

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

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

RUL-R-13-01

DOCKET NO. 31-7103-1301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Commission received no comments regarding the proposed rule. The pending rule is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, Vol. 13-10, pages 401 through 402.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this *1st* day of November 2013.



Jean D. Jewell
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Idaho Public Utilities Commission
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RULEMAKING CHECKLIST FORM

Docket Number (Assigned by the Office of Administrative Rules): 31-7103-1301

(OAR will assign docket number to Negotiated, Proposed and Temporary rulemakings.)

IDAPA, Title, and Chapter Number and Chapter Name :

31.71.03 – Railroad Safety/Sanitation Rules

Agency: Idaho Public Utilities Commission

Agency Contact and Phone Number: Don Howell – 334-0312

Legal Authority for rulemaking - Idaho Code Section(s): 61-515 and 61-517

This rulemaking is a: (Check at least one; it may be necessary to check more than one.)

Negotiated Rulemaking Proposed Rulemaking Temporary/Proposed Rulemaking

Temporary Rulemaking Effective Date of Temporary Rule: _____

Temporary Rule Justification (See Idaho Code Section 67-5226):

- Protection of the public health, safety, or welfare; or
 Compliance with deadlines in amendments to governing law or federal programs; or
 Conferring a benefit.

Pending Rule Date Pending Rule Will Become Effective: Upon approval of Legislature

Amendment to Temporary Rule Rescission of Temporary Rule

Correction to Pending Rule Vacation of Rulemaking

Does any portion of this rulemaking impose or increase a fee or charge?

If yes, provide a specific description along with the citation of the statute authorizing the imposition or increase.

No.

Does this rulemaking have a negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year?

If yes, include a descriptive summary of the fiscal impact involved.

No.

Does this rulemaking necessitate changes in other rules?

If yes, please specify.

No.

Does this rulemaking incorporate by reference other documents?

Specify an exact description of document(s) incorporated by reference.

Yes. Code of Federal Regulations, Parts 171, 172, 173, 174, 179 and 180

HAVE YOU . . .

1. Had your legal counsel review your rulemaking?

2. Received Director, Board or Commission approval for the rulemaking?

HAVE YOU INCLUDED . . .

1. An approved Proposed/Temporary Administrative Rules Form (PARF)?

2. An electronic version of the Notice and complete text of the rule changes in Microsoft Word?

3. An 8 1/2 by 11 hard copy of the Notice and the complete text of the rule changes?