

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-151757
)	
Washington State Department of Transportation,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING
)	PERMANENT
Seeking Exemption from the Provisions of WAC 480-60-050)	EXEMPTION FROM RULE
Relating to side clearance rules.)	
.....)	

BACKGROUND

- 1 On August 18, 2015, the Washington State Department of Transportation (WSDOT) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting permanent exemption from WAC 480-60-050(1), which requires railroad companies to maintain a side clearance of at least eight feet six inches from the center of the tracks to the nearest structure. The petition also requested permanent exemption from WAC 480-60-050(3), which requires railroad companies to maintain a side clearance of at least seven feet three inches from the center of the tracks to the nearest platform situated four feet or less above top of rail.
- 2 WSDOT received a grant from the Federal Railroad Administration for several passenger rail improvements along the Pacific Northwest Rail Corridor, including projects related to improving the passenger rail platform at Freighthouse Square Station in Tacoma. The improvements at Freighthouse Square Station include the construction of a new passenger rail platform, the extension of the existing passenger rail platform, and the installation of an inter-track fence between the two mainline tracks.
- 3 The FRA and WSDOT entered into a cooperative agreement for the implementation of this project. The cooperative agreement requires that allocated project funds be utilized for construction and extension of the platform in a manner consistent with the requirements of the Americans with Disabilities Act (ADA).
- 4 The ADA requires that individuals with disabilities, including individuals who use wheelchairs, have access to all accessible cars available to passengers without disabilities in each train using the station. The height of the platform and the door height of the passenger car must be aligned so that a passenger using a wheelchair can seamlessly

move from one to the other via level-entry boarding, with a horizontal gap of no more than 10 to 13 inches between the platform and a rail car.

- 5 For platforms that stand between eight inches and four feet above the top of rail, WAC 480-60-050(3) prescribes a general minimum side clearance of seven feet three inches from the center of the track. The design guidelines approved for the Freighthouse Square Station project include a distance of only five feet four inches from center of track to face of platforms. This design meets ADA requirements because it provides level-entry boarding with a horizontal gap of no more than 10 to 13 inches between the platform and a rail car, but it does not meet the minimum required side clearance in WAC 480-60-050(3). As outlined by WSDOT in its petition, if the required side clearance were to be used in this configuration, the horizontal gap would be approximately two feet, which would not comply with the ADA. Therefore, the construction on the passenger rail platforms at Freighthouse Square Station require a waiver of the side clearance rules in WAC 480-60-050(3).
- 6 For the inter-track fence, WAC 480-60-050(1) prescribes a general minimum side clearance of eight feet six inches from the center of the track to the nearest structure. The installation of the inter-track fence between mainline tracks at Freighthouse Square Station is designed to be seven feet one inch from the center of the tracks. The purpose of this fence is to deter pedestrians from accessing the mainline platforms from other than authorized pedestrian crossings. In order to meet the required side clearance, additional property would have to be acquired and tracks would need to be realigned. This would create significant delays and additional costs that would jeopardize completion under the project's cooperative agreement. Therefore, installation of the inter-track fence requires a waiver of the side clearance rules in WAC 480-60-050(1).
- 7 Sound Transit and Amtrak will have frequent passenger service next to the platforms and inter-track fence. Both companies support the petition for a platform clearance of five feet four inches and fence side clearance of seven feet one inch at this location.
- 8 Tacoma Rail and BNSF Railway will have infrequent freight movements at this location. BNSF provided an analysis of its rolling stock, including oversize military rail cars, and concluded all would pass by with no adverse clearance issues. BNSF and Tacoma Rail have indicated their support for waiver of side clearance rules at this location.

- 9 Commission Staff reviewed the request and recommend granting WSDOT's request for exemption, subject to the following condition(s):
- (a) "No Clearance" signs must be posted at the approaches to the platforms and inter-track fence to warn rail crews of the restricted side clearance.
 - (b) Notice of the restricted side clearance must be posted in the timetables and train crew bulletins for Sound Transit, Amtrak, Tacoma Rail and BNSF Railway.
 - (c) Upon completion of the facility improvements and installation of signage, WSDOT must notify Commission Staff within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that signage and bulletins to train crews are in full compliance with applicable laws, regulations and the conditions specified herein.

FINDINGS AND CONCLUSIONS

- 10 (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](#).
- 11 (2) Sound Transit, Amtrak, Tacoma Rail and BNSF Railway are engaged in the business of providing railroad services within the state of Washington and are public service companies subject to Commission jurisdiction.
- 12 (3) Sound Transit, Amtrak, Tacoma Rail and BNSF Railway are subject to WAC 480-60-050(1), which requires railroad companies to maintain a side clearance of at least eight feet six inches from the center of the track to the nearest structure. In addition, these companies are subject to WAC 480-60-050(3), which requires railroad companies to maintain a side clearance of at least seven feet three inches from the center of the tracks to the nearest platform measuring from four feet to eight inches above top of rail.
- 13 (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](#).

- 14 (5) A close clearance can exist and safety can be maintained if “No Clearance” signs are installed and notice of the close clearances are posted in the operating railroads timetables and bulletins to train crews.
- 15 (6) Commission Staff investigated the request and recommended that a permanent exemption be granted.
- 16 (7) This matter came before the Commission at its regularly scheduled meeting on September 10, 2015.
- 17 (8) After review of the petition filed in Docket TR-151757 by WSDOT on August 18, 2015, 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:

- 18 (1) After the effective date of this Order, the Washington State Department of Transportation is granted an exemption from WAC 480-60-050(1) and WAC 480-60-050(3), relating to side clearances.
- 19 (2) This exemption is subject to the following conditions:
- (a) “No Clearance” signs must be posted at the approaches to the platforms and inter-track fence to warn rail crews of the restricted side clearances.
 - (b) Notice of the restricted side clearances must be posted in the timetables and train crew bulletins for Sound Transit, Amtrak, Tacoma Rail and BNSF Railway.
 - (c) Upon completion of the facility improvements and installation of signage, the Washington State Department of Transportation must notify Commission Staff within 60 days. Acceptance is subject to inspection by

Commission Staff, verifying that signage and bulletins to train crews are in full compliance with applicable laws, regulations and the conditions specified herein.

- 20 (3) The Commission retains jurisdiction over the subject matter and Sound Transit, Amtrak, Tacoma Rail and BNSF Railway 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 10, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary