

RENZ D. JENNINGS
CHAIRMAN

MARCIA WEEKS
COMMISSIONER

CARL J. KUNASEK
COMMISSIONER



0000000325

ARIZONA CORPORATION COMMISSION

DATE: APRIL 10, 1996

DOCKET NOS: R-2640-96-139

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:

SOUTHERN PACIFIC TRANSPORTATION CO. (AT-GRADE CROSSING)

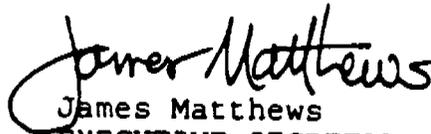
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

APRIL 19, 1996

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:

APRIL 23, 1996 and APRIL 24, 1996

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 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 RENZ D. JENNINGS
CHAIRMAN
3 MARCIA WEEKS
COMMISSIONER
4 CARL J. KUNASEK
COMMISSIONER
5

6 TRACS NO. 0940 MA MMA SR102 01C)
PROJECT NO. RRS-STP-000-6(088)P)
7 RAIL/HIGHWAY SAFETY PROGRAM)
AGREEMENT NO. 1730-95-SPTC)
8 AGUA CALIENTE ROAD (MARICOPA)
COUNTY)
9 SOUTHERN PACIFIC TRANSPORTATION)
COMPANY)
10 AAR/DOT NO. 741-759-S)
RR M.P. R-854.06)
11 RR FILE 926530/321.1)

DOCKET NO. R-2640-96-139

12 DECISION NO. _____

13 **OPINION AND ORDER**

14 DATE OF HEARING: April 4, 1996
15 PLACE OF HEARING: Phoenix, Arizona
16 PRESIDING OFFICER: Scott S. Wakefield
17 APPEARANCES: Mr. Peter Breen, Staff Attorney, Legal Division, on
18 behalf of the Utilities Division of the Arizona
19 Corporation Commission.

20 **BY THE COMMISSION:**

21 On March 7, 1996, the Arizona Department of Transportation ("ADOT") filed with the Arizona
22 Corporation Commission ("Commission") an application for approval of an agreement ("Application")
23 with respect to the installation of railroad warning devices at a Southern Pacific Transportation Company
24 ("Railroad") at-grade crossing located at Agua Caliente Road in Maricopa County, Arizona, where same
25 crosses the property and tracks of Railroad at railroad milepost R-854.06. By Procedural Order dated
26 March 13, 1996, the Application was set for a hearing and ADOT was ordered to provide notice of the
27 Application and of the hearing to the Railroad and any municipality or interested party that might be
28 affected by the Application. ADOT provided the appropriate notifications pursuant to the Procedural
Order.

On April 4, 1996, a hearing was held before a duly authorized Hearing Officer of the Commission
at its offices in Phoenix, Arizona. At the conclusion of the hearing, the Hearing Officer took the matter

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

2 * * * * *

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

5 **FINDINGS OF FACT**

6 1. On March 7, 1996, ADOT filed the Application with the Commission.

7 2. The Application provides, in part, for the installation of railroad warning devices to
8 include flashing light signals and gate arms to upgrade the crossing configurations located at railroad
9 milepost R-854.06, where Agua Caliente Road crosses Railroad's property, in Maricopa County,
10 Arizona.

11 3. At the hearing held on April 4, 1996, the Commission's Utilities Division Staff ("Staff")
12 recommended that the Application be approved.

13 4. Staff additionally recommended that the distribution of costs of the project¹, as agreed to
14 by the parties and as set forth in the Application, should be approved.

15 **CONCLUSIONS OF LAW**

16 1. The Commission has jurisdiction over the parties and over the subject matter of the
17 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and 40-
18 337.01.

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

20 3. The improvements at the crossing are in the public interest and for the public's
21 convenience, necessity and safety.

22 4. The Application should be approved.

23 5. Staff's recommendation, as set forth in Finding of Fact No. 4, is reasonable and should
24 be adopted.

25 ...

26 _____
27 ¹ The distribution of estimated construction costs of the project is attached hereto as Exhibit
28 A and is incorporated herein by reference. In addition to the construction costs indicated on Exhibit A,
the Application revealed that there were Preliminary and Construction Engineering Costs of \$6,000, of
which the Commission's portion is 10%, or \$600.

ORDER

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

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

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

IT IS FURTHER ORDERED that the Southern Pacific Transportation Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that the Southern Pacific Transportation Company shall construct the crossing in accordance with the requirements set forth in A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon the completion of the upgrade of the crossing, the Southern Pacific Transportation Company shall maintain the crossing in compliance with A.A.C. R-14-5-104.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 1996.

JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT _____
SSW:dap

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST FOR:

SOUTHERN PACIFIC TRANSPORTATION
COMPANY

DOCKET NO.:

R-2640-96-139

John B. Syers, III
UTILITY & RAILROAD ENGINEERING SERVICES
Mail Drop 618 E, Room 118 E
206 South Seventeenth Avenue
Phoenix, Arizona 85007-3213

David Gibson
ADOT-TRAFFIC ENGINEERING
Mail Drop 064R
1739 West Jackson
Phoenix, Arizona 85007

Bob Prince
Public Projects Engineer
SOUTHERN PACIFIC TRANSPORTATION COMPANY
1200 Corporate Center Drive
Monterey Park, California 91754

C. Webb Crockett
FENNEMORE CRAIG
Two North Central Avenue
Suite 2200
Phoenix, Arizona 85004-2390

Paul A. Bullis, Chief Counsel
Peter Breen, Staff Attorney
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Gary Yaquinto, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

SUMMARY OF ESTIMATE

DOCKET NO. R-2640-96-139

EXHIBIT A

SIGNAL

Labor	\$20,185.00
Material	69,500.00
Other	<u>35,685.00</u>
Total	*\$125,370.00
ACC. Portion	7,146.00
ADOT Portion	\$118,224.00

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

Agreement No. 1730-95-SPTC
EXHIBIT "A"
Sheet 1 of 3

DECISION NO. _____