



Legislative Services Office

Idaho State Legislature

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Director

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee

FROM: Division Manager - Mike Nugent

DATE: October 05, 2015

SUBJECT: Public Utilities Commission

IDAPA 31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission - Proposed Rule (Docket No. 31-1101-1501)

IDAPA 31.71.03 - Railroad Safety and Accident Reporting Rules - Proposed Rule (Docket No. 31-7103-1501)

The Idaho Public Utilities Commission is proposing to promulgate two sets of rules regarding safety and accident reporting by utilities regulated by the Commission and by railroads.

The Commission's proposed safety and accident reporting rules (IDAPA 31.11.01) adopt by reference several national safety codes applicable to electric and natural gas utilities and federal safety regulations applicable to natural gas and pipeline utilities. Currently, Rule 201 adopts the 2011 edition of 49 Code of Federal Regulations (CFR) Parts 191- 193, 195 and 199 addressing the construction and operation of natural gas pipelines. Next, Rule 202 incorporates by reference the 2012 edition of the International Fuel Gas Code (IFGC) published by the International Code Council. Finally, Rule 203 incorporates by reference the 2012 edition of the International Mechanical Code (IMC) for natural gas or gas-burning appliances. The Commission proposes to update these three safety rules by adopting the 2015 edition of the IMC, the 2015 edition of the IFGC, and the October 1, 2014 edition of the federal pipeline safety CFRs. There are no major revisions to the 2011 edition of the federal Pipeline Safety Regulations. There are several revisions included in the 2015 edition of the IFGC. First, the Code Council has added Section 307.6 regarding the operation of new condensation pumps located in uninhabitable spaces. Second, Sections 402.2 and Tables 402.4(3) and 402.4(4) have been revised to address volumetric flow rates of new gas appliances above 2,000 feet in elevation and Schedule 40 metallic pipe. Finally, Sections 404.5 through 404.7.3 have been revised to revise the integrity of new piping systems in concealed locations. There are also several revisions included in the 2015 edition to the IMC. First, Section 505.3 requires common exhaust systems for new domestic kitchens in multistory buildings to comply with revised design requirements. Sections 507.1 through 507.1.2 revised design features for new commercial kitchens using natural gas. Section 601.5 has revised the return air opening standards. Finally, Section 412.6 addresses the transfer of LP-gas dispensing operations and safety clearances.

The Commission's proposed railroad safety and accident reporting rules 103 and 104 adopt by reference the federal safety regulations pertaining to the transportation of hazardous materials by railroads issued by the federal Pipeline and Hazardous Material Safety Administration (PHMSA). Currently, Rules 103 and 104

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adopt the October 1, 2013 edition of Title 49 of the Code of Federal Regulations (CFR). The Commission proposes to adopt the 2014 edition of the CFR for both Rules 103 and 104. Since Rule 103 was last updated in 2013, the PHMSA has amended 49 C.F.R. Part 173.150 revising procedures and restrictions for the shipping of various amounts of ethyl alcohol in liquid or solid form. These changes became effective on April 17, 2014. 79 Fed.Reg. 15,033-01, 15,040-46 (March 18, 2014). The current edition of Title 49 of the CFR was published on October 1, 2014.

It appears that both sets of proposed rules have been promulgated within the scope of statutory authority granted to the Public Utilities Commission.

cc: Public Utilities Commission
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