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Attorney for the Commission Staff

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.)
CASE NO. BNR-R-99-2
COMMENTS OF THE
COMMISSION STAFF

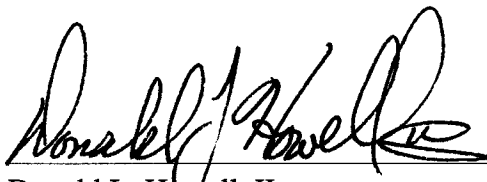
COMES now the Regulated Carrier Staff of the Idaho Public Utilities Commission by and through its attorney of record and submits the following comments in the above-referenced case. On March 11, 1999, the Commission issued Order No. 27962 soliciting comments on Idaho Forest Industries' request for a waiver or exemption from the Commission's Railroad Clearance Rules, IDAPA 31.71.01.000 *et seq.* The Company has constructed netting platforms at its Atlas Plant near Coeur d'Alene, Idaho. As constructed, the platforms intrude into the side and overhead clearances required by the Commission's Clearance Rules 201, 204 and 301. The platforms were constructed to improve worker safety when employees are covering loaded chip cars with cargo nets.

After reviewing the Application submitted by Idaho Forest Industries, the Commission Staff recommends that the Commission grant the requested exemption. Clearance Rule 8 provides that the Commission may grant exemptions from its clearance rules upon proper application from the industry involved. IDAPA 31.71.01.008. As the Commission noted in its Order, the platforms were erected to address safety concerns when covering loaded chip cars with cargo nets. Unfortunately, rectifying one safety concern impaired the side and overhead clearance for

individuals that might be riding on the side or top of rail cars as they are positioned at the chip loading facility.

Staff recommends that the Commission grant the exemption upon the condition that Idaho Forest Industries erect "impaired clearance signs" on both sides of the track approaching the platforms. Each sign should be 16 inches vertically by 20 inches horizontally. The signs should have a white reflectorized background and black lettering of at least 3 inches in height. The sign should read "IMPAIRED SIDE AND OVERHEAD CLEARANCES AHEAD." The bottom of the sign should be at least 6 feet from the top of the rail and the edge of the sign closest to the tracks should be erected so that it is no closer than 10 feet from the track center line. The purpose of the sign would be to advise railroad and IFI employees that there are impaired clearances ahead.

RESPECTFULLY submitted this 30th day of March 1999.

A handwritten signature in black ink, appearing to read "Donald L. Howell, II". The signature is stylized and cursive, written over a horizontal line.

Donald L. Howell, II
Deputy Attorney General

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