

DECISION MEMORANDUM

TO: COMMISSIONER NELSON
COMMISSIONER HANSEN
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WORKING FILE

FROM: ROBERT HORTON *RH*

DATE: APRIL 17, 1995

SUBJECT: CASE NO. UP-RR-95-1, AMALGAMATED SUGAR COMPANY'S
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 which was erected within a building at Amalgamated's Nampa, Idaho processing facility. The platform is between two rail spurs which terminate inside the building.

The platform spreads to within approximately 6' 1" from the centerline of the tracks on both sides of the platform whereas the Commission's Railroad Clearance Rule 304 requires 8' 6" from the centerline of the tracks. The platform was built 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.

On February 14, 1995 the Commission approved the staff recommendation that the application be processed by modified procedure and on March 13, 1995 notice was given to the Union Pacific Railroad, rail workers union safety representatives, and Amalgamated workers union representatives. Amalgamated was also required to post notice of the waiver request for the attention of all of its workers who might be affected in any manner. No comments were received.

Staff recommends that the waiver request be approved.

COMMISSION DECISION:

Shall the waiver request be approved?