

Dear Senators PATRICK, Martin, Schmidt, and
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Building Safety:

IDAPA 07.08.05 - Idaho Minimum Safety Standards and Practices for Logging–Signals and Signal
Systems - Proposed Rule (Docket No. 07-0805-1601);

IDAPA 07.08.06 - Idaho Minimum Safety Standards and Practices for Logging–Truck Road
Standards - Proposed Rule (Docket No. 07-0806-1601);

IDAPA 07.08.07 - Idaho Minimum Safety Standards and Practices for Logging–Transportation of
Employees - Proposed Rule (Docket No. 07-0807-1601);

IDAPA 07.08.08 - Idaho Minimum Safety Standards and Practices for Logging–Falling and Bucking
- Proposed Rule (Docket No. 07-0808-1601).

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 11/01/2016. 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 11/30/2016.

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 Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Research Analyst - Ryan Bush

DATE: October 13, 2016

SUBJECT: Division of Building Safety

IDAPA 07.08.05 - Idaho Minimum Safety Standards and Practices for Logging--Signals and Signal Systems - Proposed Rule (Docket No. 07-0805-1601)

IDAPA 07.08.06 - Idaho Minimum Safety Standards and Practices for Logging--Truck Road Standards - Proposed Rule (Docket No. 07-0806-1601)

IDAPA 07.08.07 - Idaho Minimum Safety Standards and Practices for Logging--Transportation of Employees - Proposed Rule (Docket No. 07-0807-1601)

IDAPA 07.08.08 - Idaho Minimum Safety Standards and Practices for Logging--Falling and Bucking - Proposed Rule (Docket No. 07-0808-1601)

(1) 07.08.05 - Idaho Minimum Safety Standards and Practices for Logging--Signals and Signal Systems - Proposed Rule (Docket No. 07-0805-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.05 - Idaho Minimum Safety Standards and Practices for Logging--Signals and Signal Systems. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and clarifies certain requirements related to signaling and radio signal systems.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

(2) 07.08.06 - Idaho Minimum Safety Standards and Practices for Logging--Truck Road Standards - Proposed Rule (Docket No. 07-0806-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.06 - Idaho Minimum Safety Standards and Practices for Logging--Truck Road Standards. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

and clarifies certain requirements related to the safe construction of logging roads and the safe operation of equipment on such roads.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

(3) 07.08.07 - Idaho Minimum Safety Standards and Practices for Logging--Transportation of Employees - Proposed Rule (Docket No. 07-0807-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.07 - Idaho Minimum Safety Standards and Practices for Logging--Transportation of Employees. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and clarifies certain requirements related to the safe transportation of employees during logging operations, including emergency situations.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

(4) 07.08.08 - Idaho Minimum Safety Standards and Practices for Logging--Falling and Bucking - Proposed Rule (Docket No. 07-0808-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.08 - Idaho Minimum Safety Standards and Practices for Logging--Falling and Bucking. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and clarifies certain requirements related to the safe cutting and falling of trees and the use of mechanical delimiters and felling equipment. The Division further states that it is updating several provisions that illustrate and identify the proper cutting techniques of some common cutting methods.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

cc: Division of Building Safety
Steve Keys

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.05 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- SIGNALS AND SIGNAL SYSTEMS

DOCKET NO. 07-0805-1601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2601A(3), 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 19, 2016.

The hearing site(s) 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 agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. Several of the provisions required minor editorial revisions to ensure clarity. Through the negotiated rulemaking process, the logging industry expressed support for the proposed amendments set forth in the rulemaking.

This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters. This rulemaking also makes revisions to and clarifies several of the requirements related to signaling and radio signal systems as used in logging operations.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the December 2, 2015 Idaho Administrative Bulletin under Docket No. 07-0800-1501, [Vol. 15-12, pages 1-2](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986 / Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0805-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt *reasonable* rules for affecting the purposes *of the Workers' Compensation Act* therein.
(7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

~~There are no provisions for administrative appeal of these rules.~~ The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code.
(7-1-97)()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

0047. -- 008. (RESERVED)

009. DEFINITIONS.

For definitions refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," Section 007, and IDAPA 07.08.15, "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms."
(7-1-97)()

010. GENERAL REQUIREMENTS.

- 01. Rigging.** (7-1-97)
 - a.** Rigging shall be moved by established signals and procedures only. (7-1-97)
 - b.** Signals shall be thoroughly understood by the crew. (7-1-97)
- 02. Daily Test Required.** Each electric or radio signal system shall be tested daily before operations begin. (7-1-97)
- 03. Personnel in Clear Before Moving Logs or Turns.** (7-1-97)

a. Operators of yarding equipment shall not move logs or turns until all personnel are in the clear and a signal has been given. (7-1-97)

b. Operators of yarding equipment shall be alert to signals at all times. (7-1-97)

011. SIGNALING.

01. One Worker to Give Signals. (7-1-97)

a. ~~The~~ Worker sending drag shall be the only one to give signals. ~~(3-29-10)~~()

b. Any person is authorized to give a stop signal when a worker is in danger or other emergency conditions are apparent. ~~(7-1-97)~~()

02. Signal Must Be Clear and Distinct. (7-1-97)

a. Machine operators shall not move any line unless the signal received is clear and distinct. (7-1-97)

b. If in doubt the operator shall repeat the signal as understood and wait for confirmation. (7-1-97)

03. Hand Signal Use Restricted. (7-1-97)

a. Hand signals are permitted only when in plain sight of the operator. (7-1-97)

b. Hand signals may be used at any time as an emergency stop signal. (7-1-97)

04. Persons in Clear Before Signal Given. All persons shall be in the clear before a signal is given to move logs or turns. (7-1-97)

05. Throwing Material Prohibited. Throwing of any type of material as a signal is prohibited. (7-1-97)

06. Use of Jerk Wire Prohibited. The use of a jerk wire whistle system for any type of yarding operations is prohibited. ~~(7-1-97)~~()

07. Audible Signaling to Be Installed and Used. A whistle, horn or other audible signaling device, clearly audible to all persons in the affected area, shall be installed and used on all machines operating as yarders. (3-29-10)

08. Audible Signaling Device at the Machine to Be Activated. When radio or other means of signal transmission is used, an audible signal must be activated at the machine. (7-1-97)

012. ELECTRIC SIGNAL SYSTEMS.

01. Weatherproof Wire and Attachments to Be Used. Where an electrical signal system is used, all wire and attachments shall be of the weather proof type. (7-1-97)

02. Electric Signal Systems to Be Properly Installed and Adjusted. Electric signal systems shall be properly installed and adjusted ~~again~~ as necessary. They shall be protected against accidental signaling, and shall be maintained in good operating condition at all times. ~~(7-1-97)~~()

03. All Connections to Be Weatherproof. All connections in insulated signal wire shall be weatherproof. (7-1-97)

013. RADIO SIGNALING SYSTEMS.

01. Use of Conventional Space Transmission of Radio Signals. When conventional space

transmission of radio signals is used under and in accordance with an authorization granted by the Federal Communications Commission to initiate any whistle, horn, bell or other audible signaling device, or such transmission of radio signals is used to activate or control any equipment, the following specific rules contained in this section will apply.

NOTE: This rule shall apply only to devices operating on radio frequencies authorized pursuant to the rules and regulations of the Federal Communications Commission. (7-1-97)()

02. Description on Outside of Case. (7-1-97)

a. Each radio transmitter and receiver shall have its tone frequency(s) in hertz (CPS), the manufacturer's serial number, and the assigned radio frequency clearly and permanently indicated on the outside of the case. (7-1-97)

b. When the duration of ~~the~~ a tone frequency(+) performs a function, the pulse-tone duration shall also be permanently indicated on the outside of the case. (7-1-97)()

c. On the FCC restricted frequencies one hundred fifty-four point fifty-seven (154.57) MHZ and one hundred fifty-four point sixty (154.60) MHZ, a maximum of two (2) watts of power will be allowed. (7-1-97)

03. Activating Pulse-Tone Limitations. The activating pulse-tone of any multi-tone transmitter shall be of not more than forty (40) milliseconds duration. (7-1-97)

04. Adjustment, Repair or Alteration. All adjustments, repairs or alterations of radio-signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. (7-1-97)

05. Testing of Tone-Signal Controlled Devices. (7-1-97)

a. Tone-signal controlled devices shall be tested each day before work begins. If any part of the equipment fails to function properly, the system shall not be used until the source of trouble is detected and corrected. (7-1-97)

b. Audible signals used for test purposes shall not include signals used for movement of lines or material.

NOTE: Equipment or machines controlled by radio-signaling devices ~~should~~ shall be designed and built to "fail safe" or stop, in case of failure of the radio-signaling device. (7-1-97)()

06. Interference, Overlap, Fade-Out or Blackout. When interference, overlap, fade-out or blackout of radio signals is encountered, the use of the tone-signal controlled device shall be immediately discontinued. The use of such tone-signal controlled device shall not be resumed until the source of trouble has been detected and corrected. (7-1-97)

07. Number of Transmitters Required. (7-1-97)

a. Two (2) radio transmitters shall be in the vicinity of the rigging crew at all times when transmitters are being used by persons who are around the live rigging. (7-1-97)

b. Only one (1) radio transmitter ~~will~~ shall be required, if in possession of a signalman who has no other duties and remains in an area where he is not subjected to hazards created by moving logs or rigging. (7-1-97)()

08. Voice Communication. (7-1-97)

a. Voice Communication shall be used for explanation purposes only. (7-1-97)

b. Actual activation of equipment shall be done by audible horn, bell or whistle and not by voice. (7-1-97)

c. The signal must be audible throughout the entire yarding and machine area. (7-1-97)

014. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.06 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - TRUCK ROAD STANDARDS

DOCKET NO. 07-0806-1601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2601A(3), 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 19, 2016.

The hearing site(s) 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 agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. Several of the provisions required minor editorial revisions to ensure clarity. Through the negotiated rulemaking process, the logging industry expressed support for the proposed amendments set forth in the rulemaking.

This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters. This rulemaking also makes revisions to and clarifies several of the requirements related to the safe construction of logging roads, and the safe operation of equipment thereupon.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the December 2, 2015 Idaho Administrative Bulletin under Docket No. 07-0800-1501, [Vol. 15-12, pages 1-2](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
Phone: (208) 332-8986 / Fax: (877) 810-2840

1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0806-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt ~~reasonable~~ rules for effecting the purposes ~~of the Workers' Compensation Act~~ therein. (7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

~~There are no provisions for administrative appeal of these rules.~~ The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code. (7-1-97)()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

0047. -- 008. (RESERVED)

009. DEFINITIONS.

For definitions refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging – General Provisions," Section 007, and IDAPA 07.08.15, "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms." (7-1-97)()

010. TRUCK ROAD STANDARDS.

01. Building Roads. (7-1-97)

a. When building roads, all construction shall be carried on in accordance with good logging engineering practices and shall be constructed and maintained in a manner to insure reasonably safe operation. (7-1-97)

b. The Due consideration shall be given to the following factors: (7-1-97)()

i. The Ftype of material used for roadbed and surfacing. (7-1-97)()

ii. The Ftype of hauling equipment which will travel road. (7-1-97)()

iii. The Size of loads to be hauled. (7-1-97)()

- iv. ~~The P~~pitch and length of grades. (7-1-97)()
- v. ~~The D~~egree of curvature and visibility on turns. (7-1-97)()
- vi. ~~The V~~olume of traffic. (7-1-97)()
- c. Truck roads shall not be too steep for safe operation of logging, or work trucks which operate over them, and should not exceed twenty percent (20%) grade unless an auxiliary means of truck lowering is provided. (7-1-97)
- d. Sufficient turnouts shall be provided and a safe side clearance maintained along all truck roads. (7-1-97)
- e. Brush and other materials that obstruct the view at intersections or on sharp curves shall be eliminated and all possible precautions taken. (7-1-97)
- f. Culverts and bridge structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. Such structures shall be maintained in good condition and shall be inspected ~~yearly~~ annually by a qualified ~~man~~ individual. (7-1-97)()
- g. Dangerous trees, snags and brush, which may create a hazard, shall be cleared a safe distance on both sides of the right-of-way. (7-1-97)()
- 02. Main Truck Roads.** (7-1-97)
- a. Main truck roads shall be of sufficient width and evenness to insure the safe operation of equipment. (7-1-97)
- b. Truck roads with blind curves where visibility is less than three hundred (300) feet shall be of sufficient width for two (2) trucks to pass ~~or, controlled by~~ some type of signal system ~~shall be maintained,~~ or speed shall be limited to fifteen (15) miles per hour. (7-1-97)()
- c. Conditions such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment shall be immediately corrected. (7-1-97)
- d. Wheel guard rails on bridges shall be not less than eight (8) inches above deck and shall be substantially fastened to withstand impact of shearing wheels. Such guard rails shall extend the full length of the bridge. (7-1-97)()
- 03. Operation of Equipment.** ~~Pile Drivers, power driven shovels~~ Excavators, tractors, bulldozers, and other equipment shall be operated in a safe and careful manner. All precautions shall be taken to insure the safety of all employees. (7-1-97)()
- 011. -- 999. (RESERVED)**

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.07 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - TRANSPORTATION OF EMPLOYEES

DOCKET NO. 07-0807-1601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2601A(3), Idaho Code.

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This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters. This rulemaking also makes revisions to and clarifies several of the requirements related to the safe transportation of employees during logging operations, including emergency situations.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
Phone: (208) 332-8986 / Fax: (877) 810-2840

1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0807-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt ~~reasonable~~ rules for affecting the purposes ~~of the Workers' Compensation Act~~ therein.
(7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

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006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records.
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0047. -- 008. (RESERVED)

009. DEFINITIONS.

For definitions refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," Section 007, and IDAPA 07.08.15, "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms."
(7-1-97)()

010. TRANSPORTATION OF EMPLOYEES.

01. General Requirements. (7-1-97)

- a. Anchored seats and seat belts shall be provided for each person riding in any vehicle. (7-1-97)
- b. Vehicles used for the transportation of employees shall be constructed, or accommodated, for that purpose, and shall be equipped with adequate seats with back rests properly secured in place, ~~and~~ Vehicles shall be protected on their sides and ends to prevent fall~~ing~~ from the vehicle.
(7-1-97)()
- c. Vehicles, as described above, shall be equipped with adequate steps, stirrups, or other similar devices, so placed and arranged that the employees can safely mount or dismount the vehicle. (7-1-97)
- d. ~~On~~ Vehicles designed to transport nine (9) or more passengers, shall be equipped with an

emergency exit not less than six and one-half (6 1/2) feet in area, with the smaller dimension being not less than eighteen (18) inches. ~~Such exit~~ shall be placed at or near the back of the vehicle ~~or near the back~~ on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed. (7-1-97)()

e. Every emergency exit shall be conspicuously marked "Emergency Exit," and be so fastened that it can be readily opened by a passenger in the case of emergency. (7-1-97)

f. Emergency doors shall be not less than twenty-four (24) inches in width. (7-1-97)

g. Every vehicle used for the transportation of employees shall be equipped with an Underwriters Laboratories, Inc. approved fire extinguisher, or its equivalent, with at least a four (4) BC rating. (7-1-97)

h. ~~Regular~~ All drivers of vehicles used for the transportation of employees shall have an appropriate operator's license for the state of Idaho. (7-1-97)()

i. ~~Before operating any vehicle, a~~ Drivers shall ~~check it, and~~ inspect vehicles before operating them. ~~If # a vehicle~~ is found to be ~~in any way~~ unsafe, it shall be reported to a proper authority and shall not be operated until it has been made safe. (7-1-97)()

j. Brakes, steering mechanism and lights shall be tested immediately before starting any trip. (7-1-97)

k. No flammable materials, or toxic substances shall be transported in passenger compartments of vehicles while carrying personnel. (7-1-97)

l. ~~Should it become necessary, and only under emergency conditions, to t~~Transporting more individuals than the seating capacity ~~in of~~ the vehicle, is permitted only under emergency conditions. Should it become necessary in an emergency, all employees not having seats must ride within the vehicle. (7-1-97)()

m. Under no circumstances shall employees ride on fenders or running boards. (7-1-97)

n. An employee must never ride in, or on, any vehicle with his legs hanging over the end or sides. (7-1-97)

o. If tools are transported at the same time that employees are being transported, the tools shall be enclosed in boxes or racks and properly secured to the vehicle. (7-1-97)

p. No one shall board, or leave, moving equipment except in the case of an emergency (except trainmen or others whose duties require such). (7-1-97)()

q. Equipment shall be operated in a safe manner and in compliance with traffic regulations. Safe speeds shall be maintained at all times. (7-1-97)

r. No explosives shall be transported on, or in, vehicles used primarily for carrying personnel while such vehicles are being used for carrying personnel. (7-1-97)

s. The driver shall do everything reasonably possible to keep ~~the crew~~ vehicles s under control at all times, and shall not operate in vehicles at excessive of a speed ~~at which the driver can stop the vehicle in one-half (1/2) the distance between the vehicle and the range of unobstructed vision.~~ The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of the vehicle and equipment and other pertinent items. The driver shall clear rocks from between dual tires before driving on multi-lane roads. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches and couplings. Any defects found shall be corrected before the equipment is used. (7-1-97)()

011. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.08 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - FALLING AND BUCKING

DOCKET NO. 07-0808-1601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2601A(3), 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 19, 2016.

The hearing site(s) 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 agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. Several of the provisions contained therein the rules are outdated, no longer applicable, or confusing to the logging industry. Accordingly, many of the amendments contained in the rulemaking are either administrative in nature to clarify and edit rule provisions, provide updated references and citations, or replace outdated or unclear provisions related to common logging practices. Through the negotiated rulemaking process, the logging industry requested most of the proposed amendments set forth in the rulemaking.

This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters. It also provides several amendments to clarify and update provisions related to the safe cutting and falling of trees, and the use of mechanical delimiters and felling equipment. Finally, several provisions which illustrate and identify the proper cutting techniques of some common cutting methods are updated.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the December 2, 2015 Idaho Administrative Bulletin under Docket No. 07-0800-1501, [Vol. 15-12, pages 1-2](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0808-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2061A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt *reasonable* rules for affecting the purposes *of the Workers' Compensation Act* therein. (7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code. (7-1-97)()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

~~004~~. -- 008. (RESERVED)

009. DEFINITIONS.

For definitions refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," Section 007, and IDAPA 07.08.15, "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms." (7-1-97)()

010. FALLING AND BUCKING.

01. General Requirements. (7-1-97)

a. There shall be an established method of checking ~~in~~ *the* workers ~~in~~ from the woods. Each

supervisor shall be responsible for their crew being accounted for at the end of each shift. (7-1-97)()

b. Cutters not in sight of another employee shall have radio communications with crew members on that job site. ()

b.c. Common sense and good judgment must govern the safety of cutters as effected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction, or when vision is impaired by weather conditions or darkness. (7-1-97)

e.d. All cutters shall have a current first aid ~~card~~ certification. Employers shall provide an opportunity for cutters to take a standard first aid course. (3-29-10)()

d.e. Tools of cutters such as axes, sledges, wedges, saws, etc., must be maintained in safe condition. Battered sledges, and wedges shall not be used. When power saws are used, wedges shall be made of soft material, such as wood or plastic. (7-1-97)

e.f. Cutters shall not be placed on hillsides immediately below each other or below other operations where there is possible danger. (7-1-97)

f.g. Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation. (7-1-97)

g.h. Before starting to fall or buck any tree or snag, the cutter must survey the area for possible hazards and proceed according to safe practices. Snags, which are unsafe to cut, shall be blown down with explosives, or felled by other methods. (7-1-97)

h.i. Dangerous or hazardous snags shall be felled prior to or in the course of cutting a strip. No danger tree shall be felled by one (1) cutter where and when the assistance of a fellow employee is necessary to minimize the danger or hazards involved. In the case that any danger tree or snag cannot be safely felled and must remain standing or unattended, such tree or snag shall be clearly identified and suitably marked, including all surrounding impact area, and the employee's supervisor shall be notified as soon as possible. (7-1-97)

i.j. In falling timber, adjacent brush and ~~or~~ snow shall be cleared away from and around the tree to be felled to provide sufficient room to use saws and axes and provide an adequate escape path. (7-1-97)()

j.k. Cutters shall not fall into another strip; leaners on the line shall be traded. Trees shall be felled into the open whenever conditions permit. (7-1-97)

k.l. Undercuts and side cuts shall be large enough to safely guide the trees and eliminate the possibility of splitting and ~~or~~ barber chairing. Particular care shall be taken to hold enough wood to prevent the tree from prematurely slipping or twisting from the stump. Undercuts shall be cleaned out to the full depth of the saw cut. Especially large undercuts are necessary in heavy leaners. When required to safely fell a tree, mechanical or other means shall be employed to accomplish this objective. Pre-cutting of trees for the purpose of production logging is prohibited.

NOTE: Trees with no perceptible lean having an undercut to a depth of one quarter (1/4) of the diameter of the tree with an undercut height equal to one fifth (1/5) of the diameter of the tree will be assumed to be in reasonable compliance with ~~the~~ this rule. (7-1-97)()

l.m. Back-cuts shall be above the level of the upper horizontal cut of the undercut. (3-29-10)

m.n. While wedging, fallers shall watch for limbs or other material which might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited. (7-1-97)

n.o. When falling or bucking a tree is completed the power saw motor should be stopped. ~~The P~~ power saw motor ~~should~~ shall be stopped while the operator is traveling to the next tree. (7-1-97)()

~~o~~**p.** Cutters shall not work on the downhill side of the log being bucked unless absolutely unavoidable and only when the log is blocked or otherwise secured to prevent rolling when cut is completed. (7-1-97)

~~p~~**q.** Cutters must give timely warning to all persons within range of any log which may have a tendency to roll or slide after being cut off. (7-1-97)

~~q~~**r.** Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible cutters shall warn rigging crew of locations where such unfinished cuts remain. (7-1-97)()

~~r~~**s.** A competent person properly experienced in this type of work shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless under the direction of ~~an~~ experienced workers. (7-1-97)()

~~s~~**t.** Power saws shall be kept in good repair at all times. All exhaust parts on power chain saws shall be constructed and maintained so the operator is exposed to a minimum amount of fumes and noise. (7-1-97)

~~t~~ *Chain saws shall have sprockets and drive end of the bar adequately guarded. Idler ends, when used as two man saw, shall also be guarded.* (7-1-97)

~~u~~ *Combustion engine driven power saws shall be equipped with a clutch. Saws with faulty clutches shall not be used.* (7-1-97)

~~u~~**v.** Combustion engine driven power saws shall be equipped with an automatic throttle which will return the motor to idling speed upon release of the throttle. (7-1-97)

~~v~~**y.** Power saw motors shall be stopped while being fueled. (7-1-97)

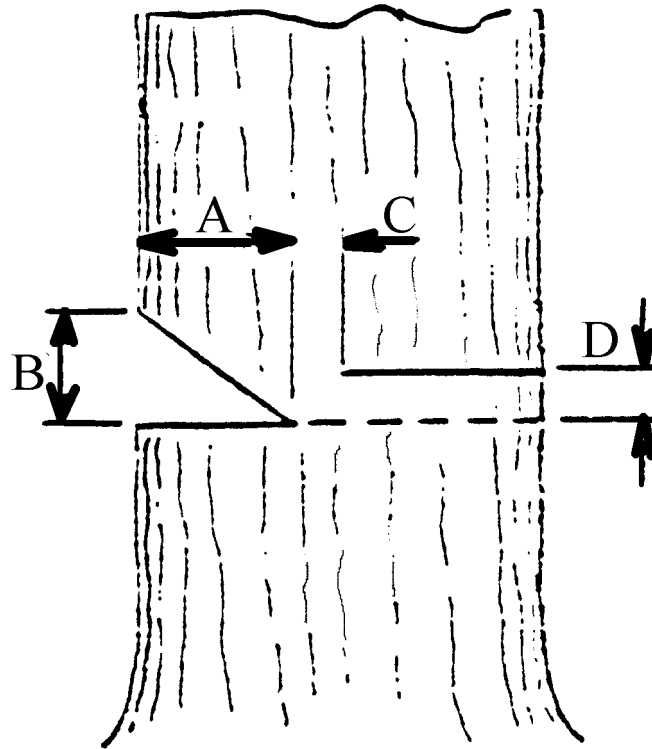
~~w~~**w.** All personnel shall wear approved head protection, proper clothing and footwear. (7-1-97)

~~x~~**x.** Employees, whose normal duties require them to operate a chain saw, shall wear ballistic nylon or equivalent protection covering each leg from upper thigh to boot top except when working as a climber or working from a bucket truck. (7-1-97)

011. ILLUSTRATION OF UNDERCUTS.

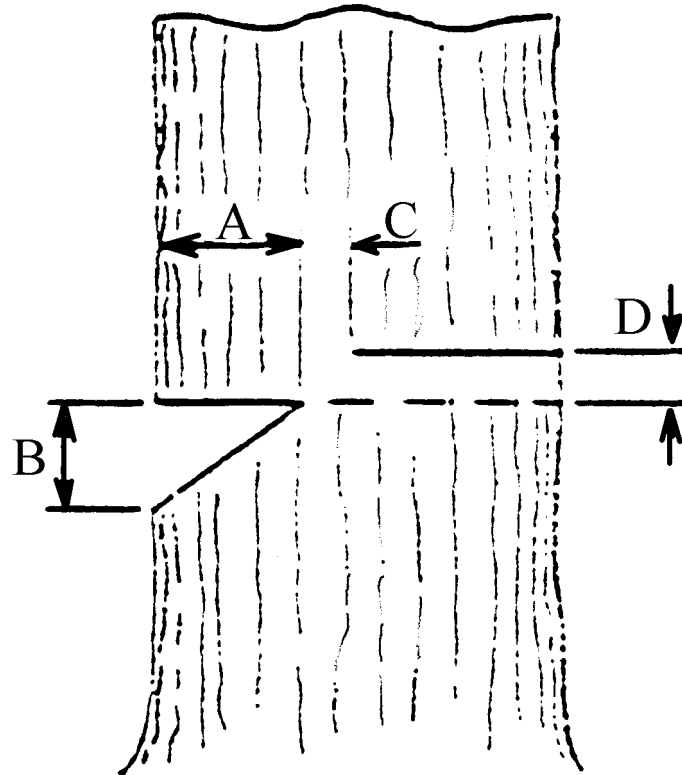
01. Illustration of Undercuts. (7-1-97)

FIGURE 011.01-A - CONVENTIONAL UNDERCUT



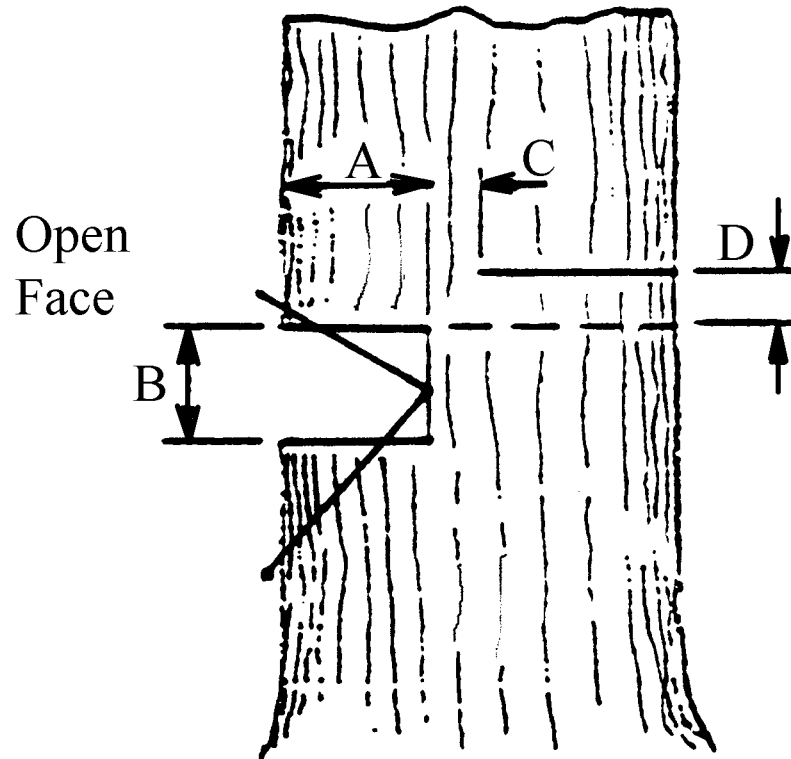
a. Conventional Undercut (~~Figure 011.01 A~~) ~~Can~~. May be made with parallel saw cut and a diagonal cut. Backcut (D) shall be above undercut. (~~3-29-10~~)()

FIGURE 011.01-B - HUMBOLT UNDERCUT



b. Humbolt Undercut (~~Figure 011.01-B~~). A cut in which B both cuts made with the saw (~~Figure 011.01-B~~) leaves a square end log (See Figure 011.01-B). The cut is the same as a conventional cut (See Figure 011.01-A) except that waste is on the stump. Backcut (D) shall be above undercut. (~~3-29-10~~) ()

FIGURE 011.01-C - OPEN FACE UNDERCUT



c. Open Face Undercut (~~Figure 011.01-C~~). ~~A cut in which two (2) angle cuts are made~~ with the saw (See Figure 011.01-C) -- ~~It is used~~ when it is necessary that the face does not close until the tree is near the ground. ~~(3-29-10)()~~

012. MECHANICAL DELIMBERS AND FELLER BUNCHERS.

01. General Requirements. (7-1-97)

a. Before start-up or moving equipment, check the surrounding area for fellow employees or equipment. ~~(7-1-97)()~~

b. If any protective device is missing, it is to be replaced as soon as possible. If it affects a safe operation, the machine is to be shut down. (7-1-97)

c. When a machine is working, extreme caution ~~should~~ shall be used when approaching. The ~~Operator~~ ~~should~~ shall be notified by radio or visual contact. ~~(7-1-97)()~~

d. All raised equipment shall be lowered to the ground or to a safe position and the park brake set before leaving the machine. (7-1-97)

013. -- 999. (RESERVED)