

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

OLYMPIA & BELMORE RAILROAD,  
INC.,

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-230831

ORDER 01

GRANTING PERMANENT  
EXEMPTION FROM RULES

**BACKGROUND**

- 1 On October 9, 2023, Olympia & Belmore Railroad, Inc. (Olympia & Belmore or Petitioner), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting 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 to an overhead structure, and WAC 480-60-050, which requires railroad companies to maintain a side clearance in tunnels of at least 8 feet from the centerline of the track to the tunnel wall. This rule also requires side clearances adjacent to curved track to be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased 1-1/2 inches for each degree of curvature. This exemption request supersedes any and all previous exemptions granted by the Commission at this location.
- 2 Olympia & Belmore leases track from BNSF Railway Co, Inc., and conducts railroad operations through the tunnel below 7<sup>th</sup> Avenue Southeast between Adams Street Southeast and Capitol Way South in Olympia (Olympia 7<sup>th</sup> Avenue tunnel).
- 3 Vertical clearance is 18 feet 9 inches at the east tunnel portal and 18 feet 11 inches at the west portal. Side clearance at the west portal is 7 feet 8 inches to the south tunnel wall. A curved retaining wall at the approach to the west portal along the south side of the track is approximately 70 feet in length with a side clearance of 8 feet 3 inches. The track at this location has 12 degrees of curvature requiring an additional 18 inches of clearance.
- 4 A vertical “No Clearance” sign is currently in place at the west approach to the tunnel. Olympia & Belmore proposes to install an additional reflective “No Clearance” sign that conforms to BNSF standard plans at the east tunnel portal. Olympia & Belmore will

notify its employees in writing of the restricted clearances through its employee timetable or special instructions.

- 5 Commission Staff (Staff) reviewed the request and recommended granting the Olympia & Belmore's request for exemption, subject to the following conditions:
- (a) Olympia & Belmore must install a reflective "No Clearance" sign, conforming to BNSF standard plans, at the east tunnel portal and must maintain the existing "No Clearance" sign at the approach to the west tunnel portal.
  - (b) Olympia & Belmore Railroad must provide written notification of the restricted clearance to its employees through its employee timetable or special instructions and must provide a copy of this notification to Staff within 60 days of the date of this order.

### DISCUSSION

- 6 WAC 480-60-040 prescribes a general minimum overhead clearance of 22 feet 6 inches. WAC 480-60-050(8) prescribes a general minimum side clearance of 8 feet in tunnels. WAC 480-60-050(16) requires 1 and 1/2 inches of additional clearance on curved track for each degree of curvature. This means that 10 feet of clearance is required at the retaining wall at the west tunnel approach. These clearance requirements apply to the Olympia 7<sup>th</sup> Avenue tunnel and permanent exemption from these rules is required.
- 7 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.
- 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 or top of a rail car and clearly signing the location as having reduced clearances.
- 9 The Commission determines that Olympia & Belmore's request for clearance exemption for the Olympia 7<sup>th</sup> Avenue tunnel is consistent with the public interest, the purposes of WAC 480-60-040, WAC 480-60-050(8) and WAC 480-60-050(16), and the applicable statutes. The Commission grants the exemption subject to Staff's recommended conditions listed in paragraph 5.
- 10 The Commission observes that it previously issued an order granting a clearance exemption for the Olympia 7<sup>th</sup> Avenue tunnel to the Washington State Department of

Transportation in 1972 (RC-116). Since that time, there have been material changes to the structure and tracks. This Order supersedes any and all previously-granted clearance exemptions at this location.

### FINDINGS AND CONCLUSIONS

- 11 (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.
- 12 (2) Olympia & Belmore is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 13 (3) Olympia & Belmore is subject to WAC 480-60-040, which requires railroad companies to maintain a minimum overhead clearance of 22 feet 6 inches, WAC 480-60-050(8), which requires railroad companies to maintain a minimum side clearance of at least 8 feet in tunnels, and WAC 480-60-050(16) which requires additional side clearance on curved track.
- 14 (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.
- 15 (5) A restricted clearance can exist, and safety can be maintained, if Olympia & Belmore installs and maintains approved warning signs at the Olympia 7<sup>th</sup> Avenue tunnel approaches and provides written notification of the restricted clearances to its employees.
- 16 (6) Staff investigated the request and recommends that permanent exemption be granted.
- 17 (7) This matter came before the Commission at its regularly scheduled meeting on December 7, 2023.
- 18 (8) After review of the petition filed by Olympia & Belmore on October 9, 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.

**ORDER**

**THE COMMISSION ORDERS:**

- 19 (1) After the effective date of this Order, Olympia & Belmore Railroad, Inc., is granted exemption from WAC 480-60-040 relating to overhead clearances and WAC 480-60-050 relating to side clearances.
- 20 (2) This exemption is subject to the following conditions:
- (a) Olympia & Belmore Railroad, Inc., must install a reflective “No Clearance” sign, conforming to BNSF Railway Co, Inc. standard plans, at the east tunnel portal and must maintain the existing “No Clearance” sign at the approach to the west tunnel portal.
  - (b) Olympia & Belmore Railroad, Inc., must provide written notification of the restricted clearance to its employees through its employee timetable or special instructions and must provide a copy of this notification to Staff within 60 days of the date of this order.
- 21 (3) The Commission retains jurisdiction over the subject matter and Olympia & Belmore Railroad, Inc., to effectuate the provisions of this Order.
- 22 The Commissioners, having determined this Order to be consistent with the public interest, directed the Acting Executive Director and Secretary to enter this Order.

DATED at Lacey, Washington, and effective December 7, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER  
Acting Executive Director and Secretary