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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

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

DEC - 9 2003

DOCKETED BY	NR
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IN THE MATTER OF THE APPLICATION OF  
THE ARIZONA DEPARTMENT OF  
TRANSPORTATION TO UPGRADE A  
CROSSING OF THE UNION PACIFIC  
RAILROAD COMPANY AT BUCHANAN  
STREET, IN THE CITY OF PHOENIX, ARIZONA,  
MARICOPA COUNTY, ARIZONA, M.P. 907.02.

DOCKET NO. RR-03639A-03-0667

DECISION NO. 66608

OPINION AND ORDER

DATE OF HEARING: October 23, 2003  
 PLACE OF HEARING: Phoenix, Arizona  
 ADMINISTRATIVE LAW JUDGE: Marc E. Stern  
 APPEARANCES: Mr. Gary H. Horton, Staff Attorney, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

**BY THE COMMISSION:**

On September 11, 2003, 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 Union Pacific Railroad Company ("Railroad") to upgrade the Railroad's crossing at Buchanan Street in the City of Phoenix, Arizona, at milepost 907.02 ("Application").

On September 24, 2003, 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 October 21, 2003, ADOT certified that notice had been provided pursuant to the terms of the Procedural Order.

On October 23, 2003, 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.



**ORDER**

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

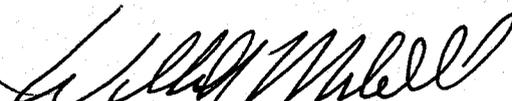
IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

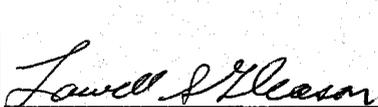
IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad Company 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, 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 9<sup>th</sup> day of December, 2003.

  
 BRIAN C. McNEIL  
 EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

MES:mlj

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2 DOCKET NO. RR-03639A-03-0667

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