

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
NATIONAL RAILROAD PASSENGER  
CORPORATION, d/b/a AMTRAK,  
  
Petitioner,  
  
Seeking Exemption from the Provisions of  
WAC 480-60-050 and WAC 480-60-  
050(16) Relating to Side Clearances

DOCKET TR-210923  
  
ORDER 01  
  
GRANTING PERMANENT  
EXEMPTION FROM RULES

**BACKGROUND**

- 1 On December 1, 2021, the National Railroad Passenger Corporation d/b/a Amtrak (Amtrak or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting 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. At the same time Amtrak filed an additional Petition requesting an exemption from WAC 480-60-050(16) (Second Petition), which requires railroad companies to maintain additional side clearance on curved track. Both Petitions pertain to the same facility.
- 2 Amtrak operates a maintenance facility at 187 South Holgate Street, Seattle, where it services its own locomotives and cars as well as equipment owned by Sound Transit. The Company is expanding its Second Avenue Yard, adding additional tracks, security lighting, and fencing. In one Petition, Amtrak is requesting exemption from Commission rules related to railroad side clearances for eleven proposed light poles located along or between yard tracks 202, 203, 204, 205, and 206. At their foundations, each of the proposed light poles will be less than the minimum required distance of 8 feet 6 inches from the centerline of one or more adjacent tracks. This creates a restricted clearance and requires an exemption from Commission rules. The location of each proposed light pole and the clearance distance from adjacent tracks are identified in the Petition attachment.
- 3 Amtrak proposes installing vertical “No Clearance” signs generally conforming to its standard design specifications on the north and south face of each of the 11 proposed light poles, visible to rail traffic approaching from either direction. The lights on these

poles will illuminate the signs during operations in hours of darkness. Amtrak will notify its employees of the restricted clearances in its employee operating instructions.

- 4 Amtrak's Second Petition relates to the Second Avenue Yard project, seeking exemption from WAC 480-60-050(16) regarding railroad side clearances for new security fencing to be installed adjacent to the Occidental Avenue spur track in the southwest corner of the yard. The location of the proposed fencing is identified in the Petition attachment. The corner of the new fencing will be 8 feet 8 inches from the centerline of the track, which is configured in a 12-degree curve. This track was previously used by BNSF to serve freight customers located along Occidental Avenue, however no trains have used this track in the previous 20 years. Amtrak is maintaining this track for future use. Commission rules require an additional 1.5 inches of clearance for each degree of curvature for structures placed next to curved track. This requirement adds an additional 18 inches of minimum side clearance for a total of 10 feet, creates a restricted clearance, and requires an exemption from Commission rules.
- 5 Amtrak proposes to install two identical vertical "No Clearance" signs on the corners of the proposed fence, each facing rail traffic approaching from the north and the south, and to notify its employees of the restricted clearance in its employee operating instructions. No illumination is proposed at this location.
- 6 Commission staff (Staff) reviewed the Petitions and recommends granting Amtrak's requests for exemption, subject to the following conditions:
  - (a) Amtrak must post two vertical "No Clearance" signs generally conforming to its standard design specifications, as depicted in the Petition attachment, one each on the north and south faces of each of the 11 proposed light poles described in the Petition, facing rail traffic approaching from either direction. These signs must be illuminated by the light poles to which they are attached.
  - (b) Amtrak must post two identical signs on the corners of the proposed fence adjacent to the Occidental Avenue spur track as described in the Petition, each facing rail traffic approaching from either direction. No illumination is required.

- (c) Amtrak must notify its employees of the restricted clearances at these locations through its employee operating instructions, and must provide a copy of these instructions 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 adjacent structures. WAC 480-60-050(16) prescribes an additional 1.5 inches of additional clearance per degree of curvature for structures adjacent to curved track. These general side clearance requirements apply to the Amtrak 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 location as having reduced side clearances.

9 The Commission finds that Amtrak's request for clearance exemptions for its Second Avenue yard and Occidental Avenue spur track is consistent with the public interest, the purposes of WAC 480-60-050, and applicable statutes. Accordingly, we agree with Staff's recommendation and grant Amtrak's Petitions 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) Amtrak 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) Amtrak 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 adjacent structures, and WAC 480-60-050(16), which requires 1.5 inches of

additional clearance per degree of curvature for structures 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 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 Amtrak installs approved warning signs on each side of the proposed light poles and on each side of the corner of the proposed fencing facing approaching rail traffic, and issues notice of the restricted clearance in its employee operating instructions.
- 15 (6) Staff investigated the request and recommends that permanent exemption be granted subject to the conditions stated in paragraph 6.
- 16 (7) This matter came before the Commission at its regularly scheduled meeting on December 23, 2021.
- 17 (8) After reviewing the Petitions filed by Amtrak on December 1, 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, National Railroad Passenger Corporation d/b/a Amtrak is granted 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) National Railroad Passenger Corporation d/b/a Amtrak must post two signs generally conforming to its standard design specifications, as depicted in the Petition attachment, one each on the north and south face

of each of the 11 proposed light poles described in the Petition, facing rail traffic approaching from either direction. These signs must be illuminated by the light poles to which they are attached.

- (b) National Railroad Passenger Corporation d/b/a Amtrak must post two identical signs on the corners of the proposed fence adjacent to the Occidental Avenue spur track, each facing rail traffic approaching from either direction. No illumination is required.
- (c) National Railroad Passenger Corporation d/b/a Amtrak must notify its employees of the restricted clearances at these locations through its general operating instructions, and must provide a copy of these instructions to Staff within 60 days of the date of this order.

- 20 (3) The Commission retains jurisdiction over the subject matter and National Railroad Passenger Corporation d/b/a Amtrak 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