

Dear Senators MCKENZIE, Lodge, Stennett, and
Representatives LOERTSCHER, Batt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
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).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/23/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/20/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

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
Jean D. Jewell

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

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

DOCKET NO. 31-1101-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's 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 improve 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.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this proposed rule adopts updated national safety codes and federal regulations necessary for the safety of utility employees and the public during the installation, operation, or maintenance of natural gas pipelines, fuel gas systems and natural gas-fired appliances.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of the current national safety codes and the CFRs will make these rules consistent with federal safety regulations concerning natural gas and pipeline utilities. In addition, incorporation of the two other national safety codes will promote the safety of utility employees, utility customers, and the public. Finally, incorporation by reference will mitigate the need to publish hundreds of pages of safety codes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2015. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 1st Day of September, 2015.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-1101-1501
(Only Those Sections With Amendments Are Shown.)

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

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 201~~4~~⁵) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 201~~4~~⁵), 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, available 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 incorporated CFR Parts are also available in electronic format at www.gpoaccess.gov/cfr/index.html. 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.

(~~3-29-12~~)()

202. INTERNATIONAL FUEL GAS CODE (IFGC) (RULE 202).

01. Incorporation by Reference. The Commission incorporates by reference the International Fuel Gas Code, 201~~2~~⁵ Edition except for Part 2 of Chapter 1. The International Fuel Gas Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070. The Code is available from the Code Council and may be ordered online at www.iccsafe.org/Store/Pages/default.aspx. Telephone orders may be placed by calling toll-free 800-786-4452.

(~~3-29-12~~)()

02. Utility Compliance. All gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Fuel Gas Code and to connect for service and light only those installations that:

(3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Fuel Gas Code as a condition of receiving service or continuing to receive service. (3-20-04)

203. INTERNATIONAL MECHANICAL CODE (IMC) (RULE 203).

01. Incorporation by Reference. The Commission incorporates by reference those portions of the 2012~~5~~ International Mechanical Code explicitly referring to gas or gas-burning appliances except Part 2 of Chapter 1. The International Mechanical Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070 and may be ordered by calling toll-free 800-786-4452 or online at www.iccsafe.org/Store/Pages/default.aspx. ~~(3-29-12)~~()

02. Utility Compliance. Gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Mechanical Code and to connect for service and light only those installations that: (3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Mechanical Code as a condition of receiving service or continuing to receive service. (3-20-04)

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
31.71.03 - RAILROAD SAFETY AND ACCIDENT REPORTING RULES
DOCKET NO. 31-7103-1501
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's 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 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.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these proposed rules adopt mandatory federal safety regulations for the safe transportation of hazardous materials by rail. The federal safety regulations are already applicable to railroads and rail shippers.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The revisions to be adopted in the 2014 edition of the federal hazardous material safety regulations are explained in detail in the descriptive summary above. Adoption of the 2014 federal safety regulations will provide uniformity between state and federal rail safety provisions. Incorporation by reference will also mitigate the need to publish hundreds of pages of safety regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2015. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 1st Day of September, 2015.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-7103-1501
(Only Those Sections With Amendments Are Shown.)

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, 201~~3~~⁴). 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. (3-20-14)()

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, 201~~3~~⁴). 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, secretary@puc.idaho.gov. (3-20-14)()