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Attorney for Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF BNSF RAILWAY COMPANY FOR A) CASE NO. BNR-R-17-01
CLEARANCE WAIVER)
) COMMISSION STAFF
) COMMENTS
)

BACKGROUND

On June 30, 2017, BNSF Railway Company (“BNSF”) filed a request for a clearance waiver with the Commission. The request asked the Commission to grant BNSF a clearance waiver from the provisions of its Railroad Clearance Rules, specifically IDAPA 31.71.01.301 (Rule 301). This rule requires side clearances for signs to be least eight feet six inches (8’6”) from the center lines of underlying mains. However, BNSF wants to place a “Track and Time Point Sign” between two main lines that would have only six feet six inch (6’6”) clearance from the center lines. Exemptions to these side clearances may be considered by the Commission on a case-by-case basis upon proper application. *See* IDAPA 31.71.01.008 (Rule 8).

On August 15, 2017, Commission Staff met with BNSF representatives at the sign’s proposed location in the East Hauser Main located east of Hauser, Idaho. Staff has additionally reviewed construction diagrams and drawings prepared by BNSF.

STAFF REVIEW AND ANALYSIS

Side clearance distances are established to protect the safety of railroad employees who may be required as part of their work to ride on the outside edge of a rail car. If signage is allowed to be placed too close to the tracks, an employee could be rubbed off the side of the rail

car by the signage. This would be very dangerous for the employee. Additionally, if any material being transported on the rail car extends over the outer edges of the rail car, it could also make contact with signage that is not far enough away from the tracks.

A track and time point sign is used by railroads to control equipment movement on specific sections of track and limits that movement to authorized personnel and equipment. The purpose of this sign is to ensure the safety of other workers or equipment in the vicinity of the controlled track section.

BNSF is in the process of reconfiguring its track system in the Hauser rail yard. The proposed track and time sign is to be placed between two newly relocated main lines. The dimensions of the proposed sign are twenty-four inches by fifteen inches 24"x15" with a white background and black lettering and borders. The wording on the sign says: "No Engine Beyond This Point." This sign will be placed no higher than three feet (3') above the average track elevation of the two main tracks. The sign is meant to be a controlling sign for equipment on either of the main tracks and should be placed equally between the center lines of the two main tracks. The new track design does not allow sufficient space between the two tracks for the required clearance distances mandated by Rule 301. The six feet six inch (6'6") clearance distance requested by BNSF is the maximum clearance distance from both tracks.

In this case, there are no physical barriers or sight obstructions in the area of the proposed sign placement that would necessitate additional side clearance beyond the requested six feet six inch (6'6") clearance distance. Further, the track speed limit in the area of the sign is approximately 40 miles per hour. The sign with its proposed side clearances is visible and obvious to approaching equipment.

Therefore, in this particular case, under existing and proposed conditions, the above dangers are not increased if the sign is located at the six feet six inch (6'6") clearance distance instead of the Rule 301 required eight feet six inch (8'6") clearance distance.

STAFF RECOMMENDATIONS

Staff recommends that BNSF receive the clearance waiver of the side clearance requirements of Rule 301 for the sole purpose of placing the proposed track and point sign and be allowed to locate the track and time point sign so it has maximum clearance distance from both adjacent tracks at six feet six inches (6'6").

Respectfully submitted this ^{24th} day of August 2017.

A handwritten signature in blue ink, appearing to read "Sean Costello", written over a horizontal line.

Sean Costello
Deputy Attorney General

N:BNR-R-17-01_sc_Staff Comments

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 24TH DAY OF AUGUST 2017, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. BNR-R-17-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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SECRETARY