

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF A PERMANENT)
RULEMAKING OF THE) **CAUSE NO. RM 201800022**
OKLAHOMA CORPORATION)
COMMISSION, AMENDING)
OAC 165:32, RAILROADS)

RULE IMPACT STATEMENT

Pursuant to Title 75, Section 303(D) of the Oklahoma Administrative Procedures Act, the Transportation Division of the Oklahoma Corporation Commission ("Commission") submits the following Rule Impact Statement for its proposed rules regarding Title 165, Chapter 32 of the Oklahoma Administrative Code ("OAC").

I. Brief description of the purpose of the proposed rules:

The purpose of the proposed rules is to update sections of Chapter 32 railroad rules for the Commission's Transportation Division by adding to and clarifying existing language.

II. Description of classes of persons most likely to be affected by the proposed rules, including classes that will bear costs of the proposed rules, and any information on cost impacts received by the agency from private or public entities:

Those most likely to be affected by the proposed rules are railroad companies operating within Oklahoma and landowners adjacent to railroad rights-of-way. No costs are expected to be associated with the implementation of the proposed rules, and no information regarding any cost impact has been received from any private or public entity.

III. Classes of persons who will benefit from the proposed rules:

Those benefitting from the proposed rules are railroad companies operating within the State that will gain updated and clear rules regarding the Commission's regulation of their operations; the general public who will gain accurate knowledge of the Commission's regulation of railroad operations; and local entities with jurisdiction over roadway maintenance.

IV. Description of the probable economic impact of the proposed rules upon affected classes of persons or political subdivisions, including a listing of all fee changes and justification for each fee change:

It is the Commission staff's opinion that the proposed rules will have minimal to no economic impact upon affected classes of persons or any political subdivision; furthermore, no fee changes are included in the proposed rules.

V. Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rules, the source of revenue to be used for implementation and enforcement of the proposed rules, and any anticipated effect on state revenues:

The proposed rules are not expected to place any additional costs upon the Commission, as such rules will be implemented and enforced by the Commission through its existing resources and personnel.

VI. Determination of whether implementation of the proposed rules will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules:

Implementation and enforcement of the proposed rules will not have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules.

VII. Determination of whether implementation of the proposed rules may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

It is the Commission staff's opinion that implementation of the proposed rules will not have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

VIII. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rules:

The proposed rules do not increase compliance costs, and there are no non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rules.

IX. Determination of the effect of the proposed rules on the public health, safety and environment and, if the proposed rules are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rules will reduce the risk:

The proposed rules will have a direct effect on the public health, safety and environment in regard to identifying grade crossings that are frequently blocked and impede traffic; notifying local entities of a closure or detour of a roadway for railroad maintenance; establishing standards for grade crossing surface quality; and requiring removal of railroad tracks at crossings which are no longer in use but have not yet been formally abandoned with the Surface Transportation Board. Otherwise, the public health, safety and environment are protected by federal regulation of railroad operations which is not affected by the proposed rules.

X. Determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

A detrimental effect will likely occur with an increased risk to public safety resulting from lack of maintenance at crossings no longer in use; continued occurrences of frequently blocked crossings; and lack of standards for crossing surface quality.

XI. Date of preparation of Rule Impact Statement:

This Rule Impact Statement was prepared on the 3rd day of January, 2019.

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