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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 disclosure. See section 9-337(4), 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.(7-1-93)

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 Curt 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. -- 100. (RESERVED).

Rule 101 - Adoption by Reference of Federal Rule

101. REPORTING OF RAILROAD ACCIDENTS (Rule 101).

The Commission hereby adopts by reference federal rules and regulations governing the Reporting of Railroad Accidents/Incidents: Reports, Classification, and Investigations, 49 C.F.R. Part 225 of the Code of Federal Regulations. Pursuant to 49 C.F.R. 225.1, railroads are required to file a copy of any accident/incident report filed with the Federal Railroad Administration for any accident/incident occurring in Idaho. The Code of Federal Regulations is available from the Publications Division, U.S. Government Printing Office, Washington, D.C. 20402. The federal regulations adopted by reference in this rule are those contained in the compilations of 49 C.F.R. 225 published in the Code of Federal Regulations volume dated October 1, 1992, and as subsequently recompiled. (7-1-93)

102. -- 999. (RESERVED).