

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rail Safety and Carriers Division*
Rail Engineering Safety Branch
Rail Transit Safety Section

RESOLUTION ST-36
Date March 12, 1998

R E S O L U T I O N

RESOLUTION ST-36. DELEGATING TO THE TRANSPORTATION OVERSIGHT COMMISSIONER ON BEHALF OF THE FULL COMMISSION THE AUTHORITY TO SIGN ANNUAL CERTIFICATES OF COMPLIANCE AND ISSUE ANNUAL REPORTS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION IN 49 CFR PART 659

BACKGROUND

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 required the FTA to issue a rule requiring the States to oversee the safety of rail fixed guideway systems not regulated by the Federal Railroad Administration. The FTA responded to ISTEA by preparing 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight; Final Rule (FTA Rule) which became effective on January 26, 1996.

Section 659.49 of the FTA Rule requires the Commission, as the designated state oversight agency for California, to submit a Certificate of Compliance each year stating that the oversight agency is meeting the requirements of 49 CFR Part 659 and that no conflict of interest exists with any rail fixed guideway system overseen pursuant to 49 CFR Part 659. In addition, Section 659.45 of the FTA Rule requires the submittal of an annual report before March 15 of each year summarizing the activities associated with implementation of the FTA Rule. The California Public Utilities Commission is made up of five members. Among other assignments, the Commission President designates and assigns an oversight Commissioner to transportation matters, which includes fixed guideway systems.

DISCUSSION

The FTA Rule requires the Commission to submit a Certificate of Compliance and an annual summary report to the Office of Safety and Security of the FTA prior to March 15 of each year. Given that these submittals are ministerial and routine in nature, the Commission should delegate to its transportation oversight Commissioner the authority to sign the Certificate of Compliance on behalf of the full Commission, and to submit it along with the annual summary report to the FTA by March 15 of each year.

PROTESTS

No protest or objection has been received.

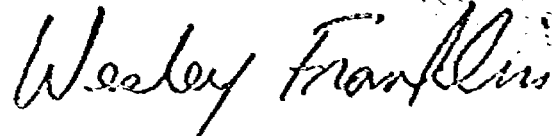
FINDINGS

1. Section 659.49 of the FTA Rule requires the Commission to certify to the Office of Safety and Security of the FTA prior to March 15 of each year that the Commission is in compliance with the FTA Rule. The certification must be signed by an official authorized by the Commission.
2. Section 659.45 of the FTA Rule requires the Commission to submit an annual report summarizing the activities associated with the implementation of the FTA Rule to the Office of Safety and Security of the FTA prior to March 15 of each year.
3. The yearly submittals of the Certificate of Compliance and the annual summary report are ministerial and routine in nature.
4. The Commission should delegate to its transportation oversight Commissioner the authority to sign the Certificate of Compliance on behalf of the full Commission, and to submit it along with the annual summary report to the FTA by March 15 of each year. The oversight Commissioner, at his or her discretion, should have the option of bringing this matter before the full Commission.

IT IS ORDERED that:

The Commissioner assigned oversight responsibilities for transportation is authorized to sign, on behalf of the full Commission, the Certificate of Compliance and to submit it along with the annual summary report to the FTA on an annual basis prior to March 15 as required in 49 CFR Part 659. The oversight Commissioner may, at his or her discretion, bring this matter before the full Commission.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on March 12, 1998. The following Commissioners approved it:



WESLEY M. FRANKLIN
Executive Director

Richard A. Bilas
President
P. Gregory Conlon
Jessie J. Knight, Jr.
Henry M. Duque
Josiah L. Neeper
Commissioners