

TEXAS TRANSPORTATION COMMISSION

Harris County

MINUTE ORDER

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Houston District

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may permit a railroad or other entity to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Bayport Polymers LLC requesting three clearance deviations for their facility located at 12212 Port Road, Pasadena, Texas 77507 in Harris County, Texas. The clearance deviation specifics are detailed in exhibit A. The department investigated the location to determine whether good cause is evident and whether the deviations could be operated in a reasonable and safe manner.

In determining whether the new structures demonstrated good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements;
- (2) the safety of employees working near railroad tracks; and
- (3) limited clearances.

The department reviewed facility plans, visited the site, and determined the requested clearance deviations are reasonable, safe, and include sufficient:

- (1) warning signs at limited clearance locations; and
- (2) safety rules, operational requirements, and training to address employee safety.

Based on the investigations, the department determined that the clearance deviations as listed in exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The department notified the Attorney General of Texas as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviations as described in exhibit A are approved.

Submitted and reviewed by:

DocuSigned by:

 132C87D207D44C2
 Director, Rail Division

Recommended by:

DocuSigned by:

 0E1B36AE194749E
 Executive Director

| | |
|---------------|---------------|
| 116516 | July 11, 2023 |
| Minute Number | Date Passed |

Clearance Deviations Exhibit A
 CD-2021-06-00170
 Bayport Polymers LLC
 12212 Port RD, Pasadena, Texas 77507
 Harris County, Texas

| No. | Reduced Clearance Description | City/Co. | Location | Clearance | Required Minimum | Reduced Clearance | RR Tracks |
|-----|--|-------------------------|----------------------|-----------|------------------|-------------------|------------|
| 1 | Rail Car Wash (Fall Protection Equipment) | Pasadena Harris, County | Hopper Rail Car Wash | Vertical | 22 Feet 0 Inches | 15 Feet 9 Inches | DH-HCW TRK |
| 2 | Rail Car Loading Bay (Fall Protection Equipment) | Pasadena Harris, County | Bay 3 | Vertical | 22 Feet 0 Inches | 15 Feet 9 Inches | Track A |
| 3 | Rail Car Loading Bay (Fall Protection Equipment) | Pasadena Harris, County | Bay 3 | Vertical | 22 Feet 0 Inches | 15 Feet 9 Inches | Track B |