

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

NATIONAL RAILROAD PASSENGER
CORPORATION, d/b/a AMTRAK,

Petitioner,

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

DOCKET TR-190106

ORDER 01

ORDER GRANTING PERMANENT
EXEMPTION FROM RULE

BACKGROUND

- 1 On February 20, 2019, National Railroad Passenger Corporation, d/b/a Amtrak (Amtrak 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. Amtrak filed a revised petition on March 4, 2019, adding one additional area of restricted clearance.
- 2 Amtrak's newly-constructed King Street Coach Yard Locomotive Shop will be used by Amtrak's mechanical department to service and repair locomotives and other passenger equipment. Train movements within and around the facility are at very slow speeds, ranging between two and five miles per hour. This facility has multiple areas of restricted clearance from the center of the tracks to the structure, which is typical in locomotive maintenance shops, to provide easy access to different areas of various locomotives:
 - Locomotive service platforms – approximately 5 feet 8 inches;
 - Drop table – approximately 6 feet;
 - Drop table jacking pad – approximately 4 feet 9 inches;
 - Locomotive servicing handrail – approximately 5 feet 5 inches;
 - Water hydrants required to service trains – approximately 6 feet 7 inches;
 - Light pole - approximately 6 feet 7 inches from track 200 and approximately 6 feet 4 inches from track 201.

DISCUSSION

3 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. These general side clearance
requirements apply to the Amtrak facility and a permanent exemption from that rule is
required.

4 Commission Staff (Staff) reviewed the request and recommended granting Amtrak's
request for exemption, subject to the following condition(s):

(a) Signs indicating "No Clearance" and "No Riding on Side of Equipment at
any Time" must be posted on each end of the close clearance areas.

(b) Notice of the close clearance must be posted in Amtrak's general order.
Amtrak must provide a copy of the updated general order to Staff within 60
days of the date of this order.

5 The Commission finds that Amtrak's request clearance exemptions for the King Street
Coach Yard Locomotive Shop are consistent with the public interest, the purposes of
WAC 480-60-050, and the applicable statutes. Trains move at very low speeds within and
around the facility, and the restricted clearances are both common for locomotive
maintenance shops and serve to provide easy access to different areas of various
locomotives.

FINDINGS AND CONCLUSIONS

6 (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, RCW 81.01, RCW 81.04, and RCW 81.53.

7 (2) Amtrak is engaged in the business of providing railroad services within the state
of Washington and is a public service company subject to Commission
jurisdiction.

8 (3) Amtrak 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.

- 9 (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.
- 10 (5) A close clearance can exist and safety can be maintained if the operating railroad installs signs on each end of the close clearance areas and issues notice of the close clearance in Amtrak's general orders.
- 11 (6) Staff investigated the request and recommended that a permanent exemption be granted.
- 12 (7) This matter came before the Commission at its regularly scheduled meeting on March 14, 2019.
- 13 (8) After review of the petition filed by Amtrak on February 20, 2019, and the revised petition filed on March 4, 2019, 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:

- 14 (1) After the effective date of this Order, National Railroad Passenger Corporation, d/b/a Amtrak is granted an exemption from WAC 480-60-050(1), relating to side clearances.
- 15 (2) This exemption is subject to the following conditions:
- (a) Signs indicating "No Clearance" and "No Riding on Side of Equipment at any Time" must be posted on each end of the close clearance areas.
 - (b) Notice of the close clearance must be posted in the general order. Amtrak must provide a copy of the updated general order to Staff within 60 days of the date of this order.

- 16 (3) The Commission retains jurisdiction over the subject matter and National Railroad Passenger Corporation, d/b/a Amtrak to effectuate the provisions of this Order.
- 17 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 March 14, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary