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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

AUG 22 2002

DOCKETED BY *clp*

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO CONSTRUCT A SECOND SET OF TRACKS
AT AN EXISTING CROSSING AT SENTINEL
ROAD, IN MARICOPA COUNTY, ARIZONA AT
M.P. 826.05.

DOCKET NO. RR-03639A-02-0410

DECISION NO. 65118

OPINION AND ORDER

DATES OF HEARING: July 11, 2002
PLACE OF HEARING: Phoenix, Arizona
ADMINISTRATIVE LAW JUDGE: Marc E. Stern
APPEARANCES: Ms. Lisa Vandenberg, Staff Attorney, Legal
Division, on behalf of the Utilities Division of
the Arizona Corporation Commission.

BY THE COMMISSION:

On June 3, 2002, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") a request for approval to construct a second set of tracks at an existing crossing at Sentinel Road, Maricopa County ("County"), Arizona, at milepost 826.05 ("Application").

On June 14, 2002, by Procedural Order, the Application was set for hearing on July 11, 2002 and the Railroad was ordered to notify any interested party of the Application and the hearing.

On July 11, 2002, the Railroad filed certification of mailing by first class U.S. mail notice of the proceeding to the County. The County has not objected to the proceeding.

On July 11, 2002, 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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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 June 3, 2002, the Railroad filed an Application in which it requested an Opinion and Order from the Commission to approve the construction of a second set of tracks at its existing crossing at Sentinel Road in the County at milepost 826.05.

2. On June 24, 2002, the railroad provided notice to the County of the proceeding as ordered in the Commission's Procedural Order. Subsequently, no objections to the Application were received by the Commission.

3. The Application provides for the Railroad to construct a second set of tracks that will utilize the existing crossbucks and stop signs, which are already in use at the existing crossing. They will be relocated to accommodate the second set of tracks.

4. Staff testified that the cost for the additional set of tracks as provided in the Application is proper.

5. Staff has recommended that the Application be approved.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Railroad 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. The additional set of tracks at milepost 826.05 is necessary for the public's convenience and safety.

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

5. After the addition of the second set of tracks, the Railroad should maintain the crossing in accordance with A.A.C. R14-5-104.

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ORDER

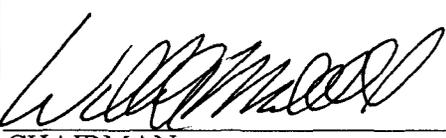
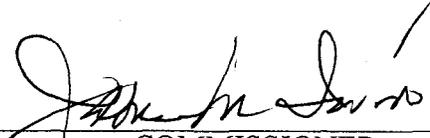
IT IS THEREFORE ORDERED that the Union Pacific Railroad Company's Application is hereby approved.

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

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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| CHAIRMAN | COMMISSIONER | COMMISSIONER |

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, 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 22nd day of AUGUST, 2002.


 BRIAN C. McNEIL
 EXECUTIVE SECRETARY

DISSENT _____
MES:mlj

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2 DOCKET NO.: RR-03639A-02-0410

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