

Chapter 705 of NAC

LCB File No. T030-07

**PROPOSED TEMPORARY REGULATION OF THE
PUBLIC UTILITIES COMMISSION**

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Rulemaking to amend NAC 705.160 or other associated)
regulations regarding standards for walkways for railroad) Docket No. 07-03011
tracks.)
_____)

**NOTICE OF INTENT TO ADOPT, AMEND OR REPEAL REGULATIONS; NOTICE
OF WORKSHOP AND NOTICE OF HEARING**

On March 22, 2007, the Public Utilities Commission of Nevada (“Commission”) voted to open a rulemaking to amend Nevada Administrative Code (“NAC”) 705.160 or other associated regulations regarding standards for walkways for railroad tracks. The Commission has designated this matter as Docket No. 07-03011. Attached to this notice are proposed regulations regarding changes to NAC 705.160.

NOTICE IS HEREBY GIVEN that the Commission will hold a WORKSHOP in the above matter as follows:

MONDAY, MAY 14, 2007

10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada

101 Convention Center Drive, Suite 250
Las Vegas, Nevada 89109

At the workshop, interested persons may appear and be heard. This workshop may be continued day to day as necessary. The purpose of this workshop is to receive comments from all interested persons regarding the proposed regulations regarding standards for walkways for railroad tracks.

NOTICE IS HEREBY GIVEN that the Commission will hold a HEARING in the above matter as follows:

TUESDAY, MAY 29, 2007

10:00 a.m.
Hearing Room A
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701

VIA VIDEOCONFERENCE TO:

Hearing Room A
Public Utilities Commission of Nevada
101 Convention Center Drive, Suite 250
Las Vegas, Nevada 89109

At the hearing, interested persons may appear and be heard. The hearing may be continued day to day as necessary. The purpose of this hearing is to receive comments from all interested persons regarding the proposed regulations consisting of additions, revisions, and deletions to the Commission's regulations regarding standards for walkways for railroad tracks.

The following information is provided pursuant to the requirements of Nevada Revised Statutes ("NRS") 233B.0603:

The proposed regulation primarily affects railroad companies and the public at large. At this time, the Commission cannot quantify either the adverse or beneficial economic effects on

the entities affected by the regulation or the public, either immediate or long term, which may result from the regulation.

The methodology to be used by the Regulatory Operations Staff of the Commission to determine the impact of proposed regulations on small businesses is called the Delphi method. The Delphi Method is a systematic interactive forecasting method based on independent inputs of selected Staff experts who form a consensus opinion as to the likely impact of the regulation on small businesses and the public.

The Commission cannot quantify at this time any increase in costs associated with enforcement of these proposed regulations. The regulations do not overlap or duplicate any other state or local federal government regulation, nor do they establish any fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Commission may appear at the scheduled public workshop and/or hearing, or address their comments, data, views, or arguments, in written form, to the Secretary of the Commission, 1150 E. William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109. Written submissions must be received by the Commission on or before **Friday, May 11, 2007**.

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701 and 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed

regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adopting any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the county courthouses located in Reno, Carson City, and Las Vegas.

By the Commission,

CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL) _____

Chapter 705 of NAC

LCB File No. T030-07

**PROPOSED TEMPORARY REGULATION OF THE
PUBLIC UTILITIES COMMISSION**

NAC 705.160 ~~Alongside track: General standards~~

~~1. Except as otherwise provided in subsection 3 and NAC 705.010, a walkway alongside track that is required pursuant to the provisions of NAC 705.160 to 705.187, inclusive, must be constructed and maintained in conformity to the standards set forth in NAC 705.160 to 705.187, inclusive.~~

~~— 2. A walkway alongside track that is required pursuant to NAC 705.160 to 705.187, inclusive, must:~~

~~— (a) Provide a reasonably regular surface that is smooth and safe for use by railroad employees and other persons who have duties in proximity to trains.~~

~~— (b) Be surfaced with crushed material, asphaltic concrete, planking or other material that does not compromise track drainage.~~

~~— (c) Unless the grade of the track is greater than 1 inch in 8 inches, have a grade that is less than 1 inch in 8 inches.~~

~~— (d) If the walkway is alongside track with a curve greater than 18 degrees, be not less than 1 foot wider than otherwise required.~~

~~— (e) Be kept reasonably free of hazards and obstructions, including, without limitation, fuel, oil, sand, posts and rocks.~~

~~— 3. The provisions of this section will be temporarily suspended during periods of heavy rain or snow, derailments, rock and earth slides and similar abnormal periods and for a reasonable time thereafter to permit restoration work.~~

~~— 4. Compliance with the provisions of NAC 705.160 to 705.187, inclusive, is not a complete defense to any civil action brought pursuant to NRS 705.260 to 705.340, inclusive, or for the violation of a railroad safety regulation or order.~~

Proposed NAC 705.160 Walkways Adjacent to Track

1. Applicability of rules

(a) Walkway standards in Section 2 will apply to all new railroad trackage constructed after the adoption of this regulation.

(b) All trackage constructed after adoption of this regulation shall not be placed in revenue service until walkways conforming to the applicable standard are completed.

(c) Upon notice and hearing, the commission may require walkways to be constructed or maintained along one or both sides of railroad tracks in industry areas, yards, main line, branch line and short line trackage in the State of Nevada where needed and to the extent practicable to eliminate any unsafe walkway condition.

2. Walkway standards

- (a) Standard No. 1 shall be the minimum walkway standard for mainline track. Standard No.1 shall apply to both sides of the track except where impractical.*
- (b) Standard No. 2 shall be the minimum walkway standard for main line, and branch line track at sidings. Standard No. 2 shall apply to the outside of the main line and branch line track at sidings and shall meet the dimensions of Standard No. 1.*
- (c) Standard No. 3 shall be the minimum walkway standard for all yard tracks and in advance thereof, where employees would regularly be on the ground while working. Standard No. 3 shall also apply at industry turnouts and at spotting areas except as provided by Standard Nos. 4 and 5. In yards where substantial switching is performed, walkways shall be provided between tracks, as well as along tracks, bordering the yard or switching area. These walkways shall be continuous between tracks unless tracks are more than 17 feet apart.*
- (d) Standard No. 4 shall be the minimum walkway standard for mainline turnouts entering and in yards and serving industry tracks. Walkways shall have a minimum width of 6 feet and shall extend from 50 feet ahead of the switch stand to 25 feet behind the 12 foot 6 inch clearance point on the switch stand side, except as provided by Standard No. 6.*
- (e) Standard No. 5 shall be the minimum walkway standard for branch line turnouts and at all power operated turnouts. Walkways shall have a minimum width of 5 feet and shall extend from 50 feet ahead of the switch stand to the 12 foot 6 inch clearance point on the switch stand side, except as provided by Standard No. 6.*
- (f) Standard No. 6 shall be the minimum walkway standard for mainline turnouts used frequently for switching cars. Walkways shall have a minimum width of 6 feet and shall extend from 125 feet ahead of the switch stand to 25 feet behind the 12 foot 6 inch clearance point on the switch stand side).*

3. General walkway provisions

- (a) Walkways shall provide a reasonably regular surface and may have a gradual slope not to exceed approximately one inch in eight inches, except where the railroad trackage grade is in excess.*
- (b) Walkways shall be surfaced with crushed material, asphaltic concrete, planking or other material to provide a surface that is smooth and safe to perform duties about trains, without compromising track drainage. When crushed material is used in yards, 40 to 75 percent of the material must be capable of passing through a three quarter inch square sieve opening and 100 percent of the material must be capable of passing through a one and one-half inch square sieve opening. When crushed material is used in turnouts, 60 to 90 percent of the material must be capable of passing through a one and one-half inch square sieve opening. Walkway surfaces shall be kept reasonably free of spilled fuel, oil, sand, posts, rocks and other hazards and obstructions.*
- (c) On curves exceeding 18 degrees, all walkways shall be at least one (1) feet wider than standard, except where impractical.*
- (d) Nothing in this section shall relieve the carriers of the obligation to provide a safe place for their employees to work.*

4. Compliance

- (a). Compliance with the walkway standards is hereby excused during periods of heavy rain or snow, derailments, rock and earth slides, washouts and like unforeseen conditions, including a reasonable time period after return to normal to permit restoration of walkways.*

5. Exemptions for Small Businesses

(a) A small business as defined by NRS 233B.0382 is exempted from the application of the section, provided, however, the commission, after notice and hearing, and upon a showing by staff of a reasonable probability of substantial harm to the public safety may order a small business owning or operating railroad trackage in the State of Nevada to eliminate any unsafe walkway condition.

(b) The Commission may exempt any railroad from the requirements of this section for new construction upon a showing that conformance to the prescribed design standards is not required to ensure employee safety in performing tasks under the circumstances of the particular activity being undertaken.