

*Decision folder*



0000037496

Arizona Corporation Commission

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**DOCKETED**

OCT 04 2001

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2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARC SPITZER  
COMMISSIONER  
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6 IN THE MATTER OF THE APPLICATION OF  
7 THE ARIZONA DEPARTMENT OF  
8 TRANSPORTATION TO UPGRADE AN  
9 EXISTING CROSSING OF THE ARIZONA AND  
CALIFORNIA RAILROAD COMPANY AT  
WILLAMETTE DRIVE IN LA PAZ COUNTY,  
ARIZONA, M.P. AP82.38.

DOCKET NO. RR-02632A-01-0483

DECISION NO. 64077

**OPINION AND ORDER**

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

15 **BY THE COMMISSION:**

16 On June 15, 2001, the Arizona Department of Transportation ("ADOT") filed with the  
17 Arizona Corporation Commission ("Commission") a request for approval for the Arizona and  
18 California Railroad Company ("Railroad") to upgrade an existing crossing at the Railroad's existing  
19 track at Willamette Drive in La Paz County, Arizona at milepost AP82.38 ("Application").

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

22 On August 2, 2001, a full public hearing was held before a duly authorized Administrative  
23 Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing,  
24 the matter was taken under advisement pending submission of a Recommended Opinion and Order to  
25 the Commission.

26 \* \* \* \* \*

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

**FINDINGS OF FACT**

1  
2 1. On June 15, 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  
4 Willamette Drive in La Paz County, Arizona at milepost AP82.83.

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 flashing lights with automatic gate arms.

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.

**CONCLUSIONS OF LAW**

14  
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.

**ORDER**

24  
25 IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application  
26 on behalf of the Arizona and California Railroad Company is hereby approved.

27 IT IS FURTHER ORDERED that the Arizona and California Railroad Company shall  
28 complete the crossing upgrade as described in the Application within fifteen months from the

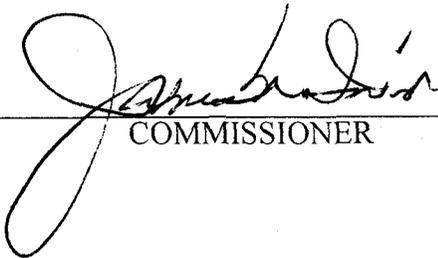
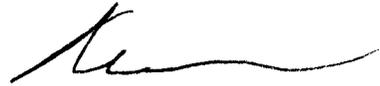
1 effective date of this Decision.

2 IT IS FURTHER ORDERED that the Arizona and California Railroad Company shall notify  
3 the 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 Arizona and  
6 California 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 14th day of October, 2001.

18   
19 BRIAN C. McNEIL  
20 EXECUTIVE SECRETARY

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19 DISSENT \_\_\_\_\_  
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SERVICE LIST FOR: ARIZONA AND CALIFORNIA RAILWAY COMPANY

DOCKET NO.: RR-02632A-01-0483

John Syers  
Railroad Engineering Coordinator  
Arizona Department of Transportation  
205 S. 17<sup>th</sup> Avenue, Mail Drop 618E  
Phoenix, AZ 85007

Vern Van de Loo  
Arizona & California Railroad Company  
P.O. Box 3340  
Parker, AZ 85344-3340

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Don Thompson, Railroad Safety Supervisor  
Office of Railroad Safety  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007