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BEFORE THE ARIZONA CORPORATION COMMISSION  
Arizona Corporation Commission  
DOCKETED

JUN 30 2000

DOCKETED BY **RT**

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER

DOCKET NO. RR-02635B-00-0288

DECISION NO. 62699

IN THE MATTER OF THE APPLICATION OF  
THE MARICOPA COUNTY DEPARTMENT OF  
TRANSPORTATION TO CONSTRUCT A  
GRADE-SEPARATED CROSSING AT THE  
TRACK OF THE BURLINGTON NORTHERN  
AND SANTA FE RAILWAY COMPANY, AT THE  
INTERSECTION OF LOOP 303 AND US 60,  
MARICOPA COUNTY, ARIZONA, M.P. 167.74.

OPINION AND ORDER

DATE OF HEARING: June 1, 2000  
PLACE OF HEARING: Phoenix, Arizona  
PRESIDING OFFICER: Marc E. Stern  
APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

**BY THE COMMISSION:**

On May 1, 2000, the Maricopa County Department of Transportation ("MCDOT") filed with the Arizona Corporation Commission ("Commission") a request for approval to construct a grade-separated crossing over the Burlington Northern and Santa Fe Railway Company ("Railroad") track at the intersection of Loop 303 and US 60, Maricopa County, Arizona, at milepost 167.74 ("Application").

On May 15, 2000, by Procedural Order, the Application was set for a hearing and MCDOT was ordered to notify any interested party of the Application and the hearing.

On June 1, 2000, MCDOT filed certification that notice had been provided pursuant to the terms of the Procedural Order on May 18, 2000.

On June 1, 2000, a full public hearing was held before a duly authorized Hearing Officer 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 May 1, 2000, MCDOT filed an Application in which it requested an Opinion and Order from the Commission to approve an agreement between MCDOT and the Railroad for the construction of a grade-separated crossing over the track of the Railroad at the intersection of Loop 303 and US 60 (Grand Avenue), Maricopa County, Arizona, at milepost 167.74.
- 2. On May 18, 2000, MCDOT provided notice by registered U.S. mail of the Application and hearing thereon.
- 3. A hearing was held as scheduled on June 1, 2000.
- 4. The Application provides for the Loop 303 roadway to extend above and over both the track of the Railroad and US 60.
- 5. Staff testified that the apportionment for the cost of the overpass as provided in the Application will be funded by MCDOT and the Arizona Department of Transportation ("ADOT")
- 6. After construction of the grade-separated crossing, the Railroad will not be responsible to maintain the crossing in accordance with A.A.C. R14-5-104 because the Loop 303 roadway will be maintained by ADOT and/or MCDOT.
- 7. 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. The construction of the grade-separated crossing at Loop 303 and US 60 is necessary for the public's convenience and safety.
- 4. The Application should be approved as recommended by Staff.

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**ORDER**

IT IS THEREFORE ORDERED that the Maricopa County Department of Transportation's Application is hereby granted.

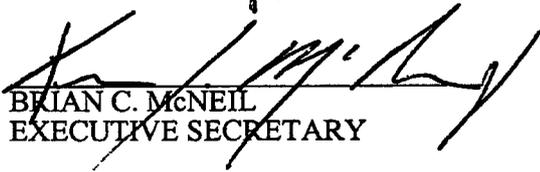
IT IS FURTHER ORDERED that the Burlington Northern and Santa Fe Railway Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the grade-separated crossing, pursuant to A.A.C. R14-5-104.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
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 30<sup>th</sup> day of June, 2000.



BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
MES:bbs

1 SERVICE LIST FOR: BURLINGTON NORTHERN AND SANTA FE  
2 RAILWAY COMPANY  
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