

**PROPOSED REGULATION OF THE  
PUBLIC UTILITIES COMMISSION OF NEVADA**

**LCB File No. R101-12**

**Docket No. 12-02015**

June 20, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

**AUTHORITY: NRS 233B.040, 703.025(2)(d), 703.1545, 704.190, 704.280, 704.307**

A REGULATION relating to the Public Utilities Commission of Nevada regarding transportation of hazardous material on railroads.

**Section 1.** Chapter 705 of the Nevada Administrative Code (“NAC”) is hereby amended by adding thereto a new section to read as follows:

**Sec. 2.**

*1. The Commission hereby adopts the following regulations in the form most recently published in the United State Code of Federal Regulations unless, pursuant to subsection 4 of this regulation, the Commission gives notice that the most recently published regulations are not suitable for the State of Nevada:*

- (a) 49 C.F.R. § 171.15 – Immediate notice of certain hazardous material incidents;*
- (b) 49 C.F.R. § 171.16 – Detailed hazardous materials incident reports;*
- (c) 49 C.F.R. § 172.600 – Applicability and general requirements;*
- (d) 49 C.F.R. § 172.602 – Emergency response information;*
- (e) 49 C.F.R. § 172.604 – Emergency response telephone number;*
- (f) 49 C.F.R. § 172.606 – Carrier information contract; and*
- (g) 49 C.F.R. Part 174 – CARRIAGE BY RAIL.*

*2. These regulations are contained in 49 C.F.R. Parts 100-177, and the volume of the Code of Federal Regulations containing these Parts may be purchased by mail from the United States Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, by toll-free telephone at (866) 512-1800 or on the Internet at <http://bookstore.gpo.gov>, for the price of \$70. These Parts may be obtained free of charge on the Internet at the Federal Digital System at <http://www.gpo.gov/fdsys/>.*

*3. Immediate notices of a hazardous materials incident, detailed hazardous materials incident reports, and emergency response information shall be provided to the Commission at the time and containing the information required by 49 C.F.R. § 171.15, 49 C.F.R. §171.16, 49 C.F.R. §172.600, 49 C.F.R. §172.602, 49 C.F.R. §172.604, and 49 C.F.R. §172.606.*

*4. If any publication adopted by reference pursuant to subsection 1 is revised, the Commission may review the revision to ensure its suitability for this State. If the Commission determines that the revision is not suitable for this State, the Commission will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Commission does not revise its determination, the Commission will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Commission does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.*

**Sec. 3. NAC 705.311 is hereby amended to read as follows:**

As used in this section and *Section 1* ~~[NAC 705.321]~~ and 705.331, unless the context otherwise requires, “hazardous material” means a material *defined* ~~[listed]~~ in *49 C.F.R. § 105.5* ~~[49 C.F.R. § 172.101]~~.

**Sec. 4. NAC 705.110, 705.120, 705.130, and 705.321 are hereby repealed.**

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**TEXT OF REPEALED SECTIONS**

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**NAC 705.110 Heating; weatherproofing. (NRS 703.1545, 704.280, 704.307)**

1. A heating facility capable of producing a temperature of at least 68 degrees Fahrenheit (19.8 degrees Centigrade) must be maintained in each caboose. The temperature must be taken at the center of the caboose compartment under normal winter weather conditions with doors and windows closed.

2. Weather stripping or weatherproof sash must be installed and maintained on all windows and doors in the caboose to seal openings against drafts, moisture and dust.

**NAC 705.120 General requirements. (NRS 703.1545, 704.280, 704.307)**

1. If glass or alternate glazing materials are used in any caboose used to carry train crews, the glass or alternate glazing materials must be of the safety glass type and must be so constructed, treated or combined with other materials as to comply with the specifications or requirements

established by the American National Standards Institute Safety Code Z26.1. Broken glass must be replaced and glass which has cracks more than 1 foot in length, intersecting cracks or cracks which distort vision must be replaced.

2. All doors must be equipped with latches or otherwise secured to prevent them from swinging under normal operating conditions.

3. Seats on chairs and benches in cabooses must be padded or provided with cushioning of at least 3 inches in thickness.

4. Stanchions, grab handles or bars must be installed at entrances and exits and at other locations within the convenient reach of employees moving about the caboose while a train is in motion. A bar, commonly known as a “monkey bar,” must be installed in a horizontal position in the cupolas of cabooses where possible.

**NAC 705.130 Lighting. (NRS 703.1545, 704.280, 704.307)** An adjustable, shielded electric light must be provided for the illumination of the caboose desk, and a separate light must be provided to illuminate the remainder of the interior of any caboose used to carry train crews.

**NAC 705.321 Reporting requirements; exemption. (NRS 703.1545, 704.190, 704.280, 704.307)**

1. A railroad that transports hazardous materials by rail into, out of or through this State shall file with the Commission a copy of each report of an incident involving a hazardous material that the railroad submits to the United States Department of Transportation pursuant to 49 C.F.R. § 171.16. The report must be received by the Commission not later than 30 days after the discovery of the incident by the railroad.

2. A railroad that transports hazardous materials by rail into, out of or through this State shall, not later than April 1 of each year, file with the Commission:

(a) A map delineating the geographical limits of the operating divisions or districts of the railroad in this State;

(b) A primary and secondary telephone number for each railroad dispatcher responsible for train operations in each operating division or district in this State;

(c) The name and address of the railroad employee responsible for managing the transportation of hazardous materials for the railroad; and

(d) A listing by line points or segments of each hazardous material that the railroad transported into, out of or through this State during the immediately preceding calendar year if

that material carried a code number of 48 or 49 pursuant to the Standard Transportation Commodity Code numbering system published by the Association of American Railroads.

3. The Commission will grant an application for an exemption from any provision of this section pursuant to NAC 705.010 only upon a showing of good cause.