

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-143159
)	
SHELL OIL PRODUCTS PUGET)	ORDER 01
SOUND REFINERY,)	
)	
Petitioner,)	ORDER GRANTING
)	PERMANENT
Seeking Exemption from the)	EXEMPTION FROM
Provisions of WAC 480-60-040)	RULES
Relating to Overhead Clearance Rules.)	
)	
.....)	

BACKGROUND

- 1 On August 8, 2014, Shell Oil Products Puget Sound Refinery (Shell Oil) 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.

- 2 Shell Oil’s petition relates to a proposed tank car unloading facility on their Puget Sound Refinery premises located at Anacortes. The unloading facility will consist of a two track unit train configuration and a single arrival/departure track at the Puget Sound Refinery site. BNSF Railway Co. (BNSF) provides service within the Shell Oil unloading facility. Shell Oil or its representative third party operator will also be moving railcars within the Puget Sound Refinery premises.

- 3 The bottom of the safety cage, in its retracted and upright position, is 19 feet 9 and 1/8 inches above the top of the rail and requires permanent exemption from the vertical clearance rules.

- 4 The unloading station gangway will be extended and operated by Shell Oil employees after delivery of rail cars by BNSF. After unloading, the platform will then be returned to the fully retracted position prior to removal of rail cars by BNSF. The lower vertical clearance of the platform in the upright position does not negatively affect BNSF operations. BNSF will not service the unloading facility area unless the platform has

- 5 been returned to the fully retracted upright position. BNSF will issue instructions to their train crews advising of the maximum height of rail cars allowable to this track. The unloading structure is to be located inside the fenced area at Shell Oil. With the proposed clearance and fully stowed retractable platform, BNSF trains will be able to clear the structure; however, the close clearance would present a risk to individuals riding on the top of the rail car. Although train crewmembers have no reason to ride on the top of a rail car, all parties agree that any clearance exemption should be conditional upon a prohibition against riding on the top of a rail car approaching or underneath the unloading structure; and clearly marking and signing the unloading facility as having lower vertical clearance. The fully stowed retractable platform allows for ample clearance of a tank car and a locomotive.
- 6 BNSF is in support of the proposed unload facility having a lower vertical clearance of 19 feet 9 and 1/8 inches.
- 7 Commission Staff reviewed the request and recommended granting Shell Oil's request for exemption, subject to the following conditions:
- (a) Shell Oil will post and maintain a sign stating "No riding top of rail cars."
 - (b) Shell Oil will add a section to the unloading procedures outlining the requirements for raising the service platform and safety cage when the unloading has been completed. This will prevent a collision between rail equipment and a lowered platform.
 - (c) BNSF will issue bulletins to all train crews operating at the facility prohibiting the practice of riding on the top of any on-track equipment when approaching or leaving the unloading facility.
 - (d) Upon completion of the facility and installation of the signage, Shell Oil must notify Commission Staff within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage, procedures, bulletins, and the timetable are in full compliance with applicable laws, regulations and the conditions specified herein.

FINDINGS AND CONCLUSIONS

- 8 (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.
- 9 (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.
- 10 (3) BNSF 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.
- 11 (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.
- 12 (5) 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 Shell Oil employees. The retractable gangway with a safety cage, train crew timetable bulletin, warning signs, and unloading procedure requirements all contribute to increased overall safety during unloading operations.
- 13 (6) This matter came before the Commission at its regularly scheduled meeting on September 11, 2014.
- 14 (7) After review of the petition filed in Docket TR-143159 by Shell Oil on August 8, 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:

- 15 (1) After the effective date of this Order, Shell Oil Products Puget Sound Refinery is granted an exemption from WAC 480-60-040, relating to overhead clearances.

- 16 (2) This exemption is subject to the following conditions:
- (a) Shell Oil Products Puget Sound Refinery will post and maintain a sign stating “No riding top of rail cars”.
 - (b) Shell Oil Products Puget Sound Refinery will add a section to the unloading procedures outlining the requirements for raising the service platform and safety cage when the unloading has been completed. This will prevent a collision between rail equipment and a lowered platform.
 - (c) BNSF Railway Co. will issue bulletins to all train crews operating at the facility prohibiting the practice of riding on the top of any on-track equipment when approaching or leaving the unloading facility.
- 17 (3) The Commission retains jurisdiction over the subject matter and BNSF Railway Co. to effectuate the provisions of this Order.
- 18 (4) Upon completion of the unload facility and installation of the signage, Petitioner must notify the Commission 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, regulations and the conditions specified herein.

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 September 11, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary