

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. R-182  
 of Kellogg USA, Inc. of Omaha, )  
 seeking clearance waivers from ) GRANTED  
 the side clearance restrictions )  
 at their railroad track system at )  
 their plant in Omaha, Nebraska. ) Entered: November 21, 2000

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

On October 2, 2000, an application was filed by Kellogg USA, Inc. (Applicant), of 9601 "F" Street, Omaha, Nebraska, 68103-0866, seeking clearance waivers from the side clearance restrictions at their railroad track system at their plant in Omaha. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 18, 2000. Notice of the waiver requests was also conveyed to the United Transportation Union and Union Pacific Railroad. No objections, Petitions for Intervention, or protests were received from any party.

The applicant seeks the following waivers, pursuant to the Commission's Railroad Rules and Regulations Rule 002.01B, from the Commission's side clearance requirements:

1. A waiver of the Commission's Railroad Rules and Regulations, Section 002.06A, requiring 10 feet of side clearance for all posts, pipes, warning signs and other small obstructions, wherever practicable. Applicant's A-Track unloading piping and supports do not meet the 10 feet guideline, although the applicant does satisfy the Commission's 8 feet, 6 inch minimum.
2. A waiver of Rule 002.05E, 002.06B3, and 002.06B4 for a retractable gantry attached to the elevated platform on the east end of A-Track.
3. A waiver of Rule 002.05E and 002.06A for the doors and ladder safety cage for the equipment room located in A-Track.
4. A waiver of Rule 002.06A for a cement pad and blower in the northeast corner of A-Track. This item, while not in accordance with Rule 002.06A, does meet the minimum requirements of Rule 002.05E.

5. A waiver of Rule 002.06B3 for the support columns of the A-Track overhead walkway and gantry supports.
6. A waiver of Rule 002.06B3 and 002.06B4 for the retractable gantry attached to the elevated platform on the west end of A-Track.
7. A waiver of Rule 002.06B2 for two pedestrian doors which open into the D-Track rail bay and also serve as fire exits.
8. A waiver of Rule 002.06B2 for the foundation pad and drive components for a forklift bridge across to rail bay. This item does comply with the Rule 002.05E.
9. A waiver of Rule 002.06B2 and 002.06I for the entrance to D-Track.
10. A waiver of Rule 002.06A for the D-Track movable rail car ventilation fans and associated railing.
11. A waiver of Rule 002.06A for the E-Track movable rail car ventilation fans and associated railing.
12. A waiver of Rule 002.06B2 and 002.06I for the entrance to E-Track.
13. A waiver of Rule 002.05E and 002.06A for fifteen fire mains and associated pipe guard posts on the south side of E-Track.
14. A waiver of Rule 002.05E and 002.06A for the north wall of building #50, which includes various obstructions on its face, including security lights, rain covers and dock door side blankets, down spouts and concrete water troughs, and non-platform cement pads.
15. A waiver of Rule 002.06A for the rain water down spout on the corner of the fire pump house, which protrudes past the building corner towards the tracks.
16. A waiver of Rule 002.06A for the fire house header located immediately east of the fire pump house.

17. A waiver of Rule 002.06A for the A-Track derail switch.
18. A waiver of Rule 002.06A for the A-Track indicating lights.

Applicant states that foot traffic inside the A-, D-, and E-Track rail bays is restricted during rail car movement, and that the Kellogg Company Omaha plant "Contractor Work Rules" are being modified to expressly prohibit riding railcars into the buildings or beyond specifically posted locations. Applicant will also send a letter to Union Pacific outlining the known obstructions that are not being modified. This letter will include sketches depicting the above waivers and other obstructions that do not meet Union Pacific Railroad Standards. The letter will also be included in the Kellogg Omaha plant specific training of Union Pacific employees.

After due consideration of the application and being fully informed of the premises, the Commission finds that the above waivers should be approved and the application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. R-182 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of November, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*James J. Hanson*

*Ann C. Boyle*

//s// Frank E. Landis

*Frank E. Landis*  
Chairman

ATTEST:

*Ad S. Pollak*  
Executive Director

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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