

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #1

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2011 MAY 11 PM 3:15

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150

RULE TYPE: Legislative Exempt CITE AUTHORITY: W. Va. Code 24-1-1, 24-1-7, 24-2-1, 24-2-2

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8

TITLE OF RULE BEING AMENDED: Rules and Regulations for the Government of Railroad Safety and Sanitation

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: July 18, 2011 -- The hearing scheduled for 6/2/11 was continued to 7/18/11 TIME: 9:30 a.m.

LOCATION OF PUBLIC HEARING: Howard M. Cunningham Hearing Room, PSC Headquarters, 201 Brooks St., Charleston, WV

COMMENTS LIMITED TO: ORAL WRITTEN BOTH

DATE WRITTEN COMMENT PERIOD ENDS: Initial 4 p.m. April 29, 2011; Reply 4 p.m. May 18, 2011 TIME: _____

WRITTEN COMMENTS MAY BE MAILED TO:

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

Sandra Squire, Executive Secretary
Public Service Commission
P.O. Box 812
Charleston, WV 25323

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



Authorized Signature

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 9th day of May 2011.

GENERAL ORDER NUMBER 189.4

In the Matter of proposed revisions to the Rules and Regulations for the Government of Railroad Safety and Sanitation, 150 C.S.R. Series 8.

COMMISSION ORDER

By Commissioner Order entered on March 31, 2011, this matter was set for hearing on Thursday, June 2, 2011.

On April 8, 2011, CSX Transportation, Inc. and Norfolk Southern Railway Company jointly moved for a continuance of that hearing because their counsel will be out of town at that time. Motion pp. 1-2.

To date, there has been no opposition to the motion for a continuance.

It is reasonable to grant the joint motion and reschedule the hearing for 9:30 a.m. Monday, July 18, 2011.

IT IS THEREFORE ORDERED that the Joint Motion for a continuance is granted. The hearing in this matter will be conducted at 9:30 a.m. Monday, July 18, 2011, in the Howard M. Cunningham Hearing Room, 201 Brooks Street, Charleston.

IT IS FURTHER ORDERED that in all other aspects, the March 31, 2011 Order remains in full force and effect.


IT IS FURTHER ORDERED that the Commission's Executive Secretary shall cause publication, one time, of the notice appearing in Attachment A in a newspaper, duly qualified by the Secretary of State, published and of general circulation in each of the following cities: Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, Parkersburg, Point Pleasant,

Weirton, Welch, Wheeling and Williamson. The Executive Secretary shall file the affidavits of publication as soon as they are received.

IT IS FURTHER ORDERED that the Commission's Executive Secretary shall serve a copy of this Order by electronic service on **all railroads operating in West Virginia** that have filed an e-service agreement, by United States First Class Mail on all railroads that have not filed an e-service agreement, and on Commission Staff by hand delivery.

IT IS FURTHER ORDERED that the Executive Secretary serve a copy of this Order upon the Consumer Advocate Division, the United Transportation Union and the Brotherhood of Locomotive Engineers and Trainmen by electronic service if they have filed an e-service agreement and by United States First Class Mail if they have not filed an e-service agreement.

A True Copy, Testes:


Sandra Squire
Executive Secretary

CLW/sek/tt
go1894.wpd

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 9th day of May, 2011.

GENERAL ORDER NUMBER 189.4

In the Matter of proposed revisions to the Rules and Regulations for the Government of Railroad Safety and Sanitation, 150 C.S.R. Series 8.

NOTICE OF REVISED HEARING DATE

The Public Service Commission of West Virginia is considering amendments to the Rules and Regulations for the Government of Railroad Safety and Sanitation (Railroad Rules), 150 C.S.R. Series 8, relating to certain railroad walkways and to remove provisions that have been declared preempted by federal law. On March 31, 2011, the Commission set a hearing in this matter Thursday, June 2, 2011.

On May 9, 2011, the Commission granted a motion to continue that hearing. The hearing has been rescheduled for 9:30 a.m. Monday, July 18, 2011, in the Howard M. Cunningham Hearing Room, 201 Brooks Street, Charleston.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

Public Service Commission

Richard E. Hitt, General Counsel

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

May 11, 2011

Via Hand Delivery

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0771

Re: Public Service Commission; Rules and Regulations for the
Government of Railroad Safety and Sanitation, 150 C.S.R.
Series 8

Dear Ms. Cooper:

Enclosed for filing is a copy of a Notice of Public Hearing on a Proposed Rule. When we filed proposed changes to the Railroad Rules with your office on March 31, 2011, we included a Notice for a hearing to be conducted on June 2, 2011. The Notice enclosed with this letter is to provide notice that **the hearing has been rescheduled.**

The Commission recently granted a request to continue that hearing until July 18, 2011. A copy of the Commission Order is also enclosed.

Because the Commission is not part of the Cabinet structure, the Commission Order is the evidence of the approval of the filing by the agency head, Chairman Michael A. Albert.

Please date stamp the enclosed extra copy of the filing packet and return it with our messenger. If you have any questions or if there are any problems please bring them to my attention.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Richard E. Hitt", written over a large, stylized circular flourish.

Richard E. Hitt
General Counsel