

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of TACOMA RAIL, Petitioner, Seeking Exemption from the Provisions of WAC 480-62-270(2) Relating to Safety Standards at Private Crossings	DOCKET TR-230475 ORDER 01 GRANTING PERMANENT EXEMPTION FROM RULES AT A PRIVATE RAILROAD CROSSING AT TAYLOR WAY USDOT 932802Y
---	--

BACKGROUND

- 1 On June 13, 2023, the Tacoma Rail (Tacoma Rail or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting exemption from 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. Tacoma Rail seeks this exemption at a private crossing located at 3601 Taylor Way in Tacoma identified as USDOT 932802Y.
- 2 Tacoma Rail traverses the Taylor Way private crossing approximately two to four times in a 24-hour period. The Company transports crude oil over the crossing and must comply with the requirements in WAC 480-62-270(2)(a).
- 3 According to its Petition, Tacoma Rail is unable to safely comply with the rule due to the configuration of the crossing and its proximity to an adjacent public roadway.
- 4 The Commission rule related to side clearances, WAC 480-60-050, requires general minimum side clearances of 8 feet 6 inches from centerline of track. Additionally, Tacoma Rail follows the design guidelines of the American Association of State Highway and Transportation Officials that prescribe a minimum operational buffer within an urban setting of 18 inches from the face of curb to the near side of objects located behind the curb.
- 5 According to the Petition and its attachments, the tracks at the Taylor Way crossing run parallel to and are 9 feet 3 inches from the centerline of track to the back of the roadway curb line on the south approach to the crossing. Placing the required “Stop” sign 18

inches from the face of curb that is perpendicular to the road does not provide sufficient side clearance distance to meet the Commission's requirements. It also fails to provide adequate warning or visibility to afford motorists turning onto the roadway enough time and distance to safely stop prior to traversing the crossing.

6 As an alternative to placing the required "Stop" sign on the southeast approach to the crossing, Tacoma Rail requests to place a "Do Not Stop On Tracks" (R8-8) sign, along with all other required signage, on the northeast side of the tracks as indicated in the photo attached to the Petition. The "Stop" sign on the northwest approach to the crossing will remain in place. The Company also proposes to install W10-3 advance warning signs at each end of the Taylor Way roadway corridor to advise motorists of tracks with multiple adjacent driveways.

7 Commission staff (Staff) reviewed the request and recommended granting Tacoma Rail's requests for exemption, subject to the following condition(s):

- (a) Tacoma Rail must install a R8-8 "Do Not Stop On Tracks" sign on the northeast side of the crossing, as depicted in the Petition attachment.
- (b) Tacoma Rail must install W10-3 advance warning signs on each of the roadway corridor approaching the crossing.
- (c) Tacoma Rail must report to the Commission annually, from the date of this Order, any near-miss incidents or accidents at this crossing for a period of three years.

DISCUSSION

8 WAC 480-62-270(2)(a) 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 Tacoma Rail at the Taylor Way crossing and a permanent exemption from the rule is required for any crossing not meeting these requirements.

9 The Commission determines that Tacoma Rail's request for exemption for the required private crossing signage at the Taylor Way crossing, subject to the conditions proposed by Staff, is consistent with the public interest, the purposes of WAC 480-62-270(2)(a), 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) Tacoma Rail 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) Tacoma Rail is 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.
- 13 (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.
- 14 (5) Safety can be maintained if Tacoma Rail installs the approved R8-8 “Do Not Stop on Tracks” sign on the northeast side of the crossing and installs W10-3 advance warning signs on each side of the roadway corridor approaching the crossing.
- 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 July 13, 2023.
- 17 (8) After reviewing the Petition filed by Tacoma Rail on June 13, 2023, 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, subject to the conditions detailed in paragraph 7.

ORDER

THE COMMISSION ORDERS:

- 18 (1) After the effective date of this Order, Tacoma Rail is granted exemption from WAC 480-62-270(2)(a) relating to installation of “Stop” signs on each side of a private railroad crossing through which any amount of crude oil is transported, subject to the following conditions:
- (a) Tacoma Rail must install a R8-8 “Do Not Stop On Tracks” sign on the northeast side of the crossing, as depicted in the Petition attachment.
 - (b) Tacoma Rail must install W10-3 advance warning signs on each side of the roadway corridor approaching the crossing.
 - (c) Tacoma Rail must report to the Commission annually, from the date of this Order, any near-miss incidents, or accidents, at this crossing for a period of three years.
- 19 (3) 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 July 13, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary