

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
ARDEN LUMBER COMPANY, INC.,  
  
Petitioner,

For Exemption of Clearance Rules and  
Regulations Governing Common  
Carrier Railroads

DOCKET TR-771004

ORDER 02

AMENDING ORDER 01

**BACKGROUND**

- 1 On May 18, 1977, Arden Lumber Company, Inc., (Arden Lumber) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting an exemption from railroad clearance rules in WAC 480-60-050(3), which require a side clearance of at least seven feet three inches from the centerline of the track to the nearest structure if that structure is a platform four feet or less above the top of the rail. When Arden Lumber filed its petition, the platform was 14 inches above the top of the rail.<sup>1</sup>
- 2 On December 13, 1977, the Commission granted the petition for exemption from WAC 480-60-050(3) subject to the following conditions:
  - a) A white line, no less than eight inches wide, of reflective material be painted or placed on the concrete pad surface no less than eight feet six inches from the centerline of track. Lettering shall be superimposed on the line indicating no materials shall be stacked or stored forward of the line.
  - b) Two reflectorized signs measuring 12" x 24" shall be installed on the northeast and southeast corner of the building, one on each side of the track. Such signs will state "Restricted Clearance" with black letters not less than 3" in height on a white

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<sup>1</sup>This matter was originally assigned docket number TR-1004. The Commission's current docket numbering convention requires six numbers, the first two of which reflect the year the original filing was made. Consistent with this convention, the docket number has been updated to TR-771004 to reflect that the original filing was made in 1977.

background. The concrete dock pad area and adjacent dock area shall be illuminated during hours of darkness by suitable flood or streetlight type units.

- 3 Commission staff (Staff) recently inspected the facility and identified seven discrepancies from the conditions and requirements in Order 01. The platform is currently 42 inches above the top of the rail and is seven feet ten inches from the centerline of the track. A stairway handrail and roof supports on either side of the track are both seven feet eleven inches from the track centerline. The painted platform markings are yellow, and there is no lettering on the platform prohibiting the storage of materials between the painted line and the track. One of the two required warning signs is missing. All other safety enhancements required by Order 01 are present.
- 4 During its inspection, Staff found that the facility's ownership has changed from Arden Lumber to Columbia Cedar, Inc., (Columbia Cedar). Staff recommends the Commission amend Order 01, changing the name from "Arden Lumber" to "Columbia Cedar."
- 5 Because the platform is seven feet ten inches from the track, neither an exemption from railroad clearance rules in WAC 480-50-050(3) nor the painted platform markings are required. The stairway handrail and roof supports both require exemptions from railroad clearance rules in WAC 480-60-050(1), which requires a side clearance of eight feet six inches from the centerline of the track to the nearest structure. Staff recommends the Commission amend Order 01 to rescind the exemption from WAC 480-60-050(3) and the requirement for painted platform markings and grant an exemption from WAC 480-60-050(1). Staff further recommends Columbia Cedar be required to replace the missing sign and show proof of correction within 60 days of the date of this Order.

### DISCUSSION

- 6 We agree with Staff's recommendation. Accordingly, the Commission amends Order 01 by changing the name from "Arden Lumber" to "Columbia Cedar." The Commission further amends Order 01 to rescind the exemption from WAC 480-60-050(3) and the requirement for painted platform markings and to grant an exemption from WAC 480-60-050(1).

### FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices of public service companies, including railroad companies, within the state of Washington. RCW 80.01.040, RCW 81.01, RCW 81.04, and RCW 81.53

- 8 (2) Columbia Cedar is a railroad company subject to Commission jurisdiction, because it owns equipment used in connection with a railroad.
- 9 (3) Staff investigated the previous exemption of WAC 480-60-050 granted to Arden Lumber and recommends that the Order be amended to reflect current conditions.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on January 7, 2021.
- 11 (5) After considering all relevant matters and for good cause shown, the Commission finds that amending the previous Order is in the public interest. The previous Order should be amended.

### ORDER

#### THE COMMISSION ORDERS:

- 12 (1) Order 01, granting a permanent exemption from the clearance requirements in WAC 480-60-050(3) to Arden Lumber Company, Inc., is amended, updating the name to Columbia Cedar, Inc., rescinding the exemption from WAC 480-60-050(3) and the requirement for painted platform markings, and granting an exemption from WAC 480-60-050(1).
- 13 (2) Columbia Cedar, Inc., shall replace the missing clearance warning sign as required in Order 01 and show proof of correction within 60 days of this Order.
- 14 (3) 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 7, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary