

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

In the Matter of the Petition of	)	DOCKET TR-090628
	)	
SOUND TRANSIT,	)	ORDER 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	ORDER GRANTING
Provisions of WAC 480-60-040	)	PERMANENT
relating to overhead clearance rules	)	EXEMPTION FROM RULE
.....	)	

**BACKGROUND**

- 1     On April 28, 2009, Sound Transit 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 twenty-two feet six inches from the top of the rail to the nearest structure.
- 2     Sound Transit is planning to construct a rail connection from East “D” Street (near Freight House Square) in Tacoma to the former BNSF Railway (BNSF) tracks at West “M” Street in Lakewood. As it passes under the I-705 highway bridge, the new connection will have a permanent vertical clearance less than twenty-two feet six inches but no less than twenty-two feet zero inches. Sound Transit is requesting a variance of six inches from the vertical clearance requirements.
- 3     The new Sound Transit rail connection will be primarily limited to passenger rail traffic only. In an emergency situation, such as temporary closure of the main line tracks, BNSF, Amtrak and Tacoma Rail may run freight or passenger traffic through this area. BNSF, Amtrak and Tacoma Rail have all indicated they have no objection to this waiver.
- 4     As the roadway authority for the I-705 highway, the Washington State Department of Transportation supports the vertical clearance waiver.
- 5     Commission Staff reviewed the request and recommended granting Sound Transit’s request for exemption, subject to the following condition(s):
  - (a) Sound Transit must install and maintain cautionary signs on each railroad approach to the low clearance that indicates the specific vertical clearance

from the top of the rails to the bottom of the I-705 bridge. The signs must be reflectorized, designed and placed so as to be highly visible and clearly indicative of the points of close clearance.

- (b) Sound Transit staff must notify Commission Staff upon installation of the signs. Acceptance of installation of the signs is subject to inspection by Commission Staff for compliance with requirements contained in this order.
- (c) Operating order issued by BNSF, Amtrak or Tacoma Rail to its crews to operate on this section of track, the railroad must also include in the orders details about the close clearance under the I-705 bridge. The railroad must also include in the orders that no railroad employee may ride on top of any on-track equipment when approaching or traveling under the bridge.

#### FINDINGS AND CONCLUSIONS

- 6 (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](#).
- 7 (2) 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](#).
- 8 (3) Commission Staff investigated the request and recommended that it be granted. The lower clearance Sound Transit proposes is supported by BNSF, Amtrak, Tacoma Rail, and Commission Staff and does not present any additional risk for train crews or passengers.
- 9 (4) This matter came before the Commission at its regularly scheduled meeting on July 16, 2009.
- 10 (5) After reviewing Sound Transit's petition filed in Docket TR-090628 on April 28, 2009, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

**ORDER**

**THE COMMISSION ORDERS:**

- 11 (1) After the effective date of this Order, Sound Transit is granted an exemption from  
WAC 480-60-040, relating to overhead clearances.
- 12 (2) This exemption is subject to the following conditions:
- (a) Sound Transit must install and maintain cautionary signs on each railroad approach to the low clearance that indicates the specific vertical clearance from the top of the rails to the bottom of the I-705 bridge. The signs must be reflectorized, designed and placed so as to be highly visible and clearly indicative of the points of close clearance.
  - (b) If BNSF, Amtrak or Tacoma Rail issue any operating orders to its crews to operate on this section of track, the railroad must also include in the orders details about the close clearance under the I-705 bridge. The railroad must also include in the orders that no railroad employee may ride on top of any on-track equipment when approaching or traveling under the bridge
  - (c) The Commission retains jurisdiction over the subject matter and Sound Transit to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, the purposes underlying regulation and applicable statutes, directed the Executive Secretary to enter this Order.

DATED at Olympia, Washington, and effective July 16, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary