

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

MOUNT VERNON TERMINAL
RAILWAY, LLC,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-60-060(1) Relating to Track
Clearances

DOCKET TR-200991

ORDER 01

GRANTING PERMANENT
EXEMPTION FROM RULES

BACKGROUND

- 1 On December 17, 2020, Mount Vernon Terminal Railway, LLC, (Mount Vernon Terminal or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-60-060(3), which requires railroad companies to maintain a minimum clearance of 13 feet between the centerlines of parallel team, house, or industry tracks.
- 2 Mount Vernon Terminal has added a new spur track at its yard located at 514 Freeway Drive, Mount Vernon, Washington. Staff inspected the location and believes the track requires an exemption from WAC 480-60-060(1), which requires railroad companies to maintain a minimum clearance of 13 feet between the centerlines of adjacent tracks. The distance from the centerline of the new track number four to the centerline of the adjacent track number three is 11 feet 6 inches.
- 3 Mount Vernon Terminal provides rail service to the facility and has agreed to post a vertical “No Clearance” warning sign meeting the specifications of BNSF Railway Co. standard plan 44A, depicted as example 2 in the Attachment. The Company also agreed to notify its employees of the close clearance by general bulletin and by including special instructions in the railroad timetable at the next revision.
- 4 Commission staff (Staff) reviewed the request and recommends granting Mount Vernon Terminal’s request for exemption, subject to the following conditions:
 - (a) Mount Vernon Terminal must post a sign meeting the specifications of BNSF Standard Plan No. 44A, as depicted in the order attachment, between

tracks three and four, north of the spur switch, facing south, and clearly visible to approaching rail traffic. Mount Vernon Terminal must provide photos of the installed signage within 60 days of the date of this order.

- (b) Mount Vernon Terminal must notify its employees of the close clearance by general bulletin and must include notice of same in its next timetable revision. Mount Vernon Terminal must provide a copy of the updated general bulletin to Staff within 60 days of the date of this order.

DISCUSSION

5 WAC 480-60-060(1) prescribes a general minimum track clearance of 13 feet between
the centerlines of parallel tracks. These general track clearance requirements apply to the
Mount Vernon Terminal facility and permanent exemption from this rule is required for
any tracks not meeting these requirements.

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

7 We agree with Staff's recommendation and grant the exemption subject to the conditions
above in paragraph 4.

8 The Commission determines that Mount Vernon Terminal's request for clearance
exemption for track number four at its Mount Vernon yard is consistent with the public
interest, the purposes of WAC 480-60-060, and the applicable statutes.

FINDINGS AND CONCLUSIONS

- 9 (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.

- 10 (2) Mount Vernon Terminal 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) Mount Vernon Terminal is subject to WAC 480-60-060(1), which requires railroad companies to maintain a general track clearance of 14 feet between the centerlines of adjacent tracks.
- 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 Mount Vernon Terminal installs an approved warning sign between tracks three and four, north of the spur switch, facing south, and clearly visible to approaching rail traffic, and if Mount Vernon Terminal issues notice of the close clearance to its employees in its general order and timetable.
- 14 (6) Staff investigated the request and recommends that permanent exemption be granted.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on January 7, 2021.
- 16 (8) After review of the Petition filed by Mount Vernon Terminal on December 17, 2020, 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:

- 17 (1) As of the effective date of this Order, Mount Vernon Terminal Railway, LLC, is granted exemption from WAC 480-60-060(1) relating to track clearances.

- 18 (2) This exemption is subject to the following conditions:
- (a) Mount Vernon Terminal Railway, LLC, must post a sign meeting the specifications of BNSF Standard Plan No. 44A, as depicted in the order attachment, between tracks three and four, north of the spur switch, facing south, and clearly visible to approaching rail traffic. Mount Vernon Terminal must provide photos of the installed signage within 60 days of the date of this order.
 - (b) Mount Vernon Terminal Railway, LLC, must notify its employees of the close clearance by general order and must include notice of same in the next timetable revision. Mount Vernon Terminal Railway, LLC, must provide a copy of the updated general bulletin to Staff within 60 days of the date of this order.
- 19 (3) The Commission retains jurisdiction over the subject matter and Mount Vernon Terminal Railway, LLC, to effectuate the provisions of this Order.

20 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 January 7, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary