

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CHS SUNBASIN GROWERS,

Petitioner,

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

DOCKET TR-250127

ORDER 01

GRANTING PERMANENT
EXEMPTION FROM RULES

BACKGROUND

- 1 On March 4, 2025, CHS SunBasin Growers (CHS or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting exemption from WAC 480-60-050, which requires railroad companies to maintain a side clearance of at least 8 feet 6 inches.
- 2 CHS operates a facility at 3132 Front Street in Moses Lake (Wheeler) where it receives tank car switching services from Columbia Basin Railroad during daylight hours up to one time per day. CHS has one spur track that diverges to the northeast from the main track at Wheeler, approaches the CHS complex in a five degree curve back to the north, and then runs parallel to the complex for approximately 1,100 feet.
- 3 Located at the apex of the curve are tank car piping installed in 2020 and a vertical support column for worker fall protection apparatus installed in 2024. Measured from the centerline of the track, side clearances are 8 feet, 9 ½ inches for the tank car piping and 9 feet for the vertical support column.
- 4 WAC 480-60-050(1) prescribes a general minimum side clearance of 8 feet 6 inches. For curved track, WAC 480-60-050(16) requires an additional 1 ½ inches of side clearance for each degree of curvature. In the case of the CHS facility, 9 feet, 1 ½ inches of side clearance are required, and a Commission rule exemption is required.
- 5 CHS proposes to install a vertical “No Clearance” sign generally conforming to BNSF Railway Co. standard sign number 44A, as depicted in the Petition attachment, on the vertical support column for the worker fall protection apparatus, visible to approaching rail traffic. Columbia Basin Railroad will provide and maintain written notification of the restricted clearance to its employees.

DISCUSSION

6 WAC 480-60-050(1) prescribes a general minimum side clearance of 8 feet 6 inches from the centerline of the track to an adjacent structure. On curved track, WAC 480-60-050(16) requires an additional 1 ½ inches of side clearance for each degree of curvature. These general side clearance requirements apply to the CHS facility and permanent exemption from these rules is required for any structures not meeting these requirements.

7 Commission Staff (Staff) reviewed the Petition and recommended granting CHS's request for exemption, subject to the following conditions:

- (a) CHS must install and maintain a vertical "No Clearance" sign generally conforming to BNSF Railway Co. standard sign number 44A, as depicted in the Petition attachment, on the vertical support column for the worker fall protection apparatus, visible to approaching rail traffic.
- (b) Columbia Basin Railroad must provide written notification of the restricted clearance to its employees and maintain information about the restricted clearance in its operating documents. Columbia Basin Railroad must provide a copy of this notification to Staff within 60 days of the effective date of this Order.

8 The Commission determines that CHS's request for clearance exemption for its Moses Lake (Wheeler) facility is consistent with the public interest, the purposes of WAC 480-60-050, and the applicable statutes.

FINDINGS AND CONCLUSIONS

- 9 (1) The 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, Chapter 81.01 RCW, Chapter 81.04 RCW, and Chapter 81.53 RCW.
- 10 (2) Columbia Basin Railroad is engaged in the business of providing railroad services within the state of Washington and is a public service company subject to Commission jurisdiction.

- 11 (3) Columbia Basin Railroad 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 center of the track to an adjacent structure, and on curved track, an additional 1 ½ inches of side clearance for each degree of curvature.
- 12 (4) 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.
- 13 (5) A restricted clearance can exist, and safety can be maintained if CHS maintains an approved warning signs at its facility, and if Columbia Basin Railroad provides and maintains written notification of the restricted clearance to its employees.
- 14 (6) Staff investigated the Petition and recommends that permanent exemption be granted.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on March 13, 2025.
- 16 (8) After review of the Petition filed by CHS on March 4, 2025, and giving due consideration, the Commission finds that the exemption is in the public interest, is consistent with the purposes underlying the regulation and applicable statutes, and should be granted.

ORDER

THE COMMISSION ORDERS:

- 17 (1) After the effective date of this Order, CHS SunBasin Growers is granted exemption from WAC 480-60-050 relating to side clearances for its Moses Lake (Wheeler) facility.
- 18 (2) This exemption is subject to the following conditions:
- (a) CHS SunBasin Growers must install and maintain a vertical “No Clearance” sign generally conforming to BNSF Railway Co. standard sign number 44A, as depicted in the Petition attachment, on the vertical support

column for the worker fall protection apparatus, visible to approaching rail traffic.

(b) Columbia Basin Railroad must provide written notification of the restricted clearance to its employees and maintain information about the restricted clearance in its operating documents. Columbia Basin Railroad BNSF must provide a copy of this notification to Staff within 60 days of the effective date of this order.

19 (3) The Commission retains jurisdiction over the subject matter and Columbia Basin Railroad 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 Lacey, Washington, and effective March 13, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary