

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
AMALGAMATED SUGAR COMPANY SEEK-) CASE NO. UP-RR-95-1
ING A WAIVER OF THE COMMISSION'S)
RAILROAD CLEARANCE RULES, IDAPA)
31.71.01.000 ET SEQ.) ORDER NO. 25989
_____)**

On December 14, 1994, the Amalgamated Sugar Company filed an Application requesting a waiver from the Commission's Railroad Clearance Rules, IDAPA 31.71.01.000 *et seq.* Amalgamated has already constructed a platform centered between two rail spurs that limits the side clearances between the platform and rail cars. The platform is located inside a building at Amalgamated's Nampa processing facility and is constructed approximately 6'1" from the center line of the rail. The Commission's Railroad Clearance Rule 302(d) requires a side clearance of at least 8'6" between the center line of the rail and fixed objects. On March 13, 1995, the Commission concluded that Amalgamated's Application should be treated as a waiver request and be processed under modified procedure.

THE WAIVER REQUEST

Amalgamated constructed the platform to enable its employees to safely gain access to the top of rail cars. In particular, Amalgamated employees use the platform for cleaning and loading sugar into the cars. The platform's base is approximately 13'10½" above the top of the rail. The Commission invited interested persons to file written comments on the Application no later than April 3, 1995. Copies of the Notice were sent to the Union Pacific Railroad Company, its affiliated unions, and to Amalgamated's employee union (Local 284 of the American Federation of Grain Millers). No comments were received.

Staff members of our Regulated Carrier Division also reviewed the Application. The Staff concluded that the constructed platform improves employee safety for the loading and cleaning of cars. To safeguard rail or Amalgamated employees during rail car movement, Staff

recommended that Amalgamated erect an "impaired side clearance" sign between the spurs approaching the platform.

Based upon the lack of any comments and the Staff's recommendation, the Commission finds it is reasonable to grant Amalgamated Sugar the requested waiver from our Railroad Clearance Rule 302(d) conditioned upon the erection of the "impaired side clearance" signs.

O R D E R

IT IS THEREFORE ORDERED that Amalgamated Sugar Company's Application for a waiver from Railroad Clearance Rule 302(d) is conditionally granted. The Company shall erect two "impaired side clearance" signs: one sign centered above the entrance to the building containing the platform and the other on the north end of the platform between the two rail spurs. Each sign shall be at least sixteen (16) inches vertically by twenty (20) inches horizontally. Black lettering shall be at least three (3) inches in height against a white reflectorized background.


IT IS FURTHER ORDERED that the Regulated Carrier Division visit the facility to ensure that the "impaired side clearance" signs are constructed and placed in accordance with this Order.

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. UP-RR-95-1 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. UP-RR-95-1. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

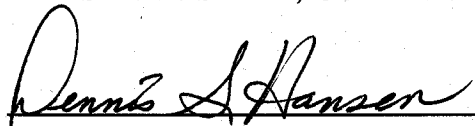
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this
~~4th~~ day of May 1995.



RALPH NELSON, PRESIDENT




MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Myrna J. Walters
Commission Secretary

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"IMPAIRED SIDE CLEARANCE WARNING SIGNS"

Minimum 16" vertically by 20" horizontally. Black lettering minimum 3" in height against a white reflectorized background.

