

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of</p> <p>AMERICOLD LOGISTICS, LLC,</p> <p style="text-align: center;">Petitioner,</p> <p>Seeking Exemption from the Provisions of WAC 480-60-050 Relating to Side Clearances</p>	<p>DOCKET TR-230994</p> <p>ORDER 01</p> <p>GRANTING PERMANENT EXEMPTION FROM RULES</p>
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**BACKGROUND**

- 1 On December 7, 2023, Americold Logistics, LLC (Americold or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting exemption from WAC 480-60-050, which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the centerline of the track to the nearest structure.
- 2 Americold operates a facility at West Juniper Street in Connell and receives rail service from BNSF Railway Company, Inc. (BNSF). BNSF serves Americold using a spur track that runs north to south for 518 feet along the west side of the Americold facility. Warehouse access ladders are located approximately 7 feet 8 3/4 inches from the centerline of track. A downspout pipe is located approximately 7 feet 6 1/2 inches from the centerline of track. These existing structures create restricted clearances requiring exemption from Commission rules.
- 3 Americold proposes to install a vertical reflective “No Clearance” sign meeting BNSF standard plans, as depicted in the Order attachment, facing approaching rail traffic on the existing post at the northwest corner of its warehouse adjacent to the crossover switch. The Company will also provide overhead illumination for operations occurring during hours of darkness. BNSF will notify its employees in writing of the restricted clearance through its employee timetable or special instructions and will provide a copy of such notification to Commission Staff (Staff) within 60 days of the effective date of this order.

4 Staff reviewed the request and recommends granting Americold's request for exemption, subject to the following conditions:

- (a) Americold must install a vertical reflective "No Clearance" sign meeting BNSF standard plans, as depicted in the Order attachment, facing approaching rail traffic on the existing post at the northwest corner of its warehouse adjacent to the crossover switch.
- (b) Americold must provide overhead illumination for operations occurring during hours of darkness.
- (c) BNSF must notify its employees in writing of the restricted clearance through its employee timetable or special instructions.
- (d) BNSF must provide a copy of such notification to Staff within 60 days of the effective date of this order.

#### DISCUSSION

5 WAC 480-60-050 prescribes a general minimum side clearance of 8 feet 6 inches from the centerline of the track to an adjacent structure. This general clearance requirement applies to the Americold facility and permanent exemption from this rule is required for any structures not meeting these requirements.

6 Under WAC 480-60-020(3), the Commission may grant an exemption from the provisions of any rule in WAC 480-60 if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

7 Although train crewmembers have no reason to ride a rail car at this location, any clearance exemption should be conditioned upon a prohibition against riding on the side of a rail car and clearly signing the location as having reduced side clearances.

8 The Commission determines that Americold's request for clearance exemption for its Connell facility is consistent with the public interest, the purposes of WAC 480-60-050, and the applicable statutes. The Commission grants the exemption subject to Staff's recommended conditions listed in paragraph 4.

**FINDINGS AND CONCLUSIONS**

- 9 (1) The Commission is an agency of the State of Washington having jurisdiction over public service companies, including railroad companies, within the state of Washington. RCW 80.01.040, Chapter 81.01 RCW, Chapter 81.04 RCW, and Chapter 81.53 RCW.
- 10 (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.
- 11 (3) BNSF 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 track to adjacent structures.
- 12 (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.
- 13 (5) A restricted clearance can exist, and safety can be maintained, if Americold installs and maintains the approved warning sign at the northwest corner of its warehouse facing approaching rail traffic and provides illumination during operations occurring during hours of darkness, and if BNSF provides written notification of the restricted clearances to its employees.
- 14 (6) Staff investigated the request and recommend that permanent exemption be granted.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on January 11, 2024.
- 16 (8) After review of the petition filed by Americold on December 7, 2023, and giving due consideration, the Commission finds that the exemption is in the public interest, is consistent with the purposes underlying the regulation and applicable statutes, and should be granted.

**ORDER**

**THE COMMISSION ORDERS:**

- 17 (1) After the effective date of this Order, Americold Logistics, LLC, is granted exemption from WAC 480-60-050 relating to side clearances.
- 18 (2) This exemption is subject to the following conditions:
- (a) Americold Logistics, LLC, must install a vertical reflective “No Clearance” sign meeting BNSF Railway Company, Inc. standard plans, as depicted in the Order attachment, facing rail traffic on the existing post at the northwest corner of its warehouse adjacent to the crossover switch.
  - (b) Americold Logistics, LLC, must provide overhead illumination for operations occurring during hours of darkness.
  - (c) BNSF Railway Company, Inc., must notify its employees in writing of the restricted clearance through its employee timetable or special instructions.
  - (d) BNSF Railway Company, Inc., must provide copy of such notification to Staff within 60 days of the effective date of this order.
- 19 (3) The Commission retains jurisdiction over the subject matter and BNSF Railway Company, Inc., to effectuate the provisions of this Order.

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

DATED at Lacey, Washington, and effective January 11, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER  
Acting Executive Director and Secretary