

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

In the Matter of the Petition of)	DOCKET TR-151513
)	
Cascade Columbia Distribution)	ORDER 01
Company,)	
)	ORDER GRANTING
Petitioner,)	PERMANENT
)	EXEMPTION FROM RULE
Seeking Exemption from the)	
Provisions of WAC 480-60-050)	
Relating to side clearance rules.)	
.....)	

BACKGROUND

- 1 On July 22, 2015, Cascade Columbia Distribution Company (CCDC) 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 The existing security and operational equipment at the CCDC facility in Seattle requires a waiver of the side clearance rules in WAC 480-60-050(1) relating to the handling of chemicals transported in railroad tank cars. The request relates to the location of a security gate post, OSHA required safety access ladder and an equipment storage box that extend into the minimal clearance area. The closest side clearance is the safety access ladder that measures 6 feet 10 inches from the center of the tracks. The security gate post and equipment storage box are 7 feet 6 inches from the center of the track.

- 3 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 OSHA required safety ladder, security gate and equipment storage box require permanent exemption from the side clearance rules.

- 4 The Union Pacific Railroad (UPRR) is the operating railroad that serves CCDC on this rail spur and is the regulated industry that must comply with the clearance rules. UPRR supports this project provided the Commission grants the requested side clearance waiver.

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

- (a) "No Clearance" signs must be posted at the security gate entrance and approximately 20 feet in advance of the OSHA safety ladder and equipment storage box.
- (b) A sign must be posted on the security gate to the entrance of this facility that reads "No riding side of railcars within this facility".
- (c) Notice of the close clearance must be posted in UPRR's Timetable and bulletins to train crews.
- (d) Upon completion of the installation of the signage, Cascade Columbia Distribution Company 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

- 6 (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](#).
- 7 (2) UPRR is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 8 (3) UPRR 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.
- 9 (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](#).

- 10 (5) A close clearance can exist and safety can be maintained if “No Clearance” signs are installed and notice of the close clearance is posted in the operating railroad’s timetable and bulletins to train crews.
- 11 (6) Commission staff investigated the request and recommended that a permanent exemption be granted.
- 12 (7) This matter came before the Commission at its regularly scheduled meeting on July 30, 2015.
- 13 (8) After review of the petition filed in Docket TR-151513 by Cascade Columbia Distribution, on July 22, 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:

- 14 (1) After the effective date of this Order, Cascade Columbia Distribution, is granted an exemption from WAC 480-60-050(1), relating to side clearances.
- 15 (2) This exemption is subject to the following conditions:
- (a) “No Clearance” signs must be posted at the security gate entrance and approximately 20 feet in advance of the OSHA safety ladder and equipment storage box.
 - (b) A sign must be posted on the security gate to the entrance of this facility that reads “No riding side of railcars within this facility”.
 - (c) Notice of the close clearance must be posted in UPRR’s Timetable and bulletins to train crews.

- (d) Upon completion of the installation of the signage, Cascade Columbia Distribution Company 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.
- 16 (3) The Commission retains jurisdiction over the subject matter and Union Pacific 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 July 30, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary