

ORIGINAL



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RECEIVED ARIZONA CORPORATION COMMISSION

Director, Safety Division

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2007 OCT 26 P 3:12

AZ CORP COMMISSION **Staff Memorandum**
DOCKET CONTROL

To: THE COMMISSION DOCKET NO. RR-03639A-07-0422

From: Safety Division

Date: October 25, 2007

RE: IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC RAILROAD COMPANY TO ALTER FOUR CROSSINGS OF THE UNION PACIFIC RAILROAD IN COCHISE COUNTY, ARIZONA. MALEY STREET, STEWART STREET, PATTE ROAD, AND COUNTRY CLUB DRIVE.

Background

On July 12, 2007, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter four crossings of the Railroad in Cochise County, Arizona by adding a second mainline track. Three of these crossings are in the City of Willcox ("City"), in Cochise County ("County"), Arizona as follows: Maley Street, DOT No. 741-397-H; Stewart Street, DOT No. 741-398-P; and Patte Road, DOT No. 741-399-W. The fourth is in Cochise County at Country Club Drive; DOT No. 741-500-N. Commission Safety Division Staff ("Staff") issued data requests and those data requests and the Railroads responses (without attachments), are included as attachments to this memorandum.

Union Pacific's application requests approval for the Railroad to add a second main track, twenty feet from the center of the existing main track. This application is part of the Railroad's double tracking effort for their Sunset Route across Arizona.

On July 17, 2007, Staff filed a Motion for a Procedural Conference to be scheduled after the end of July. On August 16, 2007, Staff and the Railroad appeared with counsel at the Procedural Conference to discuss aspects of the application including the manner in which to give public notice and to determine a date for the hearing. The parties agreed to a hearing being held on November 20, 2007.

Prior to these events, on March 14, 2007, Staff, the Railroad and the City participated in a diagnostic review of the proposed improvements at Maley, Stewart and Patte Road. The County was notified of the date and time for the

Arizona Corporation Commission
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diagnostic review of Patte and Country Club Drive (of which the County has jurisdiction), however, did not appear. All parties present were in agreement to the proposed improvements to crossings as stated later in this report.

Geographical Information

The City of Willcox lies just off Interstate 10 in southeastern Arizona. The City limits have a population of approximately 3,000 residents. The interstate in the Willcox area runs in a southwest to northeast trajectory. The Railroad runs parallel to the Interstate, approximately one mile to the southeast of the interstate. The downtown area and the majority of the population of Willcox lie southeast of the interstate and northwest of the rail tracks. A small portion of the population reside in the area southeast of the rail tracks, and utilize one of the four crossings in this application to access businesses in Willcox and/or the Interstate 10.

The City of Willcox is the road authority for both Maley Street and Stewart Street. Cochise County and the City of Willcox have joint road authority jurisdiction for Patte Road, while Cochise County has sole jurisdiction for Country Club Drive. All four of these crossing were placed into service in 1974. Maley, Stewart and County Club were installed with active warning devices; flashing lights, bells and gates. Patte Street later was equipped with flashing lights, bells and gates by Order Number 56431 of the Commission, dated 4/5/1989.

Maley Street

Maley Street is the westernmost of the four crossings outlined in this application and is the most highly traveled in terms of vehicular traffic.

The proposed second main track at this crossing will be located south of the existing main track. The Railroad will re-profile a portion of the two lane asphalt road to meet the new track. The Railroad will also upgrade the existing warning equipment with new 12' LED flashing lights, gates and bells as well as a new concrete crossing surface. A median will be installed in both directions at the crossing to accommodate additional gates and to help prevent motorists from driving around the lowered gates. The proposed measures are consistent with safety measures employed at similar at-grade crossings in the state.

Traffic data provided by ACCEPT Consulting and HDR Engineering, contractors for the Railroad; estimate the Average Daily Traffic ("ADT") for this crossing to be 4,737. This count was taken in August of 2007. The projected

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ADT for the year 2016 is 4,834. The current Level of Service ("LOS") for the two lane road is LOS A, for both north and south bound traffic.

Note: The American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highways and Streets, 2004, states that the Level of Service characterizes the operating conditions on a facility in terms of traffic performance measures related to speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. This is a measure of roadway congestion ranging from LOS A--least congested--to LOS F--most congested. LOS is one of the most common terms used to describe how "good" or how "bad" traffic is projected to be.

The posted speed limit on Maley Street is 30 MPH. Commission Rail Safety Section, as well as Federal Railroad Administration ("FRA") accident/incident records indicate three accidents at Maley Street, one resulting in a fatality that occurred in 1984. Alternative routes from this crossing are as follows: to the west 9.33 miles is the Highway 191 interchange, and to the east one block is Stewart Street, an at-grade crossing.

The estimated cost of the proposed railroad crossing upgrade is \$387,797.00. The Railroad is paying for the entire cost of the crossing improvements, broken down by signal and crossing surface work, with the signal work costing \$ 333,757.00, and the crossing surface \$54,040.00.

Stewart Street

One block to the east of Maley Street is the Stewart Street at grade crossing. The proposed second main track at this crossing will be south of the existing main track. The Railroad will re-profile a portion of the two lane asphalt road to meet the new track. The Railroad will also upgrade the existing warning equipment with new 12' LED flashing lights, gates and bells as well as a new concrete crossing surface. The proposed measures are consistent with safety measures employed at similar at-grade crossings in the state.

Traffic data provided by ACCEPT Consulting and HDR Engineering estimate the Average Daily Traffic ("ADT") for this crossing to be 601. This count was taken in August of 2007. The projected ADT for the year 2016 is 778. The current Level of Service ("LOS") for the two lane road is LOS A, for both north and south bound traffic. The posted speed limit on Stewart St. is 25 MPH. Commission Rail Safety Section, as well as Federal Railroad Administration ("FRA") accident/incident records indicate two accidents at Stewart Street, one resulting in a fatality that occurred in 1998.

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Alternative routes from this crossing are as follows: to the west one block to Maley Street, and to the east 1.2 miles to Patte Road. Both alternate routes are at-grade crossings.

The estimated cost of the proposed railroad crossing upgrade is \$222,016.00. The Railroad is paying for the entire cost of the crossing improvements, broken down by signal and crossing surface improvements, with the signal improvements costing \$ 198,856.00, and the crossing surface \$23,160.00.

Patte Road

East of Stewart Street by 1.2 miles is the next crossing at Patte Road. The proposed second main track at this crossing will be located south of the existing main track. The Railroad will re-profile a portion of the two lane asphalt road to meet the new track. The Railroad will also upgrade the existing warning equipment with new 12' LED flashing lights, gates and bells as well as a new concrete crossing surface. The proposed measures are consistent with safety measures employed at similar at-grade crossings in the state.

Traffic data provided by ACCEPT Consulting and HDR Engineering estimates the Average Daily Traffic ("ADT") for this crossing to be 101. This count was taken in August of 2007. The projected ADT for the year 2016 is 131. The current Level of Service ("LOS") for the two lane road is LOS A, for both north and south bound traffic. The posted speed limit on Patte Road is 40 MPH. Commission Rail Safety Section, as well as Federal Railroad Administration ("FRA") accident/incident records indicate no accidents, injuries or fatalities at this crossing.

Alternative routes from this crossing are as follows: to the west 1.2 miles to Stewart Street, and to the east 2.8 miles to Country Club Drive. Both alternate routes are at-grade crossings.

The estimated cost of the proposed railroad crossing upgrade is \$222,443.00. The Railroad is paying for the entire cost of the crossing improvements, broken down by signal and crossing surface improvements, with the signal work costing \$ 199,283.00, and the crossing surface \$23,160.00.

Country Club Drive

East of Patte Road by another 2.8 miles is the next crossing at Country Club Drive. The proposed second main track at this crossing will be north of the existing crossing. The Railroad will re-profile a portion of the two lane asphalt

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road to meet the new track. The Railroad will also upgrade the existing warning equipment with new 12' LED flashing lights, gates and bells as well as a new concrete crossing surface. The proposed measures are consistent with safety measures employed at similar at-grade crossings in the state.

Traffic data provided by ACCEPT Consulting and HDR Engineering estimates the Average Daily Traffic ("ADT") for this crossing to be 300. This count was taken in August of 2007. The projected ADT at the crossing for the year 2016 is 389. The current Level of Service ("LOS") for the two lane road is LOS A, for both north and south bound traffic. The posted speed limit on Country Club Drive is 40 MPH. Commission Rail Safety Section, as well as Federal Railroad Administration ("FRA") accident/incident records show no accidents, injuries or fatalities at the Country Club crossing.

Alternative routes from this crossing are as follows: to the west 2.8 miles to Patte Street, and to the east 12.18 miles to the I-10 interchange.

The estimated cost of the proposed railroad crossing upgrade is \$230,487.00. The Railroad is paying for the entire cost of the crossing improvements, broken down by signal and crossing surface improvements, with the signal work costing \$ 207,327.00, and the crossing surface \$23,160.00.

Train Data

Data provided by the railroad regarding train movements through these four crossings are as follows, and are the same for all four crossings:

Current Train Count: 48 total average trains per day (46 freight, and 2 passenger trains)

Projected Train Count: 84 total average trains per day by 2016

Train Speed: 79 mph passenger / 70 mph freight

Thru Freight/Switching Moves: All train movements through these four crossing are thru movements that don't involve switching, according to Union Pacific, Manager of Train Operations, Rob Henderson.

Schools and Bus Routes

Information about schools, and school buses, in the area was provided by Susan Unrast, the Maintenance and Transportation Clerk for Willcox Schools. There are four schools in the area of these crossings. They are Willcox High School located at 240 N Bisbee Ave, Willcox, AZ 85643, Willcox Middle School located at 360 N Bisbee Ave, Willcox, AZ 85643, Bonita Elementary located at 18008 S Fort Grant Road, Willcox, AZ 85643, and Willcox Elementary located at 501 W Delos, Willcox, AZ 85643. Maley Street has the most school bus trips

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per day, with 12 trips. Country Club is also used as a bus route with 4 trips per day. Stewart Street and Patte Street are not bus routes.

Hospitals

The nearest hospital is Northern Cochise Community Hospital located at 901 W. Rex Allen Drive in Willcox, Arizona 85643, (520)384-3541, in the northeast part of town. It is located approximately 1 ½ miles from the Stewart, Maley and Patte Road crossings. Maley Street is used most often to access areas south of the tracks, but the majority of the population resides on the north side of the tracks.

Zoning

Staff requested the Railroad provide information regarding the type of zoning in adjacent areas from the crossing. The following was their response:

Union Pacific objects to the second part of data request CW 1.7 on the grounds that: a) it calls for speculation as to whether new housing developments, industrial parks or other developments will occur in the future; and b) Union Pacific does not have access to such information, but instead must rely on information provided by others. Without waiving said objections, Union Pacific responds as follows:

The zoning in the area of these crossings is shown on the Cochise County's Zoning Map. Maley Street and Stewart Street both have Incorporated City designation with GB (General Business District), Patte Road has both TR-36 and GB (Transitional-Residential and General Business), Country Club Drive has both SR-8 and GB (Single Household Residential) zoning at the crossing. No known developments are planned near these crossings. This information was provided to the Railroad by Dick Schaffer, the Transportation Program Manager for Cochise County Planning and Zoning.

Grade Separation

With regard to grade separating any of the four crossings, the Railroad gave the following response:

Union Pacific objects to data request CW 1.5 on the ground that whether a grade separation is needed is primarily a question of mobility and convenience for vehicular traffic on the roadway, not safety. An at-grade crossing can be safe without constructing a grade separation and eliminating the grade crossing. Whether a grade separation is needed is therefore irrelevant to Union Pacific's

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application to add a second mainline track at these grade crossings. Without waiving said objections, Union Pacific responds as follows:

The diagnostic team that evaluated the four crossings involved in this application concluded the crossings were safe without constructing grade separations. This conclusion is supported by the fact that the Federal Highway Administration authorizes the use of gates and lights at multiple-track grade crossings as proposed in this application. Union Pacific is not aware of any studies specific to the crossings involved in this application. Depending on the particular crossing involved, a reasonable range for the costs of constructing a grade separation would be between \$20 million and \$40 million.

During the diagnostic review held on March 14, 2007 at Stewart Street, there was mention of a possible future grade separation by the City of Willcox at railroad mile post 1075.3, which is approximately 1.5 miles east of the Stewart Street crossing. The City would then close the Stewart Street at grade crossing after construction of the grade separation was complete. No time frame was noted as to when this would take place, or how it would be funded. This information was also included in the Railroads application for Stewart Street.

Utilizing the Exposure Index (the product of daily road traffic and the daily number of trains as a simplified method or “quick check” to indicate the potential for a grade separation) described in the report Grade Separations – When Do We Separate? by Nicholson and Reed (this report was provided to Commissioner’s Offices on June 22, 2007), we have determined the following for this crossing:

Street Name	Year	Average Daily Traffic	Average Daily Trains	Exposure Index
Maley Street	2007	4,737	48	227,376
	2016	4,834	84	406,056
Stewart Street	2007	601	48	28,848
	2016	778	84	65,352
Patte Road	2007	101	48	4,848
	2016	131	84	11,004
Country Club Drive	2007	300	48	14,400
	2016	389	84	32,676

The authors of the above-referenced report state that, “when a predetermined value of the index is reached, further investigation is triggered. Examples of predetermined values range in one state from 15,000 for rural conditions to

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30,000 for urban conditions, in another from 50,000 for roads on the state highway system to 100,000 for all other roads, and in a third, by speed (15,000 for rural conditions where roadway vehicle speeds are greater than 50 MPH)." The report further indicates that, "investigation described in this section has shown this method is quick, easy, and sufficiently accurate to represent an adequate initial or general screening tool to be used prior to proceeding with more detailed technical analysis."

While Staff agrees, the Exposure Index should not be used as the sole decision-making tool for determining the appropriateness of a grade separation; we note that the current Exposure Index on Maley Street is 227,376. The projected Exposure Index for the year 2016 is expected to be more than 400,000. ADOT, Safford District Engineer, Bill Harmon, told Staff that grade separation of Maley or any crossing at Willcox is not a priority at this time. He further stated that it would not be considered for another 20 years. No further details were given by Mr. Harmon.

Willcox Town Hall Meeting

On March 23, 2007, a Commission Town Hall Meeting was held in Willcox. The purpose of the meeting was to obtain public input concerning the Railroads intention to construct an additional main track through Willcox and the public's feelings toward grade separation. In general the citizens of Willcox understood the Railroads reasons for the additional track and were accepting of the project. Staff estimated, that approximately half of the people that offered comment concerning grade separation, were not in favor of it. Those not in favor of the grade separation were business owners, who stated their business could be negatively affected if traffic was diverted away from the downtown area, as a result of a grade separation. Those in favor of the grade separation felt it would resolve the issue of excessive locomotive horn use and any crossing blockage issues.

Mr. Rob Henderson, UP, Manager of Operating Practices, explained the regulation regarding horn use and further stated he would instruct train crew members to stop any excessive horn use. Additionally, Mr. Henderson stated that UP trains had experienced mechanical breakdowns at Willcox which resulted in crossings being blocked. To date, Staff has not received any complaints from the citizens of Willcox regarding excessive horn use or crossings blocked in excess of Commission regulation.

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City of Willcox Resolution No.: 2007-28

On July 16, 2007, the Mayor and Council of the City of Willcox passed and adopted Resolution 2007-28. The Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its citizens to officially support the Union Pacific Railroad application for the track expansion before the Commission. The railroad has indicated a desire and willingness to assist the City of Willcox in addressing the identified areas of concern and the financial commitment necessary for the City to undertake and complete the following projects:

- Assist in establishing a quiet zone at the crossings through the City
- Address modernization of drainage concerns related to the proposed double track project
- Installation of public restrooms in the City's Railroad Park
- The renovation of the Mascot & Western Railroad Car

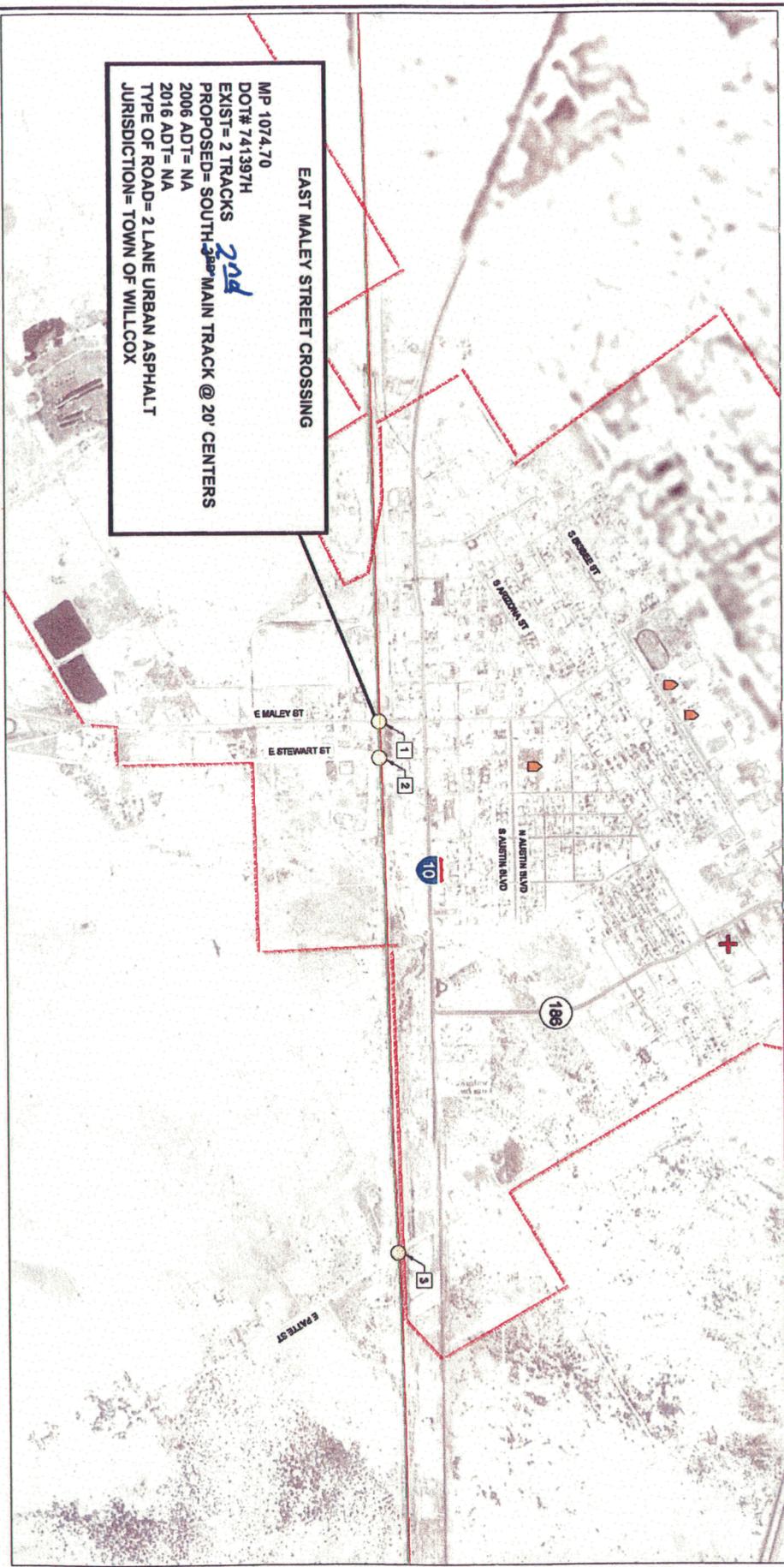
Having reviewed all applicable data, Staff supports the Railroads application. Staff believes that the upgrades are in the public interest and are reasonable. Therefore, Staff recommends approval of the Railroads application.

A handwritten signature in black ink, appearing to read "Dave Raber".

Dave Raber
Director
Safety Division

A handwritten signature in black ink, appearing to read "Brian H. Lehman".

Brian H. Lehman
Railroad Supervisor
Safety Division



EAST MAILEY STREET CROSSING

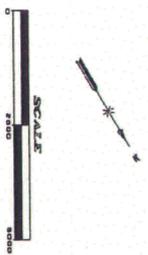
MP 1074.70
 DOT# 741397H
 EXIST= 2 TRACKS
 PROPOSED= SOUTH-^{2nd} MAIN TRACK @ 20' CENTERS
 2006 ADT= NA
 2016 ADT= NA
 TYPE OF ROAD= 2 LANE URBAN ASPHALT
 JURISDICTION= TOWN OF WILLCOX

LEGEND

- EXISTING TRACK
- PROPOSED TRACK
- EXISTING AIRCROSS CROSSING
- △ SCHOOL
- ⊕ HOSPITAL
- ⊕ FIRE STATION
- CORPORATE CITY LIMITS

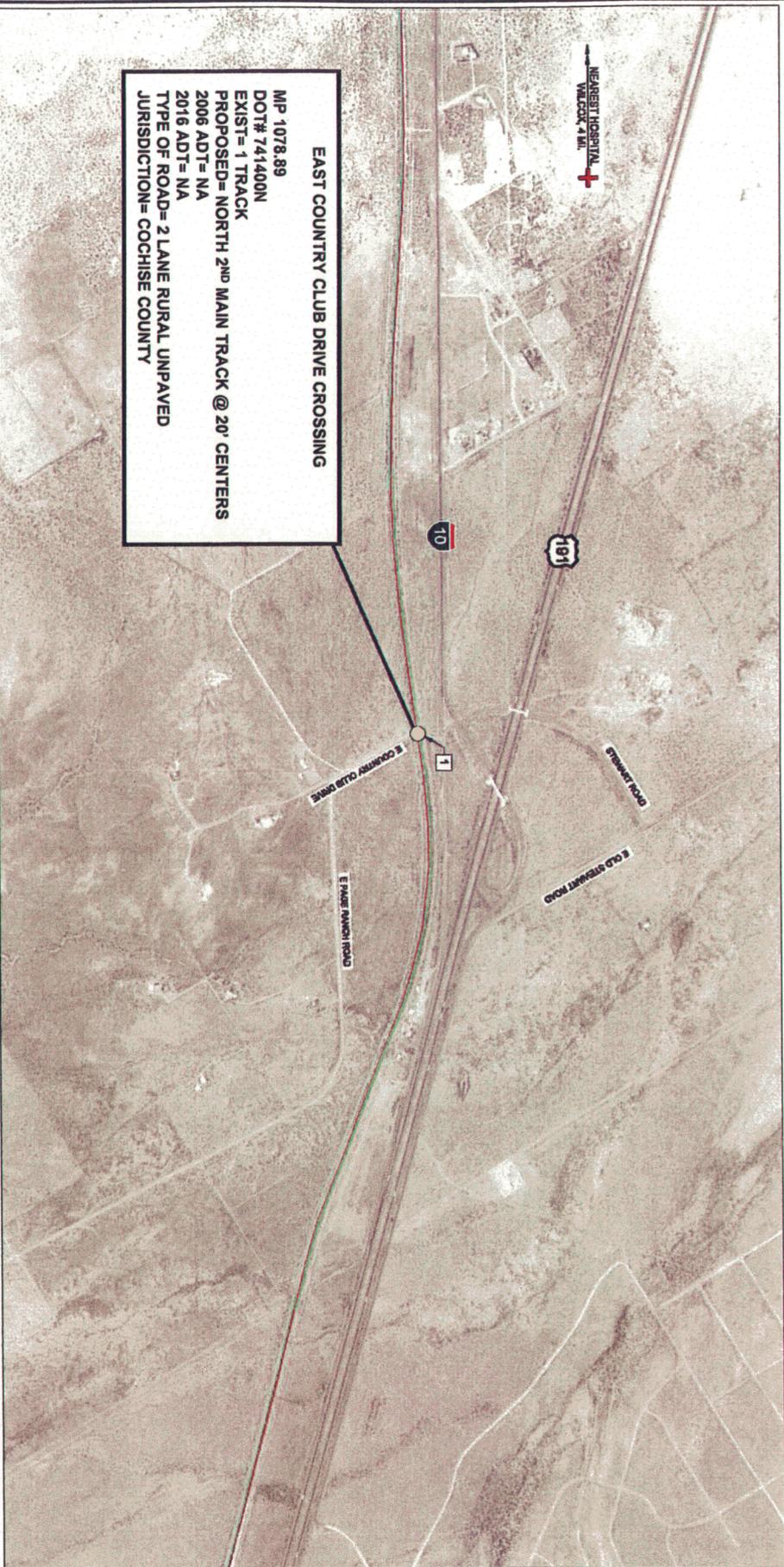
CROSSING LOCATIONS

1	MP 1074.70 - E. MAILEY STREET
2	MP 1074.40 - E. STEWART STREET
3	MP 1074.01 - E. PARTER ROAD



SUNSET ROUTE - Cochise to San Simon
 TOWN OF WILLCOX
 COCHISE COUNTY, AZ
 CROSSING LOCATIONS

SOURCE: AERIAL PHOTOGRAPHY PROVIDED BY GOOGLE EARTH, 2007
 DATE: 12 JUNE 2007
 SHEET: 1 OF 1



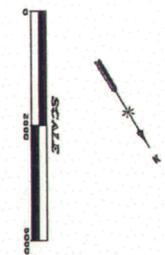
EAST COUNTRY CLUB DRIVE CROSSING
 MP 1078.89
 DOT# 741400N
 EXIST= 1 TRACK
 PROPOSED= NORTH 2ND MAIN TRACK @ 20' CENTERS
 2006 ADT= NA
 2016 ADT= NA
 TYPE OF ROAD= 2 LANE RURAL UNPAVED
 JURISDICTION= COCHISE COUNTY

LEGEND

- EXISTING TRACK
- PROPOSED TRACK
- EXISTING AT-GRADE CROSSING
- ⊕ SCHOOL
- ⊕ HOSPITAL
- ⊕ FIRE STATION
- ⊕ CORPORATE CITY LIMITS

CROSSING LOCATIONS

1 MP. 1078.89 - E. COUNTRY CLUB DRIVE



HDR

AMERICAN PUBLIC

SUNSET ROUTE - Lüzena to San Simon
COCHISE COUNTY, AZ
CROSSING LOCATION

DATE: 20 MAY 2007
 SHEET: 1 OF 1

SOURCE: AERIAL PHOTOGRAPHY PROVIDED BY GOOGLE EARTH, 2007

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2007-28**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THIS RESOLUTION FOR THE PURPOSE OF OFFICIALLY SUPPORTING THE UNION PACIFIC RAILROAD ["UPRR"] APPLICATION TO THE ARIZONA CORPORATION COMMISSION ["ACC"] FOR THE EXPANSION OF THE TRACK SYSTEM THROUGH THE CITY OF WILLCOX TOGETHER WITH PLANNED CITY PROJECTS RELATED THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willcox, Cochise County, Arizona Mayor and Council desire to officially support the UPRR application to the ACC for the expansion of the proposed track system through the CITY limits; and

WHEREAS, City Administrators and UPRR officials have conferred on the expansion of the track system through the CITY and the impact and/or consequences of said expansion which will require the CITY and UPRR to address the establishment of a quiet zone, drainage concerns, construction of public restrooms in Railroad Park, a new park across the tracks from Railroad Park and renovation of the Mascot & Western RR car; and

WHEREAS, UPRR has indicated a desire and a willingness to assist the CITY in addressing the identified areas of concern and the financial commitment necessary for the CITY to undertake and complete these projects; and

WHEREAS, the Mayor and Council desire to establish a quiet zone through the City of Willcox to mitigate the anticipated added train traffic; and

WHEREAS, the Mayor and Council desire to work closely with UPRR to address drainage concerns through planning and funding of a drainage modernization project related to the proposed expansion of UPRR's track system; and

WHEREAS, the Mayor and Council desire to work closely with UPRR to address public bathroom facilities at Railroad Park to optimize the CITY's tourism, heritage and beautification efforts in the historic downtown area that will be impacted by the track expansion and assist in park development directly across the tracks from Railroad Park; and

WHEREAS, the Mayor and Council desire to work closely with UPRR to address the renovation of the Mascot & Western Railroad Car to optimize the CITY's tourism, heritage and beautification efforts in the historic downtown area that will be impacted by the track expansion; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its citizens to officially support the UPRR application for the track expansion before the ACC and to develop a plan and obtain financial and in-kind assistance from UPRR for establishing a quiet zone, drainage system, public restrooms facilities, new park and renovate the Mascot & Western RR car; and

WHEREAS, the Mayor and Council desire to have this item presented at its July 16, 2007 Council Meeting; and

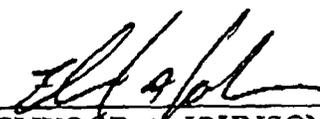
WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to forward the City's position of support for UPRR's application, and that this Resolution be effective immediately upon its passage and adoption.

BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby gives formal approval and authorization for the City Manager and/or designated City Personnel to carry out the request process.

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this 16th day of July, 2007.

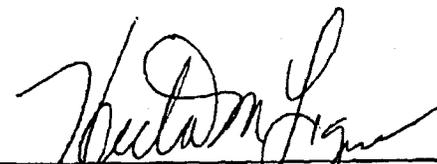
APPROVED/EXECUTED


ELWOOD A. JOHNSON, MAYOR

ATTEST:

APPROVED AS TO FORM:

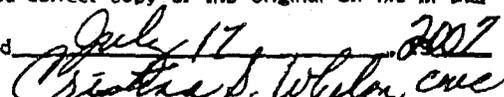

Christina G. Whelan, City Clerk


Hector M. Figueroa, City Attorney

STATE OF ARIZONA }
COUNTY OF COCHISE }
CITY OF WILLCOX }

RESOLUTION NO: 2007-28

I certify that the foregoing instrument is a full, true and correct copy of the original on file in this office.

Attested July 17, 2007

City Clerk