

LOUISIANA PUBLIC SERVICE COMMISSION

RESOLUTION NO. 2012-02

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**In re: *House Bill 972 of the 2012 Regular Session of the Louisiana Legislature.***

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**(Decided at the LPSC Business & Executive Session March 21, 2012)**

The Louisiana Public Service Commission ("LPSC" or "Louisiana Commission"), for the reasons cited below, adopts the following Resolution relative to LPSC participation in the Federal Railroad Safety State Participation Program ("Safety Program") found at 49 CFR Part 212. The 2012 Regular Legislative Session has convened at the State Capitol where House Bill 972, authorizing LPSC participation and providing for the collection of fees, has been submitted for consideration. Because of the immense importance to the safety of Louisiana citizens, the LPSC hereby resolves:

**WHEREAS:**

1. The Rail Safety Act of 1970 authorized the States to work with the Federal Railroad Administration to enforce Federal railroad safety regulations.

**AND WHEREAS:**

2. Act 753 of the 2008 Regular Legislative Session authorized the LPSC to execute and implement the Safety Program Agreement for the state of Louisiana. Act 753 was signed into law in R.S. 45:561 et seq.

**AND WHEREAS:**

3. On November 13, 2008, the LPSC adopted General Order No. R-30715 in accordance with R.S. 45:561 *et seq.* assessing fees on railroads operating within the state for the administration of the Safety Program.

**AND WHEREAS:**

4. The Louisiana Railroad Association and Union Pacific objected and filed for a preliminary injunction against the LPSC to block the implementation of the Safety Program. The 19<sup>th</sup> Judicial District Court granted the requests finding that the assessment of fees required legislative approval.

**AND WHEREAS:**

5. More than 30 other states are participating in the Safety Program and many of those assess user fees for the administration of the Program.

**AND WHEREAS:**

6. Louisiana was ranked 5<sup>th</sup> and 4<sup>th</sup> nationally in vehicle-train accidents in 2010 and 2011 respectively.

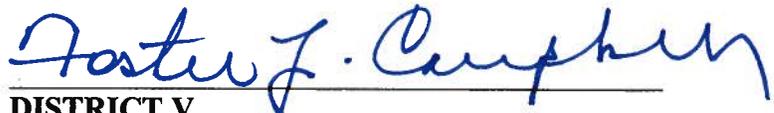
**AND WHEREAS:**

7. Representative John Bel Edwards has introduced legislation authorizing the LPSC to implement the Safety Program and to assess the necessary fees against railroads operating in the state of Louisiana.

**NOW, THEREFORE, THE LOUISIANA PUBLIC SERVICE COMMISSION HEREBY RESOLVES** that it is of high importance that the Louisiana Legislature pass House Bill 972 by Representative John Bel Edwards.

**BATON ROUGE, LOUISIANA**

March 21, 2012



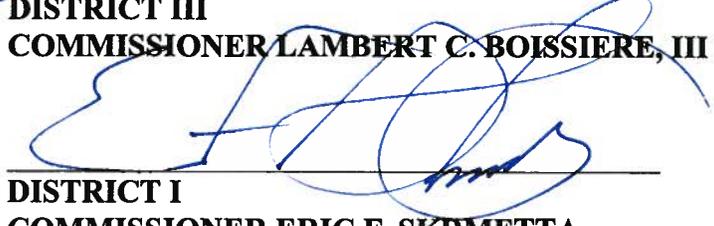
**DISTRICT V  
CHAIRMAN FOSTER L. CAMPBELL**



**DISTRICT II  
VICE CHAIRMAN JIMMY FIELD**



**DISTRICT III  
COMMISSIONER LAMBERT C. BOISSIERE, III**



**DISTRICT I  
COMMISSIONER ERIC F. SKRMETTA**

  
**EVE KAHAO GONZALEZ  
SECRETARY**

*Abstains*

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**DISTRICT IV  
COMMISSIONER CLYDE C. HOLLOWAY**