

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION** )  
**FILED BY CROWN PACIFIC FOR AN** ) **CASE NO. BNR-R-99-1**  
**EXEMPTION FROM THE COMMISSION'S** )  
**RAILROAD CLEARANCE RULES, IDAPA** )  
**31.71.01.000 ET SEQ.** ) **ORDER NO. 27993**  
\_\_\_\_\_ )

In November 1998, the Commission received a request from Crown Pacific Lumber Company seeking a waiver or exemption from the Commission's Railroad Clearance Rules, IDAPA 31.71.01.000 *et seq.* Crown Pacific recently constructed netting platforms alongside and above an industrial spur track located at its Bonners Ferry sawmill. As constructed, the platforms intrude into the required side and overhead clearances required by the Commission in its Clearance Rules 201 and 301. On March 1, 1999, the Commission issued a Notice of Application and Notice of Modified Procedure seeking comments regarding Crown Pacific's request for an exemption. Order No. 27943. The Commission did not receive any comments in response to its Notice of Modified Procedure. We grant the Company's request for exemptions.

**THE APPLICATION**

As set out in the Commission's Order No. 27943, the platforms constructed by Crown Pacific are on both sides of the chip loading track and are 60 feet in length and approximately 3 feet in width. The catwalk platforms are approximately 11 feet from the top of the rails. The netting platforms were constructed so that Crown Pacific workers could place cargo nets over loaded chip cars in a safe manner rather than "man handle" the nets up and over the sides of the chip cars. The inside edge of the platform is 7 feet 6-5/16 inches from the horizontal center line of the tracks. The Commission's Side Clearance Rule 301 requires a setback from the center line of tracks of 8 feet 6 inches. IDAPA 31.71.01.301.

In addition to the side impairment, at each end of the platforms is a cable supporting arm extending across the track that is 23 feet 4 inches above the tops of the rails. The Commission's Overhead Clearance Rule 201 requires a clearance of 23 feet 6 inches from the center line of the track. IDAPA 31.71.01.201. The industrial track terminates on Crown Pacific's property and no other rail user is affected by these impairments.

Although the Commission Staff did not file comments in this matter, it subsequently reported that Crown Pacific has placed two warning signs on either side of the track leading to the chip loading facility. These signs have a white background and the word "DANGER" in red letters and the words "NO CLEARANCE" in black letters.

### **DISCUSSION**

Clearance Rule 8 provides that the Commission may grant exemptions from its Clearance Rules "upon proper application or notice from the carriers, industries, or other interested persons." IDAPA 31.71.01.008. The Commission is empowered to grant exemption but such exemptions "shall be limited to the particular case covered by the Application." *Id.* The Application must be accompanied by a full statement of the conditions existing and the reasons why an exemption is requested.

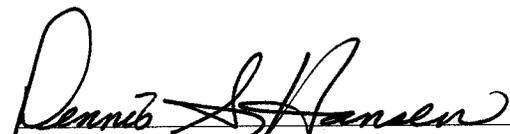
Based upon our review of the Application and the lack of any adverse comments, we find it is reasonable to grant the overhead and side exemptions requested by Crown Pacific. The construction of the netting platforms rectified one safety concern but inadvertently created another. However, the Company had placed two "impaired clearance" warning signs on either side of the track leading to the chip loading facility.

### **ORDER**

IT IS HEREBY ORDERED that the exemptions requested by Crown Pacific to the Commission's side and overhead clearance rules at the Company's Bonners Ferry plant be granted.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. BNR-R-99-1 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. BNR-R-99-1. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7<sup>th</sup>  
day of April 1999.

  
DENNIS S. HANSEN, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
PAUL KJELLANDER, COMMISSIONER

ATTEST:

  
Myrna J. Walters  
Commission Secretary

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