



ORIGINAL
Arizona Department of Transportation
Intermodal Transportation Division
 206 South Seventeenth Avenue Phoenix, Arizona 85007-2219



Janet Napolitano
 Governor
 Victor M. Mendez
 Director

June 10, 2004

Bill Higgins
 Acting State
 Engineer

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

RE: TRACS No. 0940 MA PHX SR174 01C
 Project No. STP-000-6(155)P
 RAIL/HIGHWAY SAFETY PROGRAM
 36th Avenue (Phoenix)
 The Burlington Northern and Santa Fe Railway Company
 AAR/DOT No: 025-496-G
 Agreement No. 1531-91-ATSF
 ADOT Accounting No. 1531BW01
 ACC Docket No. RR-02635B-04-0375

RECEIVED
 2004 JUN 17 P 3:49
 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
 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	<i>CR</i>
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ORIGINAL



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

206 South Seventeenth Avenue Phoenix, Arizona 85007-3713

Janet Napolitano
Governor

Debra R. Brisk
Deputy Director

Victor M. Mendez
Director

June 10, 2004

Ms. Mariann Holder, P.E.
Engineering Supervisor
City of Phoenix
1034 E. Madison St.
Phoenix, Arizona 85034

Certified Mail Number
7002 3150 0003 9223 4948

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AZ CORP COMMISSION
DOCUMENT CONTROL

RE: TRACS No. 0940 MA PHX SR174 01C
Project No. STP-000-6(155)P
RAIL/HIGHWAY SAFETY PROGRAM
36th Avenue (Phoenix)
The Burlington Northern and Santa Fe Railway Company
AAR/DOT No: 025-496-G
Agreement No. 1531-91-ATSF
ADOT Accounting No. 1531BW01
ACC Docket No. RR-02635B-04-0375

Dear Ms. Holder:

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

Arizona Corporation Commission
DOCKETED

JUN 17 2004

DOCKETED BY	
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encl.

cc: ACC





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 MA PHX SR174 01C
Project No. STP-000-6(155)P
RAIL/HIGHWAY SAFETY PROGRAM
36th Avenue (Phoenix)
The Burlington Northern and Santa Fe Railway Company
AAR/DOT No: 025-496-G

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,

A handwritten signature in cursive script that reads "John Syers".

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.

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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 AN
11 EXISTING CROSSING OF THE BURLINGTON
12 NORTHERN AND SANTA FE RAILWAY AT 36th
13 AVENUE, IN THE CITY OF PHOENIX,
14 MARICOPA COUNTY, ARIZONA, AT AAR/DOT
15 NO. 025-496-G.

DOCKET NO. RR-02635B-04-0375

PROCEDURAL ORDER

16 **BY THE COMMISSION:**

17 On May 20, 2004, the Arizona Department of Transportation ("ADOT") filed with the
18 Arizona Corporation Commission ("Commission") a request for approval for the Burlington Northern
19 and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks
20 at 36th Avenue in Phoenix, Arizona, at AAR/DOT No. 025-496-G.

21 IT IS THEREFORE ORDERED that the request of ADOT shall be considered an application
22 for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

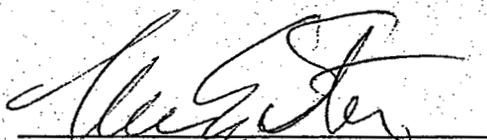
23 IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this
24 proceeding.

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

28 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
Order, the Arizona Department of Transportation shall provide the Railroad and the City of Phoenix
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 3rd day of June, 2004.

6
7 
8 MARC E. STERN
9 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 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

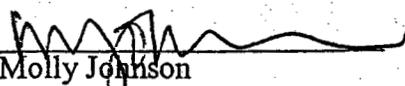
15 Larry J. Delaney
16 Project Engineer
17 BNSF Railway Company
18 1624 First Street NW
19 Albuquerque, NM 87102-1538

20 David Gibson
21 ADOT
22 Traffic Records Section
23 206 S. 17th Avenue, MD-064R
24 Phoenix, AZ 85007

25 Christopher Kempley, Chief Counsel
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
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 Mark Stern