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Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

June 11, 2004

Bill Higgins
Acting State
Engineer

Victor M. Mendez
Director

Mr. Marc E. Stern
Administrative Law Judge
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

RE: TRACS No. 0940 CN CCN SR185 01C
Project No. STP-000-6(165)P
RAIL/HIGHWAY SAFETY PROGRAM
Espee Road (Coconino Co.)
Grand Canyon Railway & Resort
AAR/DOT No: 025-963-S
Agreement No. 2386-02-GCR
ACC Docket No. RR-02637A-04-0380

RECEIVED
2004 JUN 17 P 3:52
AZ CORP COMMISSION
DOCUMENT CONTROL

Dear Mr. Stern:

In accordance with the requirements of the Procedural Order relating to the subject project, we have sent copies of the Order to the Sponsor and the Railroad Company.

Enclosed are copies of the transmittal letters.

Sincerely,

John Syers
Railroad Engineering Coordinator
Utility & Railroad Engineering Section
205 South 17th Avenue Mail Drop 618E Phoenix, Arizona 85007
Phone (602) 712-7541 Fax (602) 712-3229

Arizona Corporation Commission
DOCKETED

JUN 17 2004

DOCKETED BY





**Arizona Department of Transportation
Office of the Director**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3713

Janet Napolitano
Governor

Victor M. Mendez
Director

Debra R. Brisk
Deputy Director

June 11, 2004

Mr. Dale Wegner, P.E.
County Engineer
Coconino County
5600 East Commerce
Flagstaff, Arizona 86004

Certified Mail Receipt No.
7003 0500 0004 2916 1079

RE: TRACS No. 0940 CN CCN SR185 01C
Project No. STP-000-6(165)P
RAIL/HIGHWAY SAFETY PROGRAM
Espee Road (Coconino Co.)
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Dear Mr. Wegner:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project.

Sincerely,

John Syers, Railroad Engineering Coordinator
Utility & Railroad Engineering Section
205 South 17th Ave, RM 357, MD 618E
Phoenix, AZ 85007-3212
(602) 712-7541

encl.

cc: ACC



2001 Award Recipient



Arizona Department of Transportation

Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3713

Janet Napolitano
Governor

Victor M. Mendez
Director

Debra R. Brisk
Deputy Director

May 13, 2004

Railroad Safety Supervisor
Arizona Corporation Commission
1210 West Washington
Phoenix, Arizona 85007

RE: TRACS No. 0940 CN CCN SR185 01C
Project No. STP-000-6(165)P
RAIL/HIGHWAY SAFETY PROGRAM
Espee Road (Coconino Co.)
Grand Canyon Railway & Resort
AAR/DOT No: 025-963-S

Dear Mr. Thompson:

Please furnish our office with an Opinion and Order to cover the installation of Signals described in the subject agreement. An agreement covering the work has been signed by the Railroad Company. A copy is attached for your information and files.

After we receive the Opinion and Order, we will send you a copy of our letter authorizing the Railroad to proceed with the work.

Sincerely,

John Syers, Railroad Engineering Coordinator
Utility & Railroad Engineering Section
205 South 17th Ave, RM 357, MD 618E
Phoenix, AZ 85007-3212
(602) 712-7541

Attachment



1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 MIKE GLEASON
7 KRISTINE K. MAYES

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JUN 07 2004

UTILITY & RAILROAD
ENGINEERING SVCS.

RECEIVED

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AZ CORP COMMISSION
DOCUMENT CONTROL

8 IN THE MATTER OF THE APPLICATION OF
9 THE ARIZONA DEPARTMENT OF
10 TRANSPORTATION TO UPGRADE A
11 CROSSING OF THE GRAND CANYON
12 RAILWAY AT ESPEE ROAD, IN COCONINO
13 COUNTY, ARIZONA, AAR/DOT NO. 025-963-S.

DOCKET NO. RR-02637A-04-0380

PROCEDURAL ORDER

14 **BY THE COMMISSION:**

15 On May 20, 2004, the Arizona Department of Transportation ("ADOT") filed with the
16 Arizona Corporation Commission ("Commission") a request for approval for the Grand Canyon
17 Railway ("Railroad") to upgrade a crossing at Espee Road in Coconino Couty, Arizona at AAR/DOT
18 No. 025-963-S.

19 IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation
20 shall be considered an application for the Railroad to construct a new public railroad crossing
21 pursuant to A.R.S. § 40-337, et seq.

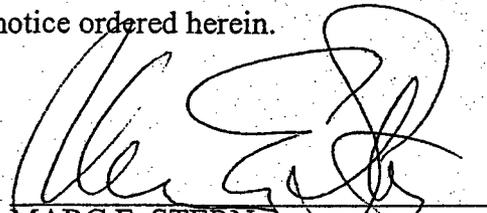
22 IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this
23 proceeding.

24 IT IS FURTHER ORDERED that the hearing on the application shall be held on June 24,
25 2004 at 2:00 p.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West
26 Washington Street, Phoenix, Arizona.

27 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
28 Order, the Arizona Department of Transportation shall provide the Railroad and Coconino County
and any other municipality or interested party that may be affected by the application with a copy of
the application and this Procedural Order by certified mail.

1 IT IS FURTHER ORDERED that the ARIZONA DEPARTMENT OF
2 TRANSPORTATION SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN
3 ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE with this
4 Procedural Order concurrently with the mailing of notice ordered herein.

5 DATED this 3 day of June, 2004


6
7 MARC E. STERN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
this 3 day of June, 2004 to:

10 John Syers
11 Railroad Engineering Coordinator
12 Arizona Department of Transportation
13 205 S. 17th Avenue, Mail Drop 618E
14 Phoenix, AZ 85007

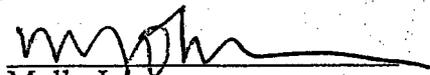
15 David Gibson
16 Arizona Department of Transportation
17 Traffic Records Section
18 206 S. 17th Avenue, Mail Drop 064R
19 Phoenix, AZ 85007

20 Robert Lacivita
21 Grand Canyon Railway
22 1201 West Route 66, Ste. 200
23 Flagstaff, AZ 86001

24 Christopher Kempley, Chief Counsel
25 Legal Division
26 ARIZONA CORPORATION COMMISSION
27 1200 West Washington Street
28 Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 North Third Street, Ste. Three
Phoenix, AZ 85004-1103

By: 

Molly Johnson
Secretary to Marc Stern