

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of COASTAL TRANSPORTATION, INC., Petitioner, Seeking Exemption From the Provisions of WAC 480-60-050 Relating to Side Clearances	DOCKET TR-210858 ORDER 01 GRANTING PERMANENT EXEMPTION FROM RULES
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BACKGROUND

- 1 On November 10, 2021, Coastal Transportation, Inc., (Coastal Transportation or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting an exemption from WAC 480-60-050(1), which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the center of the track to the nearest structure.
- 2 Coastal Transportation operates a facility at 4025 13th Avenue West, Seattle, which receives refrigerator cars from BNSF Railway Co. (BNSF). Rail cars delivered to Coastal Transportation may be switched by BNSF or by the Company using its own industrial switch engine. Rail car switching occurs during daylight hours only. The Company relays general freight to and from highway trucks, rail cars, and its fleet of ocean-going ships. The Company proposes to extend the existing BNSF spur track approximately 600 feet to the east, reinstalling previously existing track from 13th Avenue to the intersection of Ewing Street and Ewing Place where the track will end. Extending the spur will provide the Petitioner additional rail flexibility and capacity.
- 3 The rail right-of-way is located between the South Ship Canal Trail and private industrial property and 14 feet 8.16 inches wide at its narrowest point. Chain link fencing along the property lines will create a restricted rail clearance of 6 feet 11.88 inches to the south fence and 7 feet 7.92 inches to the north fence, as measured from the center of the track. This location, identified on the Petition engineering diagram as “11+00,” creates a restricted clearance and requires an exemption from Commission rules. The Petitioner proposes to install two vertical “No Clearance” signs, one each on the north and south fences, not more than 50 feet west of the restricted clearance point. The signs will face

west, the only direction from which rail traffic can approach, and will meet the specifications of BNSF Standard Plan Clearance Signs, Example Two, as depicted in the Order Attachment.

4 While visiting the Company site, Commission staff (Staff) identified an additional area of restricted clearance on the existing spur track adjacent to the Coastal Transportation warehouse at fire sprinkler valve number 11. At this location, the warehouse is 7 feet, 8.75 inches from the center of the track, which has 12 degrees, 30 minutes of curvature. WAC 480-60-050(16) requires an additional 1.5 inches of side clearance for each degree of curvature for structures adjacent to curved track. In this case, an additional 18.75 inches of side clearance is required for a total of 10.75 feet. This creates a restricted clearance and requires an exemption from Commission rules. The Petitioner proposes to install two additional BNSF standard vertical “No Clearance” signs, one each on the west and east ends of the warehouse, facing rail traffic that may approach the warehouse from either direction.

5 BNSF supports the Company’s Petition for exemption and agrees to serve the Company under the proposed conditions described. BNSF will notify its employees of the restricted clearances by general bulletin and by including special instructions in the employees’ timetable at the next revision.

6 Staff reviewed the request and recommend granting Coastal Transportation’s request for exemption, subject to the following conditions:

- (a) Coastal Transportation must post two signs meeting the specifications of BNSF Standard Plan Clearance Signs, Example Two, as depicted in the Order Attachment, one each on the north and south fences, no more than 50 feet west of the impaired clearance, facing rail traffic approaching from the west.
- (b) Coastal Transportation must post two additional identical signs, one each on the west and east ends of its warehouse, facing rail traffic that may approach from either direction.
- (c) BNSF must notify its employees of the restricted clearances by general order and must include notice of same in the next timetable revision. BNSF must provide a copy of the updated general order to Staff within 60 days of the date of this order.

DISCUSSION

7 WAC 480-60-050(1) prescribes a general minimum side clearance of 8 feet 6 inches from the centerline of the track to trackside structures. WAC 480-60-050(16) requires an additional 1.5 inches of side clearance per degree of curvature for structures located adjacent to curved track. These general side clearance requirements apply to the Coastal Transportation facility and permanent exemption from these rules is required for any structures not meeting these requirements.

8 Although train crewmembers have no reason to ride a rail car at this location, any clearance exemption should be conditioned upon a prohibition against riding on the side of a rail car and clearly signing the locations as having reduced side clearances.

9 The Commission finds that Coastal Transportation's request for clearance exemption for its Seattle facility is consistent with the public interest, the purposes of WAC 480-60-050, and the applicable statutes. Accordingly, we agree with Staff's recommendation and grant Coastal Transportation's Petition with the conditions stated in paragraph 6 of this Order.

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 480-60-050(1), which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the center of the track to the nearest structure, and WAC 480-60-050(16), which requires an additional 1.5 inches of side clearance per degree of curvature for structures located adjacent to curved track.

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 doing so is 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 Coastal Transportation installs approved warning signs no more than 50 feet west of the impaired clearances, facing approaching rail traffic, and if BNSF issues notice of the restricted clearances in its general order and timetable.
- 15 (6) Staff investigated the request and recommends that a permanent exemption be granted subject to the conditions outlined in paragraph 6 of this Order.
- 16 (7) This matter came before the Commission at its regularly scheduled meeting on December 23, 2021.
- 17 (8) After reviewing the Petition filed by Coastal Transportation on November 10, 2021, 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, Coastal Transportation, Inc., is granted a permanent exemption from WAC 480-60-050(1) and WAC 480-60-050(16) relating to side clearances.
- 19 (2) This exemption is subject to the following conditions:
- (a) Coastal Transportation, Inc., must post two signs meeting the specifications of BNSF Railway Co. Standard Plan Clearance Signs, Example Two, as depicted in the Order Attachment, one each on the north and south fences, no more than 50 feet west of the impaired clearance, facing rail traffic approaching from the west.

- (b) Coastal Transportation, Inc., must post two additional identical signs, one each on the west and east ends of its warehouse, facing rail traffic that may approach from either direction.
 - (c) BNSF Railway Co. must notify its employees of the restricted clearance by general order and must include notice of same in the next timetable revision. BNSF Railway Co. must provide a copy of the updated general order to Staff within 60 days of the 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 December 23, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary