

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SHELL USA, INC.,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-60-040 Relating to Overhead
Clearances and WAC 480-60-050 Relating
to Side Clearances

DOCKET TR-250216

ORDER 01

GRANTING PERMANENT
EXEMPTION FROM RULES

BACKGROUND

- 1 On April 1, 2025, Shell USA, Inc. (Shell or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting exemption from WAC 480-60-040, which requires railroad companies to maintain a vertical clearance of at least 22 feet 6 inches, and WAC 480-60-050, which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches. On curved track, an additional 1½ inches of side clearance is required for each degree of curvature.
- 2 Shell operates a facility at 2555 13th Avenue Southwest on Harbor Island in Seattle where it receives tank car switching service from BNSF Railway Co. (BNSF) up to two times per day.
- 3 Shell has two spur tracks, Track 1941 and Track 1942, numbered from west to east. These tracks diverge from the railyard across 16th Avenue Southwest to the northeast, running approximately 300 feet before entering the gated Shell facility. Track 1942 is straight as it passes through the right security gate with adequate side clearance on both sides.
- 4 Track 1941 curves 11 degrees to the left as it passes through the left security gate. Because of the track curvature, an additional 16½ inches of side clearance is required, for a total of 9 feet 10½ inches. Side clearances to the left and right gate posts are 5 feet 9 inches and 6 feet, respectively. This creates a restricted side clearance, and a rule exemption is required.

5 Both tracks continue for approximately 200 feet inside the Shell facility with an elevated service gangway between the two tracks. Up to four tank cars can be serviced at one time on each track. Shell proposes to install a Saferack worker safety cage apparatus on Track 1942 at the northernmost tank car spotting location known as Spot 1. This apparatus is necessary for worker safety and in its retracted position creates a restricted overhead clearance of 17 feet 7¼ inches, and a restricted side clearance of 7 feet 3½ inches. A rule exemption is required.

6 Shell proposes to install horizontal “No Clearance” signs, generally conforming to BNSF standard sign number 44 as depicted in the Petition attachment, on each railroad gate entering the facility and visible to approaching rail traffic. Shell will also maintain overhead illumination for rail operations occurring during hours of darkness. BNSF will provide and maintain written notification of the restricted clearances to its employees.

DISCUSSION

7 WAC 480-60-040 prescribes a general minimum overhead clearance of 22 feet 6 inches from the top of the rail to an overhead structure. WAC 480-60-050 prescribes a general minimum side clearance of 8 feet 6 inches from the centerline of the track to an adjacent structure. On curved track, an additional 1½ inches of side clearance for each degree of curvature is required. These general clearance requirements apply to the Shell facility and permanent exemption from these rules is required for any structures not meeting these requirements.

8 Commission Staff (Staff) reviewed the request and recommended granting Shell’s request for exemption, subject to the following condition(s):

- (a) Shell must install and maintain horizontal “No Clearance” signs, generally conforming to BNSF standard number 44, on each railroad gate entering the facility and visible to approaching rail traffic.
- (b) Shell must provide and maintain overhead illumination for rail operations occurring during hours of darkness.
- (c) BNSF must provide written notification of the restricted clearances to its employees and maintain information about the restricted clearances in its operating documents. BNSF must provide a copy of the notification to Staff within 60 days of the effective date of this Order.

9 The Commission determines that Shell's request for clearance exemptions for its Seattle facility is consistent with the public interest, the purposes of WAC 480-60-040 and WAC 480-60-050, and the applicable statutes.

FINDINGS AND CONCLUSIONS

- 10 (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.
- 11 (2) BNSF is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 12 (3) BNSF is subject to WAC 480-60-040, which requires railroad companies to maintain a vertical clearance of at least 22 feet 6 inches from the top of the rail to an overhead structure, and WAC 480-60-050, which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the center of the track to an adjacent structure. On curved track, an additional 1½ inches of clearance is required for each degree of curvature.
- 13 (4) 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.
- 14 (5) A restricted clearance can exist, and safety can be maintained if Shell maintains approved warning signs on the rail gates at the entrance to its facility and provides and maintains illumination during rail operations occurring during hours of darkness, and if BNSF provides and maintains written notification of the restricted clearance to its employees.
- 15 (6) Staff investigated the request and recommends that permanent exemption be granted.

- 16 (7) This matter came before the Commission at its regularly scheduled meeting on April 10, 2025.
- 17 (8) After review of the Petition filed by Shell on April 1, 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:

- 18 (1) After the effective date of this Order, Shell USA, Inc., is granted exemption from WAC 480-60-040 relating to overhead clearances, and WAC 480-60-050 relating to side clearances, for its Harbor Island facility in Seattle.
- 19 (2) This exemption is subject to the following conditions:
- (a) Shell USA, Inc., must install and maintain horizontal “No Clearance” signs, generally conforming to BNSF standard number 44, on each railroad gate entering the facility and visible to approaching rail traffic.
 - (b) Shell USA, Inc., must provide and maintain overhead illumination for rail operations occurring during hours of darkness.
 - (c) BNSF must provide written notification of the restricted clearances to its employees and maintain information about the restricted clearances in its operating documents. BNSF must provide a copy of the notification to Staff within 60 days of the effective date of this order.
- 20 (3) The Commission retains jurisdiction over the subject matter and BNSF Railway, Co., 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 April 10, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary