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**IDAPA 31
TITLE 71
CHAPTER 03**

31.71.03 - RAILROAD SAFETY AND 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, and the specific authority of Sections 61-515 and 61-515A, Idaho Code. (3-30-01)

001. TITLE AND SCOPE (RULE 1).

01. Title. The title of these rules is "Railroad Safety and Accident Reporting Rules." (4-2-08)

02. Scope. The scope of these rules set safety, sanitation, and accident reporting standards that railroads must meet while operating in Idaho. (4-2-08)

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).

Most documents regarding these rules are public records. Accident investigative reports by the Commission or the Commission Staff may be investigatory records exempt from disclosure under Section 9-340B(1), Idaho Code. Accident reports required by these rules and the results of further investigations by the Commission are 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 pursuant to Section 61-517, Idaho Code. (4-2-08)

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 31.71.03.000 et seq. For example, this rule is cited as IDAPA 31.71.03.006. In documents submitted to the Commission or issued by the Commission, these rules may be cited by their short title of Railroad Safety and Accident Reporting Rules (RSR) and the parenthetical rule number. For example, this rule may be cited as RSR 6. (4-2-08)

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

The Commission adopted predecessors to these rules dating back at least to 1977. Prior to 1993, they were codified at IDAPA 31.H and IDAPA 31.L. They were readopted and reformatted by rulemaking decision in Docket Number 31-7103-9301, 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. (4-2-08)

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

The Code of Federal Regulations (CFR) is referred to in Rules 103 and 104. 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 <http://origin.www.gpoaccess.gov/nara/>. The incorporated CFR Parts are also available for inspection and copying at the office 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 recomplings are also adopted by reference, but subsequent amendments to the CFR are not adopted by reference. (4-2-08)

009. -- 100. (RESERVED).

SAFETY, SANITATION CONDITIONS, AND ACCIDENT REPORTING FOR RAILROADS
RULES 101 THROUGH 200

101. FIRST AID KIT REQUIRED (RULE 101).

01. First Aid Kit. A First Aid Kit required under Section 61-515A, Idaho Code, will as a minimum consist of the following or its equivalent: (7-1-93)

- a.** One (1) package aromatic spirits of ammonia ampoules. (7-1-93)
- b.** Two (2) triangle bandages. (7-1-93)
- c.** Four (4) three inch by three inch (3" x 3") or four inch by four inch (4" x 4") compresses. (7-1-93)
- d.** Ten (10) yards of two (2") inch roller bandage. (7-1-93)
- e.** One (1) package (minimum sixteen three-fourths inch (16-3/4") band-aids. (7-1-93)
- f.** Five (5) yards one-half inch (1/2") adhesive tape. (7-1-93)
- g.** One (1) package burn ointment or other burn compound. (7-1-93)
- h.** First Aid Book. (7-1-93)

02. Removal of First Aid Kit. No person or employee of any railroad company shall remove, carry away from its proper place or use any emergency first aid kit provided in locomotives or cabooses as required by Section 61-515A, Idaho Code, except for the purpose of administering first aid in the event of injury to any employee or other person in an accident. (7-1-93)

102. SANITARY CUPS AND SANITARY DRINKING WATER (RULE 102).

01. Water. An adequate supply of cool, clean, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Drinking water shall be obtained only from sources approved by the State Department of Health or an approved water line. (7-1-93)

02. Water Containers. When necessary, this water shall be provided in suitable, clean, sterilized and sanitary containers conveniently placed for the use of employees, but not in toilet rooms. Each container shall be equipped with an approved type of fountain, approved faucet, or other approved dispenser. (7-1-93)

03. Cleansed and Sterilized. All containers used to furnish drinking water shall be thoroughly cleansed and sterilized as often as necessary to assure a clean and sanitary water supply. (7-1-93)

04. Common Drinking Cup Prohibited. The common drinking cup for public use is prohibited; either single service containers or drinking fountains with sanitary angle head, shall be used in lieu thereof. (7-1-93)

103. TRANSPORTATION OF HAZARDOUS MATERIAL BY RAIL (RULE 103).

01. Hazardous Material Defined. "Hazardous material" means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated by the Secretary of Transportation. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials as defined in 49 C.F.R. Section 171.8, materials designated as hazardous under the provisions of 49 C.F.R. Section 172.101, and materials that meet the defining criteria for hazardous classes and divisions in 49 C.F.R. Part 173. (3-30-01)

02. Adoption of Federal Safety Regulations. The Commission hereby adopts by reference 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179, and 180 (October 1, 2008). All customers offering hazardous materials for shipment by rail and all railroads operating in Idaho that transport hazardous materials listed in, defined by, or

regulated by the adopted federal safety regulations must comply with 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179 and 180. (5-8-09)

03. Recognition of Federal Exemptions. Whenever a railroad or shipper has applied to a federal agency and has been granted an exemption from the transportation or packaging requirements of the federal safety regulations adopted in Subsection 103.02, the federal exemption will also be recognized under these rules. The Commission shall not administer a program to duplicate consideration or approval of federal exemptions on a state level. (3-30-01)

104. REPORTING OF RAILROAD ACCIDENTS (RULE 104).

The Commission incorporates by reference 49 C.F.R. Part 225 (October 1, 2007). 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.idaho.gov. (4-2-08)

105. -- 999. (RESERVED).

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