

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

BNSF RAILWAY COMPANY,

Petitioner,

Seeking Exemption from the Provisions
of WAC 480-60-050 Relating to Side
Clearance Rules

DOCKET TR-160512

ORDER 01

ORDER GRANTING
PERMANENT
EXEMPTION FROM RULE

BACKGROUND

- 1 On May 16, 2016, BNSF Railway Company (BNSF or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-60-050(1), which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches from the center of the tracks to the nearest structure. The Company filed a revised petition on May 26, 2016.
- 2 BNSF proposes to install a Trackside Acoustic Detection System (TADS) on its Seattle Subdivision. The main objective of TADS installation is to provide early detection of defective wheel bearings on railcars passing by. This is accomplished through use of an arrangement of multiple microphones on both sides of the track that record the sound produced by each wheel bearing passing by the TADS. These recordings are analyzed by computer equipment which is programmed to detect sound patterns indicative of a number of common wheel bearing defects. TADS is designed to identify defective roller bearings that are at greater statistical risk to fail so they can be monitored and/or removed from service before they overheat or cause a derailment. In the event that the TADS detects a defective wheel bearing on a train passing by, the TADS will issue an alert notice to the appropriate BNSF mechanical department location based on the alarm's severity level.
- 3 In addition to other trackside detectors in use by BNSF that evaluate brake shoe status, truck performance and wheel performance, the TADS equipment is one of few technologies available to effectively and automatically evaluate wheel bearing status on moving trains.

- 4 WAC 480-60-050(1) prescribes a general minimum side clearance of 8 feet 6 inches from the center line of the track to trackside structures. A number of exceptions exist for specific trackside structures such as platforms, switch machines, signal equipment, and bridges, but none of these exceptions clearly encompasses trackside mechanical detector equipment like the TADS. In order to perform its function properly, the TADS must be installed at a distance of 6 feet 5 inches from the center line of the track on both sides of the target track. Therefore, the general clearance requirement of 8 feet 6 inches prescribed in WAC 480-60-050(1) applies and a permanent exemption from that rule is required.
- 5 The centers of main track number one and main track number two are spaced 17 feet 2 inches apart at this location. As a result, the back side of the TADS equipment placed between the two tracks will be located approximately 9 feet 1/16 inches from the center line of the non-target track. The overall height of the TADS equipment, including the support structure, is 20.5 inches above the top of the rail.
- 6 BNSF plans to install the TADS along its double mainline track near milepost 28.2 in Sumner, Washington, on its Seattle Subdivision. An average of 49 trains per day, including 10 passenger trains, pass by the site of the proposed TADS location. A variety of freight is transported along this route; however, no switching occurs in the area and it is unlikely for employees to be exposed to the close clearance. This exemption will not adversely affect the safety of railroad personnel and benefits public safety by identifying defects before a wheel bearing failure causes a derailment.
- 7 Commission Staff reviewed the request and recommended granting BNSF's request for exemption, subject to the following condition(s):
- (a) "No Clearance" signs must be posted on each end of the close clearance areas.
 - (b) Notice of the close clearance must be posted in BNSF's Timetable.
 - (c) "No Trespassing" signs must be placed in close proximity to the TADS detector.

FINDINGS AND CONCLUSIONS

- 8 (1) The Washington Utilities and Transportation 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, RCW 81.01, RCW 81.04, and RCW 81.53.
- 9 (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.
- 10 (3) BNSF is subject to WAC 480-60-050(1), which requires railroad companies maintain a side clearance of at least 8 feet 6 inches from the center of the track to the nearest structure.
- 11 (4) Under WAC 480-62-140, the Commission may grant an exemption from the provisions of any rule in WAC 480-62, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.
- 12 (5) A close clearance can exist and safety can be maintained if the operating railroad installs “No Clearance” signs on each end of the close clearance areas, issues notice of the close clearance in BNSF’s Timetable, and installs “No Trespassing” signs in close proximity to the detector.
- 13 (6) Commission staff investigated the request and recommended that a permanent exemption be granted.
- 14 (7) This matter came before the Commission at its regularly scheduled meeting on June 9, 2016.
- 15 (8) After review of the petition filed in Docket TR-160512 by BNSF on May 16, 2016, and the revised petition filed on May 26, 2016, 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.

ORDER

THE COMMISSION ORDERS:

- 16 (1) After the effective date of this Order, BNSF Railway Company is granted an exemption from WAC 480-60-050(1), relating to side clearances.
- 17 (2) This exemption is subject to the following conditions:
- (1) “No Clearance” signs must be posted on each end of the close clearance areas.
 - (2) Notice of the close clearance must be posted in the Timetable.
 - (3) “No Trespassing” signs must be placed in close proximity to the TADS detector.
- 18 (3) The Commission retains jurisdiction over the subject matter and BNSF Railway Company to effectuate the provisions of this Order.

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 June 9, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary