

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-131918
)	
OLYMPIC CHEMICAL)	ORDER 01
CORPORATION,)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-60-040)	
Relating to overhead clearance rules)	ORDER GRANTING
and WAC 480-60-050 Relating to side)	PERMANENT
clearance rules.)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On October 3, 2013, Olympic Chemical Corporation (Olympic Chemical) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-60-040, which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure. The petition also requests an exemption from WAC-480-60-050, 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 Olympic Chemical stated that the installation of a tracking railcar unloading rack will provide additional safety and fall protection for personnel while unloading railcars at their facility in Tacoma. BNSF Railway Co. (BNSF) provides rail service to this facility.
- 3 A fall protection safety cage attached to the loading rack gangway allows employees to move safely between the rack and the rail tank car. The design of the safety cage will allow the gangway to remain as level as possible. This will minimize the possibility of employees slipping or tripping due to a slope created by the unloading rack being lower or higher than the rail car.
- 4 The height of the safety cage in its stored position is 18 feet above the center point of the rail and requires a permanent exemption from the overhead clearance rule.

- 5 The side clearance created by the design of the unloading rack in its stored position would be a minimum of 7 feet and requires a permanent exemption from the side clearance rule.
- 6 BNSF is in support of the waiver and will require Olympic Chemical to implement an additional safety precaution including “blue-flagging” the track that the railcar is parked on. Blue-flagging ensures that no person will enter the track or move the rail car until the blue flag is removed by the person who placed it. Workers on or around the railcar remain protected from accidental car movement as long as the blue flag is present in front of the coupling mechanism. Commission Staff supports BNSF’s additional safety requirement.
- 7 In addition, Olympic Chemical must post and maintain a sign stating “No auto racks, high cubes or other tall cars due to close vertical clearance” and a sign stating “No riding top or side of cars.” Olympic Chemical will also be required to add a section to their unloading procedures outlining the requirements for raising the gangway and safety cage when the unloading has been completed.
- 8 BNSF must update the railroad timetable to include a notation that there is no side or vertical clearance at the railcar spotting location.
- 9 Commission Staff reviewed the request and recommended granting Olympic Chemical Corporation’s request for exemption, subject to the following conditions:
- (a) Olympic Chemical will “blue-flag” the track the railcar is parked on to ensure no person will enter the track or move the railcar until the blue flag is removed by the person who placed it.
 - (b) Olympic Chemical will post and maintain a sign stating “No auto racks, high cubes or other tall cars due to close vertical clearance.”
 - (c) Olympic Chemical will post and maintain a sign stating “No riding top or side of cars.”
 - (d) Olympic Chemical will add a section to their unloading procedures outlining the requirements for raising the gangway and safety cage when the unloading has been completed. This will prevent a collision between rail equipment and a lowered gangway.

- (e) BNSF will update the railroad timetable to include a notation that there is no side clearance and no vertical clearance at the railcar spotting location.
- (f) Upon completion of the facility improvement and installation of the signage, Olympic Chemical must notify Commission Staff within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage, unloading procedures and bulletins to train crews are in full compliance with applicable laws, regulation and the conditions specified herein.

FINDINGS AND CONCLUSIONS

- 10 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over railroad clearance requirements. RCW [80.28.010](#), and WAC 480-60.
- 11 (2) BNSF Railway Co. is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 12 (3) BNSF Railway is subject to WAC 480-60-040, which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure.
- 13 (4) BNSF Railway is subject to WAC 480-60-050, 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.
- 14 (5) 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.
- 15 (6) Commission Staff investigated the request and recommended that it be granted. The permanent exemption will support a safer unloading environment, which will improve safety for Olympic Chemical employees. The addition of the fall protection safety cage, blue-flagging, train crew timetable bulletin, warning signs,

and unloading procedure requirements all contribute to increased overall safety during unloading operations.

16 (7) This matter came before the Commission at its regularly scheduled meeting on November 15, 2013.

17 (8) After review of the petition filed in Docket TR-131918 by Olympic Chemical on October 3, 2013, and giving due consideration, the Commission finds that the exemptions are in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

O R D E R

THE COMMISSION ORDERS:

18 (1) After the effective date of this Order, Olympic Chemical Corporation is granted an exemption from WAC 480-60-040, relating to overhead clearances and WAC 480-60-050 relating to side clearances.

19 (2) This exemption is subject to the following condition(s):

(a) Olympic Chemical Corporation will “blue-flag” the track the railcar is parked on to ensure no person will enter the track or move the railcar until the blue flag is removed by the person who placed it.

(b) Olympic Chemical Corporation will post and maintain a sign stating “No auto racks, high cubes or other tall cars due to close vertical clearance.”

(c) Olympic Chemical Corporation will post and maintain a sign stating “No riding top or side of cars.”

(d) Olympic Chemical Corporation will add a section to their unloading procedures outlining the requirements for raising the gangway and safety cage when the unloading has been completed. This will prevent a collision between rail equipment and a lowered gangway.

(e) BNSF will update the railroad timetable to include there is no side clearance and no vertical clearance at the railcar spotting location.

(f) Upon completion of the facility improvement and installation of the signage, Olympic Chemical Corporation must notify Commission Staff within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage, unloading procedures and bulletins to train crews are in full compliance with applicable laws, regulation and the conditions specified herein.

20 (3) The Commission retains jurisdiction over the subject matter and BNSF Railway Co. 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 November 15, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary