NOTIFICATION FROM GOVERNOR J. KEVIN STITT REGARDING SUBMITTED AGENCY RULES

On June 20, 2019, the Oklahoma Corporation Commission, pursuant to its legal authority to adopt rules found at Section 81 of Title 72 and Section 190 of Title 66 of the Oklahoma Statutes adopted new rules through emergency rulemaking.

On June 24, 2019, the adopted rules and all necessary documentation required by Section 253 of Title 75 of the Oklahoma Statutes were submitted to the Office of the Governor for approval or disapproval.

On June 27, 2019, I hereby approve the following adopted emergency rules:

165:32-1-13 [NEW]

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. KEVIN STITT

ACCEPTED 7/2/19
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 19-707
OAR/cert CN

ATTEST:

Michael Rogers/SECRETARY OF STATE

STATE CAPITOL BUILDING • 2300 N. LINCOLN BOULEVARD, SUITE 100 • OKLAHOMA CITY, OKLAHOMA 73105 • (405) 521-2342 • (405) 521-3353
RULEMAKING ACTION:
EMERGENCY adoption

RULES:

AUTHORITY:
Corporation Commission; Article IX, Section 18 of the Oklahoma Constitution,
Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., 17 O.S. §§ 61 through 116.9,
and 66 O.S. §§ 1 et seq.

COMMENT PERIOD:
June 14, 2019 to June 20, 2019

PUBLIC HEARING:
June 20, 2019

ADOPTION:
June 20, 2019

APPROVED BY GOVERNOR:
June 27, 2019

EFFECTIVE:
Immediately upon Governor's approval

EXPIRATION:
Effective through September 14, 2020, unless superseded by another rule or disapproved
by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
This rule was needed on an emergency basis in order to facilitate the requirements set for
in House Bill No. 2472, a bill which was declared as an emergency and will become effective
July 1, 2019, and will be codified at Title 66 O.S. §190. Further, the emergency rule is necessary
to protect the public health, safety and welfare.

GIST/ANALYSIS:
This rule is necessary to provide procedural guidance for implementing the new statutory
changes which allow certain entities to issues citations to railroads regarding blocked crossings.
The proposed changes include outlining the procedure for prosecuting violations of the new laws
at the Commission court system. The rule includes procedures for filings, service, limitations on
filings, and other guidance.

CONTACT PERSON:
Michael P. Copeland, General Counsel, 2101 North Lincoln Boulevard, PO Box 52000,
Oklahoma City, OK 73105, telephone (405) 522-1638; Darren Ferguson, Assistant General
Counsel, Oklahoma Corporation Commission, 2101 North Lincoln Boulevard, PO Box 52000,
Oklahoma City, OK 73105, telephone (405) 522-5491.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS

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 sitting en banc, pursuant to OAC 165:5-13-5.
NAME OF AGENCY: Corporation Commission
TYPE OF DOCUMENT: Emergency Rule Document

LIAISON VERIFICATION:
I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the Administrative Procedures Act and the rules of the Secretary of State. Additional information may be obtained by contacting me at (405) 522-4458.

Nancy Williams
Alternate Rules Liaison
Oklahoma Corporation Commission
July 1, 2019