



0000031320

Arizona Corporation Commission  
BEFORE THE ARIZONA CORPORATION COMMISSION  
DOCKETED

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

AUG 02 2000

DOCKETED BY *sd*

IN THE MATTER OF THE APPLICATION OF  
THE CITY OF SAFFORD, ARIZONA TO  
ESTABLISH A CROSSING FOR THE ARIZONA  
AND EASTERN RAILWAY COMPANY, AT 14<sup>TH</sup>  
AVENUE AND 8<sup>TH</sup> STREET.

DOCKET NO. RR-02634A-00-0193

DECISION NO. 62763

OPINION AND ORDER

DATE OF HEARING: June 28, 2000  
PLACE OF HEARING: Phoenix, Arizona  
ADMINISTRATIVE LAW JUDGE: 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 March 17, 2000 the City of Safford, Arizona ("City") submitted to the Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the approval of an agreement between the City and the Arizona and Eastern Railway Company ("Company") to construct a new at-grade railroad crossing at 14<sup>th</sup> Avenue and 8<sup>th</sup> Street in Safford, Graham County, Arizona ("Application"). The Application was docketed on March 24, 2000.

On April 5 2000, by Procedural Order, the Application was set for a hearing and the City was ordered to notify any interested party of the Application and the hearing.

On April 11, 2000, the City filed certification that notice had been provided pursuant to the terms of the Procedural Order.

On April 19, 2000 the Utilities Division ("Staff") filed its report.

Subsequently, the proceeding was continued to a later date.

On June 28, 2000, 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

1 Commission.

2 \* \* \* \* \*

3 Having considered the entire record herein and being fully advised in the premises, the  
4 Commission finds, concludes, and orders that:

5 **FINDINGS OF FACT**

6 1. On March 24, 2000, the City filed an Application in which it requested an Opinion and  
7 Order from the Commission with respect to an agreement between the City and the Company for the  
8 construction of a new at-grade crossing at 14<sup>th</sup> Avenue and 8<sup>th</sup> Street with automatic gates and  
9 flashing light signals in Safford, Graham County, Arizona.

10 2. On April 10, 2000, the City provided notice by registered U.S. mail of the Application  
11 and hearing.

12 3. A hearing was held as scheduled on June 28, 2000.

13 4. The Application provides for the Company to construct a new at-grade crossing at 14<sup>th</sup>  
14 Avenue and 8<sup>th</sup> Street with automatic gates and flashing light signals.

15 5. The City and the Company agree that the existing crossing at 3<sup>rd</sup> Avenue and 8<sup>th</sup> Street  
16 should be closed when the new at-grade crossing at 14<sup>th</sup> Avenue and 8<sup>th</sup> Street is opened.

17 6. Staff testified that the cost apportionment for the installation of the new at-grade  
18 crossing as provided in the Application will be born by the City.

19 7. The City will maintain the roadway and the Company will maintain the crossing.

20 8. Staff has recommended that the Application be approved with the Company closing its  
21 existing crossing at 3<sup>rd</sup> Avenue and 8<sup>th</sup> Street either before or concurrently with the opening of the  
22 new at-grade crossing at 14<sup>th</sup> Avenue and 8<sup>th</sup> Street.

23 9. Both the City and the Company concur with Staff's recommendation.

24 **CONCLUSIONS OF LAW**

25 1. The Commission has jurisdiction over the parties and over the subject matter of the  
26 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and  
27 40-337.01.

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



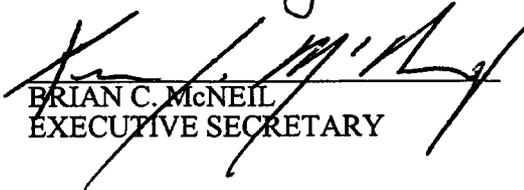
1 IT IS FURTHER ORDERED that upon completion of the new at-grade crossing, the Arizona  
2 and Eastern Railway Company shall maintain the crossing in compliance with the A.A.C. R14-5-104.

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

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

5  
6    
7 CHAIRMAN COMMISSIONER COMMISSIONER

8  
9 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
10 Secretary of the Arizona Corporation Commission, have  
11 hereunto set my hand and caused the official seal of the  
12 Commission to be affixed at the Capitol, in the City of Phoenix,  
13 this 2<sup>ND</sup> day of August, 2000.

14   
15 BRIAN C. McNEIL  
16 EXECUTIVE SECRETARY

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
15 DISSENT \_\_\_\_\_  
16 MES:dap

1 SERVICE LIST FOR: ARIZONA and EASTERN RAILWAY COMPANY

2 DOCKET NO. RR-02634A-00-0193

3

4 Irval L. Mortensen  
CITY OF SAFFORD  
5 717 Main Street  
P.O. Box 272  
6 Safford, Arizona 85548-0272

7 Donald Tolle  
ARIZONA EASTERN RAILWAY CO.  
8 P.O. Box Y  
Claypool, Arizona 85532

9 Lyn Farmer, Chief Counsel  
Legal Division  
10 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
11 Phoenix, Arizona 85007

12 Deborah Scott, Director  
Utilities Division  
13 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
14 Phoenix, Arizona 85007

15 Don Thompson, Railroad Safety Supervisor  
Office of Railroad Safety  
16 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
17 Phoenix, Arizona 85007

18

19

20

21

22

23

24

25

26

27

28