

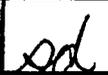


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Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

1
2 JIM IRVIN
3 COMMISSIONER-CHAIRMAN
4 TONY WEST
5 COMMISSIONER
6 CARL J. KUNASEK
7 COMMISSIONER

APR 01 1999

DOCKETED BY 

8 IN THE MATTER OF THE BURLINGTON
9 NORTHERN AND SANTA FE RAILWAY
COMPANY RAILROAD CROSSING PROJECT
AGREEMENT NO. 1531-91-ATSF
TRACS NO. 0940 MA PHX SR062 01C
PROJECT NO. STP-000-6(53)P
RAIL/HIGHWAY SAFETY PROGRAM
AAR/DOT NO. 025-832-N; RR M.P. AD 193.39C.

DOCKET NO. RR-02635B-99-0003

DECISION NO. 61618

OPINION AND ORDER

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

BY THE COMMISSION:

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

FINDINGS OF FACT

- 17
18 1. On January 11, 1999, the Arizona Department of Transportation ("ADOT") filed with
19 the Commission a request for an Opinion and Order with respect to an agreement between ADOT
20 and the Burlington Northern and Santa Fe Railway Company ("Railroad") for the installation of
21 railroad protective devices ("Application").
22 2. The Application seeks approval of the upgrade of a railroad crossing located where
23 Grant Street crosses the property and tracks of the Railroad at Milepost AD 193.39C in Maricopa
24 County, Arizona. The proposed upgrade includes the installation of flashing lights and cantilevers.
25 3. The Application provides that the Railroad will perform the installation work.
26 4. By Procedural Order dated January 14, 1999, the matter was set for hearing on
27 February 23, 1999.
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5. ADOT provided notice of the Application and of the hearing by U.S. Mail, & docketed proof of notice on February 1, 1999.

6. 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.

7. Staff provided notice of the revised hearing date.

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

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

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

11. Staff recommended approval of the Application.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of the 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 crossing upgrade 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 Arizona Department of Transportation's Application is hereby approved.

IT IS FURTHER ORDERED that the Burlington Northern and Santa Fe Railway Company 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 Burlington Northern and Santa Fe Railway Company 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.

Decision 6/6/98

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IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Burlington Northern and Santa Fe Railway Company 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:dap

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