

**Resolution ST-163, 12/18/2014; Adopting a Citation Program Regarding Enforcing Compliance of Rail Transit Agencies Operating Public Transit Rail Fixed Guideway Systems**

**Additional Statutory Authority:** § 309.7, § 315, § 451, § 771, § 778, § 2107, § 2110, § 2111, § 29047, § 30646, § 99152, § 100168

<b>Event</b>	<b>Resolution ST-163</b>	<b>Governing Appellate Rule</b>
<b>File Appeal</b>	File with Docket Office within 30 days after the date of service of the citation. (Section 2)	Program Rule 3: File Notice of Appeal with Docket Office; File within time stated by ST-163 § 2.
<b>Content of Appeal</b>	State the date and number of the citation appealed and the grounds for appeal. (Section 4 (a))	Program Rule 5: State date and dollar amount of citation; indicate rationale for appeal as required by ST-163 § 4 (a).
<b>Compliance Filing</b>	Staff issuing citation must file Compliance Filing, including complete copy of citation and all attachments with Docket Office and serve upon Chief ALJ and Appellant no later than seven business days after Notice of Appeal is filed. (Section 4 (e))	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

<b>Event</b>	<b>Resolution ST-163</b>	<b>Governing Appellate Rule</b>
		or compliance filing no later than three business days prior to hearing.
<b>Hearing Date</b>	Promptly, with notification to parties at least ten days in advance. (Section 4 (f))	Program Rule 10: Hearing must commence as required by ST-163 § 4 (f).
<b>Burden of Proof</b>	Staff. Staff opens and closes the hearing. ALJ may alter order. (Section 4 (i)).	Program Rule 11: The burden of proof is as set forth in ST-164 § 4(i).
<b>Evidence</b>	Citation Appellate Rules 13 and Commission Rule 13.6 apply. (Section 4 (i)).	Program Rule 13: Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies.
<b>Hearing Venue</b>	SF or LA, on regularly scheduled days as calendared by the Judge. (Section 4 (c))	Program Rule 12: Venue as set forth in ST-163 § 4(c).
<b>Party Representative</b>	At appellant's expense. (Section 4 (h))	Program Rule 13: At appellant's expense.
<b>Transcript</b>	Appellant may order and shall pay costs per Commission procedures. (Section 4 (g))	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

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		than five business days prior to date of hearing. At Commission's expense.
<b>Submission</b>	Ordinarily at close of hearing; Judge may keep record open for good cause for a reasonable period to permit a party to submit additional evidence or argument. (Section 4 (j))	Program Rule 16: The submission date is governed by ST-163 § 4(j).
<b>Issuance of Draft Resolution</b>	No later than 60 days after appeal submitted. (Section 4 (k))	Program Rule 17: Draft decision issued expeditiously, and no later than 60 days after submission. Program Rule 18: Draft Resolution issued for public comment
<b>Ex Parte Communications</b>	Prohibited from the date the citation issued through the date the Commission's final order is issued on citation appeal. (Section 4 (l))	Program Rule 19: Prohibited from date of citation (which is being appealed) issues to final order.
<b>Rehearing</b>	Subject to rehearing pursuant to § 1731 and judicial review pursuant to § 1756. (Section 4 (m))	Program Rule 20: Resolution subject to rehearing.

**Additional Program Rules:**

- Rule 4: Extension of Time to File the Notice of Appeal

- 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