

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
PACKAGING CORPORATION OF  
AMERICA,

Petitioner,

Seeking Exemption from the Provisions  
of WAC 480-60-050 Relating to Side  
Clearance Rules and WAC 480-60-040  
Relating to Overhead Clearance Rules.

DOCKET TR-210323

ORDER 01

GRANTING PERMANENT  
EXEMPTION FROM RULE

**BACKGROUND**

- 1 On May 11, 2021, Packaging Corporation of America (PCA or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting an exemption from WAC 480-60-050, which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the centerline of the track to the nearest structure. The Petition is also requesting an exemption from WAC 480-60-040, which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail. The Petition specifically applies to its packaging facility located at Wallula, Washington.
- 2 Commission staff (Staff) inspected the PCA facilities at Wallula on April 5, 2021. Boise Cascade Company (Boise Cascade) previously operated these facilities and was issued a clearance waiver under Commission Order TR-1215 in 1979. A new close clearance condition was found during the inspection on April 5. PCA was advised a new petition would be required due to a material change and change in company name. Inspection of the warning signs indicated that all close clearance impairment areas at the Wallula facility are clearly marked with adequate signs.
- 3 In its Petition, PCA requests a waiver for the following conditions:
  - (a) The side clearance at the W2 dock is 5 feet 11 inches from the centerline of the track. WAC 480-60-050 requires a side clearance of 8 feet 6 inches.
  - (b) The loading doors where two tracks enter the area between the container and paper buildings have side clearances that measure 6 feet 3 inches, 6

feet 6 inches and 7 feet 0 inches. WAC 480-60-050 requires a side clearance of 8 feet 6 inches. These loading doors also have an overhead clearance measurement of 18 feet 6 inches. WAC 480-60-040 requires an overhead clearance of 22 feet 6 inches.

- 4 Watco Switching Services (Watco) provides service to the PCA facility in Wallula. An email was received from Watco on May 3, 2021, supporting the petition for exemption from close clearance rules.
- 5 Staff reviewed the Petition from PCA, and recommended granting the request for exemption, subject to the following condition(s):
- (a) PCA must maintain the “Caution Close Clearance Rail Dock” sign on the approach to the W2 dock at the Wallula facility.
  - (b) PCA must maintain the “Warning Close Clearance Do Not Ride Side or Top of Car” signs on the approach to the doors between the paper and container buildings.
  - (c) PCA must maintain the “Caution Overhead Clearance 18 feet 6 inches” sign above the doors between the paper and container buildings.
  - (d) PCA must maintain overhead lighting at the Wallula facility for operations conducted during hours of darkness.
  - (e) Watco Switching Services must issue and maintain a safety notice in their local operating instructions warning train crews of the overhead and side clearance impairments at the PCA facility in Wallula.

### DISCUSSION

- 6 We grant PCA’s request for exemption, subject to the conditions that Staff recommends. Pursuant to WAC 480-60-020(3), the Commission may grant an exemption from required clearances for railroad companies as set forth in WAC chapter 480-06.<sup>1</sup> As relevant here, WAC 480-60-050 prescribes a general minimum side clearance of 8 feet 6 inches from the centerline of the track to trackside structures. WAC 480-60-040 prescribes a

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<sup>1</sup> See also WAC 480-07-110(1) (stating that the Commission may grant an exemption from any of its rules when it is consistent with the public interest, the purposes underlying regulation, and applicable statutes).

minimum overhead clearance of 22 feet 6 inches from top of rail to overhead structure. These general side clearance and overhead clearance requirements apply to the PCA facilities and permanent exemption from these rules are required for any structures not meeting these requirements.

7 Although train crewmembers have no reason to ride a rail car at these locations, any clearance exemption should be conditional upon a prohibition against riding a rail car and clearly signing the facilities as having impaired clearances. Accordingly, Staff's proposed conditions provide appropriate safety measures.

8 We find that the Petition from PCA for clearance exemptions at its Wallula facility is consistent with the public interest, the purposes of WAC 480-60-050, WAC 480-60-040, and the applicable statutes.

### FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices of public service companies, including railroad companies, within the state of Washington. RCW 80.01.040, RCW 81.01, RCW 81.04, and RCW 81.53
- 10 (2) Watco Switching Services is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 11 (3) Watco Switching Services is subject to WAC 480-60-050, which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the centerline of the track to the nearest structure, and WAC 480-60-040 which requires railroad companies to maintain an overhead clearance of 22 feet 6 inches above top of rail.
- 12 (4) Under WAC 480-60-020(3), the Commission may grant an exemption from the provisions of any rule in WAC 480-60, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.
- 13 (5) A close clearance can exist, and safety can be maintained if PCA maintains the approved warning signs, and if Watco Switching Services notifies their employees

of the close clearances by posting notices in their local operating instructions and provide a copy to Staff within 60 days of the effective date of this Order.

- 14 (6) Staff investigated the request and recommends that a permanent exemption be granted.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on June 3, 2021.
- 16 (8) After review of the petition filed by PCA on May 11, 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 that it should be granted.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 17 (1) As of the effective date of this Order, Packaging Corporation of America is granted exemption from WAC 480-60-050 relating to side clearances and WAC 480-60-040 relating to overhead clearances at its Wallula facility.
- 18 (2) This exemption is subject to the following conditions:
- (a) Packaging Corporation of America must maintain the “Caution Close Clearance Rail Dock” sign on the approach to the W2 dock at the Wallula facility.
  - (b) Packaging Corporation of America must maintain the “Warning Close Clearance Do Not Ride Side or Top of Car” signs on the approach to the doors between the paper and container buildings.
  - (c) Packaging Corporation of America must maintain the “Caution Overhead Clearance 18 feet 6 inches” sign above the doors between the paper and container buildings.
  - (d) Packaging Corporation of America must maintain overhead lighting at the Wallula facility for operations conducted during hours of darkness.
  - (e) Watco Switching Services must issue and maintain a safety notice in their local operating instructions warning train crews of the overhead and side

clearance impairments at the Packaging Corporation of America facility in Wallula.

19 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 June 3, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary