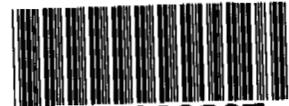


RENZ D. JENNINGS  
CHAIRMAN

MARCIA WEEKS  
COMMISSIONER

ARL J. KUNASEK  
COMMISSIONER



0000000203

ARIZONA CORPORATION COMMISSION

DATE: AUGUST 30, 1995

DOCKET NO: R-2635-95-309

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Scott S. Wakefield. The recommendation has been filed in the form of an Opinion and Order on:

ATCHISON, TOPEKA and SANTA FE RAILWAY CO. (AT-GRADE CROSSING)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

SEPTEMBER 8, 1995

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

SEPTEMBER 19, 1995 and SEPTEMBER 20, 1995

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

  
James Matthews  
EXECUTIVE SECRETARY

JM  
Enc.  
cc: ALL PARTIES



1 the matter under advisement pending submission of a Recommended Opinion and Order to the  
2 Commission.

3 \* \* \* \* \*

4 Having considered the entire record herein and being fully advised in the premises, the  
5 Commission finds, concludes, and orders that:

6 **FINDINGS OF FACT**

7 1. On July 5, 1995, ADOT filed the Application with the Commission.

8 2. The Application provides, in part, for the installation of railroad warning devices to  
9 include twelve-inch flashing lights and gate arms to upgrade the crossing configurations located at  
10 railroad milepost AF-86.9, where Thompson Valley Road crosses Railroad's property, in Yavapai  
11 County, Arizona.

12 3. At the hearing held on August 11, 1995, the Commission's Utilities Division Staff  
13 ("Staff") recommended that the Application be approved.

14 4. Staff additionally recommended that: a) the distribution of costs of the project<sup>1</sup>, as agreed  
15 to by the parties and as set forth in the Application, should be approved; b) the Railroad should notify  
16 the Commission of both the commencement and the completion of the upgrade<sup>2</sup> of the crossing; and c)  
17 once the crossing upgrade is completed, the Railroad should maintain the crossing in compliance with  
18 A.A.C. R-14-5-104.

19 **CONCLUSIONS OF LAW**

20 1. The Commission has jurisdiction over the parties and over the subject matter of the  
21 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and 40-  
22 337.01.

23 2. Notice of the Application was provided in accordance with the law.

24 3. The improvements at the crossing are in the public interest and for the public's  
25

26 <sup>1</sup> The distribution of estimated costs of the project is attached hereto as Exhibit A and is  
27 incorporated herein by reference.

28 <sup>2</sup> Completion of the upgrade for purposes of Commission notification is defined as the time  
the physical work is completed and put into service.

1 convenience, necessity and safety.

2 4. The Application should be approved.

3 5. Staff's recommendations, as set forth in Finding of Fact No. 4, are reasonable and should  
4 be adopted.

5 **ORDER**

6 IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application is  
7 hereby approved.

8 IT IS FURTHER ORDERED that the upgrade of the crossing shall be completed within 15  
9 months from the effective date of this Decision.

10 IT IS FURTHER ORDERED that the distribution of costs of the project, as agreed to by the  
11 parties and set forth in the Application, is hereby approved.

12 IT IS FURTHER ORDERED that the Atchison, Topeka & Santa Fe Railway Company shall  
13 notify the Commission, in writing, within ten days of both the commencement and the completion of the  
14 crossing upgrade pursuant to A.A.C. R14-5-104.

15 IT IS FURTHER ORDERED that the Atchison, Topeka & Santa Fe Railway Company shall  
16 construct the crossing in accordance with the requirements set forth in A.A.C. R14-5-104.

17 ...

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1 IT IS FURTHER ORDERED that upon the completion of the upgrade of the crossing, the  
2 Atchison, Topeka & Santa Fe Railway Company shall maintain the crossing in compliance with A.A.C.  
3 R-14-5-104.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

6  
7  
8  
9 CHAIRMAN

COMMISSIONER

COMMISSIONER

10 IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the  
11 Arizona Corporation Commission, have hereunto set my hand and caused the  
12 official seal of the Commission to be affixed at the Capitol, in the City of  
13 Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

14 \_\_\_\_\_  
JAMES MATTHEWS  
EXECUTIVE SECRETARY

15  
16 DISSENT \_\_\_\_\_  
SSW:dap

## EXHIBIT A

COST ESTIMATE  
SUMMARY

	<u>Total</u>	<u>ADOT</u>	<u>ACC</u>	<u>FHWA</u>
		@5.7%	@0%	@94.3%
Surfacing	\$ 28,547.00	\$1,627.00	0.00	\$ 26,920.00
			@5.7%	@94.3%
Signals	132,627.00	0.00	7,560.00	125,067.00
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
*	\$161,174.00	\$1,627.00	\$ 7,560.00	\$151,987.00

\* Railroad will invoice ADOT for 100% of total work. ADOT will pay Railroad 100% of total invoice and invoice ACC for its portion.

Decision No. \_\_\_\_\_