

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-143602
)	
PORT OF WHITMAN COUNTY,)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the)	ORDER GRANTING
Provisions of WAC 480-60-060)	PERMANENT
Relating to track clearance rules and)	EXEMPTION FROM RULES
WAC 480-60-050 relating to side)	
clearance rules)	
.....)	

BACKGROUND

- 1 On October 1, 2014, Port of Whitman County (Port), 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 14 feet between the centerlines of tracks in general. The petition also requests 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 The Port’s petition relates to the construction of a short spur track to service an existing agricultural commodity warehouse operated by the Hinrichs Trading Company at the Port of Wilma in Clarkston, WA. The spur track will have a capacity of two railcars at the warehouse.
- 3 The warehouse is too close to the lead track to build a spur track with the standard 14 foot separation. Construction of the spur track will place the distance from centerline of lead track to centerline of spur track at 13 feet. This requires a permanent exemption from the track clearance rule in WAC 480-60-060(1). Construction of the spur track will also place the distance from centerline of spur track to side of warehouse at 8 feet 5 inches instead of the required 8 feet 6 inches. This requires a permanent exemption from the side clearance rule in WAC 480-60-050(1).
- 4 The Great Northwest Railroad (GRNW) is the only railroad providing service to the Port of Wilma and they have submitted a written statement approving the facility improvements on the condition that the Commission approves these exemptions.

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

- (a) The GRNW will post and maintain a "Close Track Clearance" sign at the switch to warn train crews that the track clearance is less than that prescribed in WAC 480-60-060(1).
- (b) The GRNW will post and maintain a "Close Clearance" sign at the approach to the warehouse to warn train crews that the side clearance is less than that prescribed in WAC 480-60-050(1).
- (c) The GRNW will post a general order to train crews advising not to ride the sides of railcars at the Hinrichs Trading Company spur track due to the close track and side clearances.
- (d) The GRNW will clearly indicate the area of restricted track and side clearances in the railroad "timetable."

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) GRNW is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 8 (3) GRNW is subject to WAC 480-60-060, which requires railroad companies to maintain a track clearance of at least 14 feet between the centerlines of parallel tracks in general.
- 9 (4) GRNW 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 centerline of the track to the nearest structure.
- 10 (5) 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.

- 11 (6) This matter came before the Commission at its regularly scheduled meeting on October 16, 2014.
- 12 (7) After review of the petition filed in Docket TR-143602 by Port of Whitman County on October 1, 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.

O R D E R

THE COMMISSION ORDERS:

- 13 (1) After the effective date of this Order, The Great Northwest Railroad is granted an exemption from WAC 480-60-060, relating to track clearances and WAC 480-60-050, relating to side clearances.
- 14 (2) This exemption is subject to the following condition(s).
- (a) The Great Northwest Railroad will post and maintain a “Close Track Clearance” sign at the switch to warn train crews that the track clearance is less than that prescribed in WAC 480-60-060(1).
 - (b) The Great Northwest Railroad will post and maintain a “Close Clearance” sign at the approach to the warehouse to warn train crews that the side clearance is less than that prescribed in WAC 480-60-050(1).
 - (c) The Great Northwest Railroad will post a general order to train crews advising not to ride the sides of railcars at the Hinrichs Trading Company spur track due to the close track and side clearances.
 - (d) The Great Northwest Railroad will clearly indicate the area of restricted track and side clearances in the railroad “timetable.”
- 15 (3) The Commission retains jurisdiction over the subject matter and The Great Northwest Railroad to effectuate the provisions of this Order.

16 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 October 16, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary