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Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

JUN 3 0 2000

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2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
4 COMMISSIONER
WILLIAM A. MUNDELL
5 COMMISSIONER

DOCKETED BY **RT**

6 IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
7 TRANSPORTATION TO UPGRADE A
CROSSING OF THE BURLINGTON NORTHERN
8 AND SANTA FE RAILWAY COMPANY, AT
VAN BUREN STREET AND 19TH AVENUE,
9 PHOENIX, ARIZONA, M.P. AF-191.9.

DOCKET NO. RR-02635B-00-0232

DECISION NO. 62698

OPINION AND ORDER

10 DATE OF HEARING: May 11, 2000
11 PLACE OF HEARING: Phoenix, Arizona
12 PRESIDING OFFICER: Marc E. Stern
13 APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal Division, on
behalf of the Utilities Division of the Arizona
Corporation Commission.

14 **BY THE COMMISSION:**

15 On April 18, 2000, the Arizona Department of Transportation ("ADOT") submitted to the
16 Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the
17 approval of an agreement between ADOT and the Burlington Northern and Santa Fe Railway
18 Company ("Railroad") to upgrade the Railroad's crossing at Van Buren Street and 19th Avenue,
19 Phoenix, Arizona, at milepost AF-191.9 ("Application").
20

21 On April 21, 2000, by Procedural Order, the Application was set for a hearing and ADOT was
22 ordered to notify any interested party of the Application and the hearing.

23 On April 28, 2000, ADOT filed certification that notice had been provided pursuant to the
24 terms of the Procedural Order.

25 On May 11, 2000, a full public hearing was held before a duly authorized Hearing Officer of
26 the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was
27 taken under advisement pending submission of a recommended Opinion and Order to the
28 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 18, 2000, ADOT filed an Application in which it requested an Opinion and
6 Order from the Commission with respect to an agreement between ADOT and the Railroad for the
7 upgrade of a crossing to replace the crossing surface and to install cantilevered automatic flashing
8 light signals at Van Buren Street and 19th Avenue, Phoenix, Arizona, at milepost AF-191.9.

9 2. On April 28, 2000, ADOT provided notice by registered U.S. mail of the Application
10 and hearing thereon.

11 3. A hearing was held as scheduled on May 11, 2000.

12 4. The Application provides for the Railroad to replace the crossing surface and to
13 upgrade the automatic flashing light signals.

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

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

17 **CONCLUSIONS OF LAW**

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

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

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

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

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

27 **ORDER**

28 IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application

1 is hereby approved.

2 IT IS FURTHER ORDERED that the Burlington Northern and Santa Fe Railway Company
3 shall complete the crossing upgrade as described in the Application within fifteen months from the
4 effective date of this Decision.

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

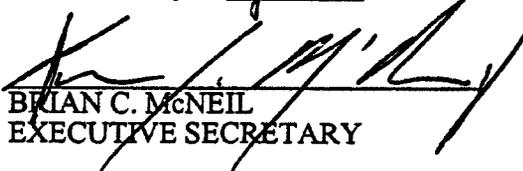
8 IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Burlington
9 Northern and Santa Fe Railway Company shall maintain the crossing in compliance with the A.A.C.
10 R14-5-104.

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

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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14 
15 CHAIRMAN COMMISSIONER COMMISSIONER

17 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
18 Secretary of the Arizona Corporation Commission, have
19 hereunto set my hand and caused the official seal of the
20 Commission to be affixed at the Capitol, in the City of Phoenix,
21 this 30th day of June, 2000.

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

23 DISSENT _____
24 MES:bbs

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SERVICE LIST FOR:

BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY

DOCKET NO.

RR-02635B-00-0232

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