

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN RE ADOPTING THE COMMISSION’S) CASE NO. GNR-U-21-01
SAFETY REGULATIONS BY ORDER)
)
) ORDER NO. 35095
)

Consistent with its authority in *Idaho Code* § 61-515, the Commission adopts by order the Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission (previously IDAPA 31.11.01) and the Railroad Safety Rules (previously IDAPA 31.71.01).

BACKGROUND

Under the Idaho Administrative Procedure Act (“APA”) the Legislature each session must extend by statute administrative rules promulgated under the APA. *Idaho Code* § 67-5292. If the Legislature fails to extend by statute the State’s administrative rules, all administrative rule chapters expire on July 1st. The Legislature adjourned/recessed its 2021 Legislative Session without extending agency rules by statute. At the direction of the Division of Financial Management, the Commission adopted all but two of its existing rule chapters as temporary rules at its June 1, 2021, decision meeting to avoid regulatory lapse. *See Idaho Code* § 67-5226. The Commission did not adopt as temporary rules two of its existing rule chapters: IDAPA 31.11.01 (Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission) and IDAPA 31.71.01 (Railroad Safety Rules).

STAFF’S PETITION

At the Commission’s June 1, 2021, decision meeting, Commission Staff pointed out that the Commission has express statutory authority under *Idaho Code* § 61-515 to adopt safety regulations “by general or special orders.” Staff asserted IDAPA 31.11.01 and IDAPA 31.71.01 can reasonably be described as safety regulations. Staff recommended the Commission allow IDAPA 31.11.01 and IDAPA 31.71.01 to expire on July 1, 2021, and instead adopt the rule chapters by order, consistent with *Idaho Code* § 61-515.

Treating Staff's proposal as a petition, the Commission issued a Notice of Petition and Modified Procedure seeking public comment on Staff's proposal. Order No. 35068. No comments were received.

COMMISSION FINDINGS AND DECISION

The Commission has statutory authority to promulgate safety regulations. *Idaho Code* § 61-515. These safety regulations may be promulgated "by general or special orders, regulations, or otherwise...." *Id.* The scope of the Commission's safety regulatory authority is broad: the Commission may "require every public utility to maintain and operate its line, plant, system, equipment, apparatus and premises in such manner as to promote and safeguard the health and safety of its employees, customers and the public...." *Id.*

Having reviewed the record, the Commission adopts by order its safety and accident reporting rules (previously IDAPA 31.11.01) and its railroad safety rules (previously IDAPA 31.71.01). We take this action for three reasons. First, when the Legislature does not act to extend the State's administrative rules by statute, the administrative rules must go through a time-consuming and expensive re-adoption process under the APA. *See Idaho Code* § 67-5292. By using our statutory authority in *Idaho Code* § 61-515 to adopt our safety rules by order, we can help in a small way to save taxpayer dollars and State resources.

Second, our safety regulations can be more easily updated if adopted by order than is possible under the APA. Both the safety and accident reporting rules and the railroad safety rules incorporate by reference national safety standards that are periodically updated. Adopting these two rule chapters by order will allow the Commission's safety standards to track these updates more closely.

Third, we believe this change can be made without adversely affecting public utilities or the public. Our intent is to make our safety regulations easier to access and use than they are presently. To that end, our safety regulations will be posted in multiple prominent locations on the Commission's website.

The safety regulations we adopt today differ from the existing safety regulations adopted under the APA in one respect: the references to the Code of Federal Regulations have been updated to the most current annual editions.

ORDER

IT IS HEREBY ORDERED that the Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission (Attachment 1) and the Railroad Safety Rules (Attachment 2) are adopted, effective July 1, 2021.

IT IS FURTHER ORDERED that Commission Staff shall post these rules prominently on the Commission's website to facilitate easy access.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 30th day of June 2021.



PAUL KJELLANDER, PRESIDENT

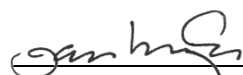


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

000. LEGAL AUTHORITY (RULE 0).

These rules adopt by reference national safety codes and require the reporting of certain accidents under the general authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and under the specific authority of Sections 61-515 and 61-517, Idaho Code. (07-01-21)

001. TITLE AND SCOPE (RULE 1).

The name of this chapter is "Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission." This chapter has the following scope: All electric and telephone corporations subject to the regulation of the Idaho Public Utilities Commission are required to abide by the safety regulations adopted in Rule 101; all gas and pipeline corporations are required to abide by the safety regulations adopted in Rules 201 through 203; and all electrical, gas, pipeline, telephone, and water corporations are required to abide by the safety and accident reporting requirements of Rules 301 and 302. (07-01-21)

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

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (07-01-21)

003. ADMINISTRATIVE APPEALS (RULE 3).

Any person requesting a waiver from any provision of these safety rules or accident reporting rules may petition the Idaho Public Utilities Commission for a waiver pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (07-01-21)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

Notes of telephone reports required by Rule 301 and written reports required by Rule 302 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 Sections 74-101(6) and 74-105(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. (07-01-21)

005. DEFINITIONS (RULE 5).

01. Utilities. The terms "electrical corporation," "gas corporation," "pipeline corporation," "telephone corporation," and "water corporation" have the meanings given to them by statute in Chapter 1, Title 61, Idaho Code; orders of the Idaho Public Utilities Commission; and decisions of the Idaho Supreme Court construing these statutes. (07-01-21)

02. Serious Damage. Damage to natural gas facilities caused by a natural disaster or terrorism that results in a loss of or reduction in pipeline throughput or storage deliverability. (07-01-21)

03. Serious Interruption of Service. Interruptions of natural gas pipeline service to communities, major governmental installations, and large industrial plants outside of communities or any other interruption that is significant in the judgment of the natural gas pipeline. Interruptions of less than three (3) hours or planned maintenance outages need not be reported. (07-01-21)

006. -- 007. (RESERVED)

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

Rules 101, 201, and 302 incorporate by reference various national safety codes and federal gas pipeline safety regulations. Each applicable rule identifies the issuing entity for each code or regulation and indicates where the

incorporated materials may be obtained. Incorporated materials are also available for inspection and copying at the offices of the Idaho Public Utilities Commission and the Idaho State Law Library. (07-01-21)

009. -- 100. (RESERVED)

ELECTRIC AND TELEPHONE UTILITIES

Rules 101 through 200

101. NATIONAL ELECTRICAL SAFETY CODE (NESC) (RULE 101).

The Commission adopts by reference the American National Standards Institute (ANSI) C2-2017 National Electrical Safety Code (NESC), 2017 Edition. The National Electrical Safety Code, 2017 Edition, is published by the Institute of Electrical and Electronics Engineers, Inc., and is available from the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997 and may be ordered by calling 1-800-678-IEEE. All electrical and telephone corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of the NESC. (07-01-21)

102. -- 200. (RESERVED)

TRANSPORTATION OF NATURAL GAS BY PIPELINES -- LIQUEFIED NATURAL GAS FACILITIES -- TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE -- INTERNATIONAL FUEL GAS CODE -- INTERNATIONAL MECHANICAL CODE

(Rules 201 through 300)

201. FEDERAL NATURAL GAS SAFETY REGULATIONS (RULE 201).

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2019) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2019), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, viewable online at www.govinfo.gov/app/collection/cfr/2019. The incorporated CFR Parts are also available in electronic format at <https://www.gpo.gov/fdsys>. All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (07-01-21)

202. -- 300. (RESERVED)

REPORTING OF ACCIDENTS AND SERVICE INTERRUPTIONS

(Rules 300 through 400)

301. IMMEDIATE REPORTING OF FATALITIES AND CERTAIN ACCIDENTS AND MAJOR NATURAL GAS INTERRUPTIONS (RULE 301).

01. Fatality and Hospitalization Reporting. Whenever any employee of an electrical corporation, gas corporation, pipeline corporation, telephone corporation, or water corporation or any member of the public dies or requires in-patient hospitalization as a result of contact with or proximity to utility operating property, the utility must notify the Commission by telephone of the fatality or hospitalization no later than the first business day following discovery of the fatality or reporting of the hospitalization. Reports should be made to the Commission Secretary at (208) 334-0338. (07-01-21)

02. Operating Property -- Motor Vehicle Accident Exception. As used in this rule, operating property means electric plant as defined in Section 61-118, Idaho Code, gas plant as defined in Section 61-116, Idaho Code, pipelines as defined in Section 61-114, Idaho Code, telephone line as defined in Section 61-120, Idaho Code, or water systems as defined in Section 61-124, Idaho Code. This reporting rule does not apply to fatalities and hospitalizations arising out of motor vehicle accidents, even if the motor vehicle later comes into contact with utility

plant. Office buildings or portions of office buildings not associated with the physical delivery of utility services or commodities are not considered operating property. (07-01-21)

03. Major Service Interruptions or Damage to Natural Gas Pipelines. The Commission incorporates by reference Section 260.9, Title 18, the Code of Federal Regulations (April 1, 2019), or at www.govinfo.gov/app/collection/cfr/2019. Every natural gas corporation must report serious damage to natural gas facilities and serious interruptions of service to the Commission. Natural gas corporations should also report other serious damage not caused by natural disaster or terrorism if such damage prompts an evacuation and or creates the potential for serious delivery problems on its own system or the pipeline grid. (07-01-21)

302. WRITTEN REPORTING OF ACCIDENTS AND NATURAL GAS INTERRUPTIONS (RULE 302).

01. Reporting Required. In addition to any telephone reporting required under Rule 301, a written report shall be submitted for: (07-01-21)

a. Every accident involving an employee of the utility or member of the public that results in a fatality or in-patient hospitalization; (07-01-21)

b. Any other accident the utility finds significant; or (07-01-21)

c. Serious damage or service interruption of natural gas pipelines. (07-01-21)

02. Submitting the Written Report. All written reports shall be submitted to the Commission Secretary within twenty one (21) days after the fatality or hospitalization is discovered. Reports regarding serious damage or service interruption shall be submitted at the earliest feasible time. Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail at secretary@puc.idaho.gov. (07-01-21)

03. Contents of Written Accident Report. There is no standard form for written reports prescribed by this rule. Gas companies may file copies of reports submitted to federal regulators under 49 C.F.R. Part 191. All reports submitted must include: (07-01-21)

a. Name of person(s) involved in the accident; (07-01-21)

b. Status of persons involved in the accident (e.g., employees, children, contractors, etc.); (07-01-21)

c. Time of day, day of the week and month, and location of the accident or discovery of the accident; (07-01-21)

d. Description of the accident and events leading up to the accident; and (07-01-21)

e. The company name, contact person, e-mail address and direct telephone number of the reporting official. (07-01-21)

04. Contents of Written Report Involving Damage or Interruption to Natural Gas Facilities. All written reports shall provide the following information: (07-01-21)

a. The location and cause of the service interruption or damage to natural gas pipeline or storage facilities; (07-01-21)

b. The nature of the serious damage to pipeline or storage facility; (07-01-21)

c. The specific identification and location of any facilities damaged; (07-01-21)

d. The time the service interruption or damage to facilities occurred; (07-01-21)

e. The customers affected by the interruption of service or damage to facilities; (07-01-21)

- f.** A brief description of emergency actions taken to maintain service; (07-01-21)
- g.** An estimate of the time (if available) when pipeline throughput or storage deliverables are expected to be restored; and (07-01-21)
- h.** The company name, contact person, e-mail address and direct telephone number of the reporting official. (07-01-21)

303. USE OF REPORTS (RULE 303).

The Commission may find that reports required by Rules 301 and 302 constitute an adequate investigation of the accident reported, may direct the utility to provide further information to the Commission, or may direct its Staff or others to conduct further investigations. Reports required by Rules 301 and 302 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. (07-01-21)

304. -- 999. (RESERVED)

RAILROAD SAFETY 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, 61-512, 61-515, 61-517, 62-301 through 62-308, and 62-1201 through 62-1207, Idaho Code. (07-01-21)

001. TITLE AND SCOPE (RULE 1).

The title of these rules is "Railroad Safety Rules." The scope of these rules is that they determine railroad clearance standards for all railroad track located in Idaho, and set safety, and accident reporting standards for railroads operating in Idaho. (07-01-21)

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

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (07-01-21)

003. ADMINISTRATIVE APPEALS (RULE 3).

There are no administrative appeals under these rules. All requests for exemptions or waivers should be submitted directly to the Commission in accordance with the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (07-01-21)

004. (RESERVED)

005. DEFINITION (RULE 5).

01. Height of a Freight Car. "Height of a freight car" is the distance between the top of rail and the highest point of the car. (07-01-21)

02. Icing Platform. "Icing platform" includes structures used in performing the service of icing, cooling, heating, ventilating and servicing of cars used in the handling of commodities requiring these services. (07-01-21)

03. Overhead Clearance. "Overhead clearance" is that distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and the lowest point of the structure of obstruction overhead. (07-01-21)

04. Side Clearance. "Side clearance" is the shortest distance from centerline of track to a structure or obstruction at the side of the track. (07-01-21)

05. Track Clearance. "Track clearance" is the shortest horizontal distance between the centerlines of adjacent tracks. (07-01-21)

06. Width of a Freight Car. "Width of a freight car" is twice the distance from the center line of the car to its extreme outside part. (07-01-21)

006. (RESERVED)

007. INCORPORATION BY REFERENCE (RULE 007).

The Commission adopts, and incorporates by reference into these rules, the following national codes and standards: (07-01-21)

01. Code of Federal Regulations. Rules 700 and 701 reference the Code of Federal Regulations

(CFR), and specifically 49 CFR Parts 107, 171, 172, 173, 174, 178, 179, 180, and 225 (October 1, 2019). The annual volumes of the CFR may be obtained on the web from the U.S. Government Bookstore, <http://bookstore.gpo.gov/> and click on "Code of Federal Regulations," or by calling toll-free 866-512-1800. The full text of the CFR is also available in electronic format at <http://www.gpoaccess.gov/cfr/index.html>. 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 recom compilations are also adopted by reference, but subsequent amendments to the CFR are not adopted by reference. (07-01-21)

02. National Electric Safety Code. Rules 52 and 312 reference the American National Standards Institute (ANSI) C2-2017 National Electrical Safety Code (NESC), 2017 Edition. The NES C is published by the Institute of Electrical and Electronics Engineers, Inc., and is available from the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997 and may be ordered by calling 1-800-678-IEEE. (07-01-21)

008. WAIVERS (RULE 8).

The Commission may waive the requirements of these rules. To request a waiver, a carriers or other interested persons will file an application that fully explains why the waiver is requested. A waiver is limited to the particular case covered by the application. (07-01-21)

009. EMERGENCIES (RULE 9).

A restricted clearance under these rules does not apply to: (07-01-21)

a. Falsework, shoo-fly tracks, or other temporary emergency conditions caused by derailments, wash-outs, slides, or other unavoidable accidents or disasters; (07-01-21)

b. Ballast, track material or construction material unloaded on and next to tracks for use there or in the immediate vicinity; or (07-01-21)

c. Falsework or temporary construction necessary on any construction project. (07-01-21)

010. MODIFICATIONS (RULE 10).

The Commission may permit deviation from these rules when it finds complying with them is impractical, unnecessary, or not in the public interest. (07-01-21)

011. -- 050. (RESERVED)

APPLICABILITY OF CLEARANCES

Rules 51 through 100

051. OVERHEAD CLEARANCE -- APPLICABILITY (RULE 51).

Overhead clearances authorized in these rules are applicable to tracks on which freight cars having a height from the top of the rail to the highest point of the car of fifteen feet six inches (15'6") or less are transported. In the case of cars or loads exceeding fifteen feet six inches (15'6"), the overhead clearance provisions and excess height provisions of Rules 501 through 502 and 601 through 607 must be complied with unless the railroad prohibits its personnel from occupying the top of freight cars in train service. (07-01-21)

052. EXCEPTION TO OVERHEAD CLEARANCE RULES (RULE 52).

Overhead impairments will be granted without application or a hearing upon consent of the operating railroad, provided that the NES C is not violated. Overhead impairments created by the railroad, not violating the NES C will not require a variance from this Commission. Notice of the impairment and condition must be given to the Commission by letter. (07-01-21)

053. SIDE CLEARANCES (RULE 53).

Side clearances authorized in these rules are applicable to tracks on which freight cars having an overall width not greater than ten feet ten inches (10'10") are transported. In the case of cars or loads exceeding ten feet ten inches

(10'10"), Rules 501 through 502 and 601 through 607 must be complied with.

(07-01-21)

054. -- 100. (RESERVED)

SPECIAL PROVISIONS

Rules 101 through 200

101. FACILITIES EXISTING BEFORE APRIL 1, 1955 (RULE 101).

Structures, operating appurtenances, pole lines, service facilities and track arrangements existing before April 1, 1955, are exempt from these rules except as provided by these rules. (07-01-21)

102. CHANGES IN EXISTING TRACKS (RULE 102).

No change in track location or elevation may reduce existing vertical or horizontal structural clearance below the minimums specified in these rules. (07-01-21)

103. REPAIRS TO EXISTING STRUCTURES (RULE 103).

No repair or maintenance work may be done on structures, operating appurtenances, pole lines, service facilities, or track arrangements if the repair or maintenance work would reduce existing vertical or horizontal structural clearance below the minimum specified in these rules. (07-01-21)

104. EXISTING STRUCTURES NOT COMPLYING WITH THESE RULES (RULE 104).

Where a structure existing before April 1, 1955, does not provide clearance equal to the minimum that is required by these rules, the portion of the structure producing the impaired clearance may be repaired and maintained by partial replacements. In no case shall the clearance available after April 1, 1955, be reduced. (07-01-21)

105. REPLACEMENT OF STRUCTURES NOT COMPLYING WITH THESE RULES (RULE 105).

When the owner replaces the part of a structure that violates the clearance standards of these rules, the replaced portion must satisfy the clearance standards unless otherwise ordered by the Commission. (07-01-21)

106. EXISTING TRACKS (RULE 106).

Existing tracks of all kinds may be maintained by reballasting, resurfacing and replacing rails and ties. Where existing yards are completely replaced or are partially replaced as a unit or section of a master plan, the arrangement must meet the provisions of these rules both as to track centers and clearance to structures and other facilities being built in connection with and as a part of such plan. Existing structures which are to remain and which do not provide the minimum clearance with respect to the proposed new tracks must be approved by the Commission for exemption from the terms of these rules. (07-01-21)

107. EXISTING TRACKS NOT MEETING CLEARANCE STANDARDS (RULE 107).

Tracks laid before April 1, 1955, having less vertical clearance than required by the rules may be maintained, but the top of rail may not be raised without raising the overhead structure an equal distance to maintain the existing available clearance. Tracks laid before April 1, 1955, having less horizontal clearance between them than required by these rules for new construction, or having less horizontal clearance to structures than required by these rules, may be maintained, but they may not be shifted horizontally to reduce either the existing track centers or the existing structural clearance. (07-01-21)

108. ENGINE HOUSE AND SHOP FACILITIES (RULE 108).

The clearances in these rules do not apply to railroad's engine houses, engine house facilities or shop buildings. (07-01-21)

109. -- 200. (RESERVED)

OVERHEAD CLEARANCES

Rules 201 through 300

201. OVERHEAD CLEARANCE IN GENERAL (RULE 201).

The allowable clearances are:

(07-01-21)

01. Begun, Installed or Constructed After April 1, 1955. For structures, operating appurtenances, pole lines, service facilities and track arrangements begun, installed or constructed after April 1, 1955, and before September 1, 1980 twenty-two feet six inches (22'6"). (07-01-21)

02. Begun, Installed or Constructed After September 1, 1980. For structures, operating appurtenances, pole lines, service facilities and track arrangements begun, installed or constructed after September 1, 1980, the vertical clearance required by the owner of the railroad tracks or twenty-two feet six inches (22'6"), whichever is greater. (07-01-21)

03. Structures on Main Lines. For structures on main lines identified by railroad for possible electrification: (07-01-21)

a. At twenty-five (25) kilovolts twenty-four feet three inches (24'3"); or (07-01-21)

b. At fifty (50) kilovolts twenty-six (26') feet. (07-01-21)

202. OVERHEAD CLEARANCE IN BUILDINGS (RULE 202).

Overhead clearances in buildings must be at least eighteen (18') feet. The overhead clearance inside an entirely enclosed building may be reduced to eighteen (18') feet with respect to tracks ending within the building or in the immediate plant area if the track extends through an enclosed building. When an overhead clearance in the building is less than twenty-two feet six inches (22'6"), all cars, locomotives or other equipment will stop before entering the building. (07-01-21)

203. OVERHEAD CLEARANCE IN TUNNELS AND BRIDGES (RULE 203).

Minimum overhead clearance in tunnels and through bridges may be decreased to the extent defined by the half-circumference of a circle having a radius of eight (8') feet and tangent to a horizontal line twenty-two feet six inches (22'6") above top of rail at a point directly above the centerline of track. (07-01-21)

204. DECREASES IN OVERHEAD CLEARANCES PRESCRIBED IN RULE 201 (RULE 204).

Minimum overhead clearance as prescribed in Rule 201 may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet six inches (8'6") and tangent to a horizontal line at the height prescribed by Rule 201 above the top of rail at a point directly over the centerline of track. (07-01-21)

205. -- 300. (RESERVED)

SIDE CLEARANCES

Rules 301 through 400

301. SIDE CLEARANCE IN GENERAL (RULE 301).

The general rule is that side clearances must be at least eight feet six inches (8'6"). To further reduce operational hazards, it is recommended that, wherever practicable, all posts, pipes, warning signals and other small obstructions be given a side clearance of ten (10') feet. (07-01-21)

302. SIDE CLEARANCE AT PLATFORMS (RULE 302).

01. Eight Inches. Eight (8") inches or less above top of rail -- four feet eight inches (4'8"). (07-01-21)

02. Four Feet. Four (4') feet or less above top of rail -- seven feet three inches (7'3"). (07-01-21)

03. Four Feet Six Inches. Four feet six inches (4'6") or less above top of rail when used principally for loading or unloading refrigerator cars if constructed after April 1, 1955, but before September 1, 1980 -- eight (8) feet, if constructed after September 1, 1980 -- eight feet six inches (8'6"). (07-01-21)

04. Platforms. Platforms complying with Subsection 302.01 of this rule may be combined with those complying with Subsections 302.02 and 302.03, provided that the lower platform presents a level surface from a point not more than four feet eight inches (4'8") from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted. (07-01-21)

303. ICING PLATFORMS AND SUPPORTS (RULE 303).

The minimum side clearance for icing platforms and supports is six feet eight inches (6'8"). The platform's six feet eight inch (6'8") side clearance is measured from eave height of car. The platform's supports must provide clearance of eight (8') feet if constructed after April 1, 1955, but before September 1, 1980, and eight feet six inches (8'6") if constructed after September 1, 1980. (07-01-21)

304. PLATFORMS OTHER THAN ABOVE (RULE 304).

The general rule is that platforms not listed in earlier rules must have side clearance of at least eight feet six inches (8'6"). Retractable platforms, either sliding or hinged, which are attached to a permanent structure must be so constructed that, when retracted or in nonworking position and firmly secured or anchored, the resulting clearance shall not be less than the clearances provided in these rules. (07-01-21)

305. EXTENSION OF EXISTING PLATFORMS (RULE 305).

Platforms which were constructed at prevailing clearances or clearances then authorized by this Commission's rules may be extended at existing clearances. (07-01-21)

306. SIDE CLEARANCE -- BRIDGES AND TUNNELS (RULE 306).

The general rule is that side clearances for bridges and tunnels must be at least eight (8') feet. (07-01-21)

307. BRIDGES AND TUNNELS -- UPPER SECTION (RULE 307).

Side clearance in through bridges and tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight (8') feet and tangent to a horizontal line twenty-two feet six inches (22'6") above top of rail directly above centerline of track. See Rule 203. (07-01-21)

308. BRIDGES -- LOWER SECTION AND STRUCTURES FOUR FEET HIGH OR LESS -- GUARDS AND CATTLE CHUTES -- HAND RAILS ON BRIDGES AND TRESTLES -- OIL COLUMNS -- WATER BARRELS -- WATER COLUMNS (RULE 308).

Through bridges supporting track affected, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions thereof, four (4') feet or less above top of rail, may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five (5') feet distance laterally from centerline of track to a point four (4) feet above top of rail and eight (8') feet distant laterally from centerline of track: Provided that the minimum clearance for hand rails and water barrels shall be seven feet six inches (7'6") and the minimum clearance for fences of cattle guards shall be five feet nine inches (5'9"). Unless previously approved, the clearances authorized in this rule, except as provided for hand rails and water barrels, are not permitted on through bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead. (07-01-21)

309. SIDE CLEARANCE INTERLOCKING MECHANISM SWITCH BOXES, ETC. (RULE 309).

The minimum side clearance for interlocking mechanism switch boxes, etc., is three (3') feet. Switch boxes, switch operating mechanism necessary for the control and operation of signals and interlocks projecting four (4") inches or less above top of rail. (07-01-21)

310. SIDE CLEARANCE -- MAIL CRANES AND TRAIN ORDER STANDS WHEN NOT IN OPERATIVE POSITION (RULE 310).

The minimum side clearance for mail cranes and train order stands when not in operative condition is eight feet six inches (8'6"). (07-01-21)

311. SIDE CLEARANCE -- POLES SUPPORTING TROLLEY CONTACT (RULE 311).

The minimum side clearance for poles with conductors supplying motive power to track affected--of bracket

construction is eight feet three inches (8'3"). (07-01-21)

312. SIDE CLEARANCE -- POLES OTHER THAN TROLLEY POLES (RULE 312).

The minimum side clearance for poles besides trolley poles is eight feet six inches (8'6"). The NESC governs the side clearance for poles besides trolley poles that are described in the NESC. (07-01-21)

313. SIDE CLEARANCE SIGNALS AND SWITCH STANDS THREE FEET HIGH OR LESS ABOVE THE TOP OF THE RAIL (RULE 313).

The minimum height of signals and switch stands when located between tracks where not practicable to provide clearances otherwise prescribed in these rules is at least six (6') feet. (07-01-21)

314. SIDE CLEARANCE -- SIGNALS AND SWITCH STANDS OTHER THAN ABOVE (RULE 314).

The minimum side clearance for signals and switch stands other than above is at least eight (8') feet. (07-01-21)

315. SIDE CLEARANCE ON CURVED TRACK (RULE 315).

Side clearances on all structures adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased one and one-half inches (1 1/2") for each degree of curvature. (07-01-21)

316. SIDE CLEARANCES -- MATERIAL OR MERCHANDISE ADJACENT TO TRACKS (RULE 316).

No merchandise, material or other articles shall be placed or stored on the ground or platforms adjacent to any track at a distance less than eight feet six inches (8'6") from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this rule impossible. (07-01-21)

317. -- 400. (RESERVED)

TRACK CLEARANCES

Rules 401 through 500

401. TRACK CLEARANCES -- IN GENERAL (RULE 401).

The minimum distance between the center line of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors or like equipment, shall be fourteen (14') feet, except as otherwise prescribed in these rules. (07-01-21)

402. TRACK CLEARANCES -- MAIN AND SUBSIDIARY TRACKS (RULE 402).

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track shall be at least fifteen (15') feet from the centerline of such main track or passing track; provided, however, that where a passing track is adjacent to and at least fifteen (15') feet distant from the main track, any other track may be constructed adjacent to such passing track with clearance prescribed in Rule 401. (07-01-21)

403. TRACK CLEARANCES -- PARALLEL TEAM, HOUSE OR INDUSTRY TRACKS (RULE 403).

Minimum clearances between centerlines of parallel team, house or industry tracks shall be thirteen (13') feet. (07-01-21)

404. TRACK CLEARANCES -- PARALLEL LADDER OR LADDER AND OTHER TRACK (RULE 404).

The centerline of any standard gauge ladder track, constructed parallel to any other track, shall have a clearance of not less than twenty (20') feet from the centerline of such other track. (07-01-21)

405. TRACK CLEARANCES -- EXISTING TRACKS (RULE 405).

Existing tracks laid at prevailing clearances then authorized by this Commission's rules may be extended at these clearances. (07-01-21)

406. -- 500. (RESERVED)

MARKING OF CARS
Rules 501 through 600

501. CARS EXCEEDING FIFTEEN FEET SIX INCHES IN HEIGHT (RULE 501).

Each car of a height exceeding fifteen feet six inches (15'6") from top of rail to the highest point of the car, the movement of which is authorized by these rules, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

This Car
EXCESS
HEIGHT

The words "EXCESS HEIGHT" must occupy the greater portion of a rectangular space seven by ten inches (7" x 10") enclosed within a three-quarter inch (3/4") solid border. The markings required shall be made permanent on owned cars before their use. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four (4) corners. (07-01-21)

502. CARS EXCEEDING TEN FEET TEN INCHES IN WIDTH (RULE 502).

Each car of a width exceeding ten feet ten inches (10'10"), the movement of which is authorized by these rules, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

This Car
EXCESS
WIDTH

The words "EXCESS WIDTH" must occupy the greater portion of a rectangular space seven by ten inches (7" x 10") enclosed within a three-quarter inch (3/4") solid border. The markings required shall be made permanent on owned cars before their use. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side or end adjacent to the ladder or handholds near the floor line of the car at each of the four (4) corners. (07-01-21)

503. -- 600. (RESERVED)

OPERATIONS OF EXCESS DIMENSION LOADS
Rules 601 through 700

601. CARS CONTAINING LADING IN EXCESS OF FIFTEEN FEET SIX INCHES HIGH AND/OR FIVE FEET FIVE INCHES FROM CENTERLINE OF CAR (RULE 601).

Each open-top car containing lading of height exceeding fifteen feet six inches (15'6") above top of rail, or which extends laterally more than five feet five inches (5'5") from the centerline of the car, the movement of which is authorized by these rules, shall be marked, stenciled or placarded, and such marking maintained in a legible condition to read:

| | | |
|-----------------|---------------|-----------------|
| This car | and/or | This car |
| EXCESS | | EXCESS |
| EXCESS | | EXCESS |
| HEIGHT | | WIDTH |

The words "EXCESS HEIGHT" and/or "EXCESS WIDTH" must occupy the greater portion of a space seven by ten inches (7" x 10") enclosed within a three-quarter inch (3/4") solid border. Letters and border shall be of colors contrasting to the car body. These required markings and placarding shall be placed on the side or end

adjacent to the ladder or handholds near the floor line of the car at each of the four (4) corners where practicable, and in addition one of these signs shall be placed on each side of the load in a conspicuous position before the car is used. (07-01-21)

602. CARS CONTAINING LADING WHICH EXTENDS Laterally IN EXCESS OF FIVE FEET FIVE INCHES (RULE 602).

The movement of open-top cars containing lading which extends laterally in excess of five feet five inches (5'5") is authorized if the lading is of such a nature that it cannot practically be reduced in dimensions. (07-01-21)

603. MOVEMENT AND NOTICE OF EXCESS HEIGHT AND/OR EXCESS WIDTH CARS AND LOADS (RULE 603).

The movement of all open-top cars having lading in excess of fifteen feet six (15'6") inches in height, or which extends laterally in excess of five feet five inches (5'5") from centerline of car, will be authorized by written notice to the train crew stating the total number of such cars, and specifying that no member of the train crew will ride on top of such high car or the side of any such wide car. (07-01-21)

604. WRITTEN NOTICE OF EXCESS HEIGHT OR EXCESS WIDTH RULE 604).

A written notice shall be delivered to every train containing any car, the lading of which extends laterally in excess of five feet five inches (5'5") from the centerline of the car or which is in excess of fifteen feet six inches (15'6") in height above top of rails, informing the crew of the train that the train includes such car or cars, stating the total number of these cars and advising that no member of the train crew will ride on the side of any such wide car or the top of any such high car. (07-01-21)

605. NOTICE TO YARD SUPERVISORS (RULE 605).

Yard supervisors shall be notified sufficiently in advance of the arrival of such wide loads as described in Rule 603 as to enable them to take necessary precautions to safeguard employees in yard. (07-01-21)

606. LOADS WHICH CANNOT BE PASSED OVER BY EMPLOYEES (RULE 606).

Open-top cars containing lading having an overall height in excess of fifteen feet six inches (15'6") above top of rail or a width which extends laterally in excess of five feet five inches (5'5"), if otherwise in compliance with these requirements, and the nature of which precludes the possibility of employees passing over the cars, are exempt from the provisions of Rules 603, 604 and 605, but written notice must be given to all members of the train crew informing them of the presence of such loads. (07-01-21)

607. EXEMPTIONS (RULE 607).

The common carrier railroads are authorized to move excess height loads and excess width loads, as described in Rule 601, over roads or portions thereof, without complying with the provisions of Rule 601, provided that clearances equivalent to the minimum prescribed by these rules for cars having a height of fifteen feet six inches (15'6") and width of ten feet ten inches (10'10") are maintained. (07-01-21)

608. -- 700. (RESERVED)

701. TRANSPORTATION OF HAZARDOUS MATERIAL BY RAIL (RULE 701).

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. (07-01-21)

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, 2019). 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.

(07-01-21)

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. (07-01-21)

702. REPORTING OF RAILROAD ACCIDENTS (RULE 702).

The Commission incorporates by reference 49 C.F.R. Part 225 (October 1, 2019). 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 will be mailed to the Commission Secretary. (07-01-21)

703. -- 999. (RESERVED)