

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

**31.71.03 – RAILROAD SAFETY AND
ACCIDENT REPORTING RULES**

DOCKET NO. 31-7103-1301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's Railroad Safety and Accident Reporting Rules 103 and 104 adopt by reference the federal safety regulations pertaining to the transportation of hazardous materials by railroads issued by the federal Pipeline and Hazardous Material Safety Administration (PHMSA). Railroad Safety Rule 103 adopts the 2011 edition of the Code of Federal Regulations (CFR) and Rule 104 adopts the 2010 edition of the CFR. Since these two rules were last updated, PHMSA amended 49 C.F.R. Parts 171 and 172 revising procedures to allow electronic shipping papers and adding emergency contact phone numbers to the shipping papers. It also amended Parts 173, 174, 179, and 180 regarding the loading and marking of railroad tank cars carrying hazardous materials. 77 Fed.Reg. 37962-01 (June 25, 2012). The Commission proposes to adopt the 2013 edition of the CFR for both Rules 103 and 104.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these proposed rules adopt mandatory federal safety regulations for the safe transportation of hazardous materials by rail. The federal safety regulations are already applicable to railroads and rail shippers.