

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

ANDEAVOR LOGISTICS,

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-190484

ORDER 01

ORDER GRANTING PERMANENT  
EXEMPTION FROM RULES  
SUBJECT TO CONDITIONS

**BACKGROUND**

- 1 On May 13, 2019, Andeavor Logistics (Andeavor or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-60-040(1), which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure, and 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 (Petition).
- 2 In order to comply with federal Occupational Safety and Health Administration fall protection requirements, Andeavor intends to install new access gangways with safety cages for use by employees unloading tank cars at its facility located at 2211 St. Francis Lane, Vancouver, Washington. This facility receives biodiesel and denatured ethanol for blending into petroleum diesel and gasoline. The blended motor fuels leave the Andeavor facility in trucks for distribution. In its retracted position, the safety cage is 18 feet 6 inches from the top of the rail. In addition, existing biodiesel piping on the west side of the platform is 6 feet 5 inches from the centerline of the track. This is an existing condition for which no exemption has previously been requested. BNSF Railway Co. (BNSF) provides rail service to the facility and supports the Company's petition for exemption.

3 Commission staff (Staff) reviewed the Petition and recommends that the Commission grant Andeavor's request for exemption, subject to the following conditions:

- (a) A sign indicating "No Clearance" must be posted on the west side of the unloading gangway structure to the north of the biodiesel piping facing approaching rail traffic.
- (b) A sign indicating "Low Vertical Clearance" must be posted on the northernmost gangway and safety cage facing approaching rail traffic.
- (c) Notice of the close clearance must be posted in BNSF's general order and included 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**

4 WAC 480-60-040(1) prescribes a general minimum overhead clearance of 22 feet 6 inches from the top of the rail to overhead structures. WAC 480-60-050(1) prescribes a general minimum side clearance of 8 feet 6 inches from the center line of the track to trackside structures. These general overhead and side clearance requirements apply to the Andeavor facility and permanent exemptions from these rules are required for any structures not meeting these requirements.

5 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 or top of a rail car and clearly marking and signing the unloading facility as having reduced vertical and side clearances.

6 The Commission determines that Andeavor's requests for clearance exemptions for its Vancouver unloading facility are consistent with the public interest, the purposes of WAC 480-60-040, WAC 480-60-050, and applicable statutes. As such, the Petition is granted subject to the conditions set out in paragraph 3, above.

## FINDINGS AND CONCLUSIONS

- 7 (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.<sup>1</sup>
- 8 (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.
- 9 (3) BNSF is subject to WAC 480-60-040(1), which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure, and WAC 480-60-050(1), which requires railroad companies maintain a side clearance of at least 8 feet 6 inches from the center of the track to the nearest structure.
- 10 (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.<sup>2</sup>
- 11 (5) A close clearance can exist and safety can be maintained if Andeavor installs warning signs on the west side of the unloading gangway structure to the north of the biodiesel piping facing approaching rail traffic and on the northern-most gangway and safety cage, and if BNSF issues notice of the close clearance in its general order and timetable.
- 12 (6) Staff investigated the request and recommended that permanent exemptions be granted subject to the conditions in paragraph 3, above.
- 13 (7) This matter came before the Commission at its regularly scheduled meeting on August 29, 2019.
- 14 (8) After review of the petition filed by Andeavor on May 13, 2019, 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 in paragraph 3, above.

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<sup>1</sup> RCW 80.01.040; Chapter 81.01 RCW; Chapter 81.04 RCW; Chapter 81.53 RCW.

<sup>2</sup> See WAC 480-07-110.

**ORDER**

**THE COMMISSION ORDERS:**

- 15 (1) Andeavor Logistics' Petition for exemptions from WAC 480-60-040(1), relating to overhead clearances, and WAC 480-60-050(1), relating to side clearances, is granted subject to the following conditions:
- (a) A sign indicating "No Clearance" must be posted on the west side of the unloading gangway structure to the north of the biodiesel piping facing approaching rail traffic.
  - (b) A sign indicating "Low Vertical Clearance" must be posted on the northernmost gangway and safety cage facing approaching rail traffic.
  - (c) Notice of the close clearance must be posted in BNSF Railway Co.'s general order and included 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.
- 16 (2) 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 August 29, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary