

DECISION MEMORANDUM

TO: COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSIONER KEMPTON
COMMISSION SECRETARY
COMMISSION STAFF

FROM: DON HOWELL

DATE: OCTOBER 26, 2007

SUBJECT: UPDATING THE COMMISSION'S RAILROAD SAFETY-SANITATION
RULES AND RESCINDING THE COMMISSION'S RAILROAD
ACCIDENT REPORTING RULES, DOCKET NOS. 31-7103-0701 AND 31-
7102-0701

On October 3, 2007, the Commission caused to be published in the Administrative Bulletin two Notices of Proposed Rulemaking. The first Notice (Docket No. 31-7103-0701) proposed to amend the Commission's Railroad Safety Rules by adopting the updated federal hazardous material safety regulations found in the Code of Federal Regulations (CFR) as of October 1, 2007. The second Notice in Docket No. 31-7102-0701 proposed to consolidate two sets of railroad rules by moving Railroad Accident Reporting Rule 101 (31.71.02.101) to the Commission's Railroad Safety Rules, 31.71.03. With the transfer of this one Railroad Accident Reporting Rule, the Commission may then repeal one of its rule sets (31.71.02). Comments on the two rule notices were due October 24, 2007.

No person filed comments regarding the Commission's proposal to update its railroad hazardous material regulations or to move the one Railroad Accident Reporting Rule to the other railroad rule set. The Commission did receive a letter from Legislative Services dated September 7, 2007 indicating the Senate and House Subcommittees for Review of Administrative Rules had no objections to the proposed rules.

COMMISSION DECISION

Given the lack of any adverse comments, does the Commission wish to adopt the two proposed rules as its pending rules? Does the Commission desire to publish its Notice of

Pending Rule and Notice of Pending Rule Repeal in the upcoming edition of the Administrative Bulletin and submit the pending rules for legislative review in 2008?



Don Howell

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