

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                |   |                        |
|--------------------------------|---|------------------------|
| In the Matter of the           | ) | APPLICATION NO. R-187  |
| Application of BNSF Railway    | ) |                        |
| Company, Fort Worth, Texas,    | ) |                        |
| seeking a waiver of Title 291, | ) | ORDER GRANTING WAIVER  |
| Ch. 4 minimum side clearance   | ) |                        |
| requirements at a rail located | ) |                        |
| in the vicinity of Hampton,    | ) |                        |
| Nebraska.                      | ) | ENTERED: March 6, 2018 |

BY THE COMMISSION:

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

By Application filed January 8, 2018, BNSF Railway Company ("BNSF" or "Applicant") seeks a clearance waiver from the side clearance requirements at a rail located in the vicinity of Hampton, Nebraska. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on January 11, 2018. No objections or protests were received.

Commission Rule 002.01B allows carriers, industries, and other interested persons to apply for an exemption from any of the clearance requirements detailed in the Commission's Railroad Rules and Regulations. Each exemption application must have a full statement of the existing conditions and the reasons that the exemption is being sought.<sup>1</sup>

In its Application, Applicant seeks a waiver of Commission Rule § 002.06A, which requires a general clearance of 8 feet 6 inches from the center line of the track to the trackside structure,<sup>2</sup> in order to install high speed imaging equipment used to provide early detection of defective railcar wheels that pass by the equipment at its normal operating speed. The equipment uses multiple cameras and lasers on both sides of the track to record information about each wheel. The information is then analyzed for any defect patterns, and the system will issue an alert notice to the appropriate mechanical department location so that the train may be manually inspected. In order for the equipment to operate properly, it must be installed at a

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<sup>1</sup> N.A.C. Title 291, Chapter 4, § 002.01B (Effective February 11, 1997).

<sup>2</sup> N.A.C. Title 291, Chapter 4, § 002.06A (Effective February 11, 1997).

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distance of 5 feet 7.5 inches from the center line of the track on both sides of the track.

After due consideration, the Commission is of the opinion and finds that the Application of BNSF Railway Company for a waiver of Commission Rule 002.06A in Application No. R-187 should be granted. It does not appear that granting Applicant's waiver request would endanger the railroad crew or the public. However, Applicant should ensure that all equipment at issue near the track should be plainly marked in order to avoid stumbling or tripping hazards along the track.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. R-187 be, and is hereby, granted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 6<sup>th</sup> day of March, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Mary Ridder*

Chair

*Tim Schram*  
*Crystal Quader*

ATTEST:

*Min O. H. 1452*

Executive Director

//s//Frank E. Landis

//s//Mary Ridder