

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SHORE TERMINALS, LLC,

Petitioner,

Seeking Exemption from the Provisions of  
WAC 480-60-050 Relating to Side  
Clearances

DOCKET TR-920161

ORDER 04

AMENDING ORDER 03 AND  
GRANTING PERMANENT  
EXEMPTION FROM RULES

**BACKGROUND**

- 1 On February 11, 1992, Superior Oil Co. (Superior Oil) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting an exemption from railroad clearance rules in WAC 480-60-040(1), which generally require an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure.
- 2 On March 17, 1992, the Commission issued Order 01, granting the Petition for exemption subject to the conditions that Superior Oil install a restricted clearance warning sign indicating to rail traffic that the overhead clearance is impaired and to provide illumination to the area of clearance impairment during hours of darkness.
- 3 On January 7, 2021, the Commission issued Order 02, amending Order 01, updating the petitioner's name to NuStar Energy, LP. The conditions of granting the restricted clearance in Order 01 remained the same.
- 4 On February 11, 2021, the Commission issued Order 03, amending Order 02, updating the petitioner's name from NuStar Energy, LP, to Shore Terminals, LLC (Shore Terminals). The conditions of granting the restricted clearance in Order 02 remained the same.
- 5 On May 1, 2025, Commission staff (Staff) conducted a routine inspection at Shore Terminals. Staff identified a small structure serving as a railcar inspection office located 7 feet 6 inches from the centerline of track. The Commission's clearance rules in WAC 480-60-050 require railroad companies to maintain a side clearance of at least 8 feet 6 inches from the centerline of the track to the nearest structure. While the rail inspection

office has been in place for some time, it was not included in any prior Petition for exemption for this facility. Staff found the Shore Terminals facility to otherwise be in compliance with the conditions in Order 03.

- 6 On June 4, 2025, Shore Terminals filed with the Commission a Petition requesting exemption from WAC 480-60-050 for the railcar inspection office. In its petition, Shore Terminals states that the structure is essential for providing a safe, temperature-controlled environment to monitor rail tank car unloading operations while maintaining the required line of sight. The structure is located between the facility service track and a concrete retaining wall and piping. The existing restricted clearance warning signs and illumination, currently in place as required by Order 03, are located near the railcar inspection structure.
- 7 BNSF Railway Company (BNSF) provides railcar switching services to the facility and has signed the Petition in support of Shore Terminal's request for rule exemption.

### DISCUSSION

- 8 WAC 480-60-050 prescribes a general minimum side clearance of 8 feet 6 inches from the centerline of the track to an adjacent structure. These general clearance requirements apply to the Shore Terminals facility and permanent exemption from these rules is required for any structures not meeting these requirements.
- 9 Staff reviewed the request and recommended granting Shore Terminal's request for rule exemption, provided that all other conditions of Order 03 remain in effect.
- 10 The Commission determines that Shore Terminal's request for side clearance exemption for the railcar inspection structure at its Tacoma facility is consistent with the public interest, the purposes of WAC 480-60-050, and the applicable statutes.

### 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) BNSF 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)     BNSF 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 center of the track to an adjacent structure.
- 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 Shore Terminals maintains the warning signs and illumination required in Order 03.
- 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 July 10, 2025.
- 18       (8)     After review of the Petition filed by Shore Terminals on June 4, 2025, 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 THAT:**

- 19       (1)     Order 03 in this docket, granting a permanent exemption from the clearance requirements in WAC 480-60-040(1) to Shore Terminals, LLC, is amended to include the railcar inspection office.
- 20       (2)     After the effective date of this Order, Shore Terminals LLC, is granted exemption from WAC 480-60-050 relating to side clearances, for its Tacoma facility.
- 21       (3)     All other conditions of Order 03, including the conditions of granting the restricted clearance exemption, remain in effect.

- 22       (4)     The Commission retains jurisdiction over the subject matter and BNSF Railway Company to effectuate the provisions of this Order.
- 23       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 July 10, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP  
Executive Director and Secretary