

**ORIGINAL  
OPEN MEETING**



410

**MEMORANDUM**

**TO:** THE COMMISSION  
**FROM:** Railroad Safety  
**DATE:** November 1, 2005  
**RE:** IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC RAILROAD COMPANY TO UPGRADE ITS EXISTING CROSSINGS PROTECTED ONLY BY CROSSBUCKS IN ARIZONA IN DOCKET NO. RR-03639A-05-0450.

On June 22, 2005, Union Pacific Railroad Company ("Company") filed a request authorizing the installation of yield or stop signs at all 82 public crossings protected only by crossbucks ("Application").

Commission Staff has completed its review of the application and has no objections to this request.

Brian Lehman  
Director  
RailRoad Safety

BL:DMT:da

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION  
OF THE UNION PACIFIC RAILROAD TO  
UPGRADE ITS EXISTING CROSSINGS  
PROTECTED ONLY BY CROSSBUCKS  
IN ARIZONA.

DOCKET NO. RR-03639A-05-0450

DECISION NO.

ORDER

Open Meeting  
Nov. 8 & 9, 2005  
Phoenix, Arizona

**BY THE COMMISSION:**

On June 22, 2005, the Union Pacific Railroad Company ("Railroad") filed an application with the Arizona Corporation Commission ("Commission") requesting authorization for the installation of yield or stop signs at all 82 public crossings protected only by crossbucks ("Application").

\* \* \* \* \*

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 June 22, 2005, the Railroad filed an Application with the Arizona Corporation Commission ("Commission") requesting authorization for the installation of yield or stop signs below crossbuck signs at all 82 of the Railroad's public crossings without automatic warning devices ("Application").

2. The Application provides for the Railroad to install new yield or stop signs below the crossbuck warnings at all at-grade crossings that are only protected by crossbucks.

3. The Railroad will pay for the installation of the crossing upgrades as provided in the Application.

4. Staff recommends approval of the Application.

**CONCLUSIONS OF LAW**

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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 and 40-337.

2. Installation of the crossing upgrades is necessary for the public's convenience and safety.

3. The Application should be approved as recommended by Staff. After installation of the crossing upgrades, the Railroad should maintain the crossings in accordance with A.A.C. R14-5-104.

**ORDER**

IT IS THEREFORE ORDERED that the Union Pacific Railroad Company's Application is hereby approved.

1 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the  
2 crossing upgrades as described in the Application within fifteen months from the effective date of this  
3 Decision.

4 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the  
5 Commission, in writing, within ten days of both the commencement and the completion of the  
6 crossing upgrades pursuant to A.A.C. R14-5-104.

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9 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

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13 CHAIRMAN

COMMISSIONER

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COMMISSIONER

COMMISSIONER

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19 IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive  
20 Secretary of the Arizona Corporation Commission, have  
21 hereunto, set my hand and caused the official seal of this  
22 Commission to be affixed at the Capitol, in the City of Phoenix,  
23 this \_\_\_\_\_ day of \_\_\_\_\_,  
24 2005.

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26 \_\_\_\_\_  
27 BRIAN C. MCNEIL  
28 Executive Secretary

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

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

1 Anthony J. Hancock  
Ernest Collins, Jr.  
2 Terrance L. Sims  
BEAUGUREAU, ZUKOWSKI & HANCOCK  
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4 Attorneys for Union Pacific Railroad Company

5 Christopher Kempley, Chief Counsel  
Legal Division  
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7 Phoenix, AZ 85007

8 Mr. Ernest G. Johnson  
Director, Utilities Division  
9 Arizona Corporation Commission  
1200 West Washington  
10 Phoenix, Arizona 85007

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