

**Resolution ROSB-002, 11/6/2008; Modified (rehearing denied) in D.09-05-020;  
Re: Railroad Citation Program**

**Additional Statutory Authority:** Various

| <b>Event</b>             | <b>Resolution ROSB-002</b>   | <b>Governing Appellate Rule</b>  |
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| <b>File Appeal</b>       | Within 30 days after service of citation; if request made to staff before deadline, staff may grant up to two thirty day extensions. Staff, the Judge or Commission may extend the time for appeal upon a showing of good cause. (Section 2) | Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by Resolution ROSB-002 § 2.<br>Program Rule 4: Any extension of time to file the Notice of Appeal must be made by the Division Director in writing and attached to the Notice of Appeal. |
| <b>Content of Appeal</b> | Indicate grounds. (Section 4.c)  | Program Rule 5: State date and dollar amount of citation; indicate rationale for appeal as   |

| <b>Event</b>             | <b>Resolution ROSB-002</b>  | <b>Governing Appellate Rule</b>  |
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|                          |   | required by Resolution ROSB-002 § 4.c; Attach written permission for extension of time to file the Notice of Appeal, if applicable.  |
| <b>Compliance Filing</b> | Silent  | Program Rule 7: Staff issuing citation must file complete citation and proof of service with Commission's Docket Office no later than 14 days after Notice of Appeal is filed. Staff must serve filing on Chief Judge and Appellant on same day. |
| <b>Exchange of Info</b>  | Silent  | Program Rule 9: Parties must exchange all information intended to be introduced into the record at hearing which is not included in citation or compliance filing no later than three business days prior to hearing.                            |
| <b>Hearing Date</b>      | Promptly; not less than 10 days after appeal received from staff. Judge may for good cause or parties' agreement, grant | Program Rule 10: Hearing must commence as required by Resolution ROSB-002 § 4.d.   |

| <b>Event</b>                | <b>Resolution ROSB-002</b>   | <b>Governing Appellate Rule</b>  |
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|                             | reasonable continuance of hearing. (Section 4.d).  |  |
| <b>Burden of Proof</b>      | Staff. Staff opens and closes. Judge may alter order. (Section 4.g)  | Program Rule 11: The burden of proof is as set forth in Resolution ROSB-002 § 4.g.   |
| <b>Evidence</b>             | Formal rules do not necessarily apply; Judge may receive all relevant and reliable evidence. (Section 4.g) | Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.   |
| <b>Hearing Venue</b>        | SF (Section 4.b)   | Program Rule 12: Venue as set forth in Resolution ROSB-002 § 4.b.  |
| <b>Party Representative</b> | At appellants' expense. (Section 4.f)  | Program Rule 13: At appellant's expense.   |
| <b>Transcript</b>           | Appellant must pay costs per Commission's procedures. (Section 4.e)  | Program Rule 14: Appellant must pay costs per Commission's procedures.   |
| <b>Interpreter</b>          | Silent   | Program Rule 15: Upon a good faith showing of language difficulty and written request to the assigned Judge and Commission's Public Advisor's Office not less than five business days prior to date of hearing. At Commission's expense. |
| <b>Submission</b>           | Ordinarily at close of hearing; Judge may keep   | Program Rule 16: The submission date is  |

| <b>Event</b>                        | <b>Resolution ROSB-002</b>  | <b>Governing Appellate Rule</b>   |
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|                                     | record open for good cause for a reasonable period to permit a party to submit additional evidence or argument. (Section 4.h) | governed by Resolution ROSB-002 § 4.h.  |
| <b>Issuance of Draft Resolution</b> | Not later than 60 days after submission. (Section 4.i)  | Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission.<br>Program Rule 18: Draft Resolution issued for public comment. |
| <b>Ex Parte Communications</b>      | Prohibited from appeal through final order. (Section 4.j)   | Program Rule 19: Prohibited from date the citation (which is being appealed) issues to final order.   |
| <b>Rehearing</b>                    | Silent  | Program Rule 20: Resolution subject to rehearing.   |

**Additional Program Rules:**

- Rule 6: Minimum Service Requirements for the Notice of Appeal
- Rule 8: Service List and Parties to An Appeal
- Rule 21: Service of Rules and Resolution Adopting Them With All Citations and Clearinghouse Decisions Concerning General Order 156
- Rule 22: Applicable Procedure when Appellate Rules Are Silent