

**DECISION MEMORANDUM**

**TO: COMMISSIONER SMITH  
COMMISSIONER MILLER  
COMMISSIONER NELSON  
MYRNA WALTERS  
MARY FRIDDLE  
DON HOWELL  
GARY RICHARDSON  
TONYA CLARK  
WORKING FILE**

*(lost in the shuffle)*

**FROM: ROBERT HORTON**

**DATE: JANUARY 11, 1995**

**SUBJECT: RAILROAD CLEARANCE RULE WAIVER REQUEST**

On December 14, 1994, Amalgamated Sugar Company formally requested a waiver of the Commission's railroad clearance rules. They seek the waiver for a platform erected within a building at Amalgamated's Nampa, Idaho processing facility. The platform is between two rail spurs which terminate inside the building. On frequent occasions Union Pacific spots railcars inside and adjacent to the platform.

The platform was initially constructed during the mid 1980's to enable Amalgamated's employees to more safely access the top of rail cars so that they might enter and clean top loaded units, position loading spouts to fill them, and to distribute the sugar being loaded. It spreads to within approximately 6' 1" from the centerline of the tracks on both sides of the platform at a height approximately 13' 10-1/2" above the top of the rails. Although it thus intrudes into clearance zones specified by the Commission's Railroad Clearance Rules for both side and height clearance distances, no waiver was sought.

This past fall Amalgamated extended the platform's length and used a different support at the new end of the extension. On a subsequent occasion a rail car having a sliding side door was brought into the facility. The car's door, when open, protruded slightly and struck the new vertical support at the end. This platform support was repositioned to prevent any further recurrence, however the incident caused Union Pacific's local manager of terminal operations to bring our clearance requirements to the attention of Amalgamated.

It appears that the American Federation of Grain Millers, on behalf of Amalgamated's employees who work on or within the rail cars, will support the application. Union Pacific may not concur. Staff recommends that the application be processed by modified procedure providing notice also to the rail workers union safety representatives and requiring Amalgamated to post notice of the waiver request for the attention of all other of its workers who might be affected in some manner.

Does the Commission wish to process the application by modified procedure?