

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
FILED BY CROWN PACIFIC FOR AN) **CASE NO. BN-RR-99-1**
EXEMPTION FROM THE COMMISSION'S)
RAILROAD CLEARANCE RULES, IDAPA) **NOTICE OF APPLICATION**
31.71.01.000 ET SEQ.)
) **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

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 27943

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

Street Address for Express Mail:

472 W WASHINGTON ST
BOISE, IDAHO 83702-5983

CROWN PACIFIC
K. C. HANSEN
SAFETY/ENVIRONMENTAL COMPLIANCE MGR
SOUTH 200 HUETTER ROAD
PO BOX 729
COUER D'ALENE, IDAHO 83816

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 27943

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

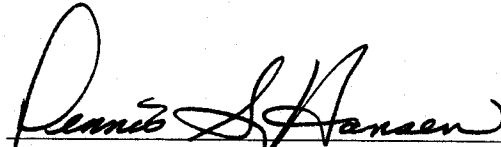
YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion,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

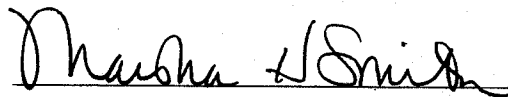
ORDER

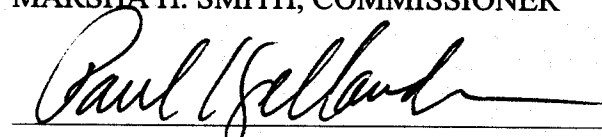
IT IS HEREBY ORDERED that Crown Pacific's request be processed under Modified Procedure. Interested persons are encouraged to submit comments regarding this exemption request within 21 days of the date of this notice.

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.

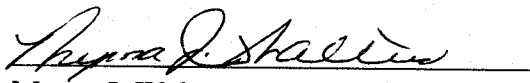
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *26th* day of February 1999.


DENNIS S. HANSEN, PRESIDENT


MARSHA H. SMITH, COMMISSIONER

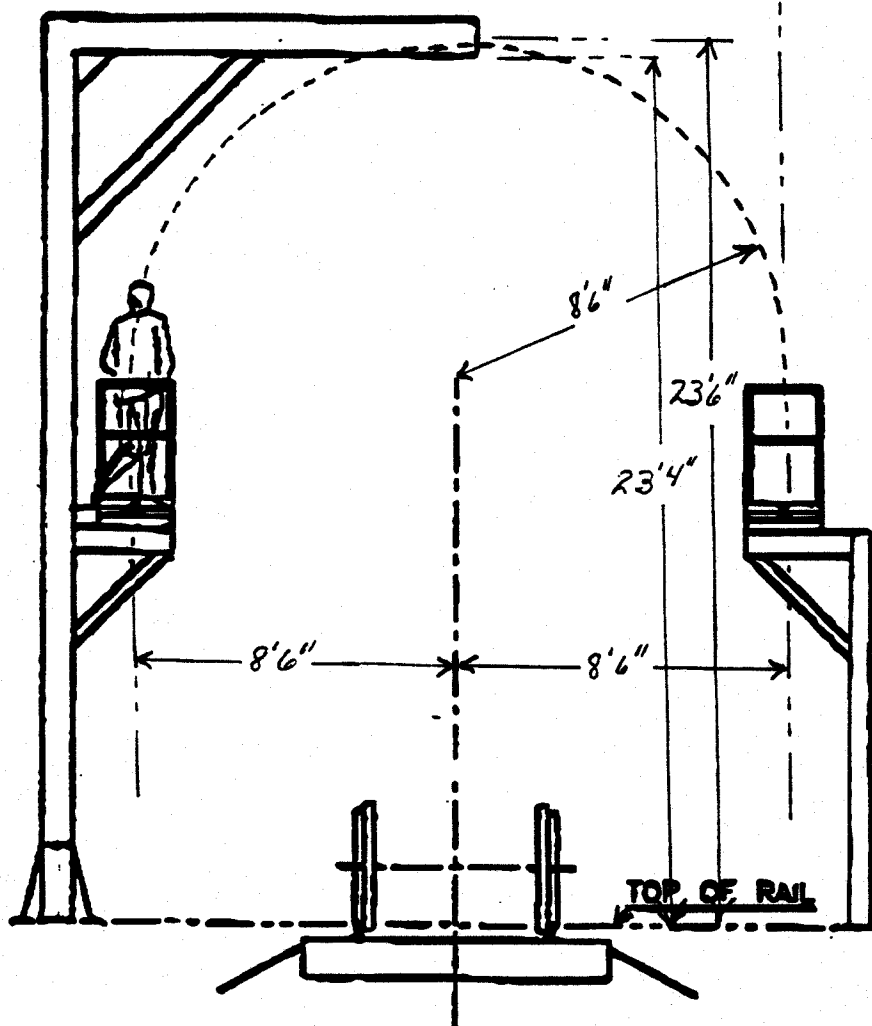

PAUL KJELLANDER, COMMISSIONER

ATTEST:


Myrna J. Walters
Commission Secretary

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

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 27943



Attachment to Notice of Application,
 Notice of Modified Procedure, Case
 No. BN-RR-99-1, Order No. 27943