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Transcript Exhibit(s)

Docket #(s): RR-026341A-08-0364

Exhibit # : 31

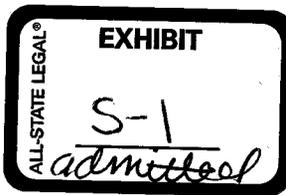
Arizona Corporation Commission
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Director, Safety Division
Arizona Corporation Commission

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Staff Memorandum

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To: THE COMMISSION

DOCKET NO. RR-02634A-08-0364

From: Safety Division

Date: September 10, 2008

RE: IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT HACKNEY ROAD IN THE CITY OF GLOBE, GILA COUNTY, ARIZONA, AT AAR/DOT NO. 742-354-T.

On July 17, 2008, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Arizona Eastern Railway Company ("Railroad") to upgrade the existing crossing at the Railroad's tracks at Hackney Road, in Globe, Arizona, at AAR/DOT No. 742-354-T. The City of Globe is the controlling road authority at the Hackney Road highway/rail crossing.

This project is a Federally Funded 130 project, and appeared on the 2000 Arizona Corporation Commission Annual Array. The purpose of this program is to comply with Federal and State legislation seeking to eliminate hazards to pedestrians and highway vehicles at public railway-highway crossings. Only crossings which are located on public roads, and which are not primarily for the benefit of the railroad, are eligible for this program. The Federal Highway Administration ("FHWA") issues authorizations for design and construction of each project, reimburses ADOT for the cost and conducts a final inspection of each project. The Railroad will invoice ADOT for 100% of the cost of the project.

Arizona Revised Statute § 40-337.03 states that "the commission shall submit to the railroad involved and the city, county and department of transportation in which jurisdiction a public railroad grade crossing is located, an

array of such crossings where the installation of automatic warning signals or devices should be considered during the year, or within a reasonable time thereafter depending upon the availability of monies, materials, labor and other factors involved in such installation.”

Currently there are passive devices (cross bucks) installed at Hackney Road. The proposed project entails installing 12' LED flashing lights, bells and automatic gates, as well as a new timber surface. These new devices will conform to ACC and MUTCD (Manual on Uniform Traffic Control Devices) standards. The estimated cost of the project is \$246,026.08. The Railroad will maintain the warning devices after the upgrade is completed.

According to a 2005 Census performed in Globe, the population of the Town is 7,187. Hackney Road is a two lane, north-south road, and the posted speed limit is 25 mph. This crossing is located in historic downtown Globe, and surrounded by historic antique shops. Traffic count data received from ADOT, is from 1992, and shows the Average Daily Traffic (ADT) for this location to be 1204 vehicles per day (vpd). Staff made several attempts to obtain more up to date ADT's, but neither the Town nor the County was able to provide more recent numbers. Due to the low amount of traffic volume, no Level of Service (LOS) calculations were performed for this location. There are alternative routes on either side of Hackney Road, to the east is Mesquite Street, an at grade crossing approximately one half mile away, and to the west is Broad Street, also approximately one half mile away. Broad Street is a grade separated crossing, with the railroad going over the roadway. It should be noted that back on May 16, 2008, in Decision No. 70340, the Commission approved similar upgrades to the Mesquite Street grade crossing.

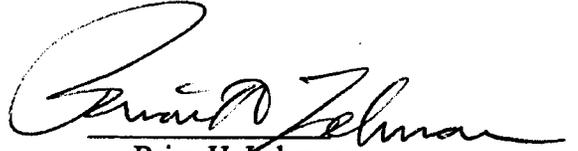
Train data provided by the Railroad states that there are 4 train movements through this crossing per week. The train speed at this location is 10 mph. No passenger trains run on this line.

According to Railroad Safety Section accident/ incident records and the Federal Railroad Administration, there has been one accident at Hackney Road, it occurred on 2/14/1978. Records indicate that a vehicle did not yield at the crossing and was struck by the train. There were no injuries or fatalities as a result of the accident.

Having reviewed all applicable data, Staff is in full support of the proposed warning device upgrades to this crossing as presented by ADOT's application. Staff believes that the upgrades are in the public interest and are reasonable. Therefore, Staff recommends approval of ADOT's application.



Dave Raber
Director
Safety Division



Brian H. Lehman
Railroad Supervisor
Safety Division

