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BEFORE THE ARIZONA CORPORATION COMMISSION  
**DOCKETED**

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

SEP 17 1999

DOCKETED BY *sd*

8 **IN THE MATTER OF THE APPLICATION OF**  
9 **THE ARIZONA DEPARTMENT OF**  
10 **TRANSPORTATION TO INSTALL CROSSING**  
11 **SIGNALS AT A CROSSING OF THE UNION**  
12 **PACIFIC RAILROAD AT PARK AVENUE**  
13 **CLIFTON, ARIZONA, M.P. NK-1215.85.**

DOCKET NO. RR-03639A-99-0400

DECISION NO. 61952

**OPINION AND ORDER**

9 **DATE OF HEARING:** August 19, 1999  
10 **PLACE OF HEARING:** Phoenix, Arizona  
11 **PRESIDING OFFICER:** Marc E. Stern  
12 **APPEARANCES:** Mr. Peter Breen, Staff Attorney, Legal Division, on  
13 behalf of the Utilities Division of the Arizona  
14 Corporation Commission.

14 **BY THE COMMISSION:**

15 On July 7, 1999, 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 Union Pacific Railroad ("Railroad") to construct  
18 an automatic flashing light signal with gates at Park Avenue, Clifton, Arizona, at milepost  
19 NK1215.85 ("Application").

20 On July 16, 1999, by Procedural Order, the Application was set for a hearing and ADOT was  
21 ordered to notify any interested party of the Application and the hearing.

22 On August 2, 1999, ADOT filed certification that notice had been provided pursuant to the  
23 terms of the Procedural Order.

24 On August 19, 1999, a full public hearing was held before a duly authorized Hearing Officer  
25 of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter  
26 was taken under advisement pending submission of a Recommended Opinion and Order to the  
27 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 July 7, 1999, ADOT filed an Application in which it requested an Opinion and Order from the Commission with respect to an agreement between ADOT and the Railroad for the installation of an automatic flashing light signal with gates at Park Avenue in Clifton, Arizona, at milepost NK-1215.85.

2. On July 28, 1999, ADOT provided notice by registered U.S. mail of the Application and hearing thereon.

3. A hearing was held as scheduled on August 19, 1999.

4. The Application provides for the Railroad to upgrade the crossing with an automatic flashing light signal with gates and wood planking.

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

6. 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. Installation of the crossing upgrade is necessary for the public's convenience and safety.

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

5. After installation of the crossing, the Railroad should maintain the crossing in 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.

*Carl Howard*      *Janis Davis*      *William Mabel*  
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 17<sup>th</sup> day of October 1999.

*Brian C. McNeil*  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
MES:dap

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UNION PACIFIC RAILROAD

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD

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