

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

In the Matter of the Petition of	)	DOCKET TR-071947
	)	
OLYMPIC CHEMICAL	)	ORDER 01
CORPORATION,	)	
	)	
Petitioner,	)	
	)	
Requesting Exemption From WAC	)	ORDER GRANTING EXEMPTION
480-60-050	)	FROM SIDE CLEARANCE RULES IN
.....	)	WAC 480-60-050
	)	

**BACKGROUND**

- 1     On September 25, 2007, Olympic Chemical Corporation (Olympic Chemical) filed a petition with the Commission, requesting exemption from railroad side clearance rules in WAC 480-60-050, which generally requires a side clearance of at least eight feet, six inches. Although the rule provides for exceptions, the type of structure associated with Olympic Chemical’s request is subject to the general rule and does not qualify as an exception.
- 2     The request relates to the construction of a security fence with an access gate to provide enhanced security for storage of a single chemical car. Construction of the fence will restrict clearance as described in the petition. This additional level of security is recommended by the Department of Homeland Security and the Tacoma Police Department.
- 3     BNSF Railway Company (BNSF) is the primary rail operator at the Olympic Chemical facility. BNSF has reviewed the construction plans and has no objection to the installation of the security fence.
- 4     Olympic Chemical employees will be the only authorized staff to open and close the gate, which will allow the BNSF rail car to access the fenced area. BNSF and Olympic Chemical agree that no one will be allowed to ride on the exterior of a rail car approaching or within the fenced area.

**FINDINGS AND CONCLUSIONS**

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over railroad clearance requirements. *RCW 81.28.010 and WAC 480-60-050.*
- 6 (2) 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.*
- 7 (3) Commission Staff investigated the request and recommended that it be granted.
- 8 (4) A close clearance can exist and safety can be maintained if the operating railroad issues a safety bulletin to its train crews prohibiting the practice of riding on the side of any on-track equipment and the parties install cautionary signs on each railroad approach to the close clearance.
- 9 (5) This matter came before the Commission at its regularly scheduled meeting on January 31, 2008.
- 10 (6) After reviewing Olympic Chemical Corporation's petition filed on September 25, 2007, and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the exemption is reasonable and should be granted.

**ORDER**

**THE COMMISSION ORDERS:**

- 11 (1) After the effective date of this Order, Olympic Chemical Corporation is granted an exemption from WAC 480-60-050, relating to side clearances.
- 12 (2) This exemption is subject to the following conditions:
- (1) Only authorized personnel from Olympic Chemical Corporation will open and operate the gates prior to BNSF Railway Company accessing the close clearance area.

- (2) BNSF Railway Company must install “No clearance” signs on the approach to the access gate at the storage/unloading facility. The signs must be reflectorized, designed, and placed so as to be highly visible and clearly indicative of the points of close clearance.
- (3) Olympic Chemical Corporation and BNSF Railway Company agree to prohibit anyone from riding on the exterior of a rail car approaching or within the fenced area.
- (4) Olympic Chemical Corporation must notify Commission Staff upon installation of the signs. Acceptance of the installation of signs is subject to inspection by Commission Staff for compliance with the requirements contained in this order.

13 (3) The Commission retains jurisdiction to effectuate the terms of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Secretary to enter this Order.

DATED at Olympia, Washington, and effective January 31, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary