

- (b) Notice of the close clearance must be posted in CBRR's general order and included in the next timetable revision. CBRR must provide a copy of the updated general order to Staff within 60 days of the date of this order.

DISCUSSION

6 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. This general side clearance requirement
applies to the Hinrichs facility and a permanent exemption from this rule is required for
any structures not meeting these requirements.

7 Although train crewmembers have no reason to ride a rail car at this location, any grant
of a clearance exemption should be conditioned upon a prohibition against riding on the
side of a rail car, and clearly marking and signing the unloading facility as having
reduced side clearance.

8 The Commission determines that Hinrich's request for a clearance exemption for its
Othello facility is consistent with the public interest, the purposes of WAC 480-60-050,
and the applicable statutes. As such, the Petition is granted subject to the conditions set
out in paragraph 5, above.

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.¹

10 (2) CBRR 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) CBRR is subject to 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 track to
the nearest structure.

¹ RCW 80.01.040, Chapter 81.01 RCW, Chapter 81.04 RCW, and Chapter 81.53 RCW.

- 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 doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.²
- 13 (5) A close clearance can exist and safety can be maintained if Hinrichs installs a warning sign on the north side of the concrete loading platform facing approaching rail traffic, and if CBRR issues notice of the close clearance in its general order and timetable.
- 14 (6) Staff investigated the request and recommended that permanent exemptions be granted subject to the conditions in paragraph 4, above.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on December 5, 2019.
- 16 (8) After reviewing the petition filed by Hinrichs on November 12, 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 subject to the conditions in paragraph 5, above.

ORDER

THE COMMISSION ORDERS:

- 17 (1) Hinrichs Trading Company's Petition for exemption from WAC 480-60-050(1), relating to side clearances, is granted subject to the following conditions:
- (a) A sign indicating "No Clearance" must be posted on the north side of the concrete loading dock facing approaching rail traffic.
 - (b) Notice of the close clearance must be posted in Columbia Basin Railway Company's general order and included in the next timetable revision. Columbia Basin Railroad Company must provide a copy of the updated general order to Staff within 60 days of the date of this order.

² See WAC 480-07-110.

- 18 (3) The Commission retains jurisdiction over the subject matter and Columbia Basin Railway Company 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 December 5, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary