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OPEN MEETING ITEM



COMMISSIONERS
MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
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EXECUTIVE DIRECTOR

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ARIZONA CORPORATION COMMISSION

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SECRET CONTROL

ORIGINAL

DATE: AUGUST 8, 2008
DOCKET NO: RR-03639A-07-0610
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc E. Stern. The recommendation has been filed in the form of an Opinion and Order on:

UNION PACIFIC RAILROAD CROSSING
(ALTER CROSSINGS)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

AUGUST 18, 2008

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 26, 2008 and AUGUST 27, 2008

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

AUG - 8 2008

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DOCKETED BY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MIKE GLEASON - Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 KRISTIN K. MAYES
7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF
9 THE UNION PACIFIC RAILROAD COMPANY
10 TO ALTER SIX CROSSINGS OF THE UNION
11 PACIFIC RAILROAD IN THE CITY OF ELOY,
12 PINAL COUNTY, ARIZONA AT TOLTEC,
13 HOUSER, BATTAGLIA AND ELEVEN MILE
14 CORNER ROADS, MAIN STREET AND
15 SUNSHINE BOULEVARD.

DOCKET NO. RR-03639A-07-0610

DECISION NO. _____

OPINION AND ORDER

12 DATE OF HEARING: April 17, 2008

13 PLACE OF HEARING: Phoenix, Arizona

14 ADMINISTRATIVE LAW JUDGE: Marc E. Stern

15 APPEARANCES: Mssrs. Anthony J. Hancock and Terrance L. Sims,
16 Beaugureau, Hancock, Stoll & Schwartz, P.C., on behalf
17 of the Union Pacific Railroad Company; and

18 Mr. Charles Hains, Staff Attorney, Legal Division, on
19 behalf of the Safety Division of the Arizona Corporation
20 Commission.

21 **BY THE COMMISSION:**

22 On October 19, 2007, the Union Pacific Railroad Company ("Railroad") filed with the
23 Arizona Corporation Commission ("Commission") an application ("Application") for approval for
24 the Railroad to alter six crossings of the Railroad in Pinal County ("County"), Arizona by adding a
25 second set of mainline tracks. All six of the crossings are in the City of Eloy ("City") as follows:
26 Toltec Road, AAR/DOT No. 741 375H; Houser Road, AAR/DOT No. 741 376P; Battaglia Road,
27 AAR/DOT No. 741 377W; Eleven Mile Corner Road, AAR/DOT No. 741 707A; Main Street,
28 AAR/DOT 741 708G; and Sunshine Boulevard, AAR/DOT No. 741 709N.

On October 24, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff)

1 and the Railroad participated in a teleconference to discuss aspects of the Application including
2 public notice, other procedural matters and to determine a date for the hearing.

3 On December 13, 2007, by Procedural Order, a hearing was scheduled for April 17, 2008,
4 public notice was ordered and other filing dates were established.

5 On January 15, 2008, Mr. David Snider, Chairman of the Pinal County Board of Supervisors,
6 filed a letter in the docket, on behalf of the Board, which fully supports the Railroad's project to
7 construct a second set of mainline railroad tracks through Pinal County.¹

8 On February 5, 2008, the Railroad filed certification that it had provided public notice of the
9 Application and hearing thereon pursuant to the terms of the Commission's Procedural Order. The
10 Railroad published notice in the *Casa Grande Dispatch*, a newspaper of general circulation in Pinal
11 County and in the *Eloy Enterprise*, a weekly publication of general circulation in Pinal County and in
12 the City of Eloy. The Railroad mailed, by certified U.S. mail, copies of the Railroad's Application
13 and the Commission's Procedural Order to the Pinal County Engineer, to the Interim City Manager of
14 the City of Eloy and to the Manager of the Utilities and Railroad Engineering Section of the Arizona
15 Department of Transportation ("ADOT").

16 On March 21, 2008, Staff filed its Report which recommends approval of the Application.

17 On April 17, 2008, a full public hearing was held before a duly authorized Administrative
18 Law Judge of the Commission at its offices in Phoenix, Arizona. Additionally, a letter from Mr.
19 Joseph Blanton, the Interim City Manager of Eloy, which supports the project, was filed in the
20 docket. The Railroad and Staff were present with counsel. At the conclusion of the hearing, the
21 matter was taken under advisement pending submission of a Recommended Opinion and Order to the
22 Commission.²

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¹ On May 8, 2008, Staff filed a copy of Exhibit A to Mr. Snider's letter which was inadvertently not included with the letter originally filed on January 15, 2008.

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² Subsequent to the hearing, on June 2, 2008, the Railroad filed notice that Pinal County, the City of Maricopa, the City of Casa Grande, the City of Eloy and the Railroad had all signed what is captioned "Agreement for Construction and Funding of Grade Separations" ("Agreement"). Additionally, on June 23, 2008, a letter to Mr. David Raber, the Director of the Commission's Safety Division, was filed in the Docket from Mr. Snider who again expressed Pinal County's support for the Railroad's project in Pinal County.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 19, 2007, the Railroad filed an Application in which it requested the Commission issue an Opinion and Order that approves the alteration of six crossings of the Railroad in the City of Eloy in Pinal County by adding a second set of mainline tracks at each of the crossings.³

2. All six of the crossings are located within the City of Eloy encompassing approximately five miles of the Railroad's track extending from the west to the east as follows: Toltec Road, AAR/DOT No. 741 375H; Houser Road, AAR/DOT No. 741 376P; Battaglia Road, AAR/DOT No. 741 377W; Eleven Mile Corner Road, AAR/DOT No. 741 707A; Main Street, AAR/DOT No. 741 708G; and Sunshine Boulevard, AAR/DOT No. 741 709N.

3. Pursuant to the Commission's Procedural Order, the Railroad provided public notification of its Application and the date of hearing by publishing notice in the *Casa Grande Dispatch*, a newspaper of general circulation in Pinal County, and also in the *Eloy Enterprise*, a weekly publication of general circulation in Pinal County and in the City of Eloy which is where the crossings are located. Additionally, the Railroad mailed by certified U.S. mail, copies of the Railroad's Application and the Commission's Procedural Order to the Pinal County Engineer, the Interim City Manager of the City of Eloy, and to the Manager of the Utilities and Railroad Engineering Section of ADOT.

4. The hearing was held as scheduled on April 17, 2008.

5. The road authority for all six crossings is the City of Eloy.

6. The Commission received a letter from the Chairman of the Pinal County Board of Supervisors and from the Interim City Manager of the City of Eloy which indicates their support for

³ According to the Staff Report, on February 22 and 23, 2007, prior to the filing of the Application, the Railroad, Staff and representatives of the City of Eloy and Pinal County participated in a diagnostic review of the proposed improvements at all six of the crossings described in this Application.

1 the proposed double-track project where they are the road authority for the respective crossings.

2 7. This portion of the project covers an area of the Railroad's tracks which extend
3 through the City of Eloy for approximately 5 miles proceeding from a location in south central Pinal
4 County in a northwesterly direction towards the City of Casa Grande.

5 **TOLTEC ROAD**

6 8. The Application provides for the construction of a second set of mainline tracks
7 parallel to and north of the Railroad's existing tracks where they cross Toltec Road which is the
8 westernmost of the crossings. Plans call for the Railroad to re-profile a portion of the two-lane
9 asphalt roadway where it meets the tracks and for the replacement of the existing automatic warning
10 equipment with new upgraded 12-inch LED flashing lights, gates and bells, and will construct a new
11 concrete crossing surface. According to Mr. James Smith, the Railroad's Manager of Industry and
12 Public Projects, all six of the crossings described in this Application will utilize constant warning
13 time circuitry at the double-track projects described herein.⁴

14 9. Based on 2006 traffic data provided by Mr. Joseph Blanton, the Interim City Manager
15 of Eloy, the most recent average daily traffic ("ADT") at the Toltec crossing during 2006 was 2,853
16 vehicles per day, and the projected ADT for 2030 is 45,319 vehicles per day. The current Level of
17 Service ("LOS") at the Toltec Road crossing based on the standards of the American Association of
18 State Highway and Transportation Officials ("AASHTO") is LOS A, or least congested.

19 10. According to the Staff Report, based on the records of Staff and the Federal Railroad
20 Administration ("FRA"), there has been only one accident at Toltec Road, on September 19, 2007,
21 but no injuries or fatalities have occurred since the time flashing lights and automatic gates were first
22 installed at this crossing in 1974.

23 11. Staff's Crossing Inspector, Mr. Chris Watson, testified that he does not believe a grade
24 separation is necessary at the Toltec Road crossing presently and that the road authority and the
25 Railroad should revisit this crossing when vehicle counts increase. (Tr. at p. 38).

26 12. The estimated cost of the proposed upgrade to the Toltec Road crossing is \$265,296
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28 ⁴ This safety feature helps alleviate a motorist's wait at a crossing because gate arms are not lowered until approximately 20 to 30 seconds before a train's approach to a crossing. (Tr. at p. 68 and 69)

1 which will be borne entirely by the Railroad.

2 **HOUSER ROAD**

3 13. The Application provides for the construction of a second set of mainline tracks
4 parallel to and north of the Railroad's existing tracks where they cross Houser Road in the City of
5 Eloy approximately 1.6 miles to the east of the Toltec Road crossing. The Railroad will re-profile a
6 portion of the two-lane asphalt roadway where it meets the tracks and will replace its existing
7 automatic warning devices with new upgraded 12-inch LED flashing lights, gates and bells, and will
8 construct a new concrete crossing surface.

9 14. Mr. Watson testified that the current ADT at the Houser Road crossing is 870 vehicles
10 per day and it is projected to be 48,090 vehicles per day in 2025 based on data provided by Mr.
11 Blanton. (Tr. at p. 13)

12 15. The current LOS at the Houser Road crossing is LOS A, or least congested.

13 16. According to the Staff Report, Commission and FRA records indicate there has been
14 only one accident on May 22, 2006, which resulted in one injury but no fatalities, since the time
15 flashing lights and automatic gates were first installed at this crossing in 1977.

16 17. Staff's Crossing Inspector testified that he does not believe a grade separation is
17 necessary at the Houser Road crossing presently and that the road authority and the Railroad should
18 revisit this crossing when vehicle counts increase. (Tr. at p. 38).

19 18. The estimated cost to the proposed upgrade to the Houser Road crossing is \$267,296
20 which will be borne entirely by the Railroad.

21 **BATTAGLIA ROAD**

22 19. The Application provides for the construction of a second set of mainline tracks
23 parallel to and north of the Railroad's existing tracks where they cross Battaglia Road in the City of
24 Eloy approximately 1.67 miles to the east of the Houser Road crossing. The Railroad will re-profile a
25 portion of the two-lane asphalt roadway where it meets the tracks and will replace its existing
26 automatic warning devices with new upgraded 12-inch LED flashing lights, gates and bells, and will
27 construct a new concrete crossing surface.
28

1 20. Staff's Crossing Inspector testified that the ADT for 2005 at the Battaglia Road
2 crossing was 2,774 vehicles per day and it is projected to be 33,809 vehicles per day in 2025 based on
3 data provided by Mr. Blanton from the City of Eloy. (Tr. at p. 14)

4 21. The current LOS at the Battaglia Road crossing is LOS A, or least congested.

5 22. According to the Staff Report and Mr. Watson, Staff's Crossing Inspector, based on
6 the records of Staff and the FRA, there has been only one accident at the crossing which accident
7 resulted in a fatality on April 17, 1983, since the time automatic warning devices were installed in
8 1977. (Tr. at p. 15)

9 23. Mr. Watson testified that he does not believe a grade separation is necessary at the
10 Battaglia Road crossing presently and that the road authority and the Railroad should revisit this
11 crossing when vehicle counts increase. (Tr. at p. 38).

12 24. The estimated cost of the proposed upgrade to the Battaglia Road crossing is \$253,626
13 which will be borne entirely by the Railroad.

14 **ELEVEN MILE CORNER ROAD**

15 25. The Application provides for the construction of a second set of mainline tracks
16 parallel to and north of the Railroad's existing tracks where they cross Eleven Mile Corner Road in
17 the City of Eloy approximately one-half mile to the east of the Battaglia Road crossing. The Railroad
18 will re-profile a portion of the two-lane asphalt roadway where it meets the tracks and will replace its
19 existing automatic warning devices with new upgraded 12-inch LED flashing lights, gates and bells,
20 and will construct a new concrete crossing surface.

21 26. According to the Staff Report and the testimony of Mr. Watson at the hearing, the
22 current ADT at the Eleven Mile Corner Road crossing is 1,749 vehicles per day and it is projected to
23 be 46,872 vehicles per day in 2025 based on data provided by Mr. Blanton from the City of Eloy.
24 (Tr. at p. 16).

25 27. The current LOS at the Eleven Mile Corner Road crossing is LOS A, or least
26 congested.

27 28. According to the Staff Report, Commission and FRA records indicate there have been
28

1 only two accidents, on June 27, 1972 and October 2, 2005, neither of which involved injuries or
2 fatalities, at the Eleven Mile Corner Road Crossing, since the time automatic warning devices were
3 first installed in 1982. (Tr. at p. 16)

4 29. Staff's Crossing Inspector, Mr. Watson, testified that he does not believe a grade
5 separation is necessary at the Eleven Mile Corner Road crossing presently and that the road authority
6 and the Railroad should revisit this crossing when vehicle counts increase. (Tr. at p. 38).

7 30. The estimated cost of the proposed upgrade to the Eleven Mile Corner Road crossing
8 is \$265,600 which will be borne entirely by the Railroad.

9 **MAIN STREET**

10 31. The Application provides for the construction of a second set of mainline tracks
11 parallel to and north of the Railroad's existing tracks where they cross Main Street in the City of Eloy
12 approximately one mile to the east of the Eleven Mile Corner Road crossing. The Railroad will re-
13 profile a portion of the existing four-lane asphalt roadway where it meets the tracks and will replace
14 the existing automatic warning devices with new upgraded 12-inch LED flashing lights, gates in the
15 raised medians, and bells, and will construct a new concrete crossing surface.

16 32. During the hearing, Mr. Watson described Main Street as being located in the middle
17 of the city dividing its east and west sides, with the north side of the crossing having several
18 businesses including grocery stores and convenience stores, and with the south side having residential
19 areas and businesses also. (Tr. at p. 17)

20 33. Based on traffic data provided by Mr. Blanton, Mr. Watson testified that the current
21 ADT at the Main Street crossing is 3,776 vehicles per day, and the projected ADT for 2016 is
22 estimated to be 4,834 vehicles per day. The current LOS for the Main Street crossing based on the
23 standards of AASHTO is LOS A, or least congested.

24 34. According to the Staff Report, based on the records of Staff and the FRA, there have
25 been two accidents at the Main Street crossing, one in 1997 resulting in two injuries and one in 2007
26 resulting in a fatality, since the time automatic warning devices were first installed in 1975.

27 35. Staff's Crossing Inspector, Mr. Watson, testified that he does not believe a grade
28

1 separation is necessary at the Main Street crossing presently and that the road authority and the
2 Railroad should revisit this crossing when vehicle counts increase. (Tr. at p. 38).

3 36. The estimated cost to the proposed upgrade to the Main Street crossing is \$415,856
4 which will be borne entirely by the Railroad.

5 **SUNSHINE BOULEVARD**

6 37. The Application provides for the construction of a second set of mainline tracks
7 parallel to and north of the Railroad's existing tracks where they cross Sunshine Boulevard in the
8 City of Eloy approximately one-third of a mile to the east of the Main Street crossing. The Railroad
9 will re-profile a portion of the four-lane asphalt roadway where it meets the tracks and will replace its
10 existing automatic warning devices with new upgraded 12-LED flashing lights, gates in the raised
11 medians, and bells, and will construct a new concrete crossing surface.

12 38. Based on traffic data provided by Mr. Blanton, the most recent ADT at the Sunshine
13 Boulevard crossing is 3,063 vehicles per day, and the projected ADT for 2025 is estimated to be
14 51,714 vehicles per day. The current LOS at the Sunshine Boulevard crossing based on the standards
15 of the AASHTO is LOS A, or least congested.

16 39. According to the Staff Report, based on the records of Staff and the FRA, there has
17 been only one accident at Sunshine Boulevard, in 1975, which accident resulted in a fatality. The
18 accident occurred prior to automatic warning devices being installed in 2000.

19 40. Staff's Crossing Inspector, Mr. Chris Watson, testified that he does not believe a grade
20 separation is necessary at the Sunshine Boulevard crossing presently and that the road authority and
21 the Railroad should revisit this crossing when vehicle counts increase. (Tr. at p. 38).

22 41. The estimated cost of the proposed upgrade to the Sunshine Boulevard crossing is
23 \$470,098 which will be borne entirely by the Railroad.

24 **DISCUSSION AND RESOLUTION**

25 42. According to the Staff Report, data from the Railroad established that an average of 48
26 trains per day travel through the crossings presently and this number is projected to increase to an
27 average of approximately 84 trains per day in the year 2016. (Tr. at p. 21)
28

1 43. There are five schools in the vicinity of the six crossings varying in grade levels from
2 elementary to high school, with the Toltec Road crossing having the highest number of school bus
3 crossings at 19 crossings a day, and the remaining crossings having anywhere between 9 and 13
4 crossings per day.

5 44. There is no evidence that the improvements and upgrades to be made to the six
6 crossings discussed herein will adversely impact the ability of the residents of the City of Eloy area to
7 reach regional hospitals, since the Casa Grande Hospital is located approximately 10 miles west of
8 the Toltec Road crossing, and the Northwest Medical Center in Marana is located approximately 38
9 miles east of the Sunshine Boulevard crossing. According to the Staff Report, none of these
10 crossings are used extensively by emergency service vehicles.

11 45. To further support its Application, the Railroad called as a witness Mr. Dean Carlson,
12 a civil engineer who was employed by the Federal Highway Administration ("FHWA") for 36 years,
13 including serving as its executive Director for his last 5 years with the Agency.⁵

14 46. At the outset of Mr. Carlson's testimony, Staff stipulated to his expertise in the field
15 based on his background, training, and qualifications.

16 47. Mr. Carlson testified that he had reviewed the Railroad's Application with respect to
17 the six crossings described herein, along with Staff's Memorandum in the proceeding, and stated that
18 with the alterations, the upgrades planned for the six crossings would provide adequate safety for the
19 public. (Tr. at p. 46)

20 48. With respect to projected automobile traffic increases in the future, Mr. Carlson
21 believes that safety could be maintained at the six crossings described in the Application with
22 necessary work being performed on the roadways. (Tr. at p. 47)

23 49. Mr. Carlson testified that the process for determining whether grade separation should
24 be considered involves a three-step process as follows: physical capability to construct a grade
25 separation; consideration of the exposure index; and the development of a cost/benefit analysis which
26 includes a subcategory for safety. (Tr. at p. 48)

27 ⁵ After he retired from the FHWA, in 1994, Mr. Carlson was appointed by the Governor of Kansas to be Kansas'
28 Secretary of Transportation for a period of eight years. He was also a member of the Board of Directors of the AASHTO
and served as its president. In 2001, Mr. Carlson was elected to be a member of the National Academy of Engineering.

1 50. Based on Mr. Carlson's experience, he believes that the projections regarding the
2 increase in average daily traffic counts at the six crossings are rather optimistic. (Tr. at p. 49)

3 51. Mr. Carlson is of the opinion that since the City of Eloy is primarily only developed in
4 approximately one section of land, with moderate commercial and residential development, and with
5 the majority of the remainder being rural in nature, to get to the projected vehicular traffic of 45,000
6 to 50,000 cars a day at a crossing would require a substantial increase in population and development.
7 (Tr. at p. 50)

8 52. Mr. Carlson testified that, in his opinion, both the Main Street crossing and the
9 Sunshine Boulevard crossing would be problematic for establishing grade-separated crossings
10 because of the location of businesses on both sides of Main Street, and on both sides of the track,
11 with similar issues for Sunshine Boulevard, but with development not as extensive. (Tr. at p. 53)

12 53. Mr. Carlson agreed that, if projected vehicle traffic increases to the extent estimated,
13 grade-separation issues at the crossings should be reviewed along with the possible closure of some
14 crossings, which he pointed out is not politically popular if plans call to close a main street of any
15 city. (Tr. at p. 60)

16 54. In further support of the Railroad's Application, Mr. Smith testified that the Railroad
17 has been working with both Pinal County and various city officials in the area to address any
18 concerns which might arise with respect to the Railroad's double-track project.⁶ (Tr. at p. 72)

19 55. Mr. Smith also testified that the Railroad would be installing flashing side lights on
20 Frontier Street which parallels the Railroad's tracks close to the crossing at Main Street, and that the
21 flashing lights that are installed on the gates will be aimed in the direction of traffic coming from the
22 parallel roadway, so that motorists will observe that gates are down and that a train is approaching or
23 in the crossing thereby improving safety at the crossing. (Tr. at p. 69) Additionally, Mr. Smith
24 indicated that the Railroad would also install similar flashing side lights on Frontier Street at the
25

26 ⁶ As was noted earlier, the City of Eloy on April 17, 2008, filed a letter in this docket which supports the Railroad's
27 Application to alter the six crossings which are located in the city, and for which the Railroad is seeking Commission
28 approval for their alteration. Additionally, subsequent to the hearing, the Railroad filed a copy of the fully executed
Agreement with Pinal County and the Cities of Maricopa, Casa Grande and Eloy which provides for the construction of
up to four grade-separated crossings at locations to be determined, with the Railroad contributing up to \$35 million for
their construction under the terms of the Agreement.

1 Sunshine Boulevard crossing to warn oncoming traffic. (Tr. at p. 70)

2 56. Staff is recommending that the Application be approved. In reaching its
3 recommendation, Staff considered the ADT, the LOS and the addition of upgraded safely equipment
4 at each of the crossings. Based on its review, Staff believes the proposed crossing upgrades are
5 reasonable and in the public interest. Staff also took into consideration the letter from the City of
6 Eloy's Interim Manager which supports the Railroad's request for Commission approval to alter the
7 six crossings described in the Application.

8 57. Staff's recommendations are reasonable and appropriate and the Railroad's
9 Application to alter the six crossings by adding a second set of mainline tracts at Toltec Road, Houser
10 Road, Battaglia Road, Eleven Mile Corner Road, Main Street and Sunshine Boulevard should be
11 approved.

12 **CONCLUSIONS OF LAW**

13 1. The Commission has jurisdiction over the parties and over the subject matter of the
14 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and
15 40-337.01.

16 2. Notice of the Application was provided in accordance with the law.

17 3. Installation of the crossing upgrades is necessary for the public's convenience and
18 safety.

19 4. Pursuant to A.R.S. §§ 40-336 and 40-337, the Application should be approved as
20 recommended by Staff.

21 5. After installation of the crossings, the Railroad should maintain the crossings in
22 accordance with A.A.C. R14-5-104.

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ORDER

IT IS THEREFORE ORDERED that the Union Pacific Railroad Company's Application as described herein, is hereby approved.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrades, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall maintain the crossings at Toltec Road, Houser Road, Battaglia Road, Eleven Mile Corner Road, Main Street and Sunshine Boulevard in the City of Eloy, Pinal County, Arizona in compliance with A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2008.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

MES:db

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD COMPANY

2 DOCKET NO.: RR-03639A-07-0610

3 Aziz Aman, Manager of Special Projects
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