

Decision folder



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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION DOCKETED

OCT 04 2001

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY [signature]

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE UNION PACIFIC RAILROAD AT EIGHTH AVENUE, IN THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, M.P. 922.50.

DOCKET NO. RR-03639A-01-0475

DECISION NO. 64072

OPINION AND ORDER

DATE OF HEARING: August 2, 2001
PLACE OF HEARING: Phoenix, Arizona
ADMINISTRATIVE LAW JUDGE: Marc E. Stern
APPEARANCES: Mr. Jason Gellman, Staff Attorney, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On June 12, 2001, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Union Pacific Railroad Company ("Railroad") to upgrade an existing crossing at Eighth Avenue in Mesa, Arizona at milepost 922.50 ("Application").

On July 9, 2001, by Procedural Order, the Application was set for hearing and the Railroad was ordered to notify any interested party of the Application and the hearing.

On August 2, 2001, a full public hearing was held before a duly authorized Administrative Law Judge 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 Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

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2 1. On June 12, 2001, ADOT filed an Application in which it requested an Opinion and
3 Order from the Commission to approve an upgrade of an existing crossing of the Railroad at Eighth
4 Avenue in Mesa, Arizona at milepost 922.50.

5 2. A hearing was held as scheduled on August 2, 2001.

6 3. The Railroad provided notice to all interested parties of the Application and hearing
7 thereon as ordered in the Commission's Procedural Order. Subsequently, no objections to the
8 Application were received by the Commission.

9 4. The Application provides for the Railroad to upgrade the crossing by installing new
10 and larger roundels and by installing one new automatic gate.

11 5. Staff testified that the cost for the installation of the crossing upgrade as provided in
12 the Application is proper.

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

14 **CONCLUSIONS OF LAW**

15 1. The Commission has jurisdiction over the Railroad and over the subject matter of the
16 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and
17 40-337.01.

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

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

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

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

24 **ORDER**

25 IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application
26 on behalf of the Union Pacific Railroad Company is hereby approved.

27 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the
28 crossing upgrade as described in the Application within fifteen months from the effective date of this

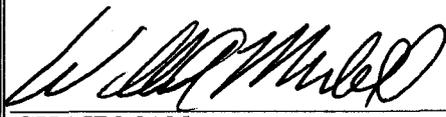
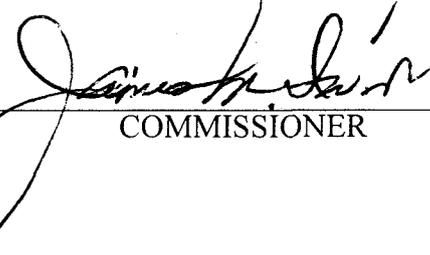
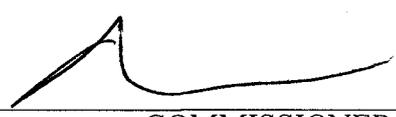
1 Decision.

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

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

7 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

8 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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11 CHAIRMAN COMMISSIONER COMMISSIONER

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13 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
14 Secretary of the Arizona Corporation Commission, have
15 hereunto set my hand and caused the official seal of the
16 Commission to be affixed at the Capitol, in the City of Phoenix,
17 this 4th day of October, 2001.

18 
19 BRIAN C. McNEIL
20 EXECUTIVE SECRETARY

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19 DISSENT _____
20 MES:mlj

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2 DOCKET NO.: RR-03639A-01-0475

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