

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

In the Matter of the Petition of)	DOCKET TR-061509
)	
SOUND TRANSIT,)	ORDER 01
)	
Petitioner,)	
)	ORDER GRANTING EXEMPTION
Requesting Exemption From WAC)	FROM CLEARANCE RULES IN
480-60-050)	WAC 480-60-050
.....)	

BACKGROUND

- 1 On September 21, 2006, Sound Transit filed a petition with the Commission requesting exemption from railroad clearance rules in WAC 480-60-050, which generally requires a side clearance at railroad tracks of at least eight feet, six inches.

- 2 The request relates to the construction of a new Sound Transit station at Lakewood, Washington, between mileposts 0.2X and 0.4X on the Lakeview Spur. During construction, the side clearance will be 5 feet, 6-3/4 inches from the centerline of the track, which is almost three feet short of the requirements of WAC 480-60-050. Tacoma Rail, the owner of the track, and BNSF Railway, which has operating rights on the track, have both submitted letters in support of the exemption.

- 3 Sound Transit commits to purchase high-density close clearance signs in advance of the construction location. Tacoma Rail, in its letter of support for the exemption, committed to installing the signs and issuing safety bulletins to trains crews operating in the area regarding the close clearance.

FINDINGS AND CONCLUSIONS

- 4 (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 480-60-020.

- 5 (2) Commission Staff investigated the request and recommended that it be granted.
- 6 (3) 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.
- 7 (4) This matter was brought before the Commission at its regularly scheduled meeting on October 11, 2006.
- 8 (5) After examination of the petition filed by Sound Transit on September 21, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

O R D E R

THE COMMISSION ORDERS:

- 9 The petition of Sound Transit requesting exemption from WAC 480-60-050 as specified above is granted. Approval of the petition is subject to the following conditions:
- (1) Tacoma Rail will issue bulletins to all train crews operating at the construction location prohibiting the practice of riding on the side of any on-track equipment when approaching or traveling the construction area.
 - (2) Sound Transit and Tacoma Rail must install cautionary signs on each railroad approach to the facility that indicate that the clearance is less than the required distance. The signs must be reflectorized, designed, and placed so as to be highly visible and clearly indicative of the points of close clearance.
 - (3) Sound Transit must notify Commission Staff upon installation of the signs required by condition 2. Acceptance of the installations is subject to inspection by Commission Staff for compliance with the requirements contained in this order.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.28.010 and WAC 480-60-020, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective October 11, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary