

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In The Matter of)	
)	DOCKET NO. TR-011609
PETITION FOR LIMITED)	
EXEMPTION FROM CLEARANCE)	ORDER GRANTING LIMITED
RULES FOR TACOMA RAIL AT)	EXEMPTION FROM
MACMILLAN-PIPER INC.)	CLEARANCE RULES
)	
.....)	

BACKGROUND

1 On December 15, 2001, MacMillan-Piper Inc., (Company) filed a petition requesting an exemption for Tacoma Rail (Railroad) from the side clearance rules in WAC 480-60-050. The request is to allow construction of a bulk transfer system that would be used to unload rail cars at its place of business in Tacoma, Washington. Tacoma Rail is a common carrier railroad that provides rail service to MacMillan-Piper Inc.

DISCUSSION

2 Staff investigated the petition. The bulk-transfer system is needed for the ordinary operation of the business when it uses rail service. An auger that is part of the system would emerge from a pit underneath the tracks and be inside the clearance envelope of eight feet six inches by nine inches. Construction options were discussed with Railroad and Company personnel. A different system or a different slope for the auger that would have it emerge at a greater distance from the rail are not financially feasible, or practicable from an engineering standpoint.

3 The proposed facility presents a tripping hazard only. If a sign is placed at the point of the close clearance and if the Railroad notes the close clearance in a safety bulletin, the danger to train crews is reduced sufficiently to allow them to work near the close clearance site. The sign at the facility should have three inch tall red lettering on a white reflective background reading: RESTRICTED SIDE CLEARANCE.

4 The Railroad concurred with the request, and the Company and Railroad agreed to the suggested conditions. Staff recommends the petition be granted on the stated conditions.

FINDINGS

5 THE COMMISSION FINDS:

6 (1) It has jurisdiction pursuant to RCW 81.28.010 and RCW 81.04.460.

- 7 (2) Granting the requested exemption is necessary to the efficient operation of the
business of MacMillan-Piper Inc.
- 8 (3) Granting the requested exemption will not endanger employees of Tacoma
Rail if the conditions stated in the discussion are followed.
- 9 (4) Granting the requested exemption is consistent with the public interest, and
the purposes of underlying regulations and statutes.

THE COMMISSION DIRECTS the Secretary to issue the order.

ORDER

10 THE COMMISSION ORDERS:

- 11 (1) The Commission grants the petition of MacMillan-Piper Inc., for an exemption
from side clearance rules set forth in WAC 480-60-050 for a bulk transfer
system proposed for its place of business in Tacoma, Washington. The facility
shall be constructed in conformance to the drawings on file in this docket.
- (2) Tacoma Rail is authorized to operate rail equipment on the spur that includes
the bulk transfer system so long as the following conditions continue to be
met:
- a. Tacoma Rail continues to state the restriction and provide notice of
the close clearance in a safety bulletin.
 - b. The warning sign installed by MacMillan-Piper Inc., remains
visible and readable in all weather and lighting conditions at the
point of the close clearance. The sign shall have a white reflective
background and the message shall state in red letters three inches
high: RESTRICTED SIDE CLEARANCE.

Dated at Olympia, Washington, and effective this 28th day of December 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary