

ORIGINAL



0000078675

BEFORE THE ARIZONA CORPORATION COMMISSION

04

COMMISSIONERS

- MIKE GLEASON, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- KRISTIN K. MAYES
- GARY PIERCE

2007 NOV 19 P 4:27  
 AZ CORP COMMISSION  
 DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

NOV 19 2007

DOCKETED BY	nr
-------------	----

IN THE MATTER OF THE )  
 APPLICATION OF UNION ) DOCKET NO. RR-03639A-07-0422  
 PACIFIC RAILROAD TO ALTER FOUR )  
 CROSSINGS OF THE UNION PACIFIC ) AFFIDAVIT OF E. DEAN CARLSON  
 RAILROAD IN COCHISE COUNTY ) IN SUPPORT OF UNION PACIFIC  
 ) RAILROAD COMPANY'S  
 ) APPLICATION FOR AUTHORITY  
 ) TO ALTER FOUR CROSSINGS IN  
 ) COCHISE COUNTY BY ADDING A  
 ) SECOND MAINLINE TRACK

E. Dean Carlson, being first duly sworn upon his oath, states as follows:

- I am over the age of eighteen, and I have personal knowledge of the facts stated herein.
- I graduated from the University of Nebraska in 1958 with a Bachelor of Science degree in Civil Engineering and did graduate study at the University of Texas from 1969-1971.
- I was employed for 36 years from 1958 until 1994 in various positions with the Federal Highway Administration ("FHWA"), retiring from that agency as its Executive Director.
- During my years with FHWA, I was involved with the Section 130 Program and both construction and maintenance of railroad grade crossings. The objective of the Section 130 Program is the elimination of hazards at railroad-highway crossings. Under this Program, each State receiving federal funds is required to "conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or

1 protective devices, and establish and implement a schedule of projects for this purpose.” 23 U.S.C.  
2 § 130 (d).

3 5. As Executive Director of FHWA, I used general operating expense funds to bolster  
4 the federal commitment to Operation Lifesaver, a national highway-rail grade crossing safety  
5 advocacy group.

6 6. Since my assignment in 1982 as Director of the Office of Highway Safety in  
7 Washington, D.C., I have been a strong safety advocate, including safety at highway-rail crossings.

8 7. From 1994 until 2003, I served as Secretary of Transportation for the State of  
9 Kansas. In that position, I included funding for local road grade-separation structures on the  
10 crossings rated highest on the State’s priority crossing list.

11 8. In 2001 I was elected to the National Academy of Engineers for “outstanding  
12 leadership and dedication in developing national highway policy, systems management initiatives  
13 and research programs.”

14 9. Also in 2001 I served as President of the Board of Directors of the American  
15 Association of State Highway and Transportation Officials (“AASHTO”).

16 10. I have served as a member of the Executive Committee of the Transportation  
17 Research Board, and was Chairman of that body in 2002.

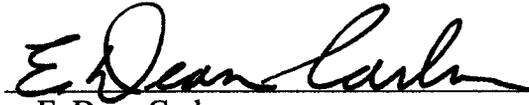
18 11. I have reviewed the materials submitted by Union Pacific in connection with its  
19 application to double-track the crossings at Maley Street, Stewart Street, Patte Road, and Country  
20 Club Road.

21 12. I have also reviewed the Staff Memorandum supporting Union Pacific’s application  
22 concerning those four crossings.

23 13. It is my opinion that, even with the projected increase in traffic through 2016,  
24 excellent safety can be maintained at all four of the subject crossings by upgrading them as  
25  
26

1 proposed in Union Pacific's application, i.e. with new flashing lights, gates, bells, concrete  
2 crossing surfaces, the medians at Maley, replaced pavement markings and any necessary advance  
3 warning signs.

4 14. In my opinion, no reasonable considerations of safety or cost justify consideration  
5 of a grade separation at any of these four crossings.

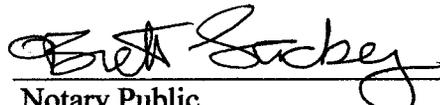
6  
7   
8 E. Dean Carlson

9 SUBSCRIBED AND SWORN TO before me this 16 day of November, 2007.



**Brett Lackey**  
Notary Public  
State of Kansas

My Appt. Expires 4-9-2008

12   
13 Notary Public

14 My Commission Expires:  
15 4-9-2008

16 ORIGINAL AND THIRTEEN COPIES  
17 of the foregoing filed this 19<sup>th</sup> day of  
18 November, 2007, with:

19 Arizona Corporation Commission  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 COPY of the foregoing mailed this  
23 19<sup>th</sup> day of November, 2007, to:

24 Mr. David Raber  
25 Mr. Brian Lehman  
26 Mr. Chris Watson  
Railroad Safety Section  
Arizona Corporation Commission  
2200 North Central Avenue, #300  
Phoenix, Arizona 85004

...

...

1 Janice M. Alward, Esq.  
Charles H. Hains, Esq.  
2 Kenya Collins, Esq.  
Legal Division  
3 Arizona Corporation Commission  
4 1200 West Washington Street  
Phoenix, Arizona 85007

5   
6 Mary Ann Palmer  
Mary Ann Palmer

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26