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WILLIAM A. MUNDALL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: September 17, 2001
DOCKET NO: RR-02632A-01-0483
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc E. Stern. The recommendation has been filed in the form of an Opinion and Order on:

ARIZONA AND CALIFORNIA RAILROAD COMPANY
(AT-GRADE CROSSING)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

SEPTEMBER 26, 2001

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

OCTOBER 2 AND 3, 2001

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission
DOCKETED

SEP 17 2001

DOCKETED BY	<i>mc</i>
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Brian C. McNeil
BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

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. _____

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.

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 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.

9
10
11 CHAIRMAN

COMMISSIONER

COMMISSIONER

12
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 ____ day of _____, 2001.

18 _____
BRIAN C. McNEIL
EXECUTIVE SECRETARY

19 DISSENT _____
20 MES:mlj

1 SERVICE LIST FOR: ARIZONA AND CALIFORNIA RAILWAY
2 COMPANY

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

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