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THE ARIZONA CORPORATION COMMISSION

DOCKETED

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COMMISSIONERS

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

DOCKETED BY  
NR

IN THE MATTER OF THE APPLICATION OF  
THE CITY OF CHANDLER, ARIZONA TO  
UPGRADE A CROSSING OF THE UNION  
PACIFIC RAILROAD AT PECOS ROAD IN  
MARICOPA COUNTY, ARIZONA, AAR/DOT NO.  
741-674-P.

DOCKET NO. RR-03639A-04-0829

DECISION NO. 67592

OPINION AND ORDER

DATE OF HEARING: January 6, 2005  
PLACE OF HEARING: Phoenix, Arizona  
ADMINISTRATIVE LAW JUDGE: Marc E. Stern  
APPEARANCES: Mr. Timothy Sabo and Ms. Diane Targovnik, Staff Attorneys, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On November 18, 2004, the City of Chandler ("City") submitted to the Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the approval of an agreement between the City and the Union Pacific Railroad Company ("Railroad") to upgrade the Railroad's crossing at Pecos Road in Chandler, Maricopa County, Arizona, at AAR/DOT No. 741-674-P ("Application").

On December 1, 2004, by Procedural Order, the Application was set for a hearing and the City was ordered to notify any interested party of the Application and the hearing.

On December 9, 2004, the City certified that notice had been provided pursuant to the terms of the Procedural Order.

On January 5, 2005, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. The Commission's Railroad Safety Section was present with counsel. At the conclusion of the hearing, the matter was taken under advisement pending submission of a recommended Opinion and Order to the Commission.

\* \* \* \* \*

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

**FINDINGS OF FACT**

1. On November 18, 2004, the City filed an Application in which it requested an Opinion and Order from the Commission approving an agreement between the City and the Railroad to upgrade the existing Pecos Road public crossing in Chandler at AAR/DOT No. 741-674-P in the following manner: by widening the existing roadway from one lane in each direction to three lanes in each direction between McQueen Road and Dobson Road; by constructing raised concrete medians; by replacing the existing warning devices with new LED automatic warning devices with automatic gate arms; by adding two cantilever flashing signals; and by installing a new concrete crossing surface.

2. On December 9, 2004, the City filed certification that it had provided notice by registered U.S. mail of the Application and hearing thereon.

3. A hearing was held as scheduled on January 6, 2005.

4. The Application provides for the Railroad to install new LED flashing lights with automatic gates, flashing signals on two cantilevers and a concrete crossing surface at the crossing.

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

6. Staff has recommended that the Application be approved.

**CONCLUSIONS OF LAW**

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

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

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

4. Pursuant to A.R.S. §§ 40-336 and 337, the Application should be approved as

1 recommended by Staff.

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

4 **ORDER**

5 IT IS THEREFORE ORDERED that the City of Chandler's Application is hereby approved.

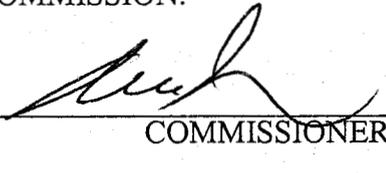
6 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the  
7 crossing upgrade as described in the Application within fifteen months from the effective date of this  
8 Decision.

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

12 IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific  
13 Railroad Company shall maintain the crossing in compliance with the A.A.C. R14-5-104.

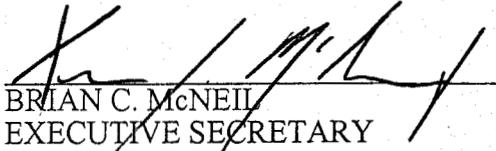
14 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

15 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

16     
17 CHAIRMAN COMMISSIONER COMMISSIONER

18  
19    
20 COMMISSIONER COMMISSIONER

21 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
22 Secretary of the Arizona Corporation Commission, have  
23 hereunto set my hand and caused the official seal of the  
24 Commission to be affixed at the Capitol, in the City of Phoenix,  
25 this 15<sup>th</sup> day of Feb., 2005.

26   
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

27 DISSENT \_\_\_\_\_

28 DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD COMPANY

2 DOCKET NO. RR-03639A-04-0829

3  
4 John Syers  
5 Railroad Engineering Coordinator  
6 Arizona Department of Transportation  
7 205 S. 17<sup>th</sup> Avenue, Mail Drop 618E  
8 Phoenix, AZ 85007

9 David Gibson  
10 Arizona Department of Transportation  
11 Traffic Records Section  
12 206 S. 17th Avenue, Mail Drop 064R  
13 Phoenix, AZ 85007

14 James H. Smith  
15 UNION PACIFIC RAILROAD COMPANY  
16 10031 Foothills Blvd.  
17 Roseville, CA 95747

18 Anthony J. Hancock  
19 Beaugureau Zukowski & Hancock, P.C.  
20 2111 E. Highland Avenue, Ste. 255  
21 Phoenix, AZ 85016

22 Ray Buglion, P.E.  
23 Public Works Department  
24 Construction Management  
25 City of Chandler  
26 P.O. Box 4008, MS411  
27 Chandler, AZ 85244

28 James. R. Cairns III  
Assistant City Attorney  
City of Chandler  
P.O. Box 4008, MS602  
Chandler, AZ 85244

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Don Thompson, Chief  
Railroad Safety Section  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007