



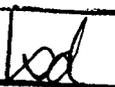
BEFORE THE ARIZONA CORPORATION COMMISSION

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JIM IRVIN  
COMMISSIONER-CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF  
THE LANDIS FAMILY ARIZONA  
PARTNERSHIP FOR A NEW AT-GRADE  
CROSSING OF THE UNION PACIFIC  
RAILROAD SPUR TRACK AT WASHINGTON  
STREET, WEST OF 84<sup>TH</sup> AVENUE, TOLLESON,  
ARIZONA, M.P. 896.54.

DOCKET NO. RR-03639A-98-0745

DECISION NO. 61619

**OPINION AND ORDER**

DATE OF HEARING: February 26, 1999  
PLACE OF HEARING: Phoenix, Arizona  
PRESIDING OFFICER: Barbara M. Behun  
APPEARANCES: Mr. Peter Breen, Legal Division, on behalf of the Utilities  
Division of the Arizona Corporation Commission.

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On December 23, 1998, the Landis Family Arizona Partnership ("Partnership") filed with the Commission a request for approval to construct an at-grade crossing of the Union Pacific Railroad ("Railroad") spur track at Washington Street, west of 84<sup>th</sup> Avenue, Tolleson, Arizona, at Milepost 896.54.
2. The proposed crossing is in an industrial park, with four railroad passes per day.
3. The Partnership proposed that the crossing be protected by standard crossbucks and advance warning signs.
4. The Application provides that the Partnership, through a certified contractor, will perform the installation work.
5. By Procedural Order dated January 14, 1999, the matter was set for hearing on February 23, 1999.

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6. Staff indicated that the Partnership provided notice of the Application and of the hearing.

7. Pursuant to request of the Commission's Utilities Division Staff ("Staff"), by Procedural Order dated February 18, 1999, the matter was continued to February 26, 1999.

8. Staff provided notice of the revised hearing date.

9. The hearing was held as scheduled on February 26, 1999.

10. Staff recommended that the Railroad should maintain the crossing after installation.

11. The Partnership accepts full financial responsibility for the construction of the crossing. A certified contractor will construct the crossing.

12. Staff testified that the financial responsibility for the installation and maintenance of the crossing was proper.

13. Staff recommended approval of the Application.

**CONCLUSIONS OF LAW**

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

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

3. The new at-grade crossing is necessary for the public's convenience and safety.

4. The Application should be approved.

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

**ORDER**

IT IS THEREFORE ORDERED that the Landis Family Arizona Partnership's Application is hereby approved.

IT IS FURTHER ORDERED that the Landis Family Arizona Partnership through its certified contractor, shall complete the new at-grade crossing within fifteen months from the effective date of this Decision.

IT IS FURTHER ORDERED that the Landis Family Arizona Partnership shall notify

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Commission, in writing, within ten days of both the commencement and the completion of the new at-grade crossing, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the new at-grade crossing, 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.

		
COMMISSIONER-CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting 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 1 day of April, 1999.

  
 STUART R. BRACKNEY  
 ACTING EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
BMB:

1 SERVICE LIST FOR:

UNION PACIFIC RAILROAD

2 DOCKET NO.

RR-03639A-98-0745

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