

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-140485
)	
BNSF RAILWAY CO.,)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-60-060)	ORDER GRANTING
Relating to track clearance rules)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On March 25, 2014, BNSF Railway Co. (BNSF), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-60-060, which requires railroad companies to maintain a distance of at least 15 feet between the centerlines of parallel main and subsidiary tracks and 14 feet between the centerlines of parallel tracks in general.

- 2 BNSF’s petition relates to the construction of new track and relocation of existing track in their Vancouver rail yard which is part of BNSF’s Vancouver Bypass Project. The track modifications will improve the efficiency of movement of rail traffic into, out of, and through the yard by adding a second lead connection, along with signalization to further improve operational efficiency.

- 3 Due to existing space constraints in the Vancouver rail yard, including the spacing of support piers for Washington Highway 501 (SR-501) over the rail yard, a portion of track 4501 and track 4502 must be spaced approximately 13 feet 3 inches apart for a linear distance of approximately 200 feet. This requires a permanent exemption from the track clearance rule in WAC 480-60-060(1). A portion of main track 2 and track 4501 must be spaced approximately 13 feet 6 inches apart for a linear distance of approximately 300 feet. This requires a permanent exemption from the track clearance rule in WAC 480-60-060(2). The completed construction will allow for adequate side clearance between track 4502 and the existing pier for the SR 501 overpass. BNSF states that the track construction and relocation in the Vancouver Bypass Project will serve the public interest by supporting the passenger rail service enhancements of the project.

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

- (a) BNSF will post and maintain signs stating "Restricted Side Clearance" at both ends of the linear sections that are less than the required clearances as prescribed in sections (1) and (2) of WAC 480-60-060.
- (b) BNSF will issue General or Supplemental orders indicating the areas of restricted side clearance in the Vancouver rail yard.
- (c) BNSF will clearly indicate the area of restricted side clearance in the "timetable."

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 80.28.010 and WAC 480-60.
- 6 (2) BNSF is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 7 (3) BNSF is subject to WAC 480-60-060, which requires railroad companies to maintain a track clearance of at least 15 feet between the centerlines of parallel main and subsidiary tracks and 14 feet between the centerlines of parallel tracks in general.
- 8 (4) 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.
- 9 (5) This matter came before the Commission at its regularly scheduled meeting on April 24, 2014.
- 10 (6) After review of the petition filed in Docket TR-140485 by BNSF, on March 25, 2014, 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:

- 11 (1) After the effective date of this Order, BNSF Railway Co. is granted an exemption from WAC 480-60-060, relating to track clearances.
- 12 (2) This exemption is subject to the following condition(s).
- (a) BNSF Railway Co. will post and maintain signs stating “Restricted Side Clearance” at both ends of the linear sections that are less than the required clearances as prescribed in sections (1) and (2) of WAC 480-60-060.
 - (b) BNSF Railway Co. will issue General or Supplemental orders indicating the areas of restricted side clearance in the Vancouver rail yard.
 - (c) BNSF Railway Co. will clearly indicate the area of restricted side clearance in the “timetable.”
- 13 (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 April 24, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary