



Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

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

JAN 10 2000

DOCKETED BY *sd*

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO INSTALL NEW
FLASHING LIGHTS AT A CROSSING OF THE
UNION PACIFIC RAILROAD AT SILVER LAKE
ROAD, TUCSON, ARIZONA, M.P. BAN 986.06.

DOCKET NO. RR-03639A-99-0640

DECISION NO. 62195

OPINION AND ORDER

DATE OF HEARING: December 2, 1999
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 November 2, 1999, 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 ("Railroad") to install new flashing lights at Silver Lake Road, Tucson, Arizona, at milepost BAN986.06 ("Application"). ADOT requested approval to construction behalf of the Railroad. The application was docketed on November 9, 1999.

On November 15, 1999, 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 November 19, 1999, ADOT filed certification that notice had been provided pursuant to the terms of the Procedural Order.

On December 2, 1999, 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

1 Commission.

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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 November 2, 1999, ADOT filed an Application in which it requested an Opinion
7 and Order from the Commission with respect to an agreement between ADOT and the Railroad for
8 the installation of new and larger flashing lights and the replacement of a wooden crossing with a
9 concrete surface at Silver Lake Road south of Tucson, Arizona, at milepost BAN986.06.

10 2. On November 18, 1999, ADOT provided notice by registered U.S. mail of the
11 Application and hearing thereon.

12 3. A hearing was held as scheduled on December 2, 1999.

13 4. The Application provides for the Railroad to upgrade the crossing with larger flashing
14 lights and to replace wood planking with a concrete surface.

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

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

18 **CONCLUSIONS OF LAW**

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

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

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

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

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

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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 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 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.

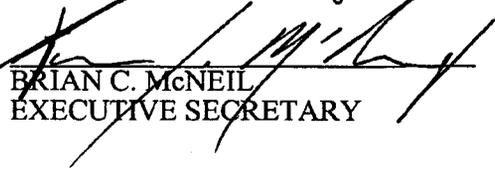
IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad shall maintain the crossing in compliance with A.A.C. R14-5-104.

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 10th day of January 2000.



BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
MES:bbs

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD

2 DOCKET NO. RR-03639A-99-0400

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