

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CASCADIA METALS, INC.,

Petitioner,

Seeking Exemption from the Provisions of  
WAC 480-60-050(3) Relating to Side  
Clearances

DOCKET TR-161015

ORDER 01

ORDER GRANTING  
EXEMPTION FROM RULE

**BACKGROUND**

- 1 On August 17, 2016, Cascadia Metals, Inc. (Cascadia Metals or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-60-050(3), which requires railroad companies to maintain a side clearance of at least 7 feet 3 inches for platforms less than four feet tall.
- 2 Cascadia Metals' facility in Kent has an existing 12-foot platform that extends halfway through the facility. The platform is less than four feet tall and is 5 feet 6 inches from the center line of track instead of the required 7 feet 3 inches. BNSF Railway Co. (BNSF) is the rail operator within the Cascadia Metals facility and supports the exemption.
- 3 Commission Staff reviewed the request and recommended granting Cascadia Metals' request for exemption, subject to the following condition(s):
- (a) "No Clearance" signs must be posted on the approach to the platform to warn rail crews of the restricted side clearance.
  - (b) Cascadia Metals must paint the face and edge of the platform with striping to indicate the close clearance.
  - (c) BNSF must issue bulletins to all train crews operating at the facility prohibiting advising of the close clearance at this location.

**FINDINGS AND CONCLUSIONS**

- 4 (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.

- 5 (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.
- 6 (3) BNSF is subject to WAC 480-60-050(3), which requires railroad companies to maintain a side clearance of at least 7 feet 3 inches for platforms less than four feet tall.
- 7 (4) Under WAC 480-60-020, 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 (5) Commission Staff investigated the request and recommended that a permanent exemption be granted.
- 9 (6) This matter came before the Commission at its regularly scheduled meeting on September 8, 2016.
- 10 (7) After review of the petition filed in Docket TR-161015 by Cascadia Metals on August 17, 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.

## **O R D E R**

### **THE COMMISSION ORDERS:**

- 11 (1) After the effective date of this Order, Cascadia Metals, Inc. is granted an exemption from WAC 480-60-050(3), which requires railroad companies to maintain a side clearance of at least 7 feet 3 inches for platforms less than four feet tall.
- 12 (2) This exemption is subject to the following condition(s).
- (a) “No Clearance” signs must be posted on the approach to the platform to warn rail crews of the restricted side clearance.

- (b) Cascadia Metals must paint the face and edge of the platform with striping to indicate the close clearance.
  - (c) BNSF must issue bulletins to all train crews operating at the facility prohibiting advising of the close clearance at this location.
- 13 (3) The Commission retains jurisdiction over the subject matter and BNSF Railway Co. 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 September 8, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary