

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

BNSF RAILWAY CO.,

Petitioner,

Seeking Exemption from the Provisions
of WAC 480-60-050(15) Relating to
Side Clearance Rules

DOCKET TR-091578

ORDER 02

AMENDING ORDER 01

BACKGROUND

- 1 On October 1, 2009, BNSF Railway Co. (BNSF or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting permanent exemption from WAC 480-60-050(15), which requires railroad companies to maintain a side clearance of at least 8 feet from the center of the tracks to an adjacent signal. BNSF requested the rule exemption for its Trackside Acoustic Detection System (TADS) installation at milepost 59.7 on its Fallbridge subdivision near Home Valley. In its Petition, BNSF proposed to install “No Clearance” signs at each end of the restricted clearance area and provide overhead illumination.
- 2 On October 29, 2009, the Commission entered Order 01 granting the exemption subject to conditions, including the installation of “No Clearance” signs and illumination proposed by BNSF in its Petition. In addition, the Commission required BNSF to provide written notice of the restricted clearance to its employees in its employee timetable, and to post “No Trespassing” signs in the area.
- 3 A recent inspection by Commission Staff (Staff) revealed that the TADS equipment is in place as described; however, the “No Clearance” and “No Trespassing” signage and the overhead illumination specified in Order 01 are missing.
- 4 On August 22, 2024, BNSF notified Staff that the “No Clearance” signs required in Order 01 had been installed.
- 5 On January 27, 2025, BNSF requested the Commission amend Order 01 to remove the requirements for “No Trespassing” signs and overhead illumination. According to BNSF, its Safety Issue Resolution Process, that works to eliminate workplace risk, does not

include standard criteria for when BNSF will install lighting. Instead, BNSF maintenance supervisors made a professional assessment at the Home Valley location and determined that lighting and “No Trespassing” signage are not necessary. There have been no safety incidents at this location and BNSF stated it will reassess installing illumination in the future if needed.

- 6 Staff supports BNSF’s request. Staff recommends the Commission amend Order 01, rescinding the requirements for BNSF to install and maintain lighting and “No Trespassing” signage at this location. All other conditions specified in Order 01 should remain in effect.

DISCUSSION

- 7 The Commission agrees with Staff’s recommendations. Accordingly, the Commission amends Order 01 by rescinding the requirements for BNSF to install and maintain lighting and “No Trespassing” signage at its Home Valley TADS location. All other conditions specified in Order 01 remain in effect.

FINDINGS AND CONCLUSIONS

- 8 (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.
- 9 (2) Staff investigated the previous exemption of WAC 480-60-050(15) granted to BNSF and recommends that the previous Order be amended to remove the requirements for installation and maintenance of lighting and “No Trespassing” signage.
- 10 (3) This matter came before the Commission at its regularly scheduled meeting on February 28, 2025.
- 11 (4) After giving consideration to all relevant matters and for good cause shown, the Commission finds that amending the previous Order in the public interest.

ORDER

- 12 **THE COMMISSION ORDERS THAT** Order 01 in this docket, which granted a permanent exemption from the clearance requirements in WAC 480-60-050(15) to BNSF Railway, Co., is amended as follows:
- 13 (1) The requirements for BNSF Railway, Co. to install and maintain lighting at, and to place “No Trespassing” signs in close proximity to, the TADS detector are rescinded. All other terms and conditions specified in Order 01 remain in effect.
- 14 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 February 28, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary