

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

TACOMA RAIL,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-62-270(2) Relating to Safety
Standards at Private Crossings

DOCKET TR-240808

ORDER 01

GRANTING PERMANENT
EXEMPTION FROM RULES AT A
PRIVATE RAILROAD CROSSING
AT MERRILL & RING #3,
TAYLOR WAY, TACOMA

USDOT 968125B

BACKGROUND

- 1 On October 25, 2024, the Tacoma Rail (Tacoma Rail or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting exemption from WAC 480-62-270(2)(a), which requires railroad companies to install “Stop” signs on each side of a private railroad crossing through which any amount of crude oil is transported. Tacoma Rail seeks this exemption at a private crossing located at Merrill & Ring #3, identified as USDOT 968125B, on Taylor Way in Tacoma.
- 2 Tacoma Rail traverses the Merrill & Ring #3 private crossing approximately four to six times in a 24-hour period. The Company transports crude oil over the crossing and must comply with the requirements in WAC 480-62-270(2)(a).
- 3 According to its Petition, Tacoma Rail is unable to safely comply with the rule due to the configuration of the crossing and its proximity to an adjacent parallel public roadway.
- 4 Guidance in the Manual on Uniform Traffic Control Devices (MUTCD)¹ Section 8B.04 states that a road user approaching a grade crossing with a crossbuck assembly that includes a “Stop” sign must come to a full and complete stop not less than 15 feet short of the nearest rail, and remain stopped while the road user determines if there is rail traffic either occupying the crossing or approaching and in such close proximity to the crossing that the road user must yield the right-of-way to rail traffic.

¹ The Commission adopts the MUTCD 11th Edition by reference in WAC 480-62-999.

5 The distance from tracks to the public roadway at this crossing is not sufficient to meet the 15-foot minimum. In addition, placing the required railroad signage immediately adjacent and parallel to a public roadway does not afford the road user adequate advance visual warning for the grade crossing. There is not enough queuing distance for a vehicle to stop clear of the adjacent public roadway, creating an additional hazard for motorists.

6 As an alternative to placing the required “Stop” sign on the southeast approach to the crossing, Tacoma Rail requests to place a “Do Not Stop On Tracks” (R8-8) sign, along with other signage required in WAC 480-62-270(2)(b) and (2)(c), on the northeast side of the tracks as indicated in the photo attached to the Petition. The “Stop” sign on the northwest approach to the crossing will remain in place. The Company has installed W10-3 advance warning signs at each end of the Taylor Way roadway corridor to advise motorists of tracks with multiple adjacent driveways.

7 Commission staff (Staff) reviewed the request and recommended granting Tacoma Rail’s requests for exemption, subject to the following condition(s):

- (a) Tacoma Rail must install a R8-8 “Do Not Stop On Tracks” sign on the northeast side of the crossing, as depicted in the Petition attachment, along with other signage required in WAC 480-62-270(2)(b) and (2)(c). The “Stop” sign and other required signage on the northwest approach to the crossing must remain in place.
- (b) Tacoma Rail must report to the Commission annually, from the date of this Order, any near-miss incidents or accidents at this crossing for a period of three years.

DISCUSSION

8 WAC 480-62-270(2)(a) requires railroad companies to install “Stop” signs on each side of a private railroad crossing through which any amount of crude oil is transported. This requirement applies to Tacoma Rail at the Merrill & Ring #3 crossing and a permanent exemption from the rule is required for any crossing not meeting these requirements.

9 The Commission determines that Tacoma Rail’s request for exemption for the required private crossing signage at the Merrill & Ring #3 crossing, subject to the conditions proposed by Staff, is consistent with the public interest, the purposes of WAC 480-62-270(2)(a), and the applicable statutes.

FINDINGS AND CONCLUSIONS

- 10 (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.
- 11 (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.
- 12 (3) Tacoma Rail is subject to WAC 480-62-270(2)(a), which requires railroad companies to install “Stop” signs on each side of a private railroad crossing through which any amount of crude oil is transported.
- 13 (4) Under WAC 480-62-140, the Commission may grant an exemption from the provisions of any rule in WAC 480-62, if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. See also WAC 480-07-110.
- 14 (5) Safety can be maintained if Tacoma Rail installs the approved R8-8 “Do Not Stop on Tracks” sign, along with other signage required in WAC 480-62-270(2)(b) and (2)(c), on the northeast side of the crossing. The “Stop” sign and other required signage on the northwest approach to the crossing must remain in place.
- 15 (6) Staff investigated the request and recommends that permanent exemption be granted.
- 16 (7) This matter came before the Commission at its regularly scheduled meeting on November 21, 2024.
- 17 (8) After reviewing the Petition filed by Tacoma Rail on October 25, 2024, 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 detailed in paragraph 7.

ORDER

THE COMMISSION ORDERS:

- 18 (1) After the effective date of this Order, Tacoma Rail is granted exemption from WAC 480-62-270(2)(a) relating to installation of “Stop” signs on each side of a private railroad crossing through which any amount of crude oil is transported, subject to the following conditions:
- (a) Tacoma Rail must install a R8-8 “Do Not Stop On Tracks” sign on the northeast side of the Merrill & Ring #3 private crossing, as depicted in the Petition attachment, along with other signage required in WAC 480-62-270(2)(b) and (2)(c). The “Stop” sign and other required signage on the northwest approach to the crossing must remain in place.
 - (b) Tacoma Rail must report to the Commission annually, from the date of this Order, any near-miss incidents, or accidents, at this crossing for a period of three years.
- 19 (2) The Commission retains jurisdiction over the subject matter to effectuate the provisions of this Order.
- 20 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 November 21, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary