(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION FILED BY CROWN PACIFIC FOR AN EXEMPTION FROM THE COMMISSION’S RAILROAD CLEARANCE RULES, IDAPA 31.71.01.000 ET SEQ. | )  )  )  )  )  )  )  )  ) | CASE NO.  BNR-R-99-1  NOTICE OF APPLICATION  NOTICE OF MODIFIED PROCEDURE  ORDER NO. 27943 |

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.  Pacific Crown recently constructed a netting platform alongside and above the railroad’s spur tracks at its Bonners Ferry mill.  The platforms do not as constructed, comply with the Commission’s side and overhead clearance standards in Rules 201 and 301.  The netting devices rectify a safety hazard for Crown Pacific workers who previously were required to carry a net up the ladder on the side of chip cars, then balance on the top edge of the rail car while covering the top of the car.  The Company filed its Application when it learned from railroad personnel that the platforms did not meet the Commission’s clearance requirements.

NOTICE OF APPLICATION

The platforms constructed by Crown Pacific are 60 feet in length and approximately 3 feet in width.  They are constructed so that the catwalk platforms are approximately 11 feet from the top of the rails.  The inside edge of the platform is 7'  6 5/16"  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' 6".  See attached diagram.

At each end of the platform there is a cable supporting arm extending perpendicular above the tracks that is 23' 4" above the top of the rails.  The Commission’s Overhead Clearance Rule 201 requires a clearance of 23' 6" (at the center line of the track at the highest point of the “arch of the clearance zones).  The Company uses an OSHA mandated safety harness to connect the worker to a cable that stretches along the length of the platform.

The railroad spur in question terminates on Crown Pacific’s property no further than 150 yards west of the platforms.  No other rail users are affected as the trackage is used only for the temporary storage of idle chip cars.

The Commission may grant exemptions from its Clearance Rule “upon proper application or notice from the carriers, industries, or other interested persons.  An Application for Exemption must be accompanied by a full statement of the conditions existing and the reasons why the exemption is requested.  Any exemption granted shall be limited to the particular case covered by the Application.”  IDAPA 31.71.01.008.

NOTICE OF MODIFIED PROCEDURE

YOU ARE HEREBY NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through -.204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the date of this Notice.  The comment must contain a statement of reasons supporting the comment.  Persons desiring a hearing must specifically request a hearing in their written comments.  Written comments concerning this application shall be mailed to the Commission and the Applicant at the addresses reflected below:

COMMISSION SECRETARYCROWN PACIFIC

IDAHO PUBLIC UTILITIES COMMISSIONK. C. HANSEN

PO BOX 83720SAFETY/ENVIRONMENTAL COMPLIANCE MGR

BOISE, IDAHO  83720-0074SOUTH 200 HUETTER ROAD

PO BOX 729

Street Address for Express Mail:COUER D’ALENE, IDAHO 83816

472 W WASHINGTON ST

BOISE, IDAHO  83702-5983

These comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing.  If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

O R D E R

IT IS HEREBY ORDERED that Crown Pacific’s request be processed under Modified Procedure.  Interested persons are encouraged to submit  comments regarding this exemption request within 21 days of the date of this notice.

IT IS FURTHER ORDERED that the Commission Secretary serve a copy of this notice upon the affected railroad, its rail unions, Crown Pacific’s employee association (if any), and other interested persons.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of February 1999.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

PAUL KJELLANDER, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:BN-RR-99-1.dh

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

March 1, 1999