

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TR-151244
	)	
Americold Moses Lake,	)	ORDER 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	ORDER GRANTING
Provisions of WAC 480-60-050	)	PERMANENT
Relating to side clearance rules.	)	EXEMPTION FROM RULE
.....	)	

**BACKGROUND**

- 1     On June 10, 2015, Americold Moses Lake, (Americold) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting permanent 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 tracks to the nearest structure.
- 2     Americold proposes to replace the existing steel bridge that connects their loading dock to the Simplot warehouse on the south side of the rail spur. The bridge accommodates lift trucks that move product between the two frozen food warehouses. The bridge is 18 feet 7 ¾ inches long and is 51 inches above the top of the rail when secured into position. Currently, a set of blue lights placed on the lead end of the Americold warehouse warns railroad personnel not to proceed beyond that point with rolling stock when the bridge is secured in place. When rail cars are received at the Americold warehouse the bridge must be moved clear of the tracks using the large lift truck equipment. This procedure is time consuming and has caused structural damage to the bridge. The replacement bridge will be the same dimensions as the original, but will be raised and lowered by hydraulics. The hydraulic system will be mounted on one end of the bridge and will be 8 feet from the center of the track.
- 3     Americold has nine rail car loading doors along the warehouse dock. OSHA requires safety ladders next to each loading door for worker access to track level. These safety ladders are 8 feet 3 inches from the center of the track.
- 4     [WAC 480-60-050\(1\)](#) prescribes a general minimum side clearance of 8 feet 6 inches from the center line of the track to the nearest structure. The hydraulic system for the new

bridge will require permanent exemption of the side clearance rules since it will be 8 feet from the center of the track. In addition, the nine safety ladders will require permanent exemption of the side clearance rules since they are 8 feet 3 inches from the center of the track.

5 The Columbia Basin Railroad (CBRR) is the operating railroad that serves Americold on this rail spur and is the regulated company that must comply with the clearance rules. CBRR supports this project provided the Commission grants the requested side clearance waivers.

6 Commission Staff reviewed the request and recommended granting Americold's request for exemption, subject to the following condition(s):

- (a) "No Clearance" signs must be posted approximately 20 feet before and after the bridge on the side where the hydraulic system is located.
- (b) Lighting must be installed at the bridge area.
- (c) "No Clearance" signs must be posted near the nine safety ladders on the dockside of the warehouse.
- (d) The blue light warning system on the lead end of the warehouse must be maintained in proper working condition to warn railroad workers of a track obstruction when the bridge is in lowered position.
- (e) Notice of the close clearance must be posted in CBRR's Timetable.
- (f) Upon completion of the facility improvement and installation of the signage, Americold Moses Lake must notify Commission Staff within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage and bulletins to train crews are in full compliance with applicable laws, regulations and the conditions specified herein.

### **FINDINGS AND CONCLUSIONS**

7 (1) The Washington Utilities and Transportation 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](#), [RCW 81.01](#), [RCW 81.04](#), and [RCW 81.53](#).

- 8 (2) CBRR 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) CBRR 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 the nearest structure.
- 10 (4) Under [WAC 480-62-140](#), the Commission may grant an exemption from the provisions of any rule in [WAC 480-62](#), if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also [WAC 480-07-110](#).
- 11 (5) A close clearance can exist and safety can be maintained if “No Clearance” signs are installed on each end of the close clearance areas, lighting is installed in the bridge area, the blue light warning system is maintained, and notice of the close clearance is posted in the operating railroad’s timetable.
- 12 (6) Commission staff investigated the request and recommended that a permanent exemption be granted.
- 13 (7) This matter came before the Commission at its regularly scheduled meeting on June 25, 2015.
- 14 (8) After review of the petition filed in Docket TR-151244 by Americold Moses Lake, on June 10, 2015, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

## **ORDER**

### **THE COMMISSION ORDERS:**

- 15 (1) After the effective date of this Order, Americold Moses Lake, is granted an exemption from [WAC 480-60-050\(1\)](#), relating to side clearances.

- 16 (2) This exemption is subject to the following conditions:
- (a) “No Clearance” signs must be posted approximately 20 feet before and after the bridge on the side where the hydraulic system is located.
  - (b) Lighting must be installed at the bridge area.
  - (c) “No Clearance” signs must be posted near the nine safety ladders on the dockside of the warehouse.
  - (d) The blue light warning system on the lead end of the warehouse must be maintained in proper working condition to warn railroad workers of a track obstruction when the bridge is in lowered position.
  - (e) Notice of the close clearance must be posted in Columbia Basin Railroad’s Timetable.
  - (f) Upon completion of the facility improvement and installation of the signage, Americold Moses Lake must notify Commission Staff within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage and bulletins to train crews are in full compliance with applicable laws, regulation and conditions specified herein.
- 17 (3) The Commission retains jurisdiction over the subject matter and Columbia Basin Railroad 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 Olympia, Washington, and effective June 25, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary