

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

In the Matter of the Petition of)	DOCKET NO. TR-021397
)	
)	
THE BURLINGTON NORTHERN)	ORDER GRANTING PETITION
AND SANTA FE RAILWAY)	FOR EXEMPTION FROM CLOSE
COMPANY)	CLEARANCE RULES IN
)	WAC 480-60-050
.....)	

BACKGROUND

- 1 On October 29, 2002, The Burlington Northern and Santa Fe Railway Company (Railroad) filed a petition requesting an exemption from the horizontal close clearance rules of WAC 480-60-050. The purpose of the exemption is to allow construction of a Trackside Acoustic Detection System (System) at Railroad Milepost 60.3 of the Pend Oreille Subdivision. The System is designed to detect potentially defective wheel bearings.

- 2 During 2001, defective bearings were responsible for about 15 % of the derailments caused by equipment failures. Because wheel bearing failures tend to occur at higher speeds, such derailments often occur on main lines and can cause extensive damage. Although defective bearings were responsible for 15% of the equipment related derailments, derailments caused by defective bearings caused 25% of the monetary damage.

- 3 Currently, defective wheel bearings are detected by thermal technology; however, bearings can easily overheat and cause a derailment between detectors. Tests of the acoustic System indicate that potentially defective bearings can be detected earlier than when thermal systems are used, and replaced before a derailment occurs.

DISCUSSION

- 4 Petitioner asserts that WAC 480-60-050 (14) applies to the System equipment, making an exemption unnecessary. This exception applies to situations where there are multiple tracks. Staff inspection of the site at Railroad Milepost 60.3 of the Pend Oreille Subdivision revealed that the System is to be placed on single main line tracks. The exception does not apply, and an exemption is needed.
- 5 WAC 480-60-050 (15) applies to the System equipment because it is considered a signal not covered by other provisions. The rule requires the nearest equipment to be at least 96 inches from the centerline of the tracks. The System microphones will be 21 inches above the track level, and only 73 inches from the centerline of the track on both sides.
- 6 The acoustic System is an important advance in railroad safety. It will not work properly if the microphones are placed at or beyond the clearance envelope required by WAC 480-60-050 (15). On the other hand, the microphones and supporting structures primarily present a tripping hazard. Maintenance crews working in the area could be affected, and employees who must walk the length of stopped trains would be exposed to the hazard. No switching occurs in the area; thus, it is extremely unlikely for someone to be riding the side of a car.
- 7 Petitioner proposes to install “No Clearance” signs on each end of the close clearance areas in order to mitigate the potential hazard. It will also maintain lighting at the site to further reduce dangers in darkness.
- 8 Tom Retterath, Washington State Legislative Director of the United Transportation Union, and Mark McNaughton, a United Transportation Union legislative representative in Spokane reviewed the Petition. Based upon the railroad’s mitigation proposals, and the fact that employees will rarely be

exposed to the close clearance, Mr. McNaughton informed Staff that he did not object to approval of the exemption as long as the lighting and signage is maintained and notice of the close clearance is posted in the Railroad's timetable. Mr. Retterath also voiced no objection after speaking with Mr. McNaughton.

- 9 Commission Staff considered the safety advantages provided by the System to outweigh the close clearance problems presented where workers will rarely be present. The precautions providing notice and lighting reduce the safety problems to a point where no one should be at risk. Commission Staff recommended that the requested exemption be granted on the conditions proposed by the company and union representatives.

FINDINGS

- 10 This matter was brought before the Commission at its regularly scheduled open meeting on November 15, 2002. The Commissioners reviewed the petition and were advised in the matter. They believe that granting the petition, subject to the conditions set forth below, is in the public interest, and direct the Secretary to issue the order.

ORDER

- 11 THE COMMISSION GRANTS the petition of The Burlington Northern Santa Fe Railway Company for an exemption from WAC 480-60-050 (15) to construct a Trackside Acoustic Detection System at Milepost 60.3 of the Pend Oreille Subdivision subject to the following conditions:

- (1) The construction must conform to the plans filed in this proceeding.

- (2) "No Clearance" signs included in the plans must be maintained in good, readable condition at all times.
- (3) Lighting included in the plans must be maintained in good working condition at all times.
- (4) The Railroad must maintain notice of the location of this close clearance in its timetable.

DATED at Olympia, Washington and effective this 15th day of November 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary