

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Railroad Operations Safety Branch

San Francisco, California
Date: November 6, 2008
Resolution ROSB-002

RESOLUTION

ALTERNATE RESOLUTION ORDERING ALTERNATIVE DISPUTE RESOLUTION BETWEEN PARTIES IN ORDER TO DETERMINE WHETHER TO ADOPT A RAILROAD CITATION PROGRAM FOR ENFORCING COMPLIANCE WITH GENERAL ORDERS AND OTHER REQUIREMENTS INCLUDING PROCEDURES FOR APPEAL OF CITATIONS ISSUED TO RAILROAD CARRIERS.

SUMMARY

On August 30, 2007, staff presented ROSB-001 with the stated purpose of creating a citation program for enforcing railroad compliance with selected general orders and certain other requirements. Staff later withdrew the resolution and refilled it in an amended form as ROSB-002.

Staff and the railroads appeared to have broad agreement about the importance of compliance, but they disagree about the most appropriate and effective process for achieving this goal. The parties have met together to discuss their differences regarding the resolution, but have not had the benefit of a mediator to help them resolve their outstanding issues. This matter has not been a subject of a formal proceeding, and there is no factual record on which to base a proposed Citation Program.

THEREFORE, IT IS ORDERED THAT:

1. For a period of three months from the date of this order, staff and the railroads, subject to Commission jurisdiction, shall participate in an Alternative Dispute Resolution (ADR) process consistent with Commission rules for the

purpose of attempting to settle upon an appropriate process for efficiently ensuring compliance with the Commission's General Orders and other requirements that would be the subject of a proposed Citation Program. The Administrative Law Judges Division shall assign an ALJ to serve as a neutral mediator for the ADR process. Three months from the date of this order, the assigned ALJ neutral shall submit a written report to the Commission on the status of the discussions and make a recommendation regarding whether the Commission should place the resolution implementing the proposed Citation Program back on the Commission Agenda.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, 2008, the following Commissioners voting favorably thereon:

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Executive Director

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