

ORIGINAL



0000068525



Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

04P

Janet Napolitano
Governor

Victor M. Mendez
Director

November 6, 2007

2007 DEC -6 A 10: Sam Elters
State Engineer

AZ CORP COMMISSION
DOCKET CONTROL

Mr. Marc E. Stern
Administrative Law Judge
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

RE: TRACS No. 0000 MA PHX SR205 01C
Project No. STP-000-6(186)A
RAIL/HIGHWAY SAFETY PROGRAM
Hadley Street (Phoenix)
The BNSF Railway Company
AAR/DOT No. 025-834-C
Agreement No. 1531-91-ATSF
ADOT Accounting No. R1531DA06
ACC Docket No. RR-02635B-07-0530

Arizona Corporation Commission
DOCKETED

DEC 6 2007

DOCKETED BY [Signature]

Dear Mr. Stern:

In accordance with the requirements of the Procedural Order relating to the subject project, here is the Affidavit of Publication from the Arizona Business Gazette, and thirteen copies, for the public notice as required in the Procedural Order.

Sincerely,

[Signature of John Syers]

John Syers
Railroad Engineering Coordinator
Utility & Railroad Engineering Section
205 South 17th Avenue Mail Drop 618E Phoenix, Arizona 85007
Phone (602) 712-7541 Fax (602) 712-3229



2001 Award Recipient

AFFIDAVIT OF PUBLICATION
BURLINGTON/SANTA FE CROSSING
UPGRADE

Reference/PO # PGSS3202
05

Arizona Business Gazette

The business resource

PO BOX 194
Phoenix, Arizona 85001-0194
(602) 444-7315 FAX (602) 444-7364

PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY AT HADLEY STREET IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AT AAR/DOT NO. 025-834-C (DOCKET NO. RR-02635B-07-0530)

On September 17, 2007, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at Hadley Street, in Phoenix, Arizona, at AAR/DOT No. 025-834-C. The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on January 10, 2008, at 9:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervener and of any party upon whom service of documents is to be made if different than the intervener.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before December 21, 2007. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact the applicant at 602-712-8694. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, e-mail lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation. Pub: November 22, 2007

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

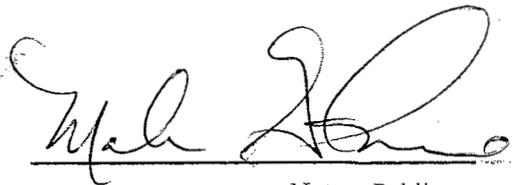
Ed Carlise, being first duly sworn, upon oath deposes and says: That of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates indicated.

11/22/2007



Sworn to before me this
26TH day of
NOVEMBER, 2007


MARK GILMORE
Notary Public - Arizona
Maricopa County
My Comm. Expires Aug 4, 2011



Notary Public