

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF

FROM: SEAN COSTELLO
DEPUTY ATTORNEY GENERAL

DATE: JULY 19, 2017

SUBJECT: BNSF RAILWAY COMPANY'S REQUEST FOR A CLEARANCE
WAIVER, CASE NO. BNR-R-17-01

On June 30, 2017, BNSF Railway Company ("BNSF") filed with the Commission a request for a clearance waiver of certain portions of the Railroad Clearance Rules. *See* IDAPA 31.71.01 *et seq.* BNSF's request is due to the need for a point of reference for authority to work on a specific portion of track.

STAFF RECOMMENDATION

Staff recommends that BNSF's request be process by Modified Procedure with a 21-day comment period and a 7-day reply deadline.

COMMISSION DECISION

Does the Commission preliminarily find that the public interest may not require a hearing to consider the issues presented in this case, and that this case is appropriate for Modified Procedure under Commission Rules of Procedure 201 through 204, with a 21-day comment period and 7-day reply deadline?



Sean Costello
Deputy Attorney General