

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-60-012 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile. The commission's location, mailing address, e-mail address and telefax number are found in WAC ((~~480-09-100~~)) 480-07-125. The commission's internet home page address is found in WAC ((~~480-04-050~~)) 480-04-035.

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WAC 480-60-014 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter ((~~480-09~~)) 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter ((~~480-09~~)) 480-07 WAC, the rule in this chapter applies to railroad companies.

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WAC 480-60-020 Exemptions. (1) When the overhead or side clearances between a track and any building, structure, or facility are less than the minimum required by these rules, but were lawfully created prior to October 9, 1969, the minimum clearances required by these rules must be provided whenever the building, structure, or facility is relocated or reconstructed. However, the commission will consider specific requests for the future continuance of these previously lawful clearances when the railroad or owner or manager of the building, structure, or facility applies for an exemption under the provision set forth below.

(2) Where restricted clearances are unavoidable, the following moves are allowed without requesting an exemption from the commission:

(a) The movement of material over tracks when the material

is needed for the construction or maintenance of the tracks;

(b) The movement of special work equipment used in the construction, maintenance or operation of the railroad;

(c) Movements during periods of actual emergency due to wrecks, derailments, washouts and like conditions;

(d) All movements authorized in this subsection may be made only after all reasonable steps are taken to provide for the safety of all who could be harmed by the move.

(3) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(4) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(5) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(6) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter ((480-09)) 480-07 WAC.

(7) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations in chapter 296-54 WAC, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.