

De



Arizona Corporation Commission

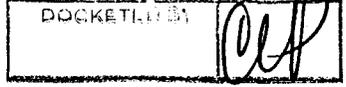
BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

JUN 05 2002

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WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



IN THE MATTER OF THE APPLICATION OF  
THE TOWN OF MARANA, ARIZONA TO WIDEN  
AN EXISTING RAILROAD CROSSING AT  
JOINER ROAD AT THE TRACKS OF THE  
UNION PACIFIC RAILROAD COMPANY AT  
M.P. 975.60.

DOCKET NO. RR-03639A-02-0282

DECISION NO. 64870

OPINION AND ORDER

DATE OF HEARING: May 9, 2002  
PLACE OF HEARING: Phoenix, Arizona  
ADMINISTRATIVE LAW JUDGE: Marc E. Stern  
APPEARANCES: Mr. David Ronald, Staff Attorney, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

**BY THE COMMISSION:**

On April 15, 2002, the Town of Marana ("Town") submitted to the Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the approval of an agreement between the Town and the Union Pacific Railroad Company ("Railroad") for the widening of an existing one-way signalized railroad crossing with flashing lights and gates to a two-way signalized crossing with flashing lights and gates at Joiner Road in Marana, Arizona at milepost 975.60 ("Application"). The Town requested approval to construct on behalf of the Railroad.

On April 19, 2002, by Procedural Order, the Application was set for a hearing and the Town was ordered to notify any interested party of the Application and the hearing.

On May 7, 2002, the Town provided notice pursuant to the terms of the Procedural Order.

On May 9, 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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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 April 15, 2002, the Town filed an Application in which it requested an Opinion  
6 and Order from the Commission with respect to an agreement between the Town and the Railroad for  
7 the widening of an existing one-way signalized public railroad crossing with flashing lights and gates  
8 to a two-way signalized crossing with flashing lights and gates at Joiner Road in Marana, Arizona, at  
9 milepost 975.60.

10 2. On May 7, 2002, the Town provided notice by certified U.S. mail of the Application  
11 and hearing thereon.

12 3. A hearing was held as scheduled on May 9, 2002.

13 4. The Application provides for the Railroad to widen the existing one-way signalized  
14 crossing to a two-way signalized crossing to improve access to a commercial property known as  
15 Orange Grove I-10 Plaza ("Plaza").

16 5. Staff testified that the cost for the upgrade of the existing crossing as provided in the  
17 Application will be paid by the owners of the property who are developing the Plaza.

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

19 **CONCLUSIONS OF LAW**

20 1. The Commission has jurisdiction over the parties and over the subject matter of the  
21 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and  
22 40-337.01.

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

24 3. Installation of the signalized crossing upgrade with lights and gates is necessary for  
25 the public's convenience and safety.

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

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

64870

ORDER

IT IS THEREFORE ORDERED that the Town of Marana's Application is hereby approved.

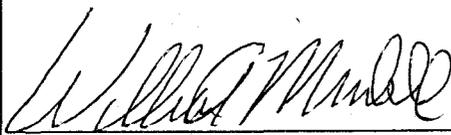
IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the construction of the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

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 A.A.C. R14-5-104.

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

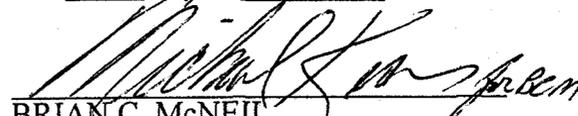
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

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 5<sup>th</sup> day of JUNE, 2002.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
MES:mj

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD

2 DOCKET NO. RR-03639A-02-0282

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