

OAC 165:32-1-13

Commission Enforcement of Blocked Crossing Citations

(a) If a municipality, county sheriff or the Oklahoma Highway Patrol issues a citation under the authority of Title 66 O.S. § 190, and seeks enforcement of a penalty by the Commission, the issuing party shall file an enforcement action ("EN") with the Commission's Court Clerk. Such actions shall comply with the Commission's Rules of Practice (OAC 165:5-19-1).

(b) Notice and service requirements shall generally conform to the Commission's Rules of Practice (OAC 165:5-19-1), except that service of the verified complaint and citation for contempt shall be made by either personal delivery by a sheriff or deputy sheriff, or a person licensed to make service of process in the State of Oklahoma, or by mailing a copy of the verified complaint and contempt citation by certified mail, return receipt requested and delivery restricted to the respondent.

(c) If an EN is filed under the provisions of this subsection, the verified complaint and contempt citation shall be delivered to the legal counsel for the Commission's Transportation Division, in addition to any respondents.

(d) Any EN filed under the provisions of this subsection shall be exempt from Commission Court Clerk filing fees pursuant to Title 12 O.S. § 66.

(e) Any EN filed pursuant to Title 66 O.S. § 190 shall include train identification information and a copy of the citation issued by the municipality, county sheriff or the Oklahoma Highway Patrol attached as an exhibit to the initial filing.

(f) Any EN initiated under the provisions of this section must be filed within one (1) calendar year from the date of the alleged violation. Any untimely filed actions shall be dismissed.

(g) Exceptions to the recommendations of an administrative law judge may be heard by the Commission en banc, pursuant to OAC 165:5-13-5.
