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ARIZONA CORPORATION COMMISSION

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06

Via facsimile @ 480.782.3330 and first class mail

Ray Buglion, P.E.
Engineer
Public Works Department, Construction Management
City of Chandler
Mail Stop 411, P.O. Box 4008
Chandler, Arizona 85244-4008

Arizona Corporation Commission

DOCKETED

NOV 30 2004

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Re: Pecos Road Railroad Crossing

DOCKETED BY

Dear Mr. Buglion:

This letter is in response to your letter dated November 9, 2004 to Don Thompson. Your letter states that it is "notification" of "intent to reconstruct" the Union Pacific at-grade crossing of Pecos Road at Mile Post 930.07 of the Chandler Industrial Lead. Your letter indicates that the reconstruction is scheduled for December 6, 2004.

Under Arizona law, the Arizona Corporation Commission has "exclusive power" over railroad crossings, including the alteration of crossings. See A.R.S. § 40-337(B)(2). The proposed re-construction includes a widening of the road and various other improvements. These changes constitute the "alteration" of a crossing, which requires Commission approval. Accordingly, your letter has been deemed an application pursuant to A.R.S. § 40-337 *et seq.* Your application has been assigned docket number RR-03639A-04-0829. The Commission's Railroad Safety Section will conduct a safety review of the crossing in question and the proposed modifications. The Commission's Hearing Division will schedule a formal hearing on this matter. These procedures are mandated by law and are designed to ensure a full review of the safety of the project. Because this is a formal legal proceeding, I am sending a copy of this letter to the City Attorney's office.

The proposed modifications may not take place without Commission approval. Accordingly, by copy of this letter, we are directing the Union Pacific to not proceed with the project until the Commission has issued an order approving the project.

Ray Buglion, P.E.
November 30, 2004
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We appreciate the efforts of the City of Chandler with regard to railroad crossings, and we look forward to working with the City in this and other matters. If you have any questions, please feel free contact me at 602.542.6024.

Very truly yours,



Timothy J. Sabo
Attorney, Legal Division

cc: Mr. Donald Thompson
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