

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-101757
)	
CITY OF SHORELINE,)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the)	ORDER GRANTING
Provisions of WAC 480-60-040)	TEMPORARY
relating to overhead clearance rules.)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On October 18, 2010, the City of Shoreline (City) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting a temporary exemption from WAC 480-60-040, which requires railroad companies to maintain an overhead clearance of at least twenty-two feet six inches from the top of the rail to the nearest structure.

- 2 The City is replacing a timber bridge with a cast-in-place concrete structure over BNSF Railway tracks at Richmond Beach located at railroad milepost 14.50 in Shoreline. The temporary framework used for support during construction of this project will cause the overhead clearance to be less than twenty-two feet six inches. A minimum overhead clearance of twenty-one feet six inches is required by BNSF Railway for temporary structures which the City will maintain during construction. The City requests the exemption until May 31, 2011, when construction will be complete. BNSF Railway does not object to the exemption.

- 3 Because the overhead clearance will meet BNSF minimum overhead clearance standards for temporary structures during construction (twenty-one feet, six inches) and because BNSF does not need to change any of its operations to accommodate the lower clearance, Commission Staff recommends granting the City's request for exemption.

FINDINGS AND CONCLUSIONS

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over railroad clearance requirements. *RCW 80.28.010 and WAC 480-60.*

- 5 (2) Under WAC 480-60-020(3), the Commission may grant an exemption from the provisions of any rule in WAC 480-60, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 6 (3) Commission staff investigated the request and recommended that it be granted. The lower clearance the City proposes meets the railroad's overhead clearance standards for temporary structures during construction. The temporary exemption will allow the construction of a vehicle and pedestrian overpass to be completed, which will improve public safety.
- 7 (4) This matter came before the Commission at its regularly scheduled meeting on November 24, 2010.
- 8 (5) After review of the petition filed in Docket TR-101757 by the City of Shoreline on October 18, 2010, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

O R D E R

THE COMMISSION ORDERS:

- 9 (1) After the effective date of this Order, the City of Shoreline is granted a temporary exemption from WAC 480-60-040, relating to overhead clearances.
- 10 (2) This temporary exemption will expire on May 31, 2011.

The Commissioners, having determined this Order to be consistent with the public interest, the purposes underlying regulation and applicable statutes, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective November 24, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and