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**IDAPA 31
TITLE 71
CHAPTER 02**

31.71.02 - RAILROAD ACCIDENT REPORTING RULES

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general authority of the Idaho Public Utilities Law, Chapters 1-7, Title 61, Idaho Code, Chapter 3, Title 62, Idaho Code, and Chapter 12, Title 62, Idaho Code, and specific authority of Sections 61-110, 61-111, 61-129, 61-302, 61-501, 61-507, 61-510, 61-512, 61-515, 61-517, 62-301 through 62-308, and 62-1201 through 62-1207, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

The title of these rules is "Railroad Accident Reporting Rules." The scope of these rules is that they determine when railroads must report accidents in Idaho. (7-1-93)

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).

The Public Utilities Commission does not have written interpretations or agency guidelines for these rules. (7-1-93)

003. ADMINISTRATIVE APPEALS (RULE 3)

There are no administrative appeals under these rules. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

Written reports of accidents submitted to the Commission are public records subject to inspection, examination and copying. Further investigative reports by the Commission or the Commission Staff are investigatory records exempt from public disclosure. See Section 9-340B(1), Idaho Code. Reports required by these rules and the results of further investigations by the Commission are by statute prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property. See Section 61-517, Idaho Code. (5-3-03)

005. DEFINITION (RULE 5).

The terms "railroad" has the meaning given to it by statute in Chapter 1, Title 61, Idaho Code, orders of the Idaho Public Utilities Commission, and decisions of the Supreme Court of Idaho construing these statutes. (7-1-93)

006. CITATION (RULE 6).

The official citation of these rules is IDAPA 31.71.02.000 et seq. For example, this rule is cited as IDAPA 31.71.02.006. In documents submitted to the Commission or issued by the Commission, these rules may be cited by their short title of Railroad Accident Reporting Rules (RRAR) and the parenthetical rule number. For example, this rule may be cited as RRAR 6. (7-1-93)

007. EFFECTIVE DATE -- HISTORY OF RULES (RULE 7).

The Commission adopted predecessors to these rules dating back at least to 1973. They were most recently codified at IDAPA 31.L. They were readopted and reformatted by rulemaking decision in Docket Number 31-7102-9301, effective July 1, 1993. The history of rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. INCORPORATION BY REFERENCE - CODE OF FEDERAL REGULATIONS (RULE 8).

The Code of Federal Regulations (CFR) is referenced in Rule 101. The annual volumes of the CFR may be obtained from the Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara. The incorporated CFR Part is also available for inspection and copying at the offices of the Idaho Public Utilities Commission and the Idaho State Law Library. Whenever a federal regulation is adopted by reference in these rules, subsequent annual recom compilations are also adopted by reference, but subsequent amendments to the CFR are not adopted by the reference. (5-3-03)

009. -- 100. (RESERVED).

**RULES 101 THROUGH 200 -- RAILROAD ACCIDENT/INCIDENT
REPORTING PROCEDURES**

101. REPORTING OF RAILROAD ACCIDENTS (RULE 101).

The Commission hereby adopts by reference 49 C.F.R. Part 225 (October 1, 2002). Pursuant to 49 C.F.R. 225.1, all railroads that are required to file a copy of any accident/incident report with the Federal Railroad Administration shall also file a copy of such report with the Commission Secretary for accidents or incidents occurring in Idaho. Copies of accident or incident reports shall be mailed to: Commission Secretary, Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 ((208) 334-0338). Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail to secretary@puc.state.id.us. (5-3-03)

102. -- 999. (RESERVED).

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