cluster bar on a bare pole ground wire fastened to the pole with nails or staples that penetrate to the required depth. Alternatively, the employer may temporarily nail a conductive strap to the pole and connect the strap to the cluster bar. Figure E shows how to create an equipotential zone for wood poles.



Notes: 1. Employers must ground overhead ground wires that are within reach of the employee.

2. The grounding cable must be as short as practicable; therefore, the attachment points between the grounding cable and the tower may be different from that shown in the figure.

Figure D - Equipotential Zone for Metal Lattice Tower

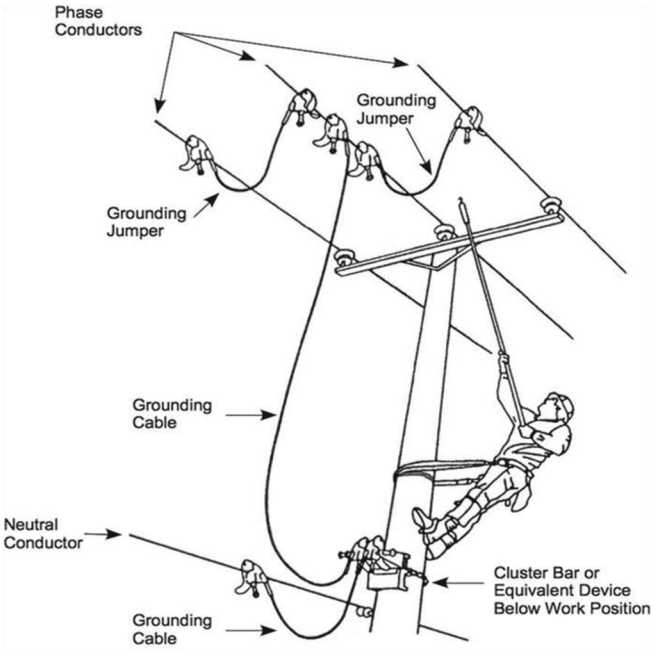


Figure E - Equipotential Grounding for Wood Poles

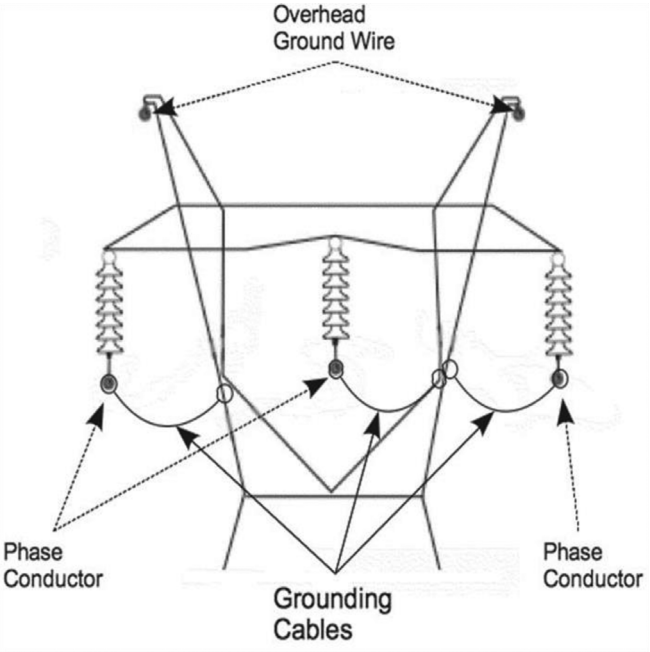


Figure reprinted with permission from Hubbell Power Systems, Inc. (Hubbell)

OSHA revised the figure from Hubbell's original.

For underground systems, employers commonly install grounds at the points of disconnection of the underground cables. These grounding points are typically remote from the manhole or underground vault where employees will be working on the cable. Workers in contact with a cable grounded at a remote location can experience hazardous potential differences if the cable becomes energized or if a fault occurs on a different, but nearby, energized cable. The fault current causes potential gradients in the earth, and a potential difference will exist between the earth where the worker is standing and the earth where the cable is grounded. Consequently, to create an equipotential zone for the worker, the employer must provide a means of connecting the deenergized cable to ground at the worksite by having the worker stand on a conductive mat bonded to the deenergized cable. If the cable is cut, the employer must install a bond across the opening in the cable or install one bond on each side of the opening to ensure that the separate cable ends are at the same potential. The employer must protect the worker from any hazardous differences in potential any time there is no bond between the mat and the cable (for example, before the worker installs the bonds).

3. *Other safety-related considerations*. To ensure that the grounding system is safe and effective, the employer should also consider the following factors:[5]

i. *Maintenance of grounding equipment*. It is essential that the employer properly maintain grounding equipment. Corrosion in the connections between grounding cables and clamps and on the clamp surface can increase the resistance of the cable, thereby increasing potential differences. In addition, the surface to which a clamp attaches, such as a conductor or tower member, must be clean and free of corrosion and oxidation to ensure a low-resistance connection. Cables must be free of damage that could reduce their current-carrying capacity so that they can carry the full fault current without failure. Each clamp must have a tight connection to the cable to ensure a low resistance and to ensure that the clamp does not separate from the cable during a fault.

ii. *Grounding cable length and movement*. The electromagnetic forces on grounding cables during a fault increase with increasing cable length. These forces can cause the cable to move violently during a fault and can be high enough to damage the cable or clamps and cause the cable to fail. In addition, flying cables can injure workers. Consequently, cable lengths should be as short as possible, and grounding cables that might carry high fault current should be in positions where the cables will not injure workers during a fault.

Notes:

[1]This document generally uses the term "grounded" only with respect to grounding that the employer intentionally installs, for example, the grounding an employer installs on a deenergized conductor. However, in this case, the term "grounded" means connected to earth, regardless of whether or not that connection is intentional.

[2]Thus, grounding systems for transmission towers and substation structures should be designed to minimize the step and touch potentials involved.

[3]The protective grounding required by WAC 296-45-345 limits to safe values the potential differences between accessible objects in each employee's work environment. Ideally, a protective grounding system would create a true equipotential zone in which every point is at the same electric potential. In practice, current passing through the grounding and bonding elements creates potential differences. If these potential differences are hazardous, the employer may not treat the zone as an equipotential zone.

[4]Electric current passing through the body has varying effects depending on the amount of the current. At the let-go threshold, the current overrides a person's control over his or her muscles. At that level, an employee grasping an object will not be able to let go of the object. The let-go threshold varies from person to person; however, the recognized value for workers is 6 milliamperes.

[5]This document only discusses factors that relate to ensuring an equipotential zone for employees. The employer must consider other factors in selecting a grounding system that is capable of conducting the maximum fault current that could flow at the point of grounding for the time necessary to clear the fault, as required by WAC 296-45-345 (4)(a). IEEE Std 1048-2003 contains guidelines for selecting and installing grounding equipment that will meet WAC 296-45-345 (4)(a).

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-905 Appendix C—Methods of inspecting and testing wood poles—Nonmandatory.

**I. ((")) Introduction ((")) **

When employees are to perform work on a wood pole, it is important to determine the condition of the pole before employees climb it. The weight of the employee, the weight of equipment to be installed, and other working stresses (such as the removal or retensioning of conductors) can lead to the failure of a defective pole or a pole that is not designed to

handle the additional stresses.[1] For these reasons, it is essential that, before an employee climbs a wood pole, the employer ascertains that the pole is capable of sustaining the stresses of the work. The determination that the pole is capable of sustaining these stresses includes an inspection of the condition of the pole.

Footnote[1] If the employer finds the pole to be unsafe to climb or to work from, the employer must secure the pole so that it does not fail while an employee is on it.

The employer can secure the pole by a line truck boom, by ropes or guys, or by lashing a new pole alongside it. If a new one is lashed alongside the defective pole, employees should work from the new one.

II. ((")))Inspection of wood poles((")))

A qualified electrical employee should inspect wood poles for the following conditions:[2]

Footnote[2] The presence of any of these conditions is an indication that the pole may not be safe to climb or to work from. The employee performing the inspection must be qualified to make a determination as to whether or not it is safe to perform the work without taking additional precautions.

A. General condition.

Buckling at the ground line or an unusual angle with respect to the ground may indicate that the pole has rotted or is broken.

B. Cracks.

Horizontal cracks perpendicular to the grain of the wood may weaken the pole. Vertical cracks, although not normally considered to be a sign of a defective pole, can pose a hazard to the climber, and the employee should keep his or her gaffs away from them while climbing.

C. Holes.

Hollow spots and woodpecker holes can reduce the strength of a wood pole.

D. Shell rot and decay.

Rotting and decay are cutout hazards and are possible indications of the age and internal condition of the pole.

E. Knots.

One large knot or several smaller ones at the same height on the pole may be evidence of a weak point on the pole.

F. Depth of setting.

Evidence of the existence of a former ground line substantially above the existing ground level may be an indication that the pole is no longer buried to a sufficient extent.

G. Soil conditions.

Soft, wet, or loose soil around the base of the pole may indicate that the pole will not support any change in stress.

H. Burn marks.

Burning from transformer failures or conductor faults could damage the pole so that it cannot withstand changes in mechanical stress.

III. ((")))Testing of wood poles((")))

The following tests are recognized as acceptable methods of testing wood poles:

A. Hammer test.

Rap the pole sharply with a hammer weighing about 3 pounds (1.4 kg), starting near the ground line and continuing upwards circumferentially around the pole to a height of approximately 6 feet (1.8 meters). The hammer will produce a clear sound and rebound sharply when striking sound wood. Decay pockets will be indicated by a dull sound or a less pronounced hammer rebound. Also, prod the pole as near the ground line as possible using a pole prod or a screwdriver with a blade at least 5 inches (127 millimeters) long. If substantial decay is present, the pole is unsafe.

B. Rocking test.

Apply a horizontal force to the pole and attempt to rock it back and forth in a direction perpendicular to the line. Exercise caution to avoid causing power lines to swing together. Apply the force to the pole either by pushing with a pike pole or pulling the pole with a rope. If the pole cracks during the test, it is unsafe.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-906 Appendix D—Protection from flames and electric arcs—Nonmandatory.

I. Introduction

WAC 296-45-325(13) addresses protecting employees from flames and electric arcs. This section requires employers to: (1) Assess the workplace for flame and electric-arc hazards (WAC 296-45-325 (13)(a)); (2) estimate the available heat energy from electric arcs to which employees would be exposed (WAC 296-45-325 (13)(b)); (3) ensure that employees wear clothing that will not melt, or ignite and continue to burn, when exposed to flames or the estimated heat energy (WAC 296-45-325 (13)(c)); and (4) ensure that employees wear flame-resistant clothing[1] and protective clothing and other protective equipment that has an arc rating greater than or equal to the available heat energy under certain conditions (WAC 296-45-325 (13)(d) and (e)). This appendix contains information to help employers estimate available heat energy as required by WAC 296-45-325 (13)(b), select protective clothing and other protective equipment with an arc rating suitable for the available heat energy as required by WAC 296-45-325 (13)(e), and ensure that employees do not wear flammable clothing that could lead to burn injury as addressed by WAC 296-45-325 (13)(c) and (d).

II. Assessing the Workplace for Flame and Electric-Arc Hazards

WAC 296-45-325 (13)(a) requires the employer to assess the workplace to identify employees exposed to hazards from flames or from electric arcs. This provision ensures that the employer evaluates employee exposure to flames and electric arcs so that employees who face such exposures receive the required protection. The employer must conduct an assessment for each employee who performs work on or near exposed, energized parts of electric circuits.

A. Assessment Guidelines.

Sources electric arcs. Consider possible sources of electric arcs, including:

• Energized circuit parts not guarded or insulated;

• Switching devices that produce electric arcs in normal operation;

• Sliding parts that could fault during operation (for example, rack-mounted circuit breakers); and

• Energized electric equipment that could fail (for example, electric equipment with damaged insulation or with evidence of arcing or overheating).

Exposure to flames. Identify employees exposed to hazards from flames.

Factors to consider include:

• The proximity of employees to open flames; and

• For flammable material in the work area, whether there is a reasonable likelihood that an electric arc or an open flame can ignite the material.

Probability that an electric arc will occur. Identify employees exposed to electric-arc hazards. The department will consider an employee exposed to electric-arc hazards if there is a reasonable likelihood that an electric arc will occur in the employee's work area, in other words, if the probability of such an event is higher than it is for the normal operation of enclosed equipment. Factors to consider include:

• For energized circuit parts not guarded or insulated, whether conductive objects can come too close to or fall onto the energized parts;

• For exposed, energized circuit parts, whether the employee is closer to the part than the minimum approach distance established by the employer (as permitted by WAC 296-45-325(4));

• Whether the operation of electric equipment with sliding parts that could fault during operation is part of the normal operation of the equipment or occurs during servicing or maintenance; and

• For energized electric equipment, whether there is evidence of impending failure, such as evidence of arcing or overheating.

B. Examples.

Table 1 provides task-based examples of exposure assessments.

Table 1
Example Assessments for Various Tasks

Task		Is employee exposed to flame or electric arc hazard?
Normal operation of enclosed equipment, such as closing or opening a switch.	The employer properly installs and maintains enclosed equipment, and there is no evidence of impending failure.	No.
	There is evidence of arcing or overheating	Yes.
	Parts of the equipment are loose or sticking, or the equipment otherwise exhibits signs of lack of maintenance.	Yes.
Servicing electric equipment, such as racking in a circuit breaker or replacing a switch		Yes.
Inspection of electric equipment with exposed energized parts.	The employee is not holding conductive objects and remains outside the minimum approach distance established by the employer.	No.
	The employee is holding a conductive object, such as a flashlight, that could fall or otherwise contact energized parts (irrespective of whether the employee maintains the minimum approach distance).	Yes.
	The employee is closer than the minimum approach distance established by the employer (for example, when wearing rubber insulating gloves or rubber insulating gloves and sleeves).	Yes.
Using open flames, for example, in wiping cable splice sleeves		Yes.

III. Protection Against Burn Injury

A. Estimating Available Heat Energy.

Calculation methods. WAC 296-45-325 (13)(b) provides that, for each employee exposed to an electric-arc hazard, the employer must make a reasonable estimate of the heat energy to which the employee would be exposed if an arc occurs. Table 2 lists various methods of calculating values of available heat energy from an electric circuit. The department does not endorse any of these specific methods. Each method requires the input of various parameters, such as fault current, the expected length of the electric arc, the distance from the arc to the employee, and the clearing time for the fault (that is, the time the circuit protective devices take to open the circuit and clear the fault). The employer can precisely determine some of these parameters, such as the fault current and the clearing time, for a given system. The

employer will need to estimate other parameters, such as the length of the arc and the distance between the arc and the employee, because such parameters vary widely.

Table 2
Methods of Calculating Incident Heat Energy from an Electric Arc

1. *Standard for Electrical Safety Requirements for Employee Workplaces*, NFPA 70E-2012, Annex D, "Sample Calculation of Flash Protection Boundary."
2. Doughty, T.E., Neal, T.E., and Floyd II, H.L., "Predicting Incident Energy to Better Manage the Electric Arc Hazard on 600 V Power Distribution Systems," *Record of Conference Papers IEEE IAS 45th Annual Petroleum and Chemical Industry Conference*, September 28-30, 1998.
3. *Guide for Performing Arc-Flash Hazard Calculations*, IEEE Std 1584-2002, 1584a-2004 (Amendment 1 to IEEE Std 1584-2002), and 1584b-2011 (Amendment 2: Changes to Clause 4 of IEEE Std 1584-2002).*
4. ARCPRO, a commercially available software program developed by Kinectrics, Toronto, ON, CA.

* This appendix refers to IEEE Std 1584-2002 with both amendments as IEEE Std 1584b-2011.

The amount of heat energy calculated by any of the methods is approximately inversely proportional to the square of the distance between the employee and the arc. In other words, if the employee is very close to the arc, the heat energy is very high; but if the employee is just a few more centimeters away, the heat energy drops substantially. Thus, estimating the distance from the arc to the employee is key to protecting employees.

The employer must select a method of estimating incident heat energy that provides a reasonable estimate of incident heat energy for the exposure involved. Table 3 shows which methods provide reasonable estimates for various exposures.

Table 3
Selecting a Reasonable Incident-Energy Calculation Method[1]

Incident-energy calculation method	600 V and Less [2]			601 V to 15 kV [2]			More than 15 kV		
	1Φ	3Φa	3Φb	1Φ	3Φa	3Φb	1Φ	3Φa	3Φb
NFPA 70E-2012 Annex D (Lee equation)	Y-C	Y	N	Y-C	Y-C	N	N[3]	N[3]	N[3]
Doughty, Neal, and Floyd	Y-C	Y	Y	N	N	N	N	N	N
IEEE Std 1584b-2011	Y	Y	Y	Y	Y	Y	N	N	N
ARCPRO	Y	N	N	Y	N	N	Y	Y[4]	Y[4]

Key:

1Φ: Single-phase arc in open air.

3Φa: Three-phase arc in open air.

3Φb: Three-phase arc in an enclosure (box).

Y: Acceptable; produces a reasonable estimate of incident heat energy from this type of electric arc.

N: Not acceptable; does not produce a reasonable estimate of incident heat energy from this type of electric arc.

Y-C: Acceptable; produces a reasonable, but conservative, estimate of incident heat energy from this type of electric arc.

Notes:

[1]Although the department will consider these methods reasonable for enforcement purposes when employers use the methods in accordance with this table, employers should be aware that the listed methods do not necessarily result in estimates that will provide full protection from internal faults in transformers and similar equipment or from arcs in underground manholes or vaults.

[2]At these voltages, the presumption is that the arc is three-phase unless the employer can demonstrate that only one phase is present or that the spacing of the phases is sufficient to prevent a multiphase arc from occurring.

[3]Although the department will consider this method acceptable for purposes of assessing whether incident energy exceeds 2.0 cal/cm^2, the results at voltages of more than 15 kilovolts are extremely conservative and unrealistic.

[4]The department will deem the results of this method reasonable when the employer adjusts them using the conversion factors for three-phase arcs in open air or in an enclosure, as indicated in the program's instructions.

Selecting a reasonable distance from the employee to the arc. In estimating available heat energy, the employer must make some reasonable assumptions about how far the employee will be from the electric arc. Table 4 lists reasonable distances from the employee to the electric arc. The distances in Table 4 are consistent with national consensus standards, such as the Institute of Electrical and Electronic Engineers' *National Electrical Safety Code*, ANSI/IEEE ((~~C2-2012~~)) C2-2017, and *IEEE Guide for Performing Arc-Flash Hazard Calculations*, IEEE Std 1584b-2011. The employer is free to use other reasonable distances, but must consider equipment enclosure size and the working distance to the employee in selecting a distance from the employee to the arc. The department will consider a distance reasonable when the employer bases it on equipment size and working distance.

Table 4
Selecting a Reasonable Distance from the Employee to the Electric Arc

Class of equipment	Single-phase arc mm (inches)	Three-phase arc mm (inches)
Cable	*NA	455 (18)
Low voltage MCCs and panelboards	NA	455 (18)
Low-voltage switchgear	NA	610 (24)
5-kV switchgear	NA	910 (36)
15-kV switchgear	NA	910 (36)
Single conductors in air (up to 46 kilovolts), work with rubber insulating gloves	380 (15)	NA
Single conductors in air, work with live-line tools	*MAD*- (2 × *kV*× 2.54)	NA

* NA = not applicable.

† The terms in this equation are:

MAD = The applicable minimum approach distance; and

kV = The system voltage in kilovolts.

Selecting a reasonable arc gap. For a single-phase arc in air, the electric arc will almost always occur when an energized conductor approaches too close to ground. Thus, an employer can determine the arc gap, or arc length, for these exposures by the dielectric strength of air and the voltage on the line. The dielectric strength of air is approximately 10 kilovolts for every 25.4 millimeters (1 inch). For example, at 50 kilovolts, the arc gap would be 50 ÷ 10 × 25.4 (or 50 × 2.54), which equals 127 millimeters (5 inches).

For three-phase arcs in open air and in enclosures, the arc gap will generally be dependent on the spacing between parts energized at different electrical potentials. Documents such as IEEE Std 1584b-2011 provide information on these distances. Employers may select a reasonable arc gap from Table 5, or they may select any other reasonable arc gap based on sparkover distance or on the spacing between (1) live parts at different potentials or (2) live parts and grounded parts (for example, bus or conductor spacings in equipment). In any event, the employer must use an estimate that reasonably resembles the actual exposures faced by the employee.

Table 5
Selecting a Reasonable Arc Gap

Class of equipment	Single-phase arc mm (inches)	Three-phase arc mm[1] (inches)
Cable	NA[2]	13 (0.5).
Low voltage MCCs and panelboards	NA	25 (1.0).
Low-voltage switchgear	NA	32 (1.25).
5-kV switchgear	NA	104 (4.0).
15-kV switchgear	NA	152 (6.0).
Single conductors in air (up to 46 kilovolts), work with rubber insulating gloves	51 (2.0)	Phase conductor spacing.
Single conductors in air, work with live-line tools	*Voltage in kV × 2.54* (Voltage in *kV*× 0.1), but no less than 51 mm (2 inches).	Phase conductor spacing.

[1]Source: IEEE Std 1584b-2011.

[2]NA = not applicable.

Making estimates over multiple system areas. The employer need not estimate the heat-energy exposure for every job task performed by each employee. WAC 296-45-325 (13)(b) permits the employer to make broad estimates that cover multiple system areas provided that: (1) The employer uses reasonable assumptions about the energy-exposure distribution throughout the system, and (2) the estimates represent the maximum exposure for those areas. For example, the employer can use the maximum fault current and clearing time to cover several system areas at once.

Incident heat energy for single-phase-to-ground exposures. Table 6 and Table 7 provide incident heat energy levels for openair, phase-to-ground electric-arc exposures typical for overhead systems.[2] Table 6 presents estimates of available energy for employees using rubber insulating gloves to perform work on overhead systems operating at 4 to

46 kilovolts. The table assumes that the employee will be 380 millimeters (15 inches) from the electric arc, which is a reasonable estimate for rubber insulating glove work. Table 6 also assumes that the arc length equals the sparkover distance for the maximum transient overvoltage of each voltage range.[3] To use the table, an employer would use the voltage, maximum fault current, and maximum clearing time for a system area and, using the appropriate voltage range and fault-current and clearing time values corresponding to the next higher values listed in the table, select the appropriate heat energy (4, 5, 8, or 12 cal/cm^2) from the table. For example, an employer might have a 12,470-volt power line supplying a system area. The power line can supply a maximum fault current of 8 kiloamperes with a maximum clearing time of 10 cycles. For rubber glove work, this system falls in the 4.0-to-15.0-kilovolt range; the next-higher fault current is 10 kA (the second row in that voltage range); and the clearing time is under 18 cycles (the first column to the right of the fault current column). Thus, the available heat energy for this part of the system will be 4 cal/cm^2 or less (from the column heading), and the employer could select protection with a 5-cal/cm^2 rating to meet WAC 296-45-325 (13)(e). Alternatively, an employer could select a base incident-energy value and ensure that the clearing times for each voltage range and fault current listed in the table do not exceed the corresponding clearing time specified in the table. For example, an employer that provides employees with arc-flash protective equipment rated at 8 cal/cm^2 can use the table to determine if any system area exceeds 8 cal/cm^2 by checking the clearing time for the highest fault current for each voltage range and ensuring that the clearing times do not exceed the values specified in the 8-cal/cm^2 column in the table.

Table 7 presents similar estimates for employees using live-line tools to perform work on overhead systems operating at voltages of 4 to 800 kilovolts. The table assumes that the arc length will be equal to the sparkover distance[4] and that the employee will be a distance from the arc equal to the minimum approach distance minus twice the sparkover distance.

The employer will need to use other methods for estimating available heat energy in situations not addressed by Table 6 or Table 7. The calculation methods listed in Table 2 and the guidance provided in Table 3 will help employers do this. For example, employers can use IEEE Std 1584b-2011 to estimate the available heat energy (and to select appropriate protective equipment) for many specific conditions, including lowervoltage, phase-to-phase arc, and enclosed arc exposures.

Table 6

Incident Heat Energy for Various Fault Currents, Clearing Times, and Voltages of 4.0 to 46.0 KV: Rubber Insulating Glove Exposures Involving Phase-to-Ground Arcs in Open Air Only * † ‡

Voltage range (kV) **	Fault current (kA)	Maximum clearing time (cycles)			
		4 cal/cm^2	5 cal/cm^2	8 cal/cm^2	12 cal/cm^2
4.0 to 15.0	5	46	58	92	138
	10	18	22	36	54
	15	10	12	20	30
	20	6	8	13	19
15.1 to 25.0	5	28	34	55	83
	10	11	14	23	24
	15	7	8	13	20
	20	4	5	9	13
25.1 to 36.0	5	21	26	42	62
	10	9	11	18	26
	15	5	6	10	16
	20	4	4	7	11
36.1 to 46.0	5	16	20	32	48
	10	7	9	14	21
	15	4	5	8	13
	20	3	4	6	9

Notes:* This table is for open-air, phase-to-ground electric-arc exposures. It is not for phase-to-phase arcs or enclosed arcs (arc in a box).

† The table assumes that the employee will be 380 mm (15 in.) from the electric arc. The table also assumes the arc length to be the sparkover distance for the maximum transient overvoltage of each voltage range, as follows:

4.0 to 15.0 kV 51 mm (2 in.)

15.1 to 25.0 kV 102 mm (4 in.)

25.1 to 36.0 kV 152 mm (6 in.)

36.1 to 46.0 kV 229 mm (9 in.)

‡ The Occupational Safety and Health Administration calculated the values in this table using the ARCPRO method listed in Table 2.

** The voltage range is the phase-to-phase system voltage.

Table 7
Incident Heat Energy for Various Fault Currents, Clearing Times, and Voltages: Live-line Tool Exposures Involving Phase-to-Ground Arcs in Open Air Only * † ‡ #

Voltage range (kV) **	Fault current (kA)	Maximum clearing time (cycles)			
		4 cal/cm²	5 cal/cm²	8 cal/cm²	12 cal/cm²
4.0 to 15.0	5	197	246	394	591
	10	73	92	147	220
	15	39	49	78	117
	20	24	31	49	73
15.1 to 25.0	5	197	246	394	591
	10	75	94	150	225
	15	41	51	82	122
	20	26	33	52	78
25.1 to 36.0	5	138	172	275	413
	10	53	66	106	159
	15	30	37	59	89
	20	19	24	38	58
36.1 to 46.0	5	129	161	257	386
	10	51	64	102	154
	15	29	36	58	87
	20	19	24	38	57
46.1 to 72.5	20	18	23	36	55
	30	10	13	20	30
	40	6	8	13	19
	50	4	6	9	13
72.6 to 121.0	20	10	12	20	30
	30	6	7	11	17
	40	4	5	7	11
	50	3	3	5	8
121.1 to 145.0	20	12	15	24	35
	30	7	9	15	22
	40	5	6	10	15
	50	4	5	8	11
145.1 to 169.0	20	12	15	24	36
	30	7	9	15	22
	40	5	7	10	16
	50	4	5	8	12
169.1 to 242.0	20	13	17	27	40
	30	8	10	17	25
	40	6	7	12	17
	50	4	5	9	13

Voltage range (kV) **	Fault current (kA)	Maximum clearing time (cycles)			
		4 cal/cm²	5 cal/cm²	8 cal/cm²	12 cal/cm²
242.1 to 362.0	20	25	32	51	76
	30	16	19	31	47
	40	11	14	22	33
	50	8	10	16	25
362.1 to 420.0	20	12	15	25	37
	30	8	10	15	23
	40	5	7	11	16
	50	4	5	8	12
420.1 to 550.0	20	23	29	47	70
	30	14	18	29	43
	40	10	13	20	30
	50	8	9	15	23
550.1 to 800.0	20	25	31	50	75
	30	15	19	31	46
	40	11	13	21	32
	50	8	10	16	24

Notes: * This table is for open-air, phase-to-ground electric-arc exposures. It is not for phase-to-phase arcs or enclosed arcs (arc in a box).

† The table assumes the arc length to be the sparkover distance for the maximum phase-to-ground voltage of each voltage range. The table also assumes that the employee will be the minimum approach distance minus twice the arc length from the electric arc.

‡ The Occupational Safety and Health Administration calculated the values in this table using the ARCPRO method listed in Table 2.

For voltages of more than 72.6 kV, employers may use this table only when the minimum approach distance established under WAC 296-45-325(4) is greater than or equal to the following values:

72.6 to 121.0 kV 1.02 m.

121.1 to 145.0 kV 1.16 m.

145.1 to 169.0 kV 1.30 m.

169.1 to 242.0 kV 1.72 m.

242.1 to 362.0 kV 2.76 m.

362.1 to 420.0 kV 2.50 m.

420.1 to 550.0 kV 3.62 m.

550.1 to 800.0 kV 4.83 m.

** The voltage range is the phase-to-phase system voltage.

B. Selecting Protective Clothing and Other Protective Equipment.

WAC 296-45-325 (13)(e) requires employers, in certain situations, to select protective clothing and other protective equipment with an arc rating that is greater than or equal to the incident heat energy estimated under WAC 296-45-325 (13)(b). Based on laboratory testing required by ASTM F1506-10a, the expectation is that protective clothing with an arc rating equal to the estimated incident heat energy will be capable of preventing second-degree burn injury to an employee exposed to that incident heat energy from an electric arc. Note that actual electric-arc exposures may be more or less severe than the estimated value because of factors such as arc movement, arc length, arcing from reclosing of the system, secondary fires or explosions, and weather conditions. Additionally, for arc rating based on the fabric's arc thermal performance value[5] (ATPV), a worker exposed to incident energy at the arc rating has a 50-percent chance of just barely receiving a second-degree burn. Therefore, it is possible (although not likely) that an employee will sustain a second-degree (or worse) burn wearing clothing conforming to WAC 296-45-325 (13)(e) under certain circumstances. However, reasonable employer estimates and maintaining appropriate minimum approach distances for employees should limit burns to relatively small burns that just barely extend beyond the epidermis (that is, just barely a second degree burn). Consequently, protective clothing and other protective equipment meeting WAC 296-45-325 (13)(e) will provide an appropriate degree of protection for an employee exposed to electric-arc hazards.

WAC 296-45-325 (13)(e) does not require arc-rated protection for exposures of 2 cal/cm² or less. Untreated cotton clothing will reduce a 2-cal/cm² exposure below the 1.2- to 1.5-cal/cm² level necessary to cause burn injury, and this material should not ignite at such low heat energy levels. Although WAC 296-45-325 (13)(e) does not require clothing to have an arc rating when exposures are 2 cal/cm² or less, WAC 296-45-325 (13)(d) requires the outer layer of clothing

to be flame resistant under certain conditions, even when the estimated incident heat energy is less than 2 cal/cm^2, as discussed later in this appendix.

Additionally, it is especially important to ensure that employees do not wear undergarments made from fabrics listed in the note to WAC 296-45-325 (13)(c) even when the outer layer is flame resistant or arc rated. These fabrics can melt or ignite easily when an electric arc occurs. Logos and name tags made from nonflame-resistant material can adversely affect the arc rating or the flame resistant characteristics of arc-rated or flame resistant clothing. Such logos and name tags may violate WAC 296-45-325 (13)(c), (d) and (e).

WAC 296-45-325 (13)(e) requires that arc-rated protection cover the employee's entire body, with limited exceptions for the employee's hands, feet, face, and head. WAC 296-45-325 (13)(e)(i) provides that arc-rated protection is not necessary for the employee's hands under the following conditions:

For any estimated incident heat energy	When the employee is wearing rubber insulating gloves with protectors.
If the estimated incident heat energy does not exceed 14 cal/cm^2	When the employee is wearing heavy-duty leather work gloves with a weight of at least 407 gm/m^2 (12 oz/yd^2).

WAC 296-45-325 (13)(e)(ii) provides that arc-rated protection is not necessary for the employee's feet when the employee is wearing heavy-duty work shoes or boots. Finally, WAC 296-45-325 (13)(e)(iii), (iv) and (v) require arc-rated head and face protection as follows:

	Minimum head and face protection		
Exposure	None*	Arc-rated faceshield with a minimum rating of 8 cal/cm^2*	Arc-rated hood or faceshield with balaclava
Single-phase, open air	2-8 cal/cm^2	9-12 cal/cm^2	13 cal/cm^2 or higher †.
Three-phase	2-4 cal/cm^2	5-8 cal/cm^2	9 cal/cm^2 or higher ‡.

* These ranges assume that employees are wearing hardhats meeting the specifications in WAC 296-800-16055 or 296-155-205, as applicable.

† The arc rating must be a minimum of 4 cal/cm^2 less than the estimated incident energy. Note that WAC 296-45-325 (13)(e)(v) permits this type of head and face protection, with a minimum arc rating of 4 cal/cm^2 less than the estimated incident energy, at any incident energy level.

‡ Note that WAC 296-45-325 (13)(e) permits this type of head and face protection at any incident energy level.

IV. Protection Against Ignition

WAC 296-45-325 (13)(c) prohibits clothing that could melt onto an employee's skin or that could ignite and continue to burn when exposed to flames or to the available heat energy estimated by the employer under WAC 296-45-325 (13)(b). Meltable fabrics, such as acetate, nylon, polyester, and polypropylene, even in blends, must be avoided. When these fibers melt, they can adhere to the skin, thereby transferring heat rapidly, exacerbating burns, and complicating treatment. These outcomes can result even if the meltable fabric is not directly next to the skin. The remainder of this section focuses on the prevention of ignition.

WAC 296-45-325 (13)(e) generally requires protective clothing and other protective equipment with an arc rating greater than or equal to the employer's estimate of available heat energy. As explained earlier in this appendix, untreated cotton is usually acceptable for exposures of 2 cal/cm^2 or less.[6] If the exposure is greater than that, the employee generally must wear flame-resistant clothing with a suitable arc rating in accordance with WAC 296-45-325 (13)(d) and (e). However, even if an employee is wearing a layer of flame-resistant clothing, there are circumstances under which flammable layers of clothing would be uncovered, and an electric arc could ignite them. For example, clothing ignition is possible if the employee is wearing flammable clothing under the flame-resistant clothing and the underlayer is uncovered because of an opening in the flame-resistant clothing. Thus, for purposes of WAC 296-45-325 (13)(c), it is important for the employer to consider the possibility of clothing ignition even when an employee is wearing flame-resistant clothing with a suitable arc rating.

Under WAC 296-45-325 (13)(c), employees may not wear flammable clothing in conjunction with flame-resistant clothing if the flammable clothing poses an ignition hazard.[7] Although outer flame-resistant layers may not have openings that expose flammable inner layers, when an outer flame-resistant layer would be unable to resist breakopen,[8] the next (inner) layer must be flame-resistant if it could ignite.

Nonflame-resistant clothing can ignite even when the heat energy from an electric arc is insufficient to ignite the clothing. For example, nearby flames can ignite an employee's clothing; and, even in the absence of flames, electric arcs pose ignition hazards beyond the hazard of ignition from incident energy under certain conditions. In addition to requiring flame-resistant clothing when the estimated incident energy exceeds 2.0 cal/cm^2, WAC 296-45-325 (13)(d) requires flame-resistant clothing when: The employee is exposed to contact with energized circuit parts operating at more than 600 volts (WAC 296-45-325 (13)(d)(i)), an electric arc could ignite flammable material in the work area that, in turn, could ignite the employee's clothing (WAC 296-45-325 (13)(d)(ii)), and molten metal or electric arcs from faulted conductors in the work area could ignite the employee's clothing (WAC 296-45-325 (13)(d)(iii)). For example, grounding conductors can become a source of heat energy if they cannot carry fault current without failure. The employer must consider these possible sources of electric

arcs[9] in determining whether the employee's clothing could ignite under WAC 296-45-325 (13)(d)(iii).

[1] Flame-resistant clothing includes clothing that is inherently flame resistant and clothing chemically treated with a flame retardant. (See ASTM F1506-10a, *Standard Performance Specification for Flame Resistant Textile Materials for Wearing Apparel for Use by Electrical Workers Exposed to Momentary Electric Arc and Related Thermal Hazards*, and ASTM F1891-12 *Standard Specification for Arc and Flame Resistant Rainwear*.)

[2] The Occupational Safety and Health Administration used metric values to calculate the clearing times in Table 6 and Table 7. An employer may use English units to calculate clearing times instead even though the results will differ slightly.

[3] The Occupational Safety and Health Administration based this assumption, which is more conservative than the arc length specified in Table 5, on Table 410-2 of the 2012 NESC.

[4] The dielectric strength of air is about 10 kilovolts for every 25.4 millimeters (1 inch). Thus, the employer can estimate the arc length in millimeters to be the phase-to-ground voltage in kilovolts multiplied by 2.54 (or voltage (in kilovolts) × 2.54).

[5] ASTM F1506-10a defines "arc thermal performance value" as "the incident energy on a material or a multilayer system of materials that results in a 50% probability that sufficient heat transfer through the tested specimen is predicted to cause the onset of a second-degree skin burn injury based on the Stoll [footnote] curve, cal/cm^2." The footnote to this definition reads: "Derived from: Stoll, A. M., and Chianta, M. A., 'Method and Rating System for Evaluations of Thermal Protection,' Aerospace Medicine, Vol 40, 1969, pp. 1232-1238 and Stoll, A. M., and Chianta, M. A., 'Heat Transfer through Fabrics as Related to Thermal Injury,' Transactions-New York Academy of Sciences, Vol 33(7), Nov. 1971, pp. 649-670."

[6] See WAC 296-45-325 (13)(d)(i), (ii) and (iii) for conditions under which employees must wear flame-resistant clothing as the outer layer of clothing even when the incident heat energy does not exceed 2 cal/cm^2.

[7] WAC 296-45-325 (13)(c) prohibits clothing that could ignite and continue to burn when exposed to the heat energy estimated under WAC 296-45-325 (13)(b).

[8] Breakopen occurs when a hole, tear, or crack develops in the exposed fabric such that the fabric no longer effectively blocks incident heat energy.

[9] Static wires and pole grounds are examples of grounding conductors that might not be capable of carrying fault current without failure. Grounds that can carry the maximum available fault current are not a concern, and employers need not consider such grounds a possible electric arc source.

AMENDATORY SECTION (Amending WSR 16-10-082, filed 5/3/16, effective 7/1/16)

WAC 296-45-910 Appendix H—Reference documents. The references contained below provide information that can be helpful in understanding and complying with the requirements contained in this chapter. The national consensus standards referenced below contain detailed specifications that employers may follow in complying with the more performance-based requirements of this chapter. Except as specifically noted in this chapter, however, the department will not necessarily deem compliance with the national consensus standards to be compliant with the provisions of this chapter.

ANSI/SIA A92.2-2009, *American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices*.

ANSI Z133-2012, *American National Standard Safety Requirements for Arboricultural Operations-Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush*.

ANSI/IEEE Std 935--1989, *IEEE Guide on Terminology for Tools and Equipment to Be Used in Live Line Working*.

ASME B20.1-2012, *Safety Standard for Conveyors and Related Equipment*.

ASTM D120-09, *Standard Specification for Rubber Insulating Gloves*.

ASTM D149-09 (2013), *Standard Test Method for Dielectric Breakdown Voltage and Dielectric Strength of Solid Electrical Insulating Materials at Commercial Power Frequencies*.

ASTM D178-01 (2010), *Standard Specification for Rubber Insulating Matting*.

ASTM D1048-12, *Standard Specification for Rubber Insulating Blankets*.

ASTM D1049-98 (2010), *Standard Specification for Rubber Insulating Covers*.

ASTM D1050-05 (2011), *Standard Specification for Rubber Insulating Line Hose*.

ASTM D1051-08, *Standard Specification for Rubber Insulating Sleeves*.

ASTM F478-09, *Standard Specification for In-Service Care of Insulating Line Hose and Covers*.

ASTM F479-06 (2011), *Standard Specification for In-Service Care of Insulating Blankets*.

ASTM F496-08, *Standard Specification for In-Service Care of Insulating Gloves and Sleeves*.

ASTM F711-02 (2007), *Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live Line Tools*.

ASTM F712-06 (2011), *Standard Test Methods and Specifications for Electrically Insulating Plastic Guard Equipment for Protection of Workers*.

ASTM F819-10, *Standard Terminology Relating to Electrical Protective Equipment for Workers*.

ASTM F855-09, *Standard Specifications for Temporary Protective Grounds to Be Used on De-energized Electric Power Lines and Equipment*.

ASTM F887-12^{e1}, *Standard Specifications for Personal Climbing Equipment*.

ASTM F914/F914M-10, *Standard Test Method for Acoustic Emission for Aerial Personnel Devices Without Supplemental Load Handling Attachments*.

ASTM F1116-03 (2008), *Standard Test Method for Determining Dielectric Strength of Dielectric Footwear*.

ASTM F1117-03 (2008), *Standard Specification for Dielectric Footwear*.

ASTM F1236-96 (2012), *Standard Guide for Visual Inspection of Electrical Protective Rubber Products*.

ASTM F1430/F1430M-10, *Standard Test Method for Acoustic Emission Testing of Insulated and Non-Insulated Aerial Personnel Devices with Supplemental Load Handling Attachments*.

ASTM F1505-10, *Standard Specification for Insulated and Insulating Hand Tools*.

ASTM F1506-10a, *Standard Performance Specification for Flame Resistant and Arc Rated Textile Materials for Wearing Apparel for Use by Electrical Workers Exposed to Momentary Electric Arc and Related Thermal Hazards*.

ASTM F1564-13, *Standard Specification for Structure-Mounted Insulating Work Platforms for Electrical Workers*.

ASTM F1701-12, *Standard Specification for Unused Polypropylene Rope with Special Electrical Properties*.

ASTM F1742-03 (2011), *Standard Specification for PVC Insulating Sheeting*.

ASTM F1796-09, *Standard Specification for High Voltage Detectors-Part 1 Capacitive Type to be Used for Voltages Exceeding 600 Volts AC*.

ASTM F1797-09$^{\varepsilon 1}$, *Standard Test Method for Acoustic Emission Testing of Insulated and Non-Insulated Digger Derricks*.

ASTM F1825-03 (2007), *Standard Specification for Clampstick Type Live Line Tools*.

ASTM F1826-00 (2011), *Standard Specification for Live Line and Measuring Telescoping Tools*.

ASTM F1891-12, *Standard Specification for Arc and Flame Resistant Rainwear*.

ASTM F1958/F1958M-12, *Standard Test Method for Determining the Ignitability of Non-flame-Resistant Materials for Clothing by Electric Arc Exposure Method Using Mannequins*.

ASTM F1959/F1959M-12, *Standard Test Method for Determining the Arc Rating of Materials for Clothing*.

IEEE Stds 4-1995, 4a-2001(Amendment to IEEE Standard Techniques for High-Voltage Testing), *IEEE Standard Techniques for High-Voltage Testing*.

IEEE Std 62-1995, *IEEE Guide for Diagnostic Field Testing of Electric Power Apparatus-Part 1: Oil Filled Power Transformers, Regulators, and Reactors*.

IEEE Std 80-2000, *Guide for Safety in AC Substation Grounding*.

IEEE Std 100-2000, *The Authoritative Dictionary of IEEE Standards Terms Seventh Edition*.

IEEE Std 516-2009, *IEEE Guide for Maintenance Methods on Energized Power Lines*.

IEEE Std 524-2003, *IEEE Guide to the Installation of Overhead Transmission Line Conductors*.

IEEE Std 957-2005, *IEEE Guide for Cleaning Insulators*.

IEEE Std 1048-2003, *IEEE Guide for Protective Grounding of Power Lines*.

IEEE Std 1067-2005, *IEEE Guide for In-Service Use, Care, Maintenance, and Testing of Conductive Clothing for Use on Voltages up to 765 kV AC and ±750 kV DC*.

IEEE Std 1307-2004, *IEEE Standard for Fall Protection for Utility Work*.

IEEE Stds 1584-2002, 1584a-2004 (Amendment 1 to IEEE Std 1584-2002), and 1584b-2011 (Amendment 2: Changes to Clause 4 of IEEE Std 1584-2002), *IEEE Guide for Performing Arc-Flash Hazard Calculations*.

IEEE ((~~C2-2012~~)) C2-2017, *National Electrical Safety Code*.

NFPA 70E-2012, *Standard for Electrical Safety in the Workplace*.

WSR 19-06-076
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Nursing Home Administrators)
[Filed March 5, 2019, 1:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-17-084.

Title of Rule and Other Identifying Information: Chapter 246-843 WAC, Nursing home administrators, the board of nursing home administrators (board) is proposing adding the health service executive certification as a new option for licensure in Washington state, as well as other related rule amendments and technical and housekeeping updates necessary to obtain or maintain a license.

Hearing Location(s): On April 19, 2019, at 9:00 a.m., at Wingate by Wyndham Spokane Airport Hotel, Concourse A Meeting Room, 2726 South Flint Road, Spokane, WA 99224.

Date of Intended Adoption: April 19, 2019.

Submit Written Comments to: Kendra Pitzler, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email https://fortress.wa.gov/doh/policyreview, fax 360-236-2901, by April 12, 2019.

Assistance for Persons with Disabilities: Contact Kendra Pitzler, phone 360-236-4723, fax 360-236-2901, TTY 360-833-6388 or 711, email kendra.pitzler@doh.wa.gov, by April 12, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board opened chapter 246-843 WAC to propose updates to the nursing home administrators' (NHA) chapter to: (1) Add the National Association of Long Term Care Administrator Board's health services executive (HSE) designation as a new option for licensure in Washington state; and (2) consider other topics that may arise that are necessary to obtain and/or maintain licensure. The board agreed to reopen rules following the last rule-making process in 2016-2017, when key stakeholders suggested adding the HSE as a new option for licensure at the time of the public hearing. Because the suggestion was considered substantive and would have required the 2016-2017 chapter rule updates to be refiled as a supplemental rule-making process, the board opted to reopen rules in 2018 for this proposed amendment. Other licensure updates have also been proposed to streamline the credentialing process for NHA applicants.

Reasons Supporting Proposal: The reasons for supporting the proposal are to: (1) Remove potential credentialing barriers for NHA applicants; (2) streamline the NHA licensure and administrator-in-training (AIT) processes; and (3) establish current industry standards. By proposing the addition of the HSE designation as a new option for obtaining licensure in Washington state, the board would allow qualifying applicants to show proof that they have met the licensing requirements listed in RCW 18.52.071 in a more streamlined and efficient manner. In addition, the proposal also provides to out-of-state applicants with specific AIT training from states with equivalent standards the opportunity to advance more expediently in the AIT program. Finally, the board identified additional current industry standards to propose in the chapter updates. The purpose of the proposed amend-

ments is to also comply with chapter 74.30 RCW in order to reduce unnecessary regulatory burdens without compromising public health and safety.

Statutory Authority for Adoption: RCW 18.52.061 and 18.130.050.

Statute Being Implemented: Chapter 18.52 RCW and RCW 18.52.071.

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

Name of Proponent: Board of nursing home administrators, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kendra Pitzler, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4723.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kendra Pitzler, 111 Israel Road S.E., Tumwater, WA 98501, phone 360-236-4723, fax 360-236-2901, TTY 360-833-6388 or 711, email kendra.pitzler@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. There are nominal to no costs associated with the proposed rules. The nominal additional costs that may be voluntarily incurred by applicants or licensees is far outweighed by the public benefit.

March 5, 2019
U. James Chaney
Executive Director

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-010 General definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Active administrative charge" means direct participation in the operating concerns of a nursing home. Operating concerns include, but are not limited to, interaction with staff and residents, liaison with the community, liaison with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current job analysis published by the National Association of Boards of Examiners for Long Term Care Administrators.

(2) "Administrator-in-training (AIT)" means an individual in a nursing home ((~~administrator-in-training~~)) training program approved by the board.

(3) "Board" means the state board of nursing home administrators, established under chapter 18.52 RCW, representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(4) "Collocated facilities" means more than one licensed nursing facility situated on a contiguous or adjacent property, whether or not there are intersecting streets. Other criteria to qualify as a collocated facility would be determined by the nursing home licensing agency under chapter 18.51 RCW.

(((~~(4)~~))) (5) "Department of health" or "DOH" means the ((~~department of health.~~

~~(5)~~)) agency responsible for issuing licenses to nursing home administrators under chapter 18.52 RCW.

(6) "Health service executive" or "HSE" means a voluntary qualification standard issued by the National Association of Long Term Care Administrators Board (NAB) that recognizes a common core and unique entry level competencies by line of service. Successful demonstration of this combination of competencies is measured by education, experience, and examination that meets or exceeds the current NAB requirements to practice as a nursing home administrator, an assisted living administrator, and an administrator practicing in the field of home and community based service in the majority jurisdictions.

(7) The "National Association of Long Term Care Administrators Boards" or "NAB" means the national organization of regulatory boards and agencies responsible for licensure of long-term care administrators in all fifty states and the District of Columbia.

(8) "On-site, full-time administrator" means an individual ((~~in active administrative charge of one nursing home facility or collocated facilities, as licensed under chapter 18.51 RCW, a minimum of four days and an average of forty hours per week. An "on-site, full-time administrator" in nursing homes with small resident populations, in rural areas, or in nursing homes with small resident populations when the nursing home has converted some of its licensed nursing facility bed capacity for use as assisted living or enhanced assisted living services under chapter 74.39A RCW is an individual in active administrative charge of one nursing home facility, or collocated facilities, as licensed under chapter 18.51 RCW:~~

~~(a) A minimum of four days and an average of twenty hours per week at facilities with one to thirty nursing home beds; or~~

~~(b) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine nursing home beds.~~

~~(6)~~)), licensed under chapter 18.52 RCW, who is in active administrative charge of one nursing home facility or collocated facilities for a minimum of:

(a) Four days per week and an average of forty hours per week, if administering a facility with fifty or more nursing home beds;

(b) Four days per week and an average of thirty hours per week, if administering a facility with thirty-one to forty-nine nursing home beds; or

(c) Four days per week and an average of twenty hours per week, if administering a facility with one to thirty nursing home beds.

(9) "Person" means an individual and does not include the terms firm, corporation, institutions, public bodies, joint stock associations, and other such entities.

(((~~(7) "Recognized institution of higher learning" is a degree granting institution that is:~~

~~(a) Accredited by an organization recognized by the council for higher education accreditation (CHEA) and is included in the CHEA list recognized accrediting organizations; or~~

~~(b) Accredited by an organization recognized by the United States Department of Education (USDOE) and is included in the USDOE Database of Accredited Postsecondary Institutions and Programs; or~~

~~(c) A foreign institution with a program that the board has found to be the equivalent of programs approved by CHEA or by the USDOE. The transcript must also be evaluated and found to be valid and the academic program the equivalent of programs approved by CHEA or the USDOE, by:~~

~~(i) An organization that is a current member of the National Association of Credential Evaluation Services (NACES); or~~

~~(ii) An organization that is a current member of the Association of International Credential Evaluators, Inc. (AICE).~~

~~(8) "Secretary" means the secretary of the department of health or the secretary's designee.~~))

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-070 Examination. (1) ((~~The~~)) An applicant for nursing home administrator licensure must ((~~take:~~

~~(a) The National Association of Long Term Care Administrator Boards (NAB)~~)) submit proof of taking and passing the NAB nursing home administrator examination with a scale score of one hundred thirteen; or

(((~~(b)~~))) (2) If the applicant was licensed prior to 1986, the applicant may submit proof of taking and passing the examination offered by professional examination services (PES).

(((~~(2) An applicant for a nursing home administrator license must earn a scaled score of one hundred thirteen on the current NAB national examination.~~

~~(3) The applicant must be notified about their examination score in writing.~~

~~(a) The board and the department must not disclose the applicant's score to anyone other than the applicant, unless requested to do so in writing by the candidate.~~

~~(b) The board shall keep a permanent record of the result of the examination for each applicant.~~))

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-071 Application. (1) An applicant((~~s~~)) for licensure as a nursing home administrator ((~~must meet the following requirements~~)) shall:

(((~~(1)~~))) (a) Be at least twenty-one years old((~~.~~

~~(2) Complete an~~));

(b) Submit to DOH a completed application for licensure provided by ((~~the department~~)) DOH that includes all information requested and payment of fees as required in chapter 246-12 WAC, Part 2 and WAC 246-843-990((~~.~~

~~(3) Submit documentation~~));

(c) Request the official transcripts of successful completion of a baccalaureate degree to be sent directly to DOH from a recognized institution of higher learning((~~.~~

~~(4) Submit~~)). A "recognized institution of higher learning" is a degree granting institution that is:

(i) Accredited by an organization recognized by the Council for Higher Education Accreditation (CHEA) and is included in the CHEA list recognized accrediting organizations; or

(ii) Accredited by an organization recognized by the United States Department of Education (USDOE) and is included in the USDOE Database of Accredited Postsecondary Institutions and Programs; or

(iii) A foreign institution with a program that the board has found to be the equivalent of programs approved by CHEA or by the USDOE. The transcript must also be evaluated and found to be valid and the academic program the equivalent of programs approved by CHEA or the USDOE, by:

(A) An organization that is a current member of the National Association of Credential Evaluation Services (NACES); or

(B) An organization that is a current member of the Association of International Credential Evaluators, Inc. (AICE).

(d) Verification of successful completion of seven hours of AIDS education and training as required in chapter 246-12 WAC, Part 8((~~.~~

~~(5) Satisfy~~));

(e) Documentation of having satisfied training requirements ((~~by:~~

~~(a)~~)) including that the applicant:

(i) Has successfully ((~~completing~~)) completed an AIT program as described in WAC 246-843-090 and 246-843-091; or

(((~~(b) Meeting~~)) (ii) Has met the requirements for an AIT exemption described in WAC 246-843-093((~~; or~~

~~(c) Meeting the endorsement requirements described in WAC 246-843-230; or~~

~~(d) Meeting the requirements for returning to active status described in WAC 246-843-180.~~

~~(6)~~)).

(f) Documentation that the applicant has successfully ((~~pass~~)) passed the examination as described in WAC 246-843-070.

(((~~(7)~~))) (2) If an applicant is required to ((~~take an administrator-in-training~~)) complete an AIT program, the applicant may concurrently earn their degree but ((~~must~~)) shall submit proof of enrollment in a degree program at a recognized institution of higher learning. The transcript showing successful completion of the degree, sent directly from the institution, must be received before the applicant is approved to take the current NAB national examination.

(3) An applicant who has HSE designation from NAB may submit verification of the HSE directly from NAB to verify that he or she meets the requirements of subsection (1)(c) and (f) of this section.

(4) An applicant licensed as a nursing home administrator outside the state of Washington may apply for initial licensure through endorsement by meeting the requirements of WAC 246-843-230.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-090 Administrator-in-training program. To qualify for a nursing home administrator license, an applicant must successfully complete a board approved nursing home administrator-in-training (AIT) program as described below:

(1) The AIT program must:

(a) Be under the guidance and supervision of a qualified preceptor as described in WAC 246-843-095;

(b) Be designed to provide for individual learning experiences and instruction based upon the person's academic background, training, and experience;

(c) Provide for a broad range of experience with a close working relationship between preceptor and AIT. A sponsoring facility of less than fifty beds will be considered for an AIT program only if there is a board approved plan to broaden the AIT experience with an equal percentage of experience in a larger facility;

(d) Be described in a prospectus signed by the preceptor. The prospectus ((~~shall~~)) must include a description of the rotation through departments. The board must approve the prospectus ((~~must be approved by the board~~)) before the AIT program start date.

(2) The AIT program prospectus shall include the following components:

(a) A minimum of ninety percent of the required AIT program hours are spent in a rotation through each department of a resident occupied nursing home licensed under chapter 18.51 RCW or a Washington state veterans home established under chapter 72.36 RCW.

(b) The remaining ten percent of the AIT program will include:

(i) A written project assignment including at least one problem-solving assignment to improve the nursing home or nursing home procedures. A description of the project must be submitted in writing to the board and approved before the AIT program start date. The description of the project should indicate the definition of the project and method of approach such as data gathering. A project report that includes possible alternatives, conclusions, and final recommendations to improve the facility or procedure is to be submitted to the board for approval at least ten days before the scheduled end date of the AIT program;

(ii) Planned reading and writing assignments as designated by the preceptor; and

(iii) Other planned learning experiences including learning about other health and social services agencies in the community.

(3) The AIT program must be approved by the board before the AIT may begin the program.

(4) Quarterly written reports to the board shall include a detailed outline of AIT activities during the reporting period. Reports must be submitted by both the AIT and preceptor.

(5) Changes in the AIT program, including a change of preceptor, facility or topic, must be immediately reported in writing to the board. A request for change must be in writing and explain why the change is needed. The request must be co-signed by the AIT and the approved preceptor. In cases where the preceptor is no longer available, the request may be signed by the governing body. Only two changes for the duration of the AIT program will be allowed.

(6) A site visit by a board member will take place before the program plan is considered complete.

(7) The board may withdraw approval or alter conditions under which approval was given if the board finds that the approved program has not been or is not being followed.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-091 Length of AIT program. An applicant ((~~must~~)) shall complete a one thousand five hundred hour AIT program. The program length may be reduced based on the following:

(1) A one thousand hour AIT program may be granted for individuals with a minimum of:

(a) Two years' experience as a department manager in a state licensed nursing home or hospital with demonstrated supervisory and budgetary responsibility;

(b) Five years' experience working in a nursing home; or

(c) Successful completion of a four year degree program in health administration or nursing; or

(d) An applicant may be allowed to complete a one thousand hour AIT program in Washington if they have successfully completed at least five hundred hours but less than one thousand hours of an AIT program approved in another state.

(2) A five hundred hour AIT program may be granted for individuals with a minimum of two years' experience in the last five years with demonstrated supervisory and budgetary responsibility in one of the following positions or their equivalent:

(a) Hospital administrator;

(b) Assistant administrator in a state licensed nursing home or hospital;

(c) Director of a hospital based skilled nursing facility;

(d) Director of a subacute or transitional care unit;

(e) Director of the department of nursing in a state licensed nursing home;

(f) Health care consultant to the long-term care industry;

(g) Director of community-based long-term care service;

(h) Director or regional director of rehabilitation services in a skilled nursing facility;

(i) An applicant may be allowed to complete a five hundred hour AIT program in Washington if they have successfully completed at least one thousand hours of an AIT program approved in another state.

(3) A five hundred hour program may be granted for individuals with a master's degree in health administration or nursing.

(4) At the discretion of the board, veterans who have military experience equal to the civilian classifications and time limits in subsections (2) and (3) of this section are eligible for a reduced AIT as described in subsections (2) and (3) of this section.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-093 Exemption. ((~~No~~)) An applicant is not required to complete AIT program ((~~is required for~~)) if:

(1) An individual ((~~with~~)) has completed a minimum of five years' experience in the last seven years with extensive supervisory and budgetary responsibility in one of the following positions or their equivalent as determined by the board:

(a) Hospital administrator;

(b) Assistant administrator in a hospital or state licensed nursing home;

(c) Director of a hospital based skilled nursing facility;

(d) Director of a subacute or transitional care unit; or

(e) Regional director of rehabilitation services in a skilled nursing facility.

(2) A veteran((~~s who have~~)) who has military experience equal to the civilian classifications and time limits listed in subsection (1)(a) through (e) of this section.

(3) An individual ((~~who~~)) has worked as a licensed nursing home administrator for a minimum of two years, in the past five years.

(4) An individual ((~~who~~)) has graduated with a baccalaureate or graduate degree in long-term care administration from a program accredited by ((~~the National Association of Long Term Care Administrator Boards (~~))NAB((~~)~~)).

(5) An individual ((~~who~~)) has graduated from a degree program in a recognized educational institution that included a one thousand hour practical experience (practicum) in a nursing home. This practical experience must be structured to allow a student a majority of time in a systematic rotation through each department of a resident-occupied nursing home. The practical experience shall include planned readings, writing, and project assignments. The practical experience shall include regular contact with the administrator of the facility in which the practical experience was completed.

(6) An individual has been issued an HSE designation from NAB.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-095 Preceptors for administrator-in-training programs. The preceptor shall submit a statement to the board describing his or her qualifications and an agreement to perform the duties of a preceptor.

(1) Qualifications of preceptor:

(a) The preceptor must ((~~have three years' experience employed as a licensed nursing home administrator in the past three years~~)) be actively practicing as a nursing home administrator for a duration of no less than three years prior to the submission of the AIT applicant's initial application for an AIT credential.

(b) The preceptor must be employed full time as the nursing home administrator in the facility where the ((~~administrator-in-training~~)) AIT is trained.

(c) The preceptor shall have an unrestricted license.

(2) Duties of the preceptor:

(a) The preceptor shall take the time necessary and have at least a weekly face-to-face conference with the AIT about the activities of the AIT relative to the training program and the nursing home.

(b) The preceptor shall evaluate the AIT and submit quarterly reports to the board on the progress of the AIT program.

(c) The preceptor shall provide learning opportunities that support the AIT's preparation to succeed on the licensure examination and competently assume the responsibilities of a nursing home administrator.

(3) A preceptor is limited to the supervision of only one AIT unless the preceptor has prior approval from the board.

(4) The board may periodically review and evaluate the quality of AIT programs and preceptor performance.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-130 Continuing education requirements. (1) A licensed nursing home administrator ((~~must~~)) shall demonstrate completion of thirty-six hours of continuing education every two years and comply with chapter 246-12 WAC, Part 7.

(2) Continuing education approved by the National Continuing Education Review Service (NCERS) is acceptable for continuing education credit.

(3) Continuing education that is not approved by NCERS must meet the following requirements:

(a) The basic methods of continuing education learning are:

(i) Seminars;

(ii) Teleconferencing;

(iii) Webinars; and

(iv) Self-study programs.

(b) Continuing education courses shall consist of a minimum of one hour of instruction. Hours are based upon clock hours and are calculated in half hour increments. College courses are rated at fifteen hours per each semester unit and ten hours per each quarter credit.

(c) Continuing education must relate to nursing home administration, be designed to promote continued knowledge and skills with nursing home administration standards, and improve and enhance professional competencies. Continuing education must fit within the following subjects:

(i) Resident centered care;

(ii) Human resources;

(iii) Finance;

(iv) Environment;

(v) Leadership and management;

(vi) Suicide prevention;

(vii) Cultural competency training;

(viii) Laws relating to Washington state nursing homes.

(d) The ((~~continuing education provider must offer a certificate of~~)) licensee shall retain proof of course completion ((~~that lists the number of clock hours~~)). To receive full credit, attendees ((~~must~~)) shall attend the full program. The maximum number of hours allowed for continuing education is ((~~seven~~)) twelve hours per day.

(4) Continuing education credit of two hours per month may be granted to a preceptor of an administrator-in-training program.

(5) Continuing education credit of a maximum of two hours per month may be granted for serving as a board member for the board of nursing home administrators.

(6) Within one hundred eighty days after becoming licensed, a nursing home administrator shall attend a board approved course on laws relating to nursing homes in Washington. The board will grant retroactive credit to those licensees who obtain the required training as administrators-in-training under WAC 246-843-090. The state law training course consists of a minimum of a six-hour program, with formal training objectives, that covers the requirements of chapter 18.52 RCW and essential areas of laws that apply to nursing homes regulated by the department of social and health services under chapter 388-97 WAC to include:

(a) Resident services, medical and social;

(b) Resident rights, including resident decision making, informed consent, advance directives and notices to residents;

(c) Enforcement;

(d) Criminal history inquiries;

(e) Differences between federal and state law.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-843-162 AIDS prevention and information education requirements. An applicant((~~s must~~)) shall complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-180 Expired license. (1) To return to active status, the ((~~practitioner must~~)) nursing home administrator shall meet the requirements of WAC 246-12-040.

(2) If the license has been expired for five years or more, the ((~~practitioner must~~)) nursing home administrator shall also meet one of the following requirements:

(a) ((~~If the practitioner has been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must provide proof of active practice; or~~)) Provide proof of an active status license as a nursing home administrator from another state that has requirements that are substantially equivalent to Washington requirements;

(b) ((~~If the practitioner has not~~)) Provide proof that the applicant has been in active practice as a licensed nursing home administrator in another jurisdiction during that time((~~, the practitioner must~~)); or

(c) Successfully ((~~complete~~)) pass the current licensing examination.

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-230 Endorsement. (1) The board may ((~~endorse~~)) issue a license on the basis of licensure in good standing from another state to a nursing home administrator ((~~currently licensed in another state~~)) if that state requires qualifications substantially equivalent to qualifications required by RCW 18.52.071 and WAC 246-843-090. To obtain a license by endorsement the applicant ((~~must~~)) shall:

(a) ((~~Pay applicable application fee;~~

~~(b) Submit an application on forms approved by the secretary;~~

~~(c)~~)) Satisfy requirements listed in WAC 246-831-071.

(b) Submit ((~~a~~)) verification forms from all states in which currently or previously licensed that verifies the applicant((~~:~~

~~(i)~~)) was or is currently licensed((~~;~~

~~(ii) Has not had a nursing home administrator license revoked or suspended; and~~

~~(iii) Has passed a national examination allowed under WAC 246-843-070;~~

~~(d) Submit a certified transcript of baccalaureate or higher degree, mailed to the department directly from a recognized institution of higher learning;~~

~~(e) Submit documentation of completion of seven clock hours of AIDS education and training as required in chapter 246-12 WAC, Part 8~~)) and confirms licensure status.

(2) Applicants who are((~~:~~

~~(a)~~)) currently certified by the American College of Health Care Administrators (ACHCA) are exempt from taking the current NAB national examination.

((~~(b) Currently licensed as a nursing home administrator in another state and who have previously passed the national examination are exempt from taking the current NAB national examination.~~))

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-231 Temporary practice permits. (1) An applicant seeking permanent licensure who satisfies all licensing requirements other than a fingerprint-based national background check may receive a temporary practice permit by satisfying requirements listed in WAC 246-12-050.

(2) Temporary practice permits for applicants seeking licensure for interim placement at specific facilities.

(a) A temporary practice permit for interim placement at specific facilities may be issued to an applicant who meets the following conditions:

(i) Holds an unrestricted active license in another state;

(ii) Is not subject to denial of a license or issuance of a conditional or restricted license; and

(iii) There are no violations identified in the Washington criminal background check and the applicant meets all other licensure conditions including receipt by ((~~the department of health~~)) DOH of a completed Federal Bureau of Investigation (FBI) fingerprint card.

(b) The temporary practice permit allows the applicant to work in the state of Washington as a nursing home administrator during the time specified on the permit. The temporary practice permit grants the applicant a license to practice within the full scope of practice as a nursing home administrator with the following conditions:

(i) A temporary practice permit is valid only for the specific nursing home for which it is issued unless otherwise approved by the board;

(ii) A temporary permit holder shall consult with a Washington state licensed nursing home administrator with whom they have a written agreement for consultation.

(c) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when one of the following occurs:

(i) The permit holder departs from the nursing home, unless otherwise approved by the board;

(ii) One hundred eighty days after the temporary practice permit is issued.

(d) To receive a temporary practice permit, the applicant ((~~must~~)) shall submit to DOH:

(i) ((~~Submit~~)) Fees and a completed application for the permit;

(ii) ((~~Submit~~)) Verification from each state in which the applicant is currently licensed and is in good standing as a nursing home administrator; and

(iii) ((~~Submit~~)) A written agreement for consultation with a Washington state licensed nursing home administrator.

(((~~(2) Temporary practice permits for applicants seeking permanent licensure.~~

~~(a) A temporary practice permit may be issued to an applicant who meets the following conditions:~~

~~(i) Holds an unrestricted, active license in another state that has substantially equivalent licensing standards to those in Washington;~~

~~(ii) Is not subject to denial of a license or issuance of a conditional or restricted license; and~~

~~(iii) There are no violations identified in the Washington criminal background check and the applicant meets all other licensure conditions including receipt by the department of health of a completed Federal Bureau of Investigation (FBI) fingerprint card.~~

~~(b) The temporary practice permit allows the applicant to work in the state of Washington as a nursing home administrator during the time specified on the permit. The temporary practice permit grants the applicant a license to practice within the full scope of practice as a nursing home administrator with the following conditions:~~

~~(c) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when one of the following occurs:~~

~~(i) The department of health issues a license after it receives the national background check report and determines that the applicant meets the requirements for licensure;~~

~~(ii) A notice of decision on application is mailed to the applicant, unless the notice of decision on application specifically extends the duration of the temporary practice permit; or~~

~~(iii) One hundred eighty days after the temporary practice permit is issued.~~

~~(d) To receive a temporary practice permit, the applicant must:~~

~~(i) Submit fees and a completed application for licensure as a nursing home administrator;~~

~~(ii) Meet all requirements and qualifications for the license, except the results from a fingerprint-based national background check;~~

~~(iii) Provide verification of having an active unrestricted license as a nursing home administrator from another state that has substantially equivalent licensing standards in Washington; and~~

~~(iv) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.~~))

AMENDATORY SECTION (Amending WSR 16-17-127, filed 8/23/16, effective 9/23/16)

WAC 246-843-280 Sexual misconduct. (1) A nursing home administrator ((~~must~~)) shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct constitutes grounds for disciplinary action. Sexual misconduct includes, but is not limited to:

(a) Sexual intercourse;

(b) Touching the breasts, genitals, anus or any sexualized body part;

(c) Rubbing against a patient or client or key party for sexual gratification;

(d) Kissing of a romantic or sexual nature;

(e) Hugging, touching, fondling or caressing of a romantic or sexual nature;

(f) Examination of or touching genitals;

(g) Not allowing a patient or client privacy to dress or undress;

(h) Not providing the patient or client a gown or draping;

(i) Dressing or undressing in the presence of the patient, client or key party;

(j) Removing patient or client's clothing or gown or draping;

(k) Encouraging masturbation or other sex act in the presence of the nursing home administrator;

(l) Masturbation or other sex act by the nursing home administrator in the presence of the patient, client or key party;

(m) Terminating a professional relationship for the purpose of dating or pursuing a romantic or sexual relationship;

(n) Soliciting a date with a patient, client or key party;

(o) Discussing the sexual history, preferences or fantasies of the nursing home administrator;

(p) Any behavior, gestures, or expressions that may reasonably be interpreted as seductive or sexual;

(q) Making statements regarding the patient, client or key party's body, appearance, sexual history, or sexual orientation other than for legitimate health care purposes;

(r) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening or harming a patient, client or key party;

(s) Photographing or filming the body or any body part or pose of a patient, client, or key party, other than for legitimate health care purposes; and

(t) Showing a patient, client or key party sexually explicit photographs, other than for legitimate health care purposes.

(2) Sexual misconduct also includes sexual contact with any person involving force, intimidation, or lack of consent;

or a conviction of a sex offense as defined in RCW 9.94A.030.

(3) A nursing home administrator ((~~must~~)) shall not:

(a) Offer to provide health care services in exchange for sexual favors;

(b) Use health care information to contact the patient, client or key party for the purpose of engaging in sexual misconduct;

(c) Use health care information or access to health care information to meet or attempt to meet the nursing home administrator's sexual needs.

(4) A nursing home administrator ((~~must~~)) shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section with a former patient, client or key party within two years after the provider-patient/client relationship ends.

(5) After the two-year period of time described in subsection (4) of this section, a nursing home administrator shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section if:

(a) There is a significant likelihood that the patient, client or key party will seek or require additional services from the nursing home administrator; or

(b) There is an imbalance of power, influence, opportunity and/or special knowledge of the professional relationship.

(6) When evaluating whether a nursing home administrator is prohibited from engaging, or attempting to engage, in sexual misconduct, the board of nursing home administrators will consider factors including, but not limited to:

(a) Documentation of a formal termination and the circumstances of termination of the nursing home administrator-patient relationship;

(b) Transfer of care to another nursing home administrator;

(c) Duration of the nursing home administrator-patient relationship;

(d) Amount of time that has passed since the last health care services to the patient or client;

(e) Communication between the nursing home administrator and the patient or client between the last health care services rendered and commencement of the personal relationship;

(f) Extent to which the patient's or client's personal or private information was shared with the nursing home administrator;

(g) Nature of the patient or client's health condition during and since the professional relationship;

(h) The patient or client's emotional dependence and vulnerability; and

(i) Normal revisit cycle for the profession and service.

(7) Patient, client or key party initiation or consent does not excuse or negate the health care provider's responsibility.

(8) These rules do not prohibit:

(a) Contact that is necessary for a legitimate health care purpose and that meets the standard of care appropriate to nursing home administrators; or

(b) Providing health care services for a legitimate health care purpose to a person who is in a preexisting, established personal relationship with the nursing home administrator where there is no evidence of, or potential for, exploiting the patient or client.

WSR 19-06-079
PROPOSED RULES
HEALTH CARE AUTHORITY

[Filed March 5, 2019, 3:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-14-112.

Title of Rule and Other Identifying Information: WAC 182-531-0050 Physician-related services definitions and 182-531-2040 Enhanced reimbursement—Medication assisted treatment (new section).

Hearing Location(s): On April 9, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than April 10, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by April 9, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by April 5, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state legislature provided funding to increase the medication assisted therapy (MAT) rate for opioid use disorder to match the medicare rate in order to encourage more providers to treat patients with opioid use disorder. This represents an exception to current payment methodology and needs to be described in the administrative code.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, ESSB 6032, 2017-2019 Omnibus Operating Budget, 2018 supplemental.

Statute Being Implemented: RCW 41.05.021, 41.05.160, ESSB 6032, 2017-2019 Omnibus Operating Budget, 2018 supplemental.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1348; Implementation and Enforcement: Wendy Steffens, P.O. Box 45500, Olympia, WA 98504, 360-725-5145.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules

unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The updates to WAC 182-531-0050 and 182-531-2040 do not impose additional compliance costs or requirements on providers.

March 5, 2019
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-21-040, filed 10/12/17, effective 11/12/17)

WAC 182-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC, apply to this chapter.

"Acquisition cost" - The cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" - Care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" - A comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an agency-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 182-550-2501).

"Add-on procedure(s)" - Secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" - The medical condition responsible for a hospital admission, as defined by the ICD diagnostic code.

"Advanced registered nurse practitioner (ARNP)" - A registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Allowed charges" - The maximum amount reimbursed for any procedure that is allowed by the agency.

"Anesthesia technical advisory group (ATAG)" - An advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Bariatric surgery" - Any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

"Base anesthesia units (BAU)" - A number of anesthesia units assigned to a surgical procedure that includes the usual preoperative, intraoperative, and postoperative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" - Services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" - Supplies that are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR)," see WAC 182-500-0015.

"Call" - A face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" - A reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Center of excellence (COE)" - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

"Centers for Medicare and Medicaid Services (CMS)," see WAC 182-500-0020.

"Certified registered nurse anesthetist (CRNA)" - An advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the national certification and scope of practice.

"Children's health insurance plan (CHIP)," see chapter 182-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" - Regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" - Dollar amounts the agency uses to calculate the maximum allowable fee for physician-related services.

"Covered service" - A service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT," see "current procedural terminology."

"Critical care services" - Physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" - A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Emergency medical condition(s)," see WAC 182-500-0030.

"Emergency services" - Medical services required by and provided to a patient experiencing an emergency medical condition.

"Evaluation and management (E&M) codes" - Procedure codes that categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" - The process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to the agency which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"Experimental" - A term to describe a health care service that lacks sufficient scientific evidence of safety and effectiveness. A service is not "experimental" if the service:

((~~(1)~~)) (a) Is generally accepted by the medical profession as effective and appropriate; and

((~~(2)~~)) (b) Has been approved by the federal Food and Drug Administration or other requisite government body, if such approval is required.

"Federally approved hemophilia treatment center" - A hemophilia treatment center (HTC) that:

((~~(1)~~)) (a) Receives funding from the U.S. Department of Health and Human Services, Maternal and Child Health Bureau National Hemophilia Program;

((~~(2)~~)) (b) Is qualified to participate in 340B discount purchasing as an HTC;

((~~(3)~~)) (c) Has a U.S. Center for Disease Control (CDC) and prevention surveillance site identification number and is listed in the HTC directory on the CDC web site;

((~~(4)~~)) (d) Is recognized by the Federal Regional Hemophilia Network that includes Washington state; and

((~~(5)~~)) (e) Is a direct care provider offering comprehensive hemophilia care consistent with treatment recommendations set by the Medical and Scientific Advisory Council (MASAC) of the National Hemophilia Foundation in their standards and criteria for the care of persons with congenital bleeding disorders.

"Fee-for-service," see WAC 182-500-0035.

"Flat fee" - The maximum allowable fee established by the agency for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" - As defined by medicare, means a medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC 182-531-1700.

"HCPCS Level II" - Health care common procedure coding system, a coding system established by Centers for Medicare and Medicaid Services (CMS) to define services and procedures not included in CPT.

"Health care financing administration common procedure coding system (HCPCS)" - The name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

"Health care team" - A group of health care providers involved in the care of a client.

"Hospice" - A medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD," see "International Classification of Diseases."

"Informed consent" - That an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

((~~(1)~~)) (a) Disclosed and discussed the client's diagnosis; ((~~and~~

~~(2)~~))

(b) Offered the client an opportunity to ask questions about the procedure and to request information in writing; ((~~and~~

~~(3)~~))

(c) Given the client a copy of the consent form; ((~~and~~

~~(4)~~))

(d) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and

((~~(5)~~)) (e) Given the client oral information about all of the following:

((~~(a)~~)) (i) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; ((~~and~~

~~(b)~~))

(ii) Alternatives to the procedure including potential risks, benefits, and consequences; and

((~~(c)~~)) (iii) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" - An admission to a hospital that is limited to medically necessary care based on an evaluation of the client using objective clinical indicators, assessment, monitoring, and therapeutic service required to best manage the client's illness or injury, and that is documented in the client's medical record.

"International Classification of Diseases (ICD)" - The systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alphanumerical designations (coding).

"Investigational" - A term to describe a health care service that lacks sufficient scientific evidence of safety and effectiveness for a particular condition. A service is not "investigational" if the service:

((~~(1)~~)) (a) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or

((~~(2)~~)) (b) Is supported by an overall balance of objective scientific evidence, that examines the potential risks and potential benefits and demonstrates the proposed service to be of greater overall benefit to the client in the particular circumstance than another generally available service.

"Life support" - Mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension," see WAC 182-501-0169.

"Long-acting reversible contraceptive (LARC)" - Subdermal implants and intrauterine devices (IUDs).

"Maximum allowable fee" - The maximum dollar amount that the agency will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC 182-500-0070.

"Medication assisted treatment (MAT)" - The use of Food and Drug Administration-approved medications that have published evidence of effectiveness, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

"Medicare clinical diagnostic laboratory fee schedule" - The fee schedule used by medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Medicare physician fee schedule database (MPFSDB)" - The official CMS publication of the medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare program fee schedule for physician services (MPFSPS)" - The official CMS publication of the medicare fees for physician services.

"Mentally incompetent" - A client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" - A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient," see WAC 182-500-0080.

"Peer-reviewed medical literature" - A research study, report, or findings regarding a medical treatment that is published in one or more reputable professional journals after being critically reviewed by appropriately credentialed experts for scientific validity, safety, and effectiveness.

"Physician care plan" - A written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" - Physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology," see "current procedural terminology (CPT)."

"PM&R," see acute physical medicine and rehabilitation.

"Podiatric service" - The diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"Point-of-sale (POS) actual acquisition cost (AAC)" - The agency determined rate paid to pharmacies through the POS system, which is intended to reflect pharmacy providers' actual acquisition cost.

"Pound indicator (#)" - A symbol (#) indicating a CPT procedure code listed in the agency's fee schedules that is not routinely covered.

"Preventive" - Medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization," see WAC 182-500-0085.

"Professional component" - The part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" - The probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" - Face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider," see WAC 182-500-0085.

"Radioallergosorbent test" or **"RAST"** - A blood test for specific allergies.

"RBRVS," see resource based relative value scale.

"RBRVS RVU" - A measure of the resources required to perform an individual service or intervention. It is set by medicare based on three components - Physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"Reimbursement" - Payment to a provider or other agency-approved entity who bills according to the provisions in WAC 182-502-0100.

"Reimbursement steering committee (RSC)" - An interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the agency and the department of labor and industries.

"Relative value guide (RVG)" - A system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" - A unit that is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" - A scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"RSC RVU" - A unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"RVU," see relative value unit.

"Stat laboratory charges" - Charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"Sterile tray" - A tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by CMS to be nonroutine and reimbursed separately.

"Technical advisory group (TAG)" - An advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing

systems utilized by the agency and the department of labor and industries.

"Technical component" - The part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

NEW SECTION

WAC 182-531-2040 Enhanced reimbursement—Medication assisted treatment for opioid use disorder. (1) The medicaid agency pays an enhanced reimbursement using the medicare rate when medication assisted treatment (MAT) is part of the visit for selected evaluation and management (E/M) codes and the provider meets the criteria in this section.

(2) The purpose of this enhanced reimbursement is to encourage providers to obtain and use a Drug Addiction Treatment Act of 2000 waiver (DATA 2000 waiver) to increase client access to evidence-based treatment using medications for opioid use disorder.

(3) To receive the enhanced reimbursement for MAT, a provider must:

(a) Bill using the agency's expedited prior authorization process;

(b) Currently use a DATA 2000 waiver to prescribe MAT to clients with opioid use disorder;

(c) Bill for treating a client with a qualifying diagnosis for opioid use disorder; and

(d) Provide opioid-related counseling during the visit.

(4) The agency payment for MAT under this section is limited to one enhanced reimbursement, per client, per day.

(5) The agency does not pay an enhanced reimbursement for services a client receives for opioid use disorder through an opioid treatment program facility licensed by the department of health.

WSR 19-06-081
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Physical Therapy)
[Filed March 6, 2019, 8:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-17-050.

Title of Rule and Other Identifying Information: Chapter 246-915A WAC, Physical therapy licensure compact, the board of physical therapy (board) is proposing adding new WAC 246-915A-010, to the chapter to implement provisions of HB 1278 (chapter 108, Laws of 2017). This law approved Washington state membership in the interstate physical therapy licensure compact (PTLC) and requires the board to adopt rules to implement the compact's rules.

Hearing Location(s): On April 10, 2019, at 9:30 a.m., at the Department of Health, Point Plaza East, Room 131, 310 Israel Road S.E., Tumwater, WA 98501, Kris Waidely, program manager.

Date of Intended Adoption: April 10, 2019.

Submit Written Comments to: Kris Waidely, Department of Health, Board of Physical Therapy, P.O. Box 47852, Olympia, WA 98504-7852, email https://fortress.wa.gov/doh/policyreview, fax 360-236-2901, by April 1, 2019.

Assistance for Persons with Disabilities: Contact Kris Waidely, phone 360-236-4847, fax 360-236-2901, TTY 360-833-6388 or 711, email Kris.waidely@doh.wa.gov, by April 1, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HB 1278 passed in 2017 and was codified in chapter 18.74 RCW, which enacted PTLC in Washington state to facilitate interstate practice of physical therapists (PT) and physical therapist assistants (PTA). The purpose of the proposal is to comply with RCW 18.74.500, Article IX, (2), which mandates that the state of Washington is subject to the rules of PTLC, or compact commission, if the commission's rules are reviewed and adopted by the board. The proposal complies with the statute by proposing adoption and incorporation by reference to the compact commission's rules as of October 28, 2018.

Reasons Supporting Proposal: HB 1278 was codified as chapter 18.74 RCW. Rules are proposed by the board in accordance with chapter 18.74 RCW that require the board to review and adopt PTLC or compact commission rules. Until the board adopts the proposed rule, PTLC rules are not effective in Washington state. By adopting the proposed rule, Washington state can operationalize the compact privileges in Washington and improve public access to physical therapy services.

Statutory Authority for Adoption: RCW 18.74.500 and 18.74.023.

Statute Being Implemented: RCW 18.74.500.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kris Waidely, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4847.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kris Waidely, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4847, fax 360-236-2901, TTY 360-833-6388 or 711, email kris.waidely@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: Chapter 18.74 RCW requires rules in order for Washington state to be able to issue compact privileges to PTs and PTAs who hold licenses in other states or who may wish to obtain compact privileges in other compact participating states if their originating state of licensure is Washington. The law requires the board to review the rules adopted by the PTLC commission. The

PTLC rules are not effective in Washington unless the state board adopts them.

March 5, 2019
Blake T. Maresh
Executive Director

NEW SECTION

WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules. (1) The physical therapy licensure compact (compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of October 28, 2018, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact/RulesinProgress or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.

WSR 19-06-082
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
[Filed March 6, 2019, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-23-113.

Title of Rule and Other Identifying Information: Chapter 504-15 WAC, Campus parking and traffic regulations.

Hearing Location(s): On April 10, 2019, at 4:00 p.m., at Lighty 403, WSU Pullman, Pullman, Washington.

Date of Intended Adoption: May 15, 2019.

Submit Written Comments to: Deborah Bartlett, Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, email prf.forms@wsu.edu, fax 509-335-3969, by April 10, 2019.

Assistance for Persons with Disabilities: Contact Joy Faerber, phone 509-335-2005, fax 509-335-3969, email prf.forms@wsu.edu, by April 8, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The university is updating the campus parking and traffic regulations including, but not limited to, the rules regarding permit display.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Name of Proponent: Washington State University, public.

Name of Agency Personnel Responsible for Drafting: Chris Boyan, Associate Director, WSU Transportation Services, Transportation Services 101a, Pullman, Washington 99164-5500, 509-335-2950; Implementation: John Shaheen, Director, WSU Transportation Services, Pullman, WA 99164-5500, 509-335-5105; and Enforcement: Bill Gardner, Associate Vice President, WSU Police/Public Safety, Public Safety 104, Pullman, WA 99164-1072, 509-335-4484.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The university does not consider this rule to be a significant legislative rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

March 6, 2019
Deborah L. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-010 Authorization. Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of the university adopts this chapter to govern parking and traffic on the Pullman campus. The board of regents may delegate authority to the president or their designee to adopt changes to the parking and traffic rules in this chapter. If adoption authority is delegated to the president or their designee, changes to this chapter are not submitted to the board of regents.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-020 Purposes of regulations. (1) The purposes of these regulations are to:

(a) Expedite university business and provide maximum safety, order, and access;

(b) Regulate parking, with priority given to:

(i) Services of the university;

(ii) ((~~Persons~~)) Individuals who require the use of vehicles in connection with their on-campus work; and

(iii) Staff and students who require the use of private vehicles because of a disability or other approved reason; and

(c) Provide and maintain suitable campus parking and transportation systems.

(2) The vice president or designee whose responsibilities include supervision of the parking department ((~~shall have~~)) has the authority to designate particular locations as parking, temporary parking, restricted parking, or prohibited parking, as well as the authority to designate permanent and temporary areas as being closed to vehicular traffic.

AMENDATORY SECTION (Amending WSR 90-11-078, filed 5/16/90, effective 7/1/90)

WAC 504-15-080 Severability. If any provision of this chapter, chapter 504-15 WAC, or its application to any ((~~person~~)) individual or circumstance is held invalid, the remainder of the chapter or its application to other ((~~persons~~)) individuals or circumstances is unaffected.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-100 Definitions. The definitions in this section are applicable within the context of this chapter.

(1) Campus. Describes all property owned, leased, and/or controlled by the university Pullman campus which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of the university.

(2) Commuter student. Any student who does not live in a university residence hall (dormitory). All students living in fraternities, sororities, university-owned housing (other than residence halls), and private housing are considered to be commuter students.

(3) Day. Unless otherwise specified, the term "day" refers to a calendar day.

(4) Disability zone. A parking zone designated for exclusive use by ((~~persons~~)) individuals with disability and identified with a sign bearing the associated international symbol.

(5) Electric-assisted bicycle. As defined under RCW 46.04.169.

(6) Fire zone. An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

(7) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

(8) Illegal use of permit. A parking violation in which a parking ticket is issued under the following circumstances:

(a) Use of a parking permit or indicator on a vehicle other than the specified vehicle identified by a license plate number on the permit.

(b) Use of a parking permit or indicator obtained under false pretenses.

(c) Use of a modified parking permit or indicator.

(d) Use and/or retention of a parking permit or indicator by ((~~person(s)~~)) individual(s) ineligible, or no longer eligible, for such a permit as described and authorized in this chapter.

(9) Impound. To take and hold a vehicle in legal custody by use of a wheel lock and/or towing.

(10) Indicator. A decal or hanger displayed adjacent to a parking permit which defines additional parking areas available to a permit holder.

(11) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

(12) Moped. As defined under RCW 46.04.304.

(13) Motorcycle. As defined under RCW 46.04.330.

(14) Motorized foot scooter. As defined under RCW 46.04.336.

(15) Motor vehicle. As defined under RCW 46.04.320.

(16) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow.

(17) Officer. Any parking or police official employed by the university who is designated by the parking administrator or chief of police to issue parking tickets, to place and remove wheel locks, or to cause vehicles to be towed under this chapter.

(18) Owner. The ((~~person~~)) individual registered with any state as the present owner of a vehicle in the most current registration records available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator or chief of police has received actual written notice of the transfer.

(19) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(20) Parking administrator. The director in charge of the parking department or designee.

(21) Parking appeals committee. Any ((~~person or persons~~)) individual or individuals appointed to consider parking violations and the application of fees, fines, and sanctions. Said ((~~person or persons~~)) individual or individuals are appointed by the vice president whose responsibilities include supervision of the parking department or designee.

(22) Parking department. The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities; enforcing the parking regulations; and coordinating commute trip reduction efforts for the Pullman campus.

(23) Parking meter. A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

(24) Parking payment device. A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various places on the campus. A parking payment device is not a parking meter.

(25) Parking permit. A vinyl, plastic, paper, or other instrument sanctioned by the parking department that is displayed from a vehicle, and authorizes parking in specified areas. Some parking permits may be purchased online and may be virtual in nature, and identified by other means such as by license plate. (See the definition of "virtual permit" in subsection (46) of this section.) Also referred to as "permit" in this chapter.

(26) Parking ticket. The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

(27) Pay parking facility. A location where parking is provided and payment is made on-site via a parking payment device, cashier, or other means other than a parking meter.

(28) Pedestrian mall. A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances. These restricted areas are depicted on the Pullman campus map and/or with signing at the entrances to the pedestrian mall areas.

(29) ((~~Persons~~)) Individuals with disability. For the purpose of this chapter, ((~~persons~~)) individuals with disability ((~~shall~~)) refer to ((~~a person or persons~~)) an individual or individuals with disability or disabilities who qualify for a state-issued individual with disabilities parking identification and permit.

(30) Resident priority zone. A parking area close to a residence hall (i.e., crimson zone or gray zone) that is typically limited to use by residence hall students.

(31) Residence hall student. A student with a current, valid residence hall contract, who lives in a residence hall.

(32) Residence hall. Residence hall units (dormitories) that are owned by the university but are not included as university-owned housing apartments. Occupants of residence halls are considered residence hall students and are eligible for parking permits in resident priority zones.

(33) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university owned vehicle or a privately owned vehicle with a valid service vehicle authorization displayed).

(34) Service zone. Parking spaces or area designated for the use of service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones on an occasional basis for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

(35) Staff. For the purposes of these regulations, "staff" includes all nonstudent employees of the university and the nonstudent employees of other entities located on, or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university, or other entities located on, or regularly doing business on campus, are not "staff." They are considered to be students for the purpose of these regulations.

(36) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

(37) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

(38) Student. The term "student" includes all ((~~persons~~)) individuals who are not staff who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more classes.

(39) Summer session. The summer session includes all summer sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

(40) University. Refers to Washington State University.

(41) University holiday. A day regarded by the university as an official university holiday.

(42) University-owned housing. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls. Occupants of university-owned housing are eligible for housing parking permits issued by the university.

(43) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

(44) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

(45) Vehicle storage. Vehicle storage means the parking or leaving of any vehicle for a period of more then twenty-four consecutive hours.

(46) Virtual permit. A virtual permit is authorization given at the time of vehicle registration with the parking department, allowing the registered vehicle to park in a designated lot, zone, or space. The virtual permit is associated with the vehicle license plate number and is used to identify the parking authorization.

(47) Visitors. ((~~Persons~~)) Individuals who are not staff or students and who only visit the campus on an occasional basis.

(((~~47~~))) (48) Wheel lock. A device used to temporarily immobilize a motor vehicle. Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

(((~~48~~))) (49) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(((~~49~~))) (50) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(((~~50~~))) (51) WSU disability permit. WSU-issued zone permit displayed with a valid state-issued disability placard or disability license plate.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-220 Signed and marked areas. (1) Parking on campus is ((~~permitted~~)) allowed only in the marked and/or signed spaces in parking facilities and on streets. All other areas outside these designated areas are "no parking zones." Each parking facility has signs or markings to indicate the type of permit or payment required, and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a

manner requiring a vehicle to occupy a portion of more than one space ((~~shall~~)) must not constitute an excuse for a violation of this regulation.

(3) Standing (the stopping of a vehicle with the driver remaining in it) is ((~~permitted~~)) allowed in marked parking spaces, except metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not ((~~permitted~~)) allowed.

(4) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

(5) Permit areas and restricted spaces are not always signed individually.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-250 Motorcycles and mopeds. (1) The general traffic regulations applicable to motor vehicles apply to motorcycles and mopeds. Motorcycles or mopeds may not be driven on sidewalks or in pedestrian mall areas. Owners of motorcycles and mopeds are responsible for all violations issued.

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to university property and does not replace or supersede the definitions established by the state of Washington for licensing purposes.

(3) ((~~Mopeds. Mopeds may park only in a designated moped parking area marked by signs and/or the letters "MP" on the parking surface; and a bicycle rack unless the rack is signed to exclude mopeds. Mopeds must display a valid university moped permit during posted times. Mopeds may not park in marked motorcycle areas at any time or anywhere within designated pedestrian mall areas.~~

~~(4)~~)) Motorcycles and mopeds. Motorcycles and mopeds may park only in spaces which are marked by signs, or the letter "M" painted on the parking surface. Motorcycles and mopeds must display a valid university ((~~motorcycle~~)) "M" permit during posted times. During all other times, these spaces are restricted to use by motorcycles and mopeds only. Motorcycles and mopeds may not park at bicycle racks or ((~~in designated moped~~)) anywhere within designated pedestrian mall areas at any time.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-300 Financial responsibility for parking tickets. (1) Each registered parking permit holder ((~~shall be~~)) is financially responsible for parking tickets on vehicles:

(a) Registered with the parking department; and/or

(b) Displaying the registered parking permit holder's permit.

(2) Owners of vehicles are ((~~held~~)) ultimately held financially responsible for parking tickets issued to their vehicles.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-420 Withholding of fines and fees. All parking permit applications ((~~shall~~)) must provide that the university may withhold unpaid fines and fees, when permitted by law, from any sums owed the permit holder and to treat the same as a debt.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-450 Replacement parking permits, indicators, and gate cards. (1) Sold or traded vehicles. Failure to advise the parking department of a sale or trade for registration purposes may result in continued responsibility to the permit holder for parking tickets received on vehicles.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to the parking department to receive a free replacement. ((~~Persons~~)) Individuals failing to comply with this requirement ((~~shall~~)) must pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to the parking department immediately upon discovery. A lost or stolen permit may be replaced upon payment to the parking department of the cost of replacing the permit, according to a schedule adopted by the parking department. Lost or stolen permits must be returned to the parking department immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee is waived if proof of windshield replacement is presented.

(4) Gate card replacement. A lost, stolen, or damaged gate card is replaced upon payment to the parking department of the cost of replacing the gate card, according to a schedule adopted by the parking department.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-460 False information. No ((~~person shall~~)) individual may obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, identification number, and/or other information known to be false. It also includes the use of a visitor, conference, and commercial permit by staff or students. Violation of this provision ((~~shall~~)) constitutes the illegal use of a parking permit, and is subject to issuance of a parking ticket.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-470 Recall of parking permits and gate cards. Parking permits are the property of the university and may be recalled by the parking administrator when:

(1) The purpose for which the permit or gate card was issued changes or no longer exists (e.g., ((~~a person~~)) an indi-

vidual who no longer lives in a residence hall would be required to return their gray permit for refund or credit toward an appropriate permit);

(2) A permit or gate card is used on an unauthorized vehicle or by an unauthorized ((~~person~~)) individual;

(3) A parking permit application is falsified;

(4) A counterfeit, modified, lost/stolen permit or gate card is used; or

(5) The parking permit fee is unpaid.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-520 Parking permits—Form and display. All parking permits must be entirely visible and displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section are subject to parking tickets for the violation of improperly displaying a permit.

(1) Autos and trucks:

(a) Daily permits must be displayed as instructed on the permit.

(b) Annual permits must be displayed on the left side (driver's side) of the windshield. Permits must be mounted completely by means of their own design. No additional substances may be used to adhere the permit unless approved by the parking department.

(2) Motorcycles and mopeds. ((~~Motorcycle and moped~~)) "M" permits must be ((~~mounted completely by means of their own adhesive and~~)) prominently displayed on the left rear side of the vehicle or on top of the rear tail light. Permits must be mounted completely by means of their own design. No additional substances may be used to adhere the permit unless approved by the parking department.

(3) Virtual permits: Certain parking permissions do not require that a permit be displayed. In those instances, the virtual permit is associated with the license plate registered.

(a) Vehicles must be parked so that the license plate is visible from the driving aisle.

(b) No covers may be placed over the license plate that would inhibit the reflectivity of the plate.

(c) The alphanumeric characters of the license plate must be visible and unobstructed by license plate frames or other accessories.

(d) Individuals with virtual permits must ensure their current vehicle is registered and associated with their virtual permit. This process can be accomplished at the parking department.

(e) Multiple vehicles on the same virtual permit do not allow for more than one motor vehicle to be parked in a permit area on campus during the same period.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-540 Zone parking permits—Availability and use. The management and assignment of parking zones is designed to provide a parking space to each permit holder. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort is made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this is that the sale of blue permits is not limited.

Staff and students are generally assigned to specific parking areas, referred to as zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits. Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be made available on a daily basis.

(2) Green permits. Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be made available on a daily basis.

(3) Yellow permits. Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be made available on a daily basis.

(4) Red permits. Red permit holders may park in their numerically assigned red zone or in any blue zone. These permits may be made available on a daily basis.

(5) Crimson permits. Crimson 1 permit holders may park in ((~~their numerically assigned crimson zone, or in the numerically corresponding gray zone (e.g., a crimson 1 permit is valid in the gray 1 zone, but not in the gray 2 zone), or in any blue zone~~)) the crimson 1 zone, or in any gray 1 zone, or blue 1 zone. Crimson 2 permit holders may park in the crimson 2 zone, or in any gray 2 zone, or blue 1 zone. Crimson 3 permit holders may park in the crimson 3 zone, or in any gray 2 zone, or blue 1 zone. Crimson 4 permit holders may park in the crimson 4 zone, or in any gray 1 zone, or blue 1 zone. Crimson permit holders must turn in their crimson permit for a refund or credit toward another permit, if applicable, immediately upon moving out of the residence hall. Only residence hall students are eligible for crimson permits ((~~with the exception of the crimson 3 zone, which is available to all students~~)). Residence hall students are eligible for crimson, gray, or blue permits only.

(6) Gray permits. Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be made available on a daily basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall. Only residence hall students are eligible for gray permits. Residence hall students are eligible for crimson, gray, or blue permits only.

(7) Blue permits. Blue permit holders may park in any blue zone. These permits may be made available on a daily basis.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-560 Other parking permits—Availability and use. (1) Visitor permits. For information about visitor parking, refer to the parking department's web site.

(2) Golden cougar permits. Golden cougar permits are special permits that are issued to retired or emeritus staff for their sole use in recognition of their service without additional cost. They are issued on an annual basis and are valid in designated areas that are approved by the parking department. Staff who are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) Event permits. Event permits are available to patrons who participate in events held on the university campus. They are available on a daily basis only. Event permits are assigned to specific zones on a space-available basis. Event permits are not valid in restricted spaces.

(4) ((~~Motorcycle~~)) "M" permits. Motorcycle and moped permits are valid within boundaries of areas specifically posted and/or marked for ((~~motorcycle~~)) "M" permits. ((~~Motorcycle~~)) "M" permits are available on an annual and daily basis.

(5) ((~~Moped permits. Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.~~

~~(6)~~)) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, parking meters, and green, yellow, red, and blue zones((~~, and visitor permit only parking spaces~~)). Daily commercial permits may be assigned to specific zones on a space-available basis. Commercial permits are not valid in orange zones or pay parking facilities.

(((~~(7) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.~~

~~(8)~~)) (6) Housing permits. A housing permit is issued to eligible residents of university-owned housing. Housing permits are valid only in specific housing parking areas.

(((~~(9)~~))) (7) Carpool. Upon application, a bona fide carpool as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(((~~(10)~~))) (8) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters; service zones; orange, green, yellow, red, blue, crimson, and gray permit zones; and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

(9) College hill permits. College hill permits are valid in designated parking areas that are approved by the parking department.

(10) Night parking permits. Night parking permits are permits issued to designated WSU employees approved by the parking department that allow the approved employees to park during specific hours in designated areas.

(11) Exempt permits. Exempt permits are issued to departments and entities located on campus for university owned vehicles and other publicly owned vehicles. All other publicly owned vehicles owned by entities not located on or regularly doing business on campus must display a valid permit to park on campus. Police, fire, and emergency vehicles are not required to display a permit on campus.

(12) Media permits. Media permits are issued to media organizations that need to cover news on the WSU Pullman campus. Media permits are valid in green, yellow, red, and blue zones, and meters for the maximum time listed on the meter. Media employees who are also WSU students, faculty, or staff may use the media permit only to cover news stories. Media permits may not be used for personal use, attending class, other day-to-day services that fall within normal job duties. Any attempt by WSU students, faculty, or staff to use a media permit in lieu of a WSU permit may result in a fine for illegal use of a parking permit and/or recall of the media permit by the parking department.

(13) WSU permits. WSU permits are valid in orange, green, yellow, red, and blue zones, hourly parking facilities, and parking meters.

(14) Day permits. Day permits are sold on a daily basis and are valid in green, yellow, red, and blue zones.

(15) Reserved permits. Reserved permits are valid in a designated reserved lot or space.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-580 Special indicator decals and hangers. Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) A "service" indicator decal or hanger is valid typically for a maximum of fifteen minutes in a marked service zone. A "mall service" indicator is valid typically for a maximum of fifteen-minute parking in the pedestrian malls. These are available to staff or students who must use a private vehicle for university business. ((~~They~~)) Mall service indicators are issued on an annual or daily basis upon the approval of the parking administrator or ((~~his/her~~)) their designee.

(2) A "night parking" indicator decal or hanger is valid in permit zones up to thirty minutes after the permit enforcement times for the zone begin, and thirty minutes before the permit times for the zone end. For example, if permits are required in a permit zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night parking indicators are not valid at any time in orange zones, crimson zones, gray zones, parking

meter spaces, pay parking facilities, restricted spaces, or permit zones that require a parking permit at all times.

(3) Reserved parking indicator decals and hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-600 Parking for ((~~persons~~)) individuals with disability. (1) The provisions of this chapter cover disability parking and the payment of fees and fines associated with parking for ((~~persons~~)) individuals with disability.

(2) For the purpose of this chapter, ((~~persons~~)) individuals with disability ((~~shall~~)) refer to ((~~a person or persons~~)) individuals with disability who qualify for a state-issued individual with disabilities parking identification and permit as provided in chapter 308-96B WAC.

(3) The university uses the state individual with disabilities parking permit system to determine eligibility for disability parking.

(4) Unless otherwise authorized, parking in spaces designated for ((~~persons~~)) individuals with disability requires a WSU disability permit to park on campus.

(5) ((~~Persons~~)) Individuals with a WSU disability permit may park in ((~~a persons~~)) an individuals with disability parking space and any other, nonrestricted permit space within a parking permit zone.

(6) ((~~Persons~~)) Individuals with a WSU disability permit may not park in restricted spaces with the exception of ((~~persons~~)) individuals with disability parking spaces.

(7) Unless otherwise posted, any university parking permit to include a WSU disability permit is not valid in lieu of payment of regular posted fees in pay parking facilities.

(8) A state-issued individual with disabilities license plate, placard, or permit is valid in lieu of a WSU disability permit in parking zones during times when a university permit is not required.

(9) The university intends to retain control of access to the pedestrian malls on campus. For that reason a WSU disability permit is required in lieu of a state-issued individual with disabilities license plate, placard, or permit as authorization to use a pedestrian mall to access marked ((~~persons~~)) individuals with disability parking spaces within the confines of a pedestrian mall.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-650 Parking fees and fines. (1) Schedules for parking fees, parking administrative fees, late payment fees, parking fines and sanctions, parking meter rates, prorate and refund schedules, and the effective date thereof are submitted to the president or ((~~his/her~~)) their designee and to the board of regents for approval by motion, provided, however, that increases in fees and fines do not exceed limits established by the board of regents. Increases in fees and fines that do not exceed limits established by the board of regents are not submitted to the board of regents so long as the board of regents has delegated authority to the president or ((~~his~~)) their designee to approve all such fees and fines. The schedules described above for all parking fees and fines are thereafter posted in the public area of the parking department office and posted on the parking department's web site.

(2) Before purchasing a permit, the balance of any fees and fines owed to the parking department must be paid in full.

(3) Payments. Parking fees and fines may be paid at the parking department by cash, check, approved payment card, or money order. A payroll deduction plan is available for eligible university employees and eligible graduate students.

(4) The annual fee for any shorter period relative to all permits ((~~shall be~~)) is prorated according to the published schedule.

(5) The proper fee must be paid for all vehicles parked in parking meter spaces unless otherwise authorized.

(6) Staff members whose work schedules qualify them for nighttime differential pay may purchase a permit for one-half the regular fee. Verification is required.

(7) Refunds. Annual physical permits being relinquished ((~~may~~)) must be returned to the parking department in person for a pro rata refund in accordance with university policy. Identifiable remnants of ((~~the~~)) physical permits must be returned. In the case of annual virtual permits, the permit purchaser must notify the parking department in person or in writing that they want to relinquish the permit permissions for a pro rata refund in accordance with university policy. The balance of any fees and fines owed the parking department is deducted from any refund due. Refunds for temporary permits are not granted. Refunds for pretax payroll deductions cannot be granted pursuant to federal tax laws.

(8) The parking department makes a wide array of options available in advance to university departments for use by their visitors, guests, and employees for the purpose of conducting departmental business. However, when necessary, university departments that can establish in writing that a parking ticket issued by the parking department was received as a result of parking any vehicle for the purpose of conducting official state business, or while conducting official business with the university or an entity located at the university are assessed a parking fee assessment (PFA) in lieu of the parking fine. Such requests for PFAs are signed by a department fiscal custodian. A PFA consists of the maximum daily parking fee plus an additional administrative fee for failing to purchase and provide the necessary parking permit or fee in advance or at the time of parking. University departments are encouraged to avoid additional administrative fees associated with PFAs by purchasing and storing prepaid parking permits and by making them available as the department deems necessary. Nothing in this regulation allows a university employee to receive, or attempt to receive, any benefit associated with ((~~his or her~~)) their personal expenses in violation of the State Ethics Act. All questionable employee conduct regarding the application of this section is reported to, and investigated by, the university internal auditor. This section applies only to parking tickets issued pursuant to this chapter.

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-810 Violations, fines, and sanctions. (1) Violations and fines. Parking violations are processed by the university. Fines must be paid at the parking department or at other authorized locations, by mail, or from the parking department's web site. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking department office and on the parking department's web site.

(2) Reduction of fines. Internal policies regarding disposition of parking tickets may be established on approval of the vice president or designee whose responsibilities include supervision of the parking department.

(3) Payment of parking fines.

(a) All parking fines and fees are due upon issuance. Thirty days after date of issuance, a late fee ((~~shall be~~)) is added to all unpaid parking fines. For example, a parking ticket issued on May 1st ((~~would be~~)) is assessed a late fee on May 31st.

(b) Parking fines and fees assessed for any violation results in referral to the university controller's office for internal collection. ((~~The controller or designee may, if other collection efforts fail, withhold the amount of the outstanding fines and fees from damage deposits or other funds held for any student in order to secure payment.~~)) Where internal collection efforts are unsuccessful, the controller or designee may ((~~notify the registrar to refrain from issuing~~)) place a hold on student transcripts ((~~or to withhold permission to reenroll for a subsequent term~~)), registration, or other university services until outstanding fines and fees are paid, and/or transfer the account to an external collection agency. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines and fees may also lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(c) Account balances not paid to the university voluntarily may be forwarded to an external collections agency and are subject to additional collection fees of up to fifty percent, attorney's fees, and court costs when necessary.

(4) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, and exhausting or failing to exercise appeals provided for in these regulations, may result in the inability to renew a vehicle license through the state pursuant to RCW 46.16.216.

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-860 Appeal procedures. The parking ticket represents a determination that a parking violation has been committed and the determination is final unless otherwise provided or appealed as provided in this chapter.

(1) Purpose. The parking appeals process serves three primary functions:

(a) To hear parking ticket appeals;

(b) To hear appeals of wheel lock eligibility determinations; and

(c) To hear appeals of impoundments.

(2) Procedure. Any ((~~person~~)) individual who has received a parking ticket may appeal the alleged parking violation. Appeal of wheel lock eligibility determinations and impoundments are described in WAC 504-15-865 and 504-15-870.

(3) Written parking ticket appeals. The appeal must be in writing and received at the parking department within ten calendar days of issuance of the parking ticket. ((~~Paper and~~)) Online forms for this purpose are available from the parking department. The parking appeals committee makes an initial decision regarding the appeal within twenty calendar days during the academic year and within thirty calendar days during the summer months after receipt of the appeal. The committee provides a brief statement of the reason(s) for its decision to the appellant within ten calendar days of the decision.

(4) Review hearing of initial decision. If the appellant is dissatisfied with the initial decision, the appellant may request a hearing before a hearing officer or the parking appeals committee. Such request must be made within ten calendar days of the date of the initial parking appeals committee decision. If no such request is received, the initial decision ((~~shall be~~)) is final. During the hearing the appellant and representatives of the parking department may present and cross-examine witnesses. The hearing officer or appeals committee ((~~shall~~)) renders a decision in writing and provides the appellant with the decision within ten calendar days after the hearing.

(5) Appeal to district court. RCW 28B.10.560 provides that ((~~a person~~)) an individual who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court ((~~shall~~)) must be in writing and must be filed at the parking department office within ten calendar days after the date of the review hearing. The parking department forwards the documents relating to the appeal to the district court.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-865 General. (1) Pursuant to the provisions of this chapter, an officer ((~~shall~~)) must cause a vehicle to be wheel locked, or towed, or both, if:

(a) The vehicle is on the wheel lock-eligible list; or

(b) The vehicle displays a lost, stolen, or counterfeit parking permit.

(2) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(a) Has been immobilized by wheel lock for more than twenty-four hours; or

(b) Is illegally parked in a marked tow-away zone; or

(c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(d) Cannot be immobilized with a wheel lock device; or

(e) Is illegally parked in a disability space; or

(f) Is parked in an area designated to be used for emergencies, maintenance, events, or construction; or

(g) Is otherwise illegally parked based on the executive authority of the parking department or the university police department.

(3) The driver and/or owner of a towed vehicle ((~~shall~~)) must pay towing and storage expenses.

(4) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours is assessed a storage fee for each calendar day or portion thereof, beyond the first twenty-four hours.

(5) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(6) No vehicle impounded by towing or wheel lock devices ((~~shall be~~)) is released until the following fines are paid in cash or with an approved payment card:

(a) All unpaid parking ticket fines and late fees against said vehicle and any other vehicle registered to the owner;

(b) A wheel lock fee; and

(c) All towing and storage fees.

(7) ((~~A person~~)) An individual wishing to challenge the validity of any fines or fees imposed under this chapter may appeal such fines or fees as provided in WAC 504-15-860. However, in order to secure release of the vehicle, such ((~~person~~)) individual must pay the amount of such fines or fees as a bond which ((~~shall be~~)) is refunded to the extent the appeal is successful.

(8) An accumulation of six unpaid violations during any twelve-month period, exclusive of overtime at parking meter violations, and overtime in time zone violations, subjects the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-870 Wheel lock-eligible list. (1) The parking administrator ((~~shall be~~)) is responsible for creating and maintaining the wheel lock-eligible list. See definition of "wheel lock-eligible vehicle under WAC 504-15-100(50)."

(2) A wheel lock-eligible vehicle ((~~shall be~~)) is placed on the wheel lock-eligible list after notice has been issued as provided in subsection (3) of this section and an appeal of the wheel lock eligibility determination, if requested, under subsection (4) of this section.

(3) At least ten days prior to placing a vehicle on the wheel lock-eligible list, the parking administrator ((~~shall~~)) must mail a notice to the owner. The parking administrator mails the notice to the address stated on the most current registration records available to the university from a state, or any more current address of which the parking administrator or chief of police has actual written notice. The notice is sent by first class United States mail, postage prepaid. The notice ((~~shall~~)) must set forth:

(a) The make and license plate number of the alleged wheel lock-eligible vehicle.

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list.

(c) A list of the three or more alleged unpaid parking tickets, including the parking ticket number, date, time, place of the violation, and the nature of the violation. This list ((~~shall~~)) must include all unpaid parking tickets issued to a particular vehicle to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(d) That the owner may avoid the placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date on which the vehicle is subject to placement on the wheel lock-eligible list.

(e) The name, mailing address (and street address if different), and telephone number of the parking department office that may be contacted to appeal the wheel lock eligibility determination. Such an appeal only considers whether an individual vehicle was properly placed on the wheel lock-eligible list and not the merits of an individual parking ticket, which may be addressed pursuant to a separate appeals process described in WAC 504-15-860.

(f) That the vehicle is subject to wheel lock, towing, or both once it is placed on the wheel lock-eligible list.

(g) That all late fees, wheel lock fees, towing, and storage fees ((~~shall~~)) must be payable in full to obtain the release of a vehicle wheel locked or towed pursuant to this chapter in addition to payment of any and all unpaid parking tickets on this vehicle or other vehicles owned by the registered owner to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(4) If a request for an appeal of a wheel lock eligibility determination is received by the parking administrator before the specified date in the notice for placement of the vehicle on the wheel lock-eligible list, then the parking administrator ((~~shall~~)) must afford the owner an opportunity to appeal the wheel lock eligibility determination prior to the placing of a vehicle on the wheel lock-eligible list. Although the parking administrator ((~~shall~~)) does not have the authority to adjudicate the merits of any parking ticket, she or he ((~~shall~~)) must, however, receive evidence and other input from the owner appealing the wheel lock eligibility determination that the notice given under subsection (3) of this section was erroneous or based on erroneous information.

(5) If an owner timely participates in the appeal as scheduled by the parking administrator, ((~~he or she shall~~)) they must furnish the owner written notice of ((~~his or her~~)) their decision prior to placing the vehicle on the wheel lock-eligible list.

(6) After the specified date provided in the notice issued under subsection (3) of this section, the parking administrator ((~~shall~~)) must review the records to ensure that the alleged unpaid parking tickets have not been paid or otherwise resolved, and that no information has been received indicating that the notice was erroneous.

(7) Once a vehicle has been placed on the wheel lock-eligible list, it ((~~shall~~)) must not be removed from the list unless and until:

(a) The fines and fees on all unpaid parking tickets issued during the time it has been registered to or otherwise held by the owner are paid or otherwise resolved to include

the payment of fines and fees related to parking tickets not yet eligible for late fees;

(b) The parking administrator receives reliable information that title to the vehicle has been transferred; or

(c) The parking administrator determines that the placement of the vehicle on the wheel lock-eligible list was erroneous.

(8) If a vehicle is not properly registered in any state or no registration information is available to the university and the vehicle is wheel lock eligible, then notice ((~~shall~~)) must be provided by posting on the vehicle a conspicuous notice, which ((~~shall~~)) must set forth:

(a) A description of the alleged wheel lock-eligible vehicle;

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list;

(c) That the owner may avoid placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date certain on which the vehicle is subject to placement on the wheel lock-eligible list; and

(d) That the vehicle is subject to wheel lock, towing or both once it is placed on the wheel lock-eligible list.

(9) An officer ((~~shall~~)) must attempt to wheel lock any vehicle which appears on the wheel lock-eligible list when parked, lawfully or unlawfully, on campus.

(10) The parking administrator or the chief of police ((~~shall~~)) must ensure that officers are on duty to remove wheel locks from vehicles Monday through Friday between 8:00 a.m. and 5:00 p.m.

AMENDATORY SECTION (Amending WSR 10-11-083, filed 5/17/10, effective 7/1/10)

WAC 504-15-880 Fees, fines, and release of an impounded vehicle. The owner of an impounded vehicle may not secure the release of the stored vehicle until payment in full by cash, approved payment card, or money order of fines and fees has been made on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees relating to the vehicle which were issued while the vehicle was owned by the ((~~person~~)) individual who owned the vehicle at the time it is wheel locked or towed hereunder, and the owner has paid in full the wheel lock fee, unpaid parking tickets, late fees, storage fees, and towing fees for any and all other vehicles owned by the registered owner.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-885 Theft, damage, or removal of a wheel lock device. The following conduct of any ((~~person shall~~)) individual must be reported to university police:

(1) Causing physical damage to a wheel lock device;

(2) Removing, or attempting to remove, a wheel lock device; or

(3) Taking or stealing a wheel lock device.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-920 Closed and restricted areas. In certain designated areas on campus, such as the pedestrian mall in the campus core, driving is restricted to mall service vehicles and vehicles bearing university-issued ((~~persons~~)) individuals with disability permits.

AMENDATORY SECTION (Amending WSR 15-11-036, filed 5/14/15, effective 6/14/15)

WAC 504-15-930 Bicycles, skateboards, scooters, and roller skates. (1) The riding and use of bicycles, skateboards, scooters, and roller skates is prohibited on all building plazas, all pedestrian overpasses, interior building spaces, parking structures, parking structure ramps, all stairways, steps, ledges, benches, planting areas, any other fixtures, and in any other posted area.

(2) Bicycles, skateboards, scooters, and roller skates may be ridden and used on sidewalks outside the prohibited areas when a bike path is not provided.

(3) Electric-assisted bicycles must be used in a human propulsion only mode on pedestrian malls and sidewalks.

(4) Motorized foot scooters must be used in a human propulsion only mode on sidewalks.

(5) Operators must move at a safe speed and yield to pedestrians at all times. Reckless or negligent operation of bicycles, skateboards, scooters, and roller skates on any part of campus is prohibited.

(6) Bicyclists must obey all traffic laws applying to ((~~persons~~)) individuals riding bicycles when operating bicycles on roadways.

(7) Bicycles may be secured only at university-provided bicycle racks and bicycle storage facilities designed for such purpose.

(8) Bicycles that are not secured at university-provided bicycle racks or bicycle storage facilities may be impounded at the owner's expense.

(9) Abandoned and inoperable bicycles. Internal policies regarding abandoned and inoperable bicycles, including the impoundment of bicycles at the WSU Pullman campus, may be established upon approval by the vice president or designee whose responsibilities include supervision of the parking department.

WSR 19-06-083
PROPOSED RULES
HEALTH CARE AUTHORITY

[Filed March 6, 2019, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-02-089.

Title of Rule and Other Identifying Information: New WAC 182-531-0425 Collaborative care.

Hearing Location(s): On April 9, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal 106A, 626 8th Avenue, Olympia, WA 98504.

Metered public parking is available street side around building. A map is available at https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than April 10, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by April 9, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by April 5, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: As authorized in SSB 5883, the agency is creating rules for a new model of care called collaborative care model which is part of the integration of mental health and physical health.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: SSB 5779 Concerning behavioral health integration in primary care, RCW 41.05.-021, 41.05.160.

Statute Being Implemented: SSB 5779 Concerning behavioral health integration in primary care, RCW 41.05.-021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1348; Implementation and Enforcement: Tonja Nichols, P.O. Box 45506, 360-725-1658.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. New WAC 182-531-0425 does not impose additional compliance costs or requirements on providers.

March 6, 2019
Wendy Barcus
Rules Coordinator

NEW SECTION

WAC 182-531-0425 Collaborative care. (1) Under the authority of RCW 74.09.497, and subject to available funds, the medicaid agency covers collaborative care provided in clinical care settings.

(2) For the purposes of this section:

(a) **Collaborative care** means a specific type of integrated care where medical providers and behavioral health providers work together to address behavioral health conditions, including mental health conditions and substance use disorders.

(b) **Collaborative care model** is a model of behavior health integration that enhances usual clinical care by adding two key services:

(i) Care management support for clients receiving behavioral health treatment; and

(ii) Regular psychiatric or board certified addiction medicine consultation with the clinical care team, particularly for clients whose conditions are not improving.

(c) **Collaborative care team** means a team of licensed behavioral health professionals operating within their scope of practice who participate on the clinical care team along with the collaborative care billing provider to provide collaborative care to eligible clients. The team must include a collaborative care billing provider, a behavioral health care manager, and a psychiatric consultant. Professionals making up this team include, but are not limited to:

(i) Advanced registered nurses;

(ii) Chemical dependency professionals;

(iii) Chemical dependency professional trainees under the supervision of a certified chemical dependency professional;

(iv) Marriage and family therapists;

(v) Marriage and family therapist associates under the supervision of a licensed marriage and family therapist or equally qualified mental health practitioner;

(vi) Mental health counselors;

(vii) Mental health counselor associates under the supervision of a licensed mental health counselor, psychiatrist, or physician;

(viii) Physicians;

(ix) Physician assistants under the supervision of a licensed physician;

(x) Psychiatrists;

(xi) Psychiatric advanced registered nurses;

(xii) Psychologists;

(xiii) Registered nurses;

(xiv) Social workers;

(xv) Social worker associate-independent clinical, under the supervision of a licensed independent clinical social worker or equally qualified mental health practitioner; and

(xvi) Social worker associate-advanced, under the supervision of a licensed independent clinical social worker, advanced social worker, or equally qualified mental health practitioner.

(3) The behavioral health care manager is a designated licensed professional with formal education or specialized training in behavioral health (including social work, nursing, or psychology), working under the oversight and direction of the treating medical provider.

(4) The collaborative care billing provider must meet all of the following:

(a) Be enrolled with the agency as one of the following:

(i) A physician licensed under Titles 18 RCW and 246 WAC;

(ii) An advanced registered nurse practitioner licensed under Titles 18 RCW and 246 WAC;

(iii) A federally qualified health center (FQHC);

(iv) A rural health clinic (RHC); or

(v) A clinic that is not an FQHC or RHC that meets the requirements of Titles 70 RCW and 247 WAC.

(b) Complete, sign, and return the Attestation for Collaborative Care Model, form HCA 13-0017, to the agency; and

(c) Agree to follow the agency's guidelines for practicing a collaborative care model.

(5) Providers of collaborative care must:

(a) Use a registry to track the client's clinical outcomes;

(b) Use at least one validated clinical rating scale;

(c) Ensure the registry is used in conjunction with the practice's electronic health records (EHR);

(d) Include a plan of care; and

(e) Identify outcome goals of the treatments.

(6) If a provider no longer meets the agreed upon requirements in the agency's Attestation for Collaborative Care Model, form HCA 13-0017, the provider must immediately notify the agency. The agency does not pay for collaborative care if a provider does not meet the agreed upon requirements.

(7) Providers are subject to post pay review by the agency. The agency may recoup payment if the provider is found to have not met the requirements for providing collaborative care as agreed to in the agency's Attestation for Collaborative Care Model, form HCA 13-0017.

WSR 19-06-085
PROPOSED RULES
LIQUOR AND CANNABIS BOARD

[Filed March 6, 2019, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-24-033.

Title of Rule and Other Identifying Information: WAC 314-55-086 Mandatory signs a marijuana licensee must post on a licensed premises.

Hearing Location(s): On April 17, 2019, at 10:00 a.m., at 3000 Pacific Avenue S.E., Olympia, WA 98504.

Date of Intended Adoption: May 1, 2019.

Submit Written Comments to: Katherine Hoffman, 3000 Pacific Avenue S.E., Olympia, WA 98504, email rules@lcb.wa.gov, fax 360-664-9689, by April 17, 2019.

Assistance for Persons with Disabilities: Contact Claris Nhanabu [Nnanabu], ADA coordinator, human resources, phone 360-664-1642, fax 360-664-9689, TTY 711 or 1-800-833-6388, email Claris.Nhanabu@lcb.wa.gov [Claris.Nnanabu@lcb.wa.gov], by April 10, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board proposes to amend and update WAC 314-55-086 by clarifying language for mandatory signage. This will provide rule clarity, and assure coordinated signage so that consumer messaging regarding the use of marijuana during pregnancy is consistent and clear. Additionally, rule language was updated and streamlined to assure structural consistency, as well as uniform, clear guidance throughout the section.

Reasons Supporting Proposal: Recent amendments to packaging and labeling rules removed language from accompanying material attached to a package or given separately to a consumer regarding use of marijuana during pregnancy, warnings about the effects of marijuana, and warnings about operating vehicles or machinery while under the influence of marijuana. Language regarding use of marijuana during pregnancy was removed entirely, while the language containing warnings about the effects of marijuana and operating vehicles or machinery while under the influence of marijuana was relocated to WAC 314-55-155(6) regarding advertising requirements and promotional items. These amendments support the overarching agency goal of ensuring the highest level of public safety by continually improving and enforcing regulations that reflect the current dynamic environment. Clarifying the rules and updating signage will not result in increased costs or administrative burden on the regulated community. Increasing consistent, clear messaging and enhancing public education efforts about the use of marijuana during pregnancy is expected to benefit the regulated community, consumers, and others.

Statutory Authority for Adoption: RCW 69.50.342 and 69.50.345.

Statute Being Implemented: RCW 69.40.331 [69.50.-331].

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

Name of Proponent: Washington state liquor and cannabis board, governmental.

Name of Agency Personnel Responsible for Drafting: Katherine Hoffman, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA, 360-664-1622; Implementation: Mary Segawa, Public Health Liaison, 3000 Pacific Avenue S.E., Olympia, WA, 360-664-1622; and Enforcement: Justin Nordhorn, Enforcement Chief, 3000 Pacific Avenue S.E., Olympia, WA, 360-664-1726.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required under RCW 34.05.328 because the subject of proposed rule making does not quality [qualify] as a significant legislative rule or other [rule] requiring a cost-benefit analysis under RCW 34.05.328(5).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

March 6, 2019

Jane Rushford

Chair

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

WAC 314-55-086 ((~~What are the mandatory signs a marijuana licensee must post on a licensed premises?~~)) Mandatory signage. (1) ((~~Notices regarding persons under twenty-one years of age~~ must be conspicuously posted on the premises as follows:

~~Type of licensee~~	~~Sign must contain the following language:~~	~~Required location of sign~~
~~Medical marijuana retailer~~	~~"Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card. Juvenile qualifying patients must be accompanied by their designated provider at all times."~~	~~Conspicuous location at each entry to premises.~~
~~Marijuana retailer~~	~~"Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health."~~ ~~"There may be health risks associated with consumption of this product."~~ ~~"Should not be used by women that are pregnant or breast feeding."~~ ~~"Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug."~~	~~At each point of sale.~~
~~Marijuana producer, marijuana processor, and marijuana retailer~~	~~"Persons under twenty-one years of age not permitted on these premises."~~	~~Conspicuous location at each entry to premises.~~

~~The WSLCB will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.~~

~~(2) **Signs provided by the WSLCB**~~)) All licensed marijuana processors, producers, and retailers, with the exception of licensed retailers with a medical marijuana endorsement, must conspicuously post a notice provided by the board about persons under twenty-one years of age at each entry to all licensed premises. The notice must contain all of the following language: "Persons under twenty-one years of age not permitted on these premises."

(2) All licensed retailers with a medical marijuana endorsement must conspicuously post a notice provided by the board regarding persons under twenty-one years of age at each entry to all licensed medical marijuana premises. The notice must contain all of the following language: "Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card. Qualifying patients under the age of eighteen must be accompanied by their designated provider at all times."

(3) All licensed marijuana retailers must conspicuously post a sign provided by the board regarding the use of marijuana during pregnancy and breastfeeding as follows:

(a) At each point of sale; and

(b) In a location easily visible to employees.

(4) All licensed marijuana retailers must conspicuously post a notice provided by the board prohibiting the opening of a package of marijuana or marijuana-infused product in public or consumption of marijuana or marijuana-infused products in public((~~,~~)). The notice must be posted ((~~as follows:~~

~~Type of premises~~	~~Required location of sign~~
~~Marijuana retail~~	~~Posted in plain view at the main entrance to the establishment.~~

~~(3) **The premises' current and valid master license with appropriate endorsements** must be conspicuously posted on the premises and available for~~)) in plain view at the main entrance of the marijuana retail establishment.

(5) All licensed marijuana processors, producers, and retailers must conspicuously post on the premises and make available their current and valid master license or licenses with appropriate endorsements for inspection by ((~~WSLCB~~)) board enforcement officers.

(((~~(4)~~))) (6) Firearms prohibited signs provided by the ((~~WSLCB~~)) board must be posted at the entrance of each producer, processor, and retailer licensed location.

WSR 19-06-089
PROPOSED RULES
NORTHWEST CLEAN AIR AGENCY

[Filed March 6, 2019, 11:26 a.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Regulation of the Northwest Clean Air Agency (NWCAA).

Hearing Location(s): On April 9, 2019, at 10:00 a.m., at NWCAA Office, 1600 South 2nd Street, Mount Vernon, WA.

Date of Intended Adoption: April 11, 2019.

Submit Written Comments to: Name: Mark Buford, 1600 South 2nd Street, Mount Vernon, WA 98273, email info@nwcleanairwa.gov, fax 360-428-1620, by April 9, 2019, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Caskey-Schreiber, phone 360-428-1617, fax 360-428-1620, email info@nwcleanairwa.gov, by April 2, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- Renumber and clarify the section that applies to replacement or substantial alteration of control technology (renumbered from NWCAA 300.13 to 300.25).
- Incorporate a section to clarify requirements applicable to nonroad engines (new NWCAA Section 304).

New/Amended Regulation Section Derivations:

New NWCAA 300.25: Renumbered from former NWCAA 300.13 with clarifications.

New NWCAA Section 304: Based on WAC 173-400-930.

Distributions for Section Being Replaced:

Former NWCAA 300.13: See NWCAA 300.25.

Reasons Supporting Proposal: See bullet list above.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141(1).

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

Name of Proponent: NWCAA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mark Buford, 1600 South 2nd Street, Mount Vernon, WA, 360-428-1617.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable under RCW 70.94.141.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70.94.141.

Explanation of exemptions: Not applicable under RCW 70.94.141.

March 6, 2019
Mark Buford
Executive Director

AMENDATORY SECTION

SECTION 300 - NEW SOURCE REVIEW

…

((~~300.13 Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source.~~

~~a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the NWCAA. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.~~

~~b) For projects not otherwise reviewable under NWCAA Section 300, the NWCAA may:~~

~~1) Require that the owner or operator employ RACT for the affected emission unit;~~

~~2) Prescribe reasonable operation and maintenance conditions for the control equipment; and~~

~~3) Prescribe other requirements as authorized by chapter 70.94 RCW.~~

~~c) Within thirty (30) days of receipt of a Notice of Construction application under this section the NWCAA shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty (30) days of receipt of a complete Notice of Construction application under this section the NWCAA shall either issue an Order of Approval or a proposed RACT determination for the proposed project.~~

~~d) Construction shall not "commence," as defined in NWCAA Section 200, on a project subject to review under this section until the NWCAA issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the NWCAA takes no action within thirty (30) days of receipt of a complete Notice of Construction application.~~

~~e) Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The NWCAA may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.~~))

…

300.25 Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source.

(A) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emissions unit shall file a Notice of Construction application with the NWCAA. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or similar parts replacement.

(B) For emissions units and associated pollutants not otherwise reviewable under NWCAA Section 300, the NWCAA may:

(1) Require that the owner or operator employ RACT for the affected emissions unit;

(2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(3) Prescribe other requirements as authorized by chapter 70.94 RCW.

(C) Within 30 days after receiving a Notice of Construction application under this subsection, the NWCAA shall either notify the applicant in writing that the application is complete or notify the applicant in writing of the additional information necessary to complete the application. Within 30 days of receipt of a complete Notice of Construction applica-

tion under this section the NWCAA shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

(D) An owner or operator shall not begin actual construction on a project subject to review under this section until the NWCAA issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the NWCAA takes no action within 30 days of receipt of a complete Notice of Construction application.

(E) Approval to replace or substantially alter emission control technology shall become invalid if the owner or operator has not begun actual construction within 18 months of approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The NWCAA may extend the 18-month approval period upon a satisfactory showing that an extension is justified. No single extension of time shall be longer than 18 months. The cumulative period between initial permit issuance and the end of any approved time extensions shall not exceed 54 months. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must begin actual construction within 18 months of the approved commencement date.

PASSED: January 8, 1969 AMENDED: July 8, 1970, February 14, 1973, July 11, 1973, August 9, 1978, October 12, 1989, February 14, 1990, April 14, 1993, November 12, 1998, November 12, 1999, March 9, 2000, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, June 10, 2010, June 9, 2011, November 17, 2011, August 13, 2015, April 11, 2019

NEW SECTION

SECTION 304 - NONROAD ENGINES

304.1 This section applies to any nonroad engine as defined in NWCAA Section 200, except for:

(A) Any nonroad engine that is:

(1) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function; or

(2) In or on a piece of equipment that is intended to be propelled while performing its function.

(B) Nonroad engines being stored in work centers, garages, or engine pool sites prior to being dispatched to the field for use and that do not provide back-up power at the work center, garage, or engine pool. Such engines may be operated at these facilities only for the purpose of engine maintenance, testing, and repair.

304.2 Nonroad engines are not subject to:

(A) New source review.

(B) Control technology determinations.

(C) Emission limits set by the state implementation plan (SIP).

(D) Chapter 173-460 WAC.

304.3 All nonroad engines as specified in this section shall use ultra low sulfur diesel or ultra low sulfur bio-diesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra low sulfur diesel or ultra low sulfur bio-diesel is deemed to be compliant with this fuel standard.

304.4 For each nonroad engine as specified in this section greater than 500 bhp: The owner or operator shall notify NWCAA within 15 calendar days prior to surpassing the engine remaining onsite for 12 consecutive months. This notification shall include the make, model, serial number, rating, fuel type, date the engine was brought onsite, and engine function or purpose. Upon a nonroad engine surpassing 12 consecutive months in one location, NWCAA may require the owner or operator to obtain an order of approval for such nonroad engine in accordance with NWCAA 300.7 through 300.13.

Passed: April 11, 2019