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**Arizona Department of Transportation
Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

♂

Janet Napolitano
Governor

Sam Elters
State Engineer

April 21, 2006

Victor M. Mendez
Director

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

Subject: Docket No.: RR-02635B-06-0229
Agreement No. 2645-04-BNSF
TRACS No. 089 CN 418 H5106 01C
Project No. STP -089-(002)
East Flagstaff Traffic Interchange
RR Mile Post No. 339.85
AAR/DOT No. 025-128S
BNSF Railway Company

Dear Judge Stern:

This is to certify that notification has been made to Coconino County, City of Flagstaff and the BNSF Railway Company 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

Enclosures
cc: File

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AZ CORP COMMISSION
DOCUMENT CONTROL



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

April 21, 2006

Sam Elters
State Engineer

Megan McIntyre
Manager Public Projects
BNSF Railway Company
740 East Carnegie Drive
San Bernardino, CA 92408

Subject: Agreement No. 2645-04-BNSF
TRACS No. 089 CN 418 H5106 01C
Project No. STP-089-(002)
Flagstaff -Cameron Highway
East Flagstaff Traffic Interchange

AAR/DOT No. 025-128S

RRMP 339.85

Dear Ms. McIntyre

By order of the Arizona Corporation Commission, enclosed is a copy of the Procedural Order with regard to changes to be made to a grade-separated crossing over the BNSF tracks on State Route 89 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 10:45 am on May 18, 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

Enclosures
cc: File





Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
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Victor M. Mendez
Director

Sam Elters
State Engineer

April 21, 2006

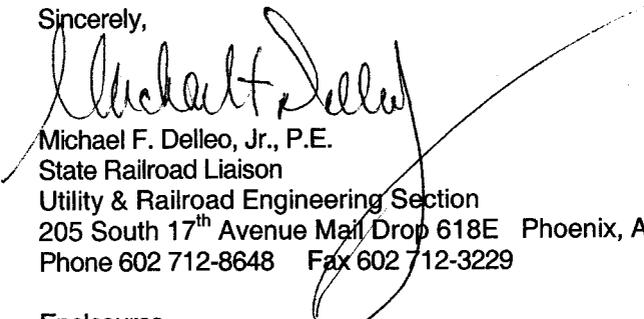
Director of Public Works
City of Flagstaff
211 W. Aspen Avenue
Flagstaff, AZ 86001

Subject: Agreement 2645-04-BNSF
TRACS No. 089 CN 418 H5106 01C
Project No. STP -089-(002)
Flagstaff-Cameron Highway
RR Mile Post No. 339.85
AAR/DOT No. 025-128S

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 to a grade-separated crossing over the BNSF railroad tracks on State Route 89 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 10:45 AM on May 18, 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

Enclosures
cc: File





Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Sam Elters
State Engineer

Victor M. Mendez
Director

April 21, 2006

County Engineer
Coconino County
5600 E. Commerce
Flagstaff, AZ 86004

Subject: Agreement 2645-04-BNSF
TRACS No. 089 CN 418 H5106 01C
Project No. STP -089-(002)
Flagstaff-Cameron Highway
RR Mile Post No. 339.85
AAR/DOT No. 025-128S

Dear County Engineer:

By order of the Arizona Corporation Commission, enclosed is a copy of the Procedural Order with regard to changes to be made to a grade-separated crossing over the BNSF railroad tracks on State Route 89 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 10:45 AM on May 18, 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

Enclosures
cc: File



LINE 1
PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Megan McInlyre
Manager Public Projects
BNSF Railway Company
740 East Carnegie Drive
San Bernardino, CA 92408

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

Agent
 Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

9000 0520 0022 0577 6436

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

ENIT DOTTED FOLD TO FOLD TO RIGHT OF RETURN ADDRESS.
PLACE TICKET ON TOP AT ALL TIMES

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Director of Public Works
 City of Flagstaff
 211 W. Aspen Avenue
 Flagstaff, AZ 86001

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____

B. Date of Delivery _____

C. Signature _____

X Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7000 0520 0022 0577 6443

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

ENIT DOTTED AT TOP
PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF HIGH RETURN ADDRESS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County Engineer
Coconino County
5600 E. Commerce
Flagstaff, AZ 86004

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

9000 0520 0022 0577 645D

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**Arizona Department of Transportation
Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

April 6, 2006

Sam Elters
State Engineer

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

Re: Project No. STP - 089 - (002)
089 CN 418 H5106 01C
Agreement No. 2645 - 04 - BNSF
Flagstaff-Cameron Highway
AAR/DOT No. 025 - 128S
BNSF Railway Company

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CORP COMMISSION
DOCUMENT CONTROL

Please furnish our office with an Opinion and Order to cover the changes in the railroad crossing described in the subject Agreement. The State proposes to replace the existing highway overpass structure over the BNSF tracks at Railroad Mile Post 339.85. The new structure will be constructed just west of the existing structure. The BNSF Railway 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.

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



2001 Award Recipient

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

RECEIVED

APR 20 2006

UTILITY & RAILROAD
ENGINEERING SVCS.
DOCKET NO. RR-02635B-06-0229

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION FOR THE CONSTRUCTION
OF A GRADE-SEPARATED CROSSING OF THE
BURLINGTON NORTHERN AND SANTA FE
RAILWAY AT COUNTRY CLUB DRIVE IN THE
CITY OF FLAGSTAFF, COCONINO COUNTY,
ARIZONA, AAR/DOT NO. 025-128S.

PROCEDURAL ORDER

BY THE COMMISSION:

On April 6, 2006, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to construct a grade-separated crossing over the Railroad's tracks at Country Club Drive in Flagstaff, Coconino County, Arizona at AAR/DOT No. 025-128S.

IT IS THEREFORE ORDERED that the request of ADOT shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

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

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **May 18, 2006, at 10:45 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the Arizona Department of Transportation shall provide the Railroad 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 Transportation shall file
2 with the Commission's Docket Control an original and thirteen (13) copies of certification of
3 proof of compliance with this Procedural Order concurrently with the mailing of notice
4 ordered herein.

5 DATED this 18th day of April, 2006


6
7 MARC E. STERN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
this 18 day of April, 2006 to:

10 Michael F. Delleo, Jr.
11 Arizona Department of Transportation
12 205 S. 17th Avenue, MD 618E
Phoenix, AZ 85007

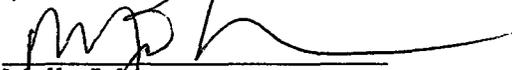
13 David Gibson
14 Traffic Records Section
15 ADOT
16 205 S. 17th Avenue, MD 064R
17 Phoenix, AZ 85007

18 Colleen Dienes
19 Public Projects
20 BNSF
21 740 E. Carnegie Drive
22 San Bernardino, CA 92408

23 Christopher Kempley, Chief Counsel
24 Legal Division
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington Street
27 Phoenix, Arizona 85007

28 Brian Lehman
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007

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

By: 
Molly Johnson
Secretary to Marc Stern