

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

In the Matter of the Petition of)	DOCKET NO. TR-040189
)	
THE NORTHWEST RAILWAY)	ORDER NO. 01
MUSEUM)	
)	ORDER GRANTING LIMITED
Requesting Limited Exemption)	EXEMPTION FROM SIDE
From WAC 480-60-050 (11))	CLEARANCE RULE
.....)	

BACKGROUND

- 1 On February 9, 2004, the Northwest Railway Museum (NWRM) filed a petition with the Commission, requesting exemption from the side clearance rule in WAC 480-60-050 (11). The rule requires a side clearance of 7'6" from the center of track to engine house or car repair shop doors. This means that a doorway where a track enters such facilities must be at least 15 feet wide.

- 2 NWRM collects and preserves historic railway equipment, and conducts excursion rail operations in and around Snoqualmie and North Bend, Washington. NWRM is planning to construct a Conservation and Restoration Center in Snoqualmie, Washington that will serve as a storage and maintenance facility for historic equipment, including locomotives, passenger cars, and freight cars. The facility will include two separate track entry points that are both subject to the clearance requirements in WAC 480-60-050 (11).

- 3 Due to constraints on the amount of developable land on the site of the future facility, the petitioner has requested that the Commission allow them to construct the facility with 14 feet wide doorways. If approved, this would result in a total variance of one foot under the clearance required by the rule. The petitioner proposes to mitigate the close clearance by issuing timetable special instructions to train crews that prohibit any person from riding on the side of on-track equipment entering or exiting the facility, and installing close side clearance warning signs on both tracks entering the facility.

FINDINGS AND CONCLUSIONS

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over railroad clearance requirements. *Chapter 81.28.010 RCW and WAC 480-60-050.*
- 5 (2) WAC 480-60-020 allows the Commission to grant exemptions from the clearance rules in WAC 480-60 if it determines that the exemption is consistent with the public interest.
- 6 (3) The safety-related initiatives discussed in the background section will reasonably mitigate the proposed close side clearance.
- 7 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 8 (5) This matter was brought before the Commission at its regularly scheduled meeting on February 25, 2004.
- 9 (6) After examination of the petition filed by the Northwest Railway Museum on February 9, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 10 The petition of the Northwest Railway Museum, requesting limited exemption from WAC 480-60-050 (11), related to side clearances for engine house and car repair shop doors, is granted. Approval of the petition is subject to the following conditions:

- (1) The exemption allows for a variance from the rule of 6 inches below the required clearance on either side of the track

centerline for both of the track entry points to the Conservation and Restoration Center.

- (2) Warning signs indicating "Restricted Side Clearance" or equivalent must be installed at both locations where railroad tracks enter the Conservation and Restoration Center. The signs must have a white reflective background and the letters comprising the warning message must be red and at least three inches high.
- (3) The Northwest Railway Museum must issue timetable special instructions to all crews to the effect that all persons are prohibited from riding on the side of any on-track equipment entering or exiting the Conservation and Restoration Center. A copy of the updated timetable must be copied to the Washington Utilities and Transportation Commission.
- (4) Upon completion of the Conservation and Restoration Center, petitioner must notify the Commission.

The Commissioners, having determined that this filing complies with the requirements of Chapter 81.28.010 RCW and WAC 480-60-050, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 25th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary