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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

AUG 10 2004

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IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE A
CROSSING OF THE GRAND CANYON
RAILWAY AT PRONGHORN RANCH ROAD, IN
COCONINO COUNTY, ARIZONA, AAR/DOT NO.
025-962-K.

DOCKET NO. RR-02637A-04-0376

DECISION NO. 67172

OPINION AND ORDER

DATE OF HEARING: June 24, 2004
 PLACE OF HEARING: Phoenix, Arizona
 ADMINISTRATIVE LAW JUDGE: Marc E. Stern
 APPEARANCES: Mr. Timothy Sabo, Staff Attorney, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On May 20, 2004, the Arizona Department of Transportation ("ADOT") submitted to the Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the approval of an agreement between ADOT and the Grand Canyon Railway ("Railroad") to upgrade the Railroad's crossing at Pronghorn Ranch Road, Coconino County, Arizona, at AAR/DOT No. 025-962-K ("Application").

On June 3, 2004, by Procedural Order, the Application was set for a hearing and ADOT was ordered to notify any interested party of the Application and the hearing.

On June 17, 2004, ADOT certified that notice had been provided pursuant to the terms of the Procedural Order.

On June 24, 2004, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was taken under advisement pending submission of a recommended Opinion and Order to the Commission.

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

4 **FINDINGS OF FACT**

5 1. On May 20, 2004, ADOT filed an Application in which it requested an Opinion and
6 Order from the Commission approving an agreement between ADOT and the Railroad for the
7 upgrade of a crossing to replace the crossing surface and to install automatic warning devices at
8 Pronghorn Ranch Road, in Coconino County, Arizona, at AAR/DOT No. 025-962-K.

9 2. On June 17, 2004, ADOT certified that it provided notice by registered U.S. mail of
10 the Application and hearing thereon.

11 3. A hearing was held as scheduled on June 24, 2004.

12 4. The Application provides for the Railroad to replace the existing crossbucks and the
13 crossing surface and to upgrade the crossing surface with concrete and with automatic flashing light
14 signals and gates.

15 5. Staff testified that the cost apportionment for the installation of the crossing upgrade
16 as provided in the Application was proper.

17 6. Staff has recommended that the Application be approved.

18 **CONCLUSIONS OF LAW**

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

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

23 3. Installation of the crossing upgrade is necessary for the public's convenience and
24 safety.

25 4. The Application should be approved as recommended by Staff.

26 5. After installation of the crossing, the Railroad should maintain the crossing in
27 accordance with A.A.C. R14-5-104.

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ORDER

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

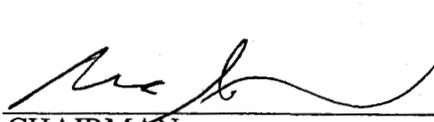
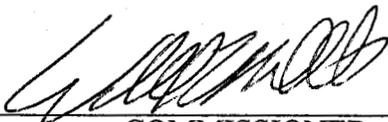
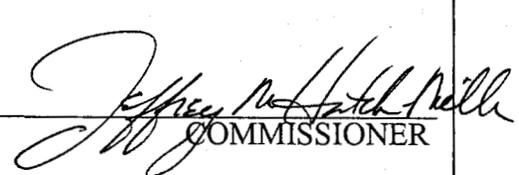
IT IS FURTHER ORDERED that the Grand Canyon Railway shall complete the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

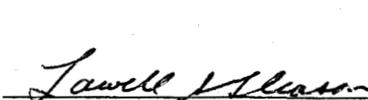
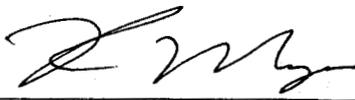
IT IS FURTHER ORDERED that the Grand Canyon Railway shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Grand Canyon shall maintain the crossing in compliance with the A.A.C. R14-5-104.

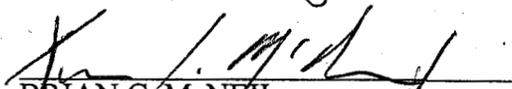
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

	
COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Interim 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 10th day of August, 2004.


 BRIAN C. McNEIL
 EXECUTIVE SECRETARY

DISSENT _____

DISSENT _____

MES:mlj

1 SERVICE LIST FOR: GRAND CANYON RAILWAY

2 DOCKET NO. RR-02637A-04-0376

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