

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**FILED BY IDAHO FOREST INDUSTRIES FOR )**  
**AN EXEMPTION FROM THE COMMISSION'S )**  
**RAILROAD CLEARANCE RULES, IDAPA )**  
**31.71.01.000 ET SEQ. )**  
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**ORDER NO. 27962**

In November 1998 the Commission received a request from Idaho Forest Industries seeking a waiver or exemption from the Commission's Railroad Clearance Rules, IDAPA 31.71.01.000 *et seq.* The Company constructed netting platforms along side and above the railroad's spur tracks at the Company's Bonners Ferry Plant. As constructed, the platforms do not comply with the Commission's side and overhead clearance standards found in Rules 201, 204 and 301. The netting devices were built to rectify a safety hazard for Idaho Forest Industry workers. Prior to constructing the platforms, workers were required to carry a net (used to cover the wood chips) up a ladder on the side of a chip car, then balance on the top edge of the chip car while covering the top of the car with the net. The Company filed this Application when it learned from Burlington Northern personnel that the platforms did not meet the Commission's clearance requirements.

**NOTICE OF APPLICATION**

The platforms constructed by Idaho Forest Industries are 60 feet in length and approximately 3 feet in width on both sides of the industrial track used to load the chip cars. The catwalk platforms are approximately 12 feet above the top of the rails. The inside edges of the platforms and their initial support structures are 7 feet 7 1/4 inches (7' 7 1/4") from the center line of the track. See attached diagram. The Commission's Side Clearance Rule 301<sup>1</sup> generally requires a setback from the center line of tracks of 8 feet 6 inches (8' 6").

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<sup>1</sup>Rule 301 states that the "general rule is that side clearances must be at least eight feet six inches (8' 6"). To further reduce operational hazards, it is recommended that, wherever practical, all posts, pipes, warning signals and other small obstructions be given a side clearance of ten feet (10' 0")." IDAPA 31.71.01.301.

NOTICE OF APPLICATION  
NOTICE OF MODIFIED PROCEDURE  
ORDER NO. 27962

At the rear of the netting platforms, there is a structure that supports a 120 foot tethering cable. Using an OSHA mandated safety harness, the workers connect a harness to the cable that stretches from the back edge of the platforms, along the track between each platform, to the car loading structure. The supporting structure is 23 feet 4 inches (23' 4") above the tops of the rails. The Commission's Overhead Clearance Rule 201.02 requires a clearance of 23 feet 6 inches (23' 6") (at the center line of the track).<sup>2</sup> Finally, although the chip loading structure is outside the overhead clearance zone, the loader's "hood" apparatus does intrude into the arched clearance zone. This "car loading hood" which is approximately 8 feet 2 inches (8' 2") wide at its base and approximately 60 feet in length is 19 feet 10 5/8 inches (19' 10 5/8") above the tops of the rails. See attached diagram. Overhead Clearance Rule 204 provides that overhead clearance may be reduced to the extent defined by the half-circumference of a circle having a radius of 8 feet 6 inches (8' 6"). IDAPA 31.71.01.204.

The chip car loader and the rail spur were installed in 1986 but have seen limited service until recently. The rail spur terminates on Idaho Forest's property no further than 150 feet beyond the chip car loader. There are no other rail users that are affected.

The Commission's Clearance Rules provide that it 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 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." *Id.*

### **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

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<sup>2</sup>Rule 201.02 provides that the allowable clearances for "structures, operating appurtenances, pole lines, service facilities and track arrangements begun, installed or constructed after September 1, 1980, twenty-three feet six inches (23' 6")." IDAPA 31.71.01.201.02.

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 SECRETARY  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074

IDAHO FOREST INDUSTRIES  
DOUG THOMPSON, PROJECT ENGINEER  
PO BOX 6600  
COEUR D'ALENE, ID 83816

Street Address for Express Mail:

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.

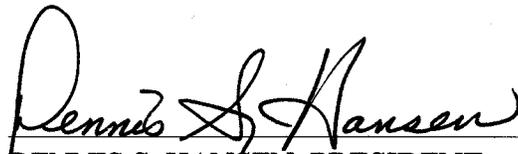
YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion,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

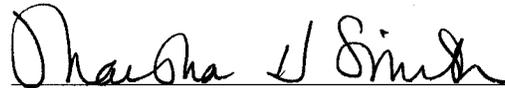
### **ORDER**

IT IS HEREBY ORDERED that Idaho Forest Industries' 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, and other interested persons.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10<sup>th</sup>  
day of March 1999.

  
DENNIS S. HANSEN, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

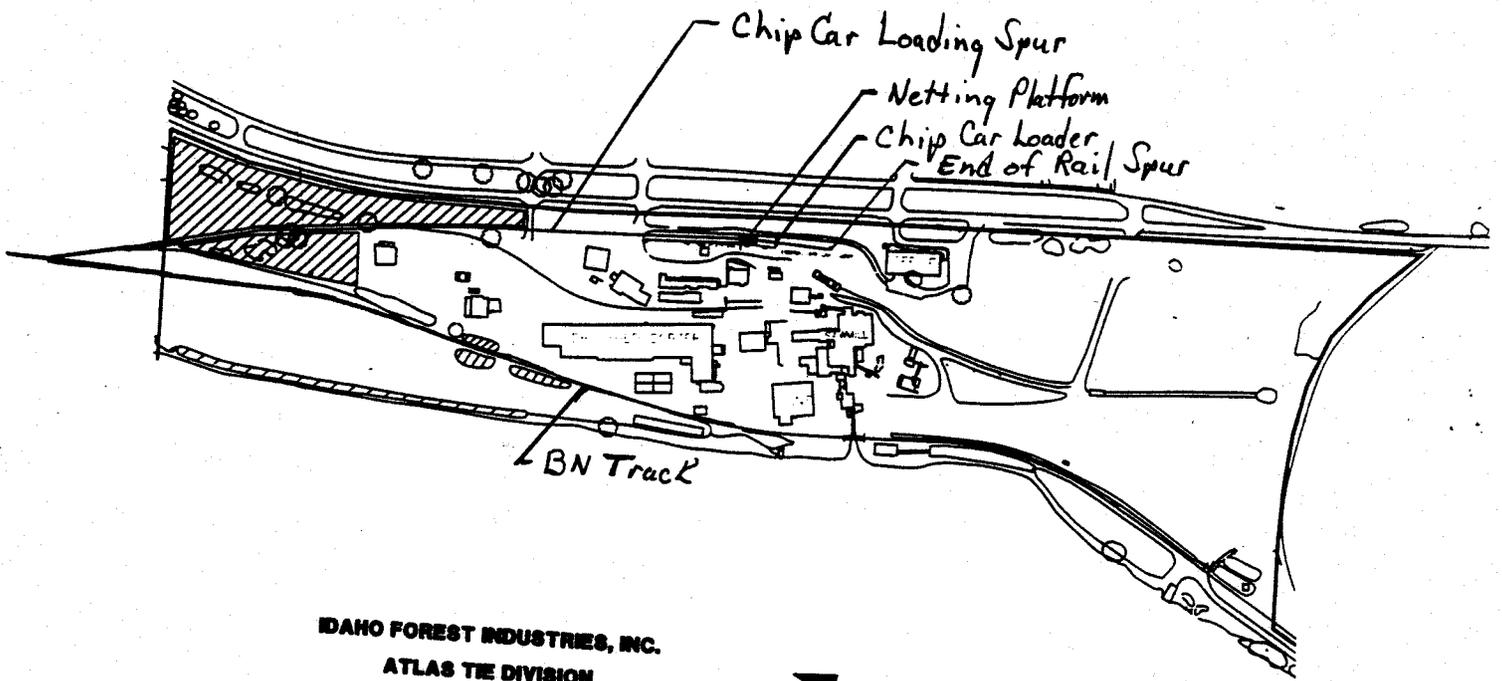
  
PAUL KJELLANDER, COMMISSIONER

ATTEST:

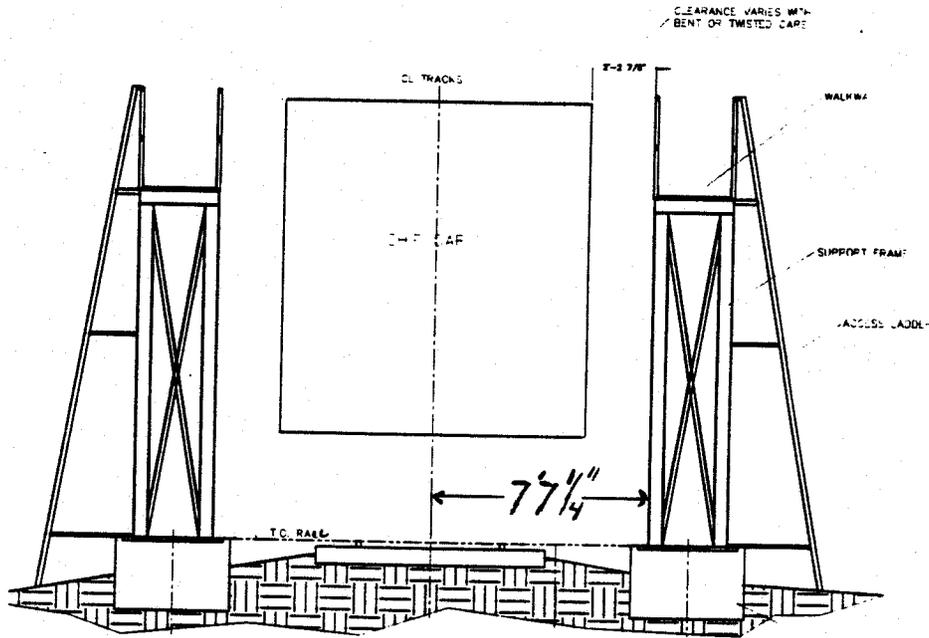
  
Myrna J. Walters  
Commission Secretary

vld/O:BN-R-99-2.dh

NOTICE OF APPLICATION  
NOTICE OF MODIFIED PROCEDURE  
ORDER NO. 27962



IDAHO FOREST INDUSTRIES, INC.  
 ATLAS TIE DIVISION  
 GENERAL SITE LAYOUT



NETTING PLATFORM

