

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Petition of |) | DOCKET TR-121092 |
| |) | |
| US OIL & REFINING COMPANY, |) | ORDER 01 |
| |) | |
| Petitioner, |) | |
| |) | |
| Seeking Exemptions from the |) | ORDER GRANTING |
| Provisions of WAC 480-60-040 and |) | PERMANENT |
| 480-60-050 Relating to Overhead and |) | EXEMPTIONS FROM |
| Side Clearance Rules. |) | RULES |
| |) | |

BACKGROUND

- 1 On June 18, 2012, US Oil & Refining Company (USOR) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption from WAC 480-60-040, which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure. In addition, USOR requests an exemption from WAC 480-60-050, which requires railroad companies to maintain a side clearance of eight feet six inches.
- 2 USOR’s petition relates to construction of an unload facility that will consist of three pairs of tracks each serviced by a series of tank car unload stations. Each station will be equipped with mechanical equipment to unload tank cars from beneath, and retractable platforms with safety cages above for servicing the cars during the unloading process. The retractable platforms will be attached to catwalks that extend the length of the facility between each pair of tracks. Tacoma Rail is the only railroad operator providing service within the USOR facility.
- 3 The service platforms, in their retracted and upright position, are 18 feet 5 inches above the top of the rail and require permanent exemption from the vertical clearance rules.
- 4 The retractable platforms will be extended to tank cars and operated by USOR employees after delivery of rail cars by Tacoma Rail. The platforms will then be returned to the fully retracted position prior to removal of rail cars by Tacoma Rail. The lower vertical clearance of the platform in the upright position does not negatively affect Tacoma Rail operations. Tacoma Rail will not service the unloading facility area unless the retractable platforms have been returned to the fully retracted upright position. Tacoma Rail will

issue instructions to their train crews advising of the maximum height of railcars allowable to these tracks.

- 5 The loading structures are to be located inside the fenced area at USOR. With the proposed clearances and fully stowed retractable platforms, Tacoma Rail trains will be able to clear the structures; however the close clearance would present a risk to individuals riding on the top of the railcar within the fenced area. Although train crewmembers have no reason to ride on the top of a railcar, all parties agree that any clearance exemption should be conditional upon a prohibition against riding on the top of a rail car approaching or underneath the loading structures; and clearly marking and signing the proposed rail yard facility as having lower vertical clearances. The fully stowed retractable platforms allow for ample clearance of a tank car and a locomotive.
- 6 Side clearances, as described in WAC 480-60-040, must be eight feet six inches unless one of the provisions of the section applies. Provision six of the section describes minimum clearances for retractable platforms which are attached to permanent structures. The clearance of such platforms “must be designed so that when it is not in use no part of it shall fall within the clearance limits herein prescribed for a platform of that height above the top of the rail”. The proposed retractable platforms meet the definition of “icing platforms” in WAC 480-60-030 as they are structures used in performing the service of cars in the handling of commodities. Provision seven describes icing platforms, a similar height structure, as requiring a side clearance of seven feet three inches.
- 7 Tacoma Rail is in support of the proposed unload facility having a lower vertical clearance of 18 feet 5 inches and a restricted side clearance of seven feet three inches.
- 8 Commission Staff reviewed the request and recommended granting USOR’s request for exemption, subject to the following conditions:
 - (a) USOR will post and maintain a sign stating “No auto racks, high cubes or other tall cars due to close vertical clearance”.
 - (b) USOR will post and maintain a sign stating “No riding top of rail cars”.
 - (c) USOR will add a section to the unloading procedures outlining the requirements for raising the service platform and safety cage when the

unloading has been completed. This will prevent a collision between rail equipment and a lowered platform.

- (d) USOR will post and maintain a sign stating “Restricted side clearance”.
- (e) Tacoma Rail will issue bulletins to all train crews operating at the facility prohibiting the practice of riding on the top or side of any on-track equipment when approaching or leaving the unloading facility.

FINDINGS AND CONCLUSIONS

- 9 (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.
- 10 (2) Tacoma Rail 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) Tacoma Rail is subject to WAC 480-60-040, which requires railroad companies to maintain an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure.
- 12 (4) Tacoma Rail is subject to WAC 480-60-050, which requires railroad companies to maintain a side clearance of eight feet six inches.
- 13 (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.
- 14 (6) This matter came before the Commission at its regularly scheduled meeting on August 30, 2012.
- 15 (7) After review of the petition filed in Docket TR-121092 by USOR on June 18, 2012, and giving due consideration, the Commission finds that the exemptions are in the public interest and are 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, US Oil & Refining Company is granted exemptions from WAC 480-60-040, relating to overhead clearances and WAC 480-60-050, relating to side clearances.
- 17 (2) These exemptions are subject to the following conditions.
- (a) USOR will post and maintain a sign stating “No auto racks, high cubes or other tall cars due to close vertical clearance”.
- (b) USOR will post and maintain a sign stating “No riding top of rail cars”.
- (c) USOR will add a section to the unloading procedures outlining the requirements for raising the service platform and safety cage when the unloading has been completed. This will prevent a collision between rail equipment and a lowered platform.
- (d) USOR will post and maintain a sign stating “Restricted side clearance”.
- (e) Tacoma Rail will issue bulletins to all train crews operating at the facility prohibiting the practice of riding on the top or side of any on-track equipment when approaching or leaving the unloading facility.
- 18 (3) The Commission retains jurisdiction over the subject matter and Tacoma Rail to effectuate the provisions of this Order.
- 19 (4) Upon completion of the unload facility and installation of the signage, Petitioner must notify the Commission within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage, unloading procedures and bulletins to train crews are in full compliance with applicable laws, regulations and the conditions specified herein.

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 August 30, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary