

DF

**BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA**

IN THE MATTER OF A PERMANENT  
RULEMAKING OF THE  
OKLAHOMA CORPORATION  
COMMISSION AMENDING  
**OAC 165:32, RAILROADS**

CAUSE NO. RM 201800022

**FILED**  
DEC 20 2018

**NOTICE OF PROPOSED RULEMAKING**

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

**NOTICE IS HEREBY GIVEN** that the Transportation Division of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Railroad rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:32.

The proposed changes to OAC 165:32 are as follows:

OAC 165:32-1-3 is amended to include additional definitions.

OAC 165:32-1-8 is amended to include changes for compliance audits concerning blocked crossings.

OAC 165:32-1-10 is amended to clarify when enforcement actions may be filed and types of fencing that must be installed.

OAC 165:32-1-12 is amended to clarify penalty amounts for violations of this Chapter.

OAC 165:32-3-4 is amended to include changes for abandoned crossings.

OAC 165:32-3-6 is amended to change the time required for notice of crossing closures or detours.

OAC 165:32-3-8 is added to require crossing surface quality processes and standards.

**NOTICE IS FURTHER GIVEN** that the Commission has authority to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, 17 O.S. § 152, and Article IX, Section 18 of the Oklahoma Constitution.

**NOTICE IS FURTHER GIVEN** that it is necessary to adopt permanent rules regarding Railroads. Upon adoption of the permanent rules proposed herein, by the Commission, the proposed rules shall be submitted to the Governor and the Oklahoma Legislature for approval as permanent rules.

**NOTICE IS FURTHER GIVEN** that the proposed rules will be made available for public inspection at the Commission's Oklahoma City Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105. A copy of the proposed rules may be requested by phone at (405) 521-2352, e-mail at [courtclerk@occemail.com](mailto:courtclerk@occemail.com) or by visiting the Commission's Oklahoma City Court Clerk's Office. The proposed rules are also accessible on the Commission's website at <http://www.occeweb.com> and may be downloaded at no cost to the end user.

**NOTICE IS FURTHER GIVEN** that the Rule Impact Statement pursuant to 75 O.S. § 303(D) will be timely prepared and made available for public inspection in the Commission's Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105, no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

**NOTICE IS FURTHER GIVEN** that the Transportation Division will have **two (2) technical conferences on January 16, 2019 and February 5, 2019 at 1:30 p.m. in Courtroom 301**, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One (1) or more of the Commissioners may be present at the technical conferences and may participate in the dialogue with the rulemaking participants regarding the issues of the proposed rulemaking.

**NOTICE IS FURTHER GIVEN** that the Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before February 20, 2019**. Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201800022, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone, e-mail, or in-person request during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

Pursuant to 75 O.S. §§ 303 and 504, business entities are requested, if the proposed rules adversely affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rule, economic or otherwise, and use quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

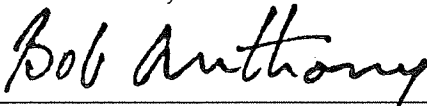
**NOTICE IS FURTHER GIVEN** that at **9:30 a.m., February 27, 2019, in Courtroom 301** of the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, the Commission shall meet, hold a public hearing on, and consider adoption of the proposed permanent rule(s).

**NOTICE IS FURTHER GIVEN** that further information and inquiries regarding this proposed rulemaking should be directed to Michael Copeland, Deputy General Counsel, by telephone (405) 522-1638, e-mail [M.Copeland@occcemail.com](mailto:M.Copeland@occcemail.com) or Darren Ferguson, Assistant General Counsel by telephone (405) 522-5491, e-mail [D.Ferguson@occcemail.com](mailto:D.Ferguson@occcemail.com), facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA


\_\_\_\_\_  
DANA L. MURPHY, Chairman

  
\_\_\_\_\_  
J. TODD HIETT, Vice Chairman

  
\_\_\_\_\_  
BOB ANTHONY, Commissioner

**CERTIFICATION**

DONE and PERFORMED this 20th day of December, 2018, BY ORDER OF THE COMMISSION:

  
~~PEGGY MITCHELL, Commission Secretary~~  
JOYCE CONNER, Assistant Secretary