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Transcript Exhibit(s)

2007 JUL -6 P 4:49

AZ CORP COMMISSION
DOCKET CONTROL

Docket#(s): RR-02635B-07-0222

Exhibit #: B1

Arizona Corporation Commission
DOCKETED

JUL -6 2007

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Staff Memorandum
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To: THE COMMISSION

2007 JUN 12 P 3:21

From: Safety Division

AZ CORP COMMISSION
DOCKET CONTROL

Date: June 12, 2007

RE: IN THE MATTER OF THE APPLICATION OF THE CITY OF PEORIA,
ARIZONA TO UPGRADE AN EXISTING CROSSING OF THE
BURLINGTON NORTHERN SANTA FE RAILROAD AT PEORIA AVENUE
IN MARICOPA COUNTY, ARIZONA, AAR/DOT NO.025-403-K.

On April 5, 2007, the City of Peoria, ("City") Arizona, filed with the Arizona Corporation Commission("Commission") a request for approval for the Burlington Northern Santa Fe Railroad ("Railroad") to upgrade an existing crossing at Peoria Avenue adjacent to Grand Avenue, in Peoria, Arizona AAR/DOT 025-403-K. Staff issued data requests and those data requests and the City's responses (without attachments), are included as attachments to this memorandum.

The City of Peoria has jurisdiction over Peoria Avenue where Burlington Northern Santa Fe railroad tracks and the roadway meet at-grade adjacent to US 60/ Grand Avenue. Decision No. 49753 (March 13, 1979) approved the existing configuration of warning devices which consist of cantilevers with flashing lights and automatic gate arms. Commission Rail Safety Section accident/incident records indicate six incidents have occurred at this crossing, the first in 1972 and the last in 1994. No injuries or fatalities resulted from any of the incidents.

The City of Peoria's application requests approval for the Burlington Northern Santa Fe to install two new cantilevers with flashing lights and automatic gate arms to accommodate a road widening project on Peoria Avenue. The purpose of the project is to improve Peoria Avenue and its intersection with Grand Avenue (US 60). This will be accomplished by adding a dedicated right turn lane to westbound Peoria Avenue. In addition, the project will include construction of new medians on Peoria Avenue and Grand Avenue, traffic signal modifications, new sidewalks and new striping in accordance with Manual on Uniform Traffic Control Device standards. According to City of Peoria engineers, because this project is to widen an existing roadway crossing, and given existing roadway constraints (US60 - Grand Avenue), a new grade separation was not a viable option for this intersection.

Arizona Corporation Commission
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The proposed safety devices for the intersection will include constant warning devices, new LED flashing lights, two cantilevers, and automatic gate arms. The proposed measures are consistent with safety measures employed at similar crossings in the state.

Based on data received from the City of Peoria for 2006, average daily traffic (ADT's) counts for eastbound Peoria Avenue are 7,971, and for west bound Peoria Avenue, 7,891. Further data provided by Maricopa Association of Governments (MAG) shows ADT's for 2016 at 10,050 and 9,896 respectively. Data received from the City of Peoria's Public Works Department shows that in the year 2000, the intersection operated at a Level of Service (LOS) B during the AM peak hours and LOS C during PM peak hours. Projections for the year 2020 have the intersection operating at a LOS C during AM peak hours, and LOS E or F during PM peak hours. City of Peoria feels the road widening project will alleviate the poor Level of Service in the future.

The nearest alternative route that can be used is .11 miles to the east of the proposed project site on 83rd Avenue.

The cost of the proposed railroad crossing upgrade is \$277,319.00. The cost of the total road widening project is projected to be around one million dollars. The cost of the project will be paid out of the City of Peoria's Capital Improvements budget. The BNSF will maintain all railroad equipment, cantilevers, flashing lights and the automatic gate arms, as well as the crossing surface itself.

A grade separation is not part of the City of Peoria's General Plan for this area. Provided as an attachment is an exhibit showing a concept of a grade separation showing the significant impact a grade separation would cause to the City. Grade separation would incur a substantial constraint on access to several Old Town merchants. Likewise, a grade separation would constrain access points and parking for the nearby Peoria High School along 83rd Avenue and the newly constructed Fire Station on Peoria Avenue. There would be a very good chance that a majority of the entrance side to the High School site would have to be reconfigured to allow for parking impacts and ingress/egress modifications.

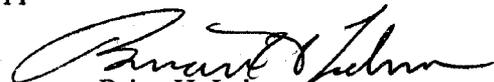
In addition to several businesses and residences that would need to be purchased, the newly constructed \$12.9 million Performing Arts Theater just completed this year would have to be demolished. The City feels a grade separation for this crossing would be an unwarranted financial burden to the City considering all of the acquisitions that would be needed. It would also have a lasting residual economic impact to the remaining merchants once it was completed due to the changes in traffic patterns and access availability. This crossing is located within the historic "Old Town" part of Peoria which is currently undergoing positive redevelopment and a grade separation of Peoria Avenue is not included in the City's future long term plan. Staff agrees with the

reasons cited by the City and recommends not grade separating the crossing at this time.

Data provided by Burlington Northern Santa Fe Railroad states that the average train traffic on this route is 13 freight trains per 24-hour period. There are no passenger trains that operate on this railroad line. The timetable speed for the location is 25 miles per hour.

Having reviewed all applicable data, Staff supports the upgrade to the crossing at Peoria Avenue as presented by the City of Peoria's application. Staff believes that the upgrade is in the public interest and is reasonable. Therefore, Staff recommends approval of the City of Peoria's application.


Dave Raber
Director
Safety Division


Brian H. Lehman
Railroad Supervisor
Safety Division

DR: BHL: cbw

Originator: Chris B. Watson

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MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
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KRISTIN K. MAYES
GARY PIERCE



ARIZONA CORPORATION COMMISSION

May 4, 2007

Richard Costa
Capital Engineering Division
8401 West Monroe Street
Peoria, Arizona 85345

Sent via U.S. Mail & Email to:
richard.costa@peoriaaz.gov

Re: Staff's first Set of Data Requests to The Burlington Northern & Santa Fe Railway Company
Docket No. RR-02635B-07-0222

Dear Mr. Costa:

Please treat this as Staff's first Set of Data Requests to The Burlington Northern & Santa Fe Railway Company in the above matter.

For purposes of this data request set, the words "Burlington Northern & Santa Fe Railway," "Company," "you," and "your" refer to The Burlington Northern & Santa Fe Railway Company and any representative, including every person and/or entity acting with, under the control of, or on behalf of The Burlington Northern & Santa Fe Railway Company. For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

These data requests are continuing, and your answers or any documents supplied in response to these data requests should be supplemented with any additional information or documents that come to your attention after you have provided your initial responses.

Please respond within ten calendar days of your receipt of the copy of this letter. However, if you require additional time, please let us know.

Please provide one hard copy as well as searchable PDF, DOC or EXCEL files (via email or electronic media) of the requested data directly to each of the following addressees via overnight delivery services to:

- (1) Chris Watson, Railroad Safety Inspector, Arizona Corporation Commission, 2200 North Central Ave., Suite 300, Phoenix, Arizona 85004.
- (2) Charles H. Hains, Attorney, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Hains".

Charles H. Hains
Attorney, Legal Division
(602) 542-3402

CHH:sab
Enclosure

cc: Chris Watson

MAY - 8 2007

**ARIZONA CORPORATION COMMISSION
STAFF'S FIRST SET OF DATA REQUESTS TO
THE BURLINGTON NORTHERN
& SANTA FE RAILWAY COMPANY
DOCKET NO. RR-02635B-07-0222
MAY 4, 2007**

Subject: All information responses should ONLY be provided in searchable PDF, DOC or EXCEL files via email or electronic media.

- CW 1.1 Provide Average Daily Traffic Counts for this location.
- CW 1.2 Provide Annual Average Traffic Counts.
- CW 1.3 Provide a ten year traffic projection for this area.
- CW 1.4 Provide distances in miles to the next public crossing on either side of the proposed project location.
- CW 1.5 If this crossing was to be grade separated, provide a cost estimate of the project.
- CW1.6 Your application stated that "Because this project is to widen an existing roadway crossing, and given existing adjacent roadway constraints (US60-Grand Ave), a new grade separation was not a viable option." Was this decision determined by an engineering study? If yes, please provide the study. If no, how was this decision determined?
- CW 1.7 Please provide the following information from the railroad: number of daily train movements through the crossing, speed of the trains, and the type of movements being made (i.e. thru freight or switching).
- CW 1.8 Please provide the Design Concept Report (DCR) for this project.

City Provided Responses to the Requested Data Items:

Item:

CW 1.1 "Provide Average Daily Traffic Counts for this location" *See attached Exhibit*

CW 1.2 "Provide Annual Average Traffic Counts" *Our Traffic Engineer has informed me that the Annual Average Daily Traffic Count is the same as the Average Daily Traffic Count for this area.*

CW 1.3 "Provide a ten year traffic projection for this area" *See attached Exhibit – MAG 2016 Traffic Projections*

CW 1.4 "Provide distance in miles to the next public crossing on either side of the proposed project location" *The next nearest crossing is at 83rd Avenue at approx. 0.11 miles east of this project.*

CW 1.5 "If this crossing was to be grade separated, provide a cost estimate of the project" *This crossing will not be grade separated.*

CW 1.6 "Your application stated that "Because this project is to widen an existing roadway crossing, and given existing adjacent roadway constraints (US60-Grand Ave), A new grade separation was not a viable option."

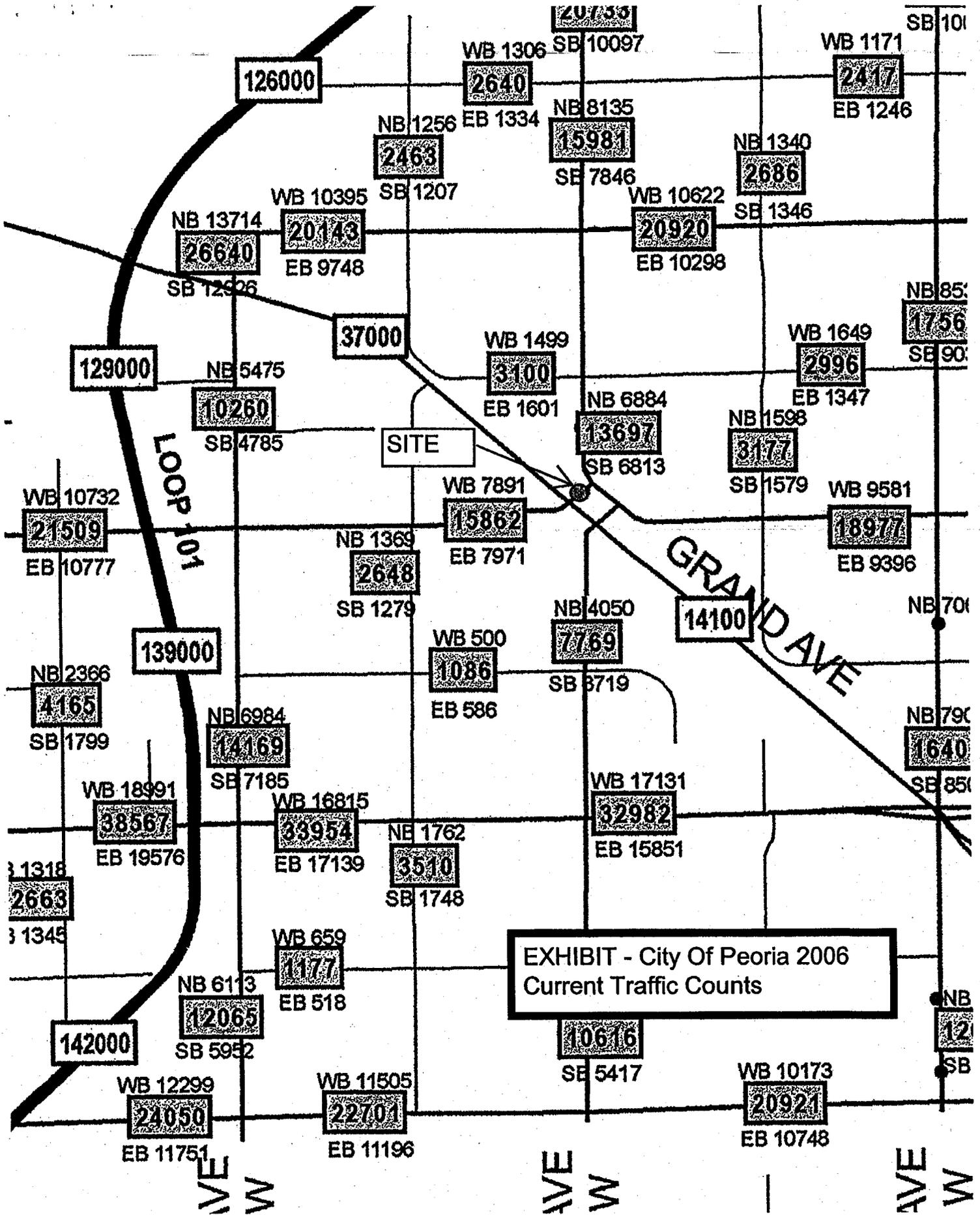
Question: Was this decision determined by an Engineering Study? *Answer.... No although a study was completed for this project a grade separation was not a part of the study".*

Question: If yes, please provide the study. *Answer..... I have included a copy of that study for you reference anyway.*

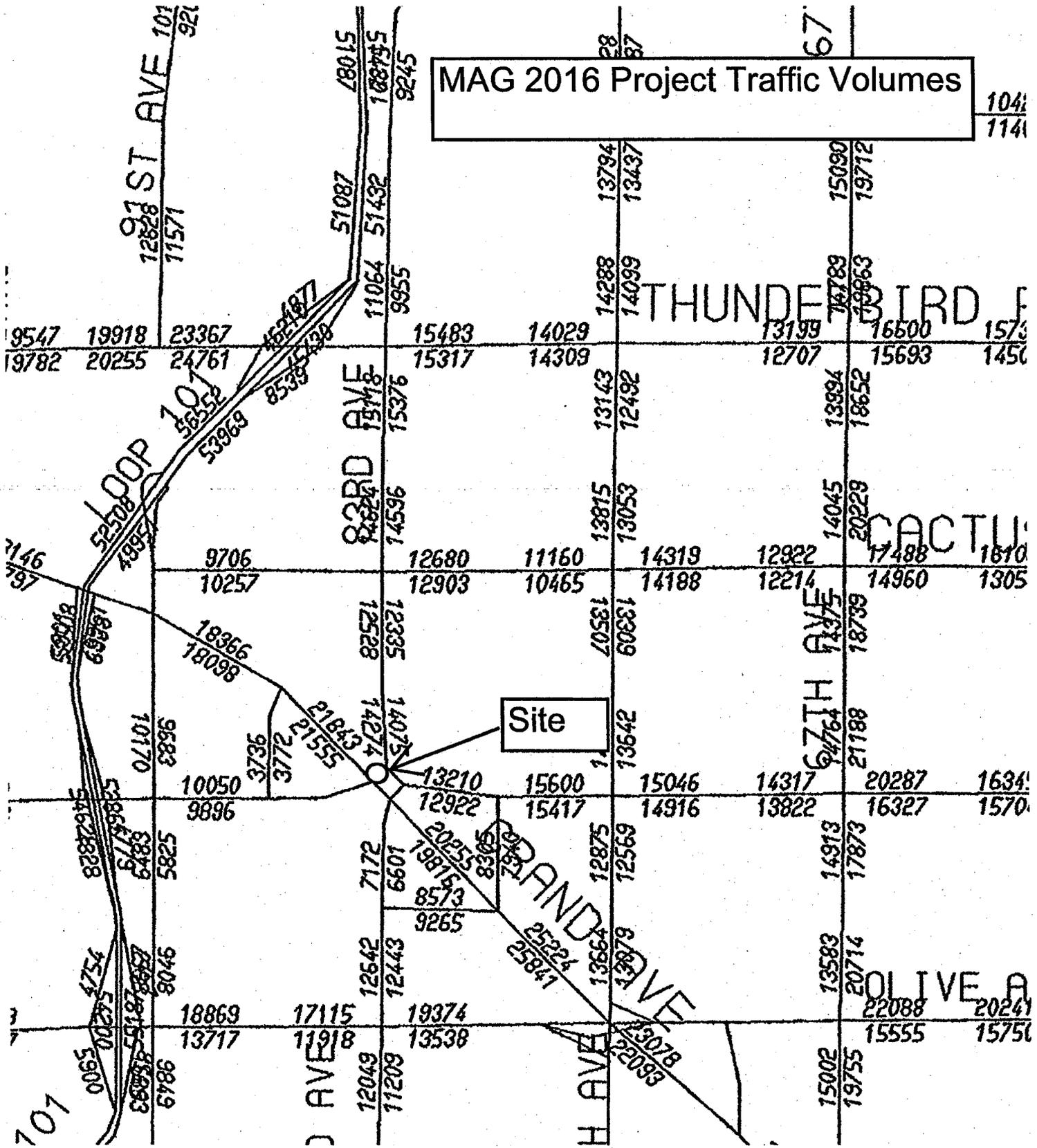
Question: If no, how was this decision determined. *Answer..... A grade separation is not a part of our General Plan for this area. In addition I have provided an exhibit showing a concept of a grade separation showing the significant impact a grade separation would cause to our City. This would be a huge detriment for access to our Old Town merchants as well as impacts to access points and parking for our nearby Peoria High School along 83rd Ave and our newly constructed Fire Station on Peoria Ave. There would be a very good chance that a majority of the entrance side to the High School site would have to be reconfigured to allow for parking impacts and ingress/egress modifications. In addition to several businesses and residences that would need to be purchased, our newly constructed \$12.9 million Performing Arts Theater just completed this year would be sacrificed. We feel a grade separation for this crossing not only would be a huge financial burden to the City with all of the acquisitions that are needed, but will also have a long lasting residual economic impact to the remaining merchants once it completed due to the changes in traffic patterns and access availability. This crossing is located within the historic "Old Town" part of Peoria which is currently undergoing positive redevelopment and a grade separation of Peoria Ave is not included in our future long term plan.*

CW 1.7 "Please provide the following information from the railroad: number of daily train movements through the crossing, speed of the trains, and the type of movements being made (i.e. thru freight or switching). As provided by Megan McIntyre of BNSF Railroad Co. Manager Public Projects by e-mail on May 9th, 2007....." *The average train traffic on this route is 13 freight trains per 24-hour period at a timetable speed of 25 MPH and 0 passenger trains at a timetable speed of 0 MPH".*

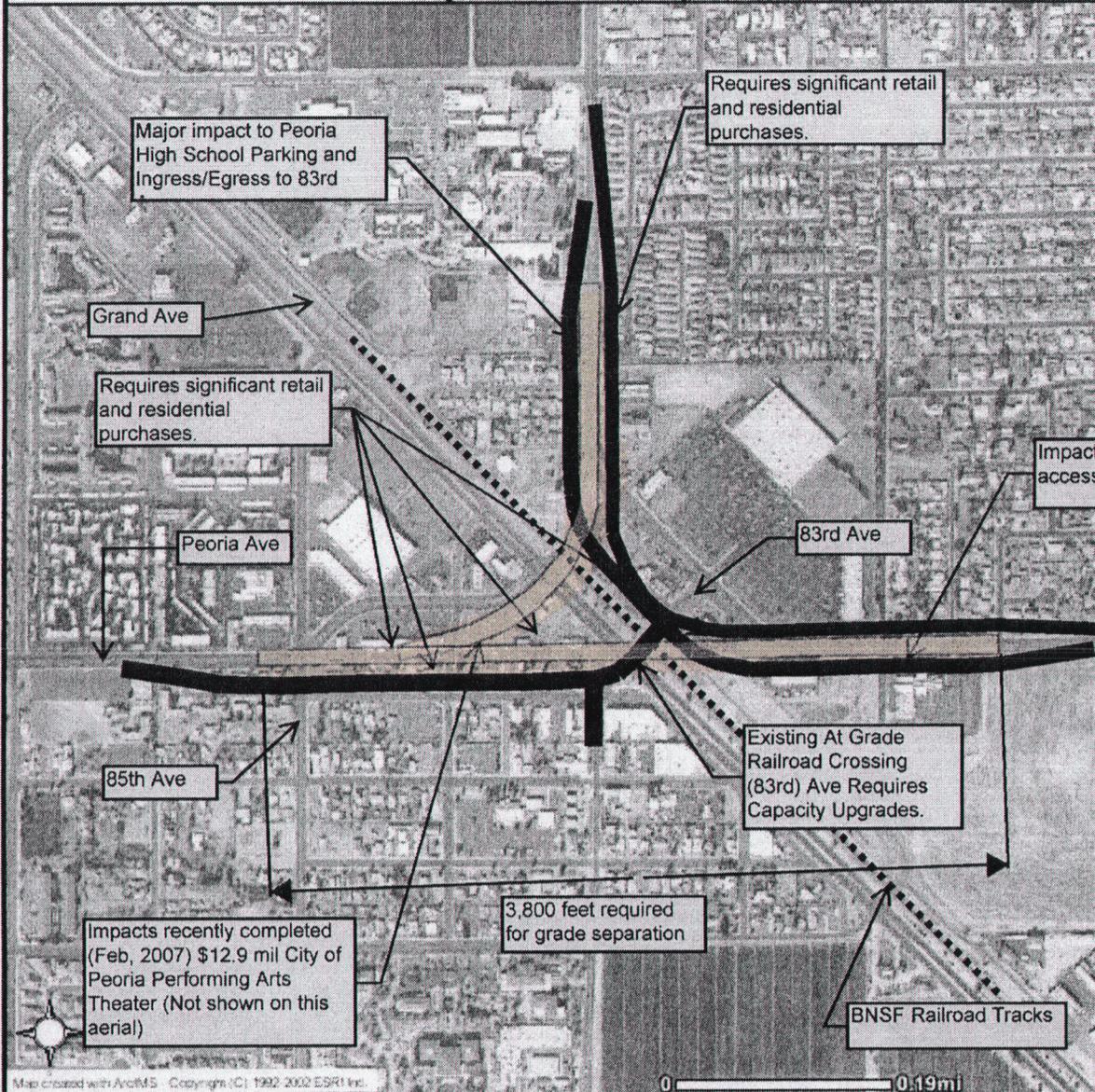
CW 1.8 "Please provide the Design Concept Report (DCR) for this project. "See attached – Portions of the document are watermarked "Draft" and that is how we accepted it, and the actual document is referred to as a "Design Report"



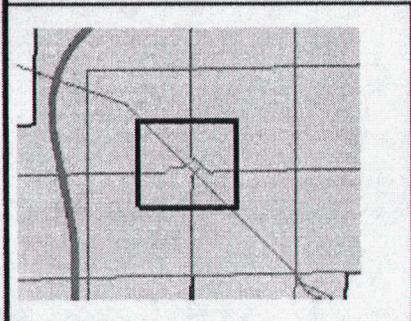
MAG 2016 Project Traffic Volumes



City of Peoria GIS Map



LEGEND



- City Limit
- Peoria
- County Island
- Outside Peoria

This map is based on imprecise source data, subject to change, and for general reference only.