

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

COMMISSION STAFF,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-62-270(2) Relating to Safety
Standards at Private Crossings

DOCKET TR-250144

ORDER 01

GRANTING PERMANENT
EXEMPTION FROM RULE

BACKGROUND

- 1 On March 25, 2025, Commission Staff (Staff), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-62-270(2), which requires railroad companies to install stop signs on each side of a private railroad crossing through which any amount of crude oil is transported (Petition). Staff seeks this exemption at 25 private crossings on crude oil routes that are currently protected with active traffic control devices: 24 of these involve the road of BNSF Railway Company (BNSF); the other crossing involves the road of the Union Pacific Railroad (UP).¹
- 2 WAC 480-62-270 makes no exceptions to the stop sign requirement where a crossing has active traffic control devices installed to protect public safety. Active traffic control devices inform road users of the approach or presence of rail traffic at grade crossings and consist of devices such as automatic gates and flashing-light signals.² State law requires drivers to comply with these devices, and they must stop their vehicles whenever “[a] clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment” or when “[a] crossing gate is lowered.”³

¹ The crossing involved are listed in Attachment A to this Order.

² [Manual on Uniform Traffic Control Devices](#), 11th Edition, Chapter 8D, Section 8D.01.

³ RCW 46.61.340(1)(a), (b).

- 3 In its Petition, Staff states that the Commission should not require stop signs at railroad crossings with active traffic control systems because motor vehicle drivers are required to stop when a clearly visible signal device gives warning of the approach of a train or on-track equipment or when a crossing gate is lowered. The placement of a stop sign at these crossings may confuse drivers by requiring them to stop when the railroad crossing traffic control system is not activated, creating a public safety hazard.

DISCUSSION

- 4 The Commission may grant an exemption to the application of its railroad operation rules under WAC 480-07-110 and WAC 480-62-140 if doing so is consistent with the public interest, the purpose underlying the regulation, and any applicable statute. In considering whether the public interest weighs in favor of an exemption, the Commission considers, among other things, whether application of the rule in a specific context would frustrate the rule's purposes.⁴
- 5 WAC 480-62-270(2) requires railroad companies to install stop signs on each side of a private railroad crossing through which any amount of crude oil is transported. This requirement applies to BNSF and UP. The rule makes no exceptions where a crossing has alternative devices installed to protect public safety.
- 6 The Commission determines that Staff's Petition for exemption for the required private crossing signage at the 25 private crossings is consistent with the public interest, the purposes of WAC 480-62-270, and the applicable statutes. The absence of an exception to the signage rule where a crossing has active traffic control devices creates the possibility of driver confusion and traffic accidents. The exemption sought by Staff will eliminate this possibility and ensure that the operation of WAC 480-62-270(2) does not undermine the public safety purposes the rule serves.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington having jurisdiction over public service companies, including railroad companies, within the state of Washington. RCW 80.01.040, Chapter 81.01 RCW, Chapter 81.04 RCW, and Chapter 81.53 RCW.

⁴ WAC 480-07-110(2)(c).

- 8 (2) BNSF and UP are engaged in the business of providing railroad services within the state of Washington and are public service companies subject to Commission jurisdiction.
- 9 (3) BNSF and UP are subject to WAC 480-62-270(2)(a), which requires railroad companies to install stop signs on each side of a private railroad crossing through which any amount of crude oil is transported.
- 10 (4) Under WAC 480-62-140, the Commission may grant an exemption from the provisions of any rule in WAC 480-62, if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. See also WAC 480-07-110.
- 11 (5) Staff's Petition recommends that permanent exemption be granted.
- 12 (6) This matter came before the Commission at its regularly scheduled meeting on May 8, 2025.
- 13 (7) After reviewing the Petition filed by Staff on March 25, 2025, and giving due consideration, the Commission finds that the exemption is in the public interest, is consistent with the purposes underlying the regulation and applicable statutes, and should be granted.

ORDER

THE COMMISSION ORDERS:

- 14 (1) After the effective date of this Order, BNSF Railway Company and Union Pacific Railroad are granted exemption from WAC 480-62-270(2)(a) relating to installation of stop signs on each side of the private railroad crossings listed in Attachment A.
- 15 (2) The Commission retains jurisdiction over the subject matter to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective May 8, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP

Executive Director and Secretary