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Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Sam Eilers
State Engineer

Victor M. Mendez
Director

January 27, 2006

Mr. Marc E. Stern
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

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2006 JAN 27 P 3:04
AZ CORP COMMISSION
DOCUMENT CONTROL

Subject: Docket No.: RR-02638A-06-0032
Agreement No. 2735-05-MARR
TRACS No. 060 PN 212 H4662 03C
Project No. STP-060-D (009) B
U.S. 60 - Florence Junction to Queen Creek
RR Mile Post No. 14.70
AAR/DOT No. 853-084-D
Magma Arizona Railroad

Dear Judge Stern:

This is to certify that notification has been made to Pinal County and the Magma Arizona Railroad concerning the public hearing on the subject project. Enclosed with this original certification are thirteen (13) additional copies, along with the corresponding copies of the notification letters, the Procedural Order and proof of certified mailing of the notification letters. If you should have any questions, please do not hesitate to call me at (602) 712-8648. Thank you.

Sincerely,

Michael F. Delleo, Jr., P.E.
State Railroad Liaison
Utility & Railroad Engineering Section
205 South 17th Avenue Mail Drop 618E Phoenix, Arizona 85007
Phone 602 712-8648 Fax 602 712-3229

Enclosure
cc: File



2001 Award Recipient



Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

January 27, 2006

Sam Elters
State Engineer

Kent R. Fletcher
Vice President and General Manager
Magma Arizona Railroad
P.O. Box M
San Manuel, AZ 85631

Subject: Agreement No. 2735-05-MARR
TRACS No. 060 PN 212 H4662 03C
Project No. STP-060-D (009) B
U.S. 60 – Florence Junction to Queen Creek
RR Mile Post No. 14.70
AAR/DOT No. 853-084-D

Dear Mr. Fletcher

By order of the Arizona Corporation Commission, enclosed is a copy of the Procedural Order with regard to changes to be made in railroad crossing on U.S 60 as a result of the subject project, in which the Railroad is considered as the Respondent in this proceeding. Also enclosed is a copy of the application, which was submitted to the Commission by ADOT for approval of the project. A public hearing on the project will be held at 9:30 am on February 16, 2006, in the Commission's offices at 1200 West Washington Street, Phoenix, Arizona. Please direct your comments, or objections, concerning this order to the Commission. Thank you.

Sincerely,

Michael F. Delleo, Jr., P.E.
State Railroad Liaison
Utility & Railroad Engineering Section
205 South 17th Avenue Mail Drop 618E Phoenix, Arizona 85007
Phone 602 712-8648 Fax 602 712-3229

Enclosure
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Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
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January 27, 2006

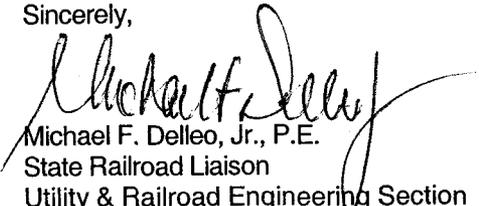
Director of Public Works
Pinal County
P.O. Box 727
Florence, AZ 85232

Subject: Agreement No. 2735-05-MARR
TRACS No. 060 PN 212 H4662 03C
Project No. STP -060-D (009) B
U.S. 60 - Florence Junction to Queen Creek
RR Mile Post No. 14.70
AAR/DOT No. 853-084-D

Dear Director of Public Works:

By order of the Arizona Corporation Commission, enclosed is a copy of the Procedural Order with regard to changes to be made in railroad crossing on U.S 60 as a result of the subject project, in which the Railroad is considered as the Respondent in this proceeding. Also enclosed is a copy of the application, which was submitted to the Commission by ADOT for approval of the project. A public hearing on the project will be held at 9:30 am on February 16, 2006, in the Commission's offices at 1200 West Washington Street, Phoenix, Arizona. Please direct your comments, or objections, concerning this order to the Commission. Thank you.

Sincerely,


Michael F. Delleo, Jr., P.E.
State Railroad Liaison
Utility & Railroad Engineering Section
205 South 17th Avenue Mail Drop 618E Phoenix, Arizona 85007
Phone 602 712-8648 Fax 602 712-3229

Enclosure
cc: File





Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

January 19, 2006

Mr. Chris B. Watson
Railroad Safety Inspector
Crossing Consultant
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

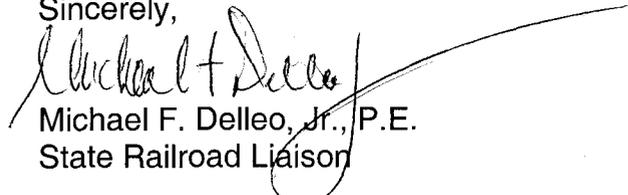
Re: Project No. STP – 060 - D (009) B
060 PN 212 H4662 03C
Agreement No. 2735 – 05 - MARR
Phoenix – Globe Highway
AAR/DOT No. 853 – 084 -D
Magma Arizona Railroad

Please furnish our office with an Opinion and Order to cover the changes in the railroad crossings described in the subject Agreement. The State proposes to add two (2) eastbound lanes to U. S. Highway 60 between Florence Junction and Picket Post. The existing U.S. Highway 60 in this sector will become the westbound two-lane highway.

A new Magma Arizona Railroad crossing will be constructed in the new eastbound portion of the highway just east of Queen Valley Road. Railroad signals and warning devices will also be installed as part of the project. The Railroad Company has signed an Agreement covering the work, thirteen (13) copies of which are attached for your information and files for clarity.

After the Opinion and Order has been issued, we will send you a copy of our letter authorizing the Railroad to proceed with the work.

Sincerely,


Michael F. Delleo, Jr., P.E.
State Railroad Liaison

Attach.



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0022 0577 6412

[Redacted area]

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (To be completed by mailer)
 Director of Public Works, Pinal County
Street, Apt. No.; or PO Box No.
 P.O. Box 727
City, State, ZIP+ 4
 Florence, AZ 85232
 PS Form 3800, February 2000 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0022 0577 6405

[Redacted area]

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (To be completed by mailer)
 Kent R. Fletcher, Magma AZ, RR
Street, Apt. No.; or PO Box No.
 P.O. Box M
City, State, ZIP+ 4
 San Manuel, AZ 85631
 PS Form 3800, February 2000 See Reverse for Instructions

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 THE ARIZONA DEPARTMENT OF
10 TRANSPORTATION TO CONSTRUCT A NEW
11 CROSSING OF THE MAGMA ARIZONA
12 RAILROAD AT U.S. HIGHWAY 60 IN PINAL
13 COUNTY, ARIZONA, AAR/DOT NO. 853-084-D.

DOCKET NO. RR-02638A-06-0032

PROCEDURAL ORDER

14 **BY THE COMMISSION:**

15 On January 19, 2006, the Arizona Department of Transportation ("ADOT") filed with the
16 Arizona Corporation Commission ("Commission") a request for approval for the Magma Arizona
17 Railroad ("Railroad") to construct a new crossing at U.S. Highway 60 in Pinal County, Arizona at
18 AAR/DOT No. 853-084-D.

19 IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation
20 shall be considered an application for the Railroad to upgrade a public railroad crossing pursuant to
21 A.R.S. § 40-337, et seq.

22 IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this
23 proceeding.

24 IT IS FURTHER ORDERED that the hearing on the application shall be held on February 16,
25 2006, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West
26 Washington Street, Phoenix, Arizona.

27 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
28 Order, the Arizona Department of Transportation shall provide the Railroad and Pinal County and
any other municipality or interested party that may be affected by the application with a copy of the
application and this Procedural Order by certified mail.

...

1 IT IS FURTHER ORDERED that the ARIZONA DEPARTMENT OF
2 TRANSPORTATION SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN
3 ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE with this
4 Procedural Order concurrently with the mailing of notice ordered herein.

5 Dated this 24th day of January, 2006



8 MARC E. STERN
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 24th day of January, 2006 to:

11 Michael F. Delleo, Jr.
12 State Railroad Liaison
13 Arizona Department of Transportation
206 S. 17th Avenue
Phoenix, AZ 85007

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

14 David Gibson
15 Arizona Department of Transportation
16 Traffic Records Section
206 S. 17th Avenue, MD 064R
Phoenix, AZ 85007

Brian Lehman, Chief
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

17 Fred Gronlunk
18 Magma Arizona Railroad Company
19 PO Box 37
Superior, Arizona 85273-0000

ARIZONA REPORTING SERVICE, INC.
2627 North Third Street, Ste. Three
Phoenix, AZ 85004-1103

By: Molly Johnson
Molly Johnson
Secretary to Marc Stern