



0000089958

Executive Director

ORIGINAL

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



ARIZONA CORPORATION COMMISSION

DATE: OCTOBER 27, 2008

DOCKET NO: RR-03639A-07-0520

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Sarah N. Harpring. The recommendation has been filed in the form of an Opinion and Order on:

UNION PACIFIC RAILROAD COMPANY
(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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 5, 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:

NOVEMBER 12, 2008 AND NOVEMBER 13, 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.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

RECEIVED

2008 OCT 27 A 9:18

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

OCT 27 2008

DOCKETED BY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO ALTER THREE CROSSINGS OF THE
UNION PACIFIC RAILROAD IN THE CITY OF
CASA GRANDE, PINAL COUNTY, ARIZONA
AT SACATON, FLORENCE AND
HERMOSILLO STREETS.

DOCKET NO. RR-03639A-07-0520

DECISION NO. _____

OPINION AND ORDER

DATE OF HEARING: September 9, 2008
PLACE OF HEARING: Phoenix, Arizona
ADMINISTRATIVE LAW JUDGE: Sarah N. Harpring¹
APPEARANCES: Mssrs. Anthony J. Hancock and Terrance L. Sims,
Beaugureau, Hancock, Stoll & Schwartz, P.C., on behalf
of the Union Pacific Railroad Company;
Mr. Brett D. Wallace, City Attorney, on behalf of the
City of Casa Grande; and
Ms. Nancy Scott, Staff Attorney, Legal Division, on
behalf of the Safety Division of the Arizona Corporation
Commission.

BY THE COMMISSION:

On September 7, 2007, the Union Pacific Railroad Company (“Railroad”) filed with the
Arizona Corporation Commission (“Commission”) an application for approval to alter three public
at-grade crossings of the Railroad in Pinal County (“County”), Arizona by adding a second mainline
track and by adding to one of the crossings a new siding track (“Application”). The three crossings
are all in the City of Casa Grande (“City”) and are identified as follows: Sacaton Street, DOT #741

¹ Administrative Law Judge Marc Stern presided over the public comment proceeding and procedural conference in this matter.

1 362G; Florence Street, DOT #741 363N; and Hermosillo² Street, DOT #741 364V and DOT #741
2 365C.

3 On November 8, 2007, a Procedural Order was issued scheduling a hearing in this matter for
4 February 27, 2008, and establishing other procedural requirements and deadlines.

5 On December 7, 2007, the Railroad filed responses to Staff's Revised First Set of Data
6 Requests.

7 On December 13, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff")
8 filed a motion requesting an indefinite extension of the filing deadline for the Staff Report to allow
9 Staff to bring in outside consultants to assist in the preparation of Staff's case and the Staff Report.

10 On December 19, 2007, the Railroad filed a response in opposition to Staff's motion, stating
11 that any extension should be for no more than 30 days.

12 On December 21, 2007, the City filed a letter expressing concern related to closure of the
13 Sacaton Street crossing.

14 On December 21, 2007, Staff filed a reply to the Railroad's response to Staff's motion, stating
15 that Staff continued to request an indefinite extension of time.

16 On December 27, 2007, Brian Lehman, Supervisor of Railroad Safety, filed a memorandum
17 to the Commission addressing the issue of closure of the Sacaton Street crossing.

18 On January 3, 2008, a Procedural Order was issued stating that the hearing scheduled for
19 February 27, 2008, would proceed only for the taking of public comment and requiring Staff to make
20 a filing by January 11, 2008, stating when the Staff Report would be filed.

21 On January 9, 2008, the Railroad filed certification that notice had been provided by certified
22 mail to the City, the County, and the Arizona Department of Transportation ("ADOT") and that
23 notice had been published in the *Casa Grande Dispatch* on November 30, 2007, and in the *Florence*
24 *Reminder and Blade-Tribune* on December 6, 13, and 20, 2007.

25 On January 10, 2008, a letter from City Manager Jim Thompson to Chairman Mike Gleason
26 was docketed, in which the City discussed the issue of the closure of the Sacaton Street crossing.

27 ² This street was labeled as Hermosilla in the original application and in multiple filings, but the Staff Report indicated
28 and counsel for the Railroad and for the City stated at the hearing that the correct name is Hermosillo. The caption has
been revised accordingly.

1 On January 11, 2008, Staff filed a Response to Procedural Order stating that Staff believed it
2 would be able to file the Staff Report no earlier than April 25, 2008.

3 On January 11, 2008, the City filed a Motion to Intervene.

4 On January 15, 2008, a County Board of Supervisors letter supporting the Railroad's project
5 to construct a second mainline railroad track through Pinal County and the State was filed.

6 On January 23, 2008, a Notice of Intervention was issued granting the City's Motion to
7 Intervene.

8 On February 14, 2008, Staff filed a request for a procedural conference to discuss scheduling
9 issues in the docket.

10 On February 27, 2008, a public comment proceeding was held before a duly authorized
11 Administrative Law Judge of the Commission at the Commission's offices in Phoenix, Arizona. The
12 Railroad and Staff appeared through counsel. The City did not appear. No members of the public
13 appeared to provide comment.

14 On March 4, 2008, a Procedural Order was issued scheduling a procedural conference for
15 March 12, 2008.

16 On March 12, 2008, a procedural conference was held before a duly authorized
17 Administrative Law Judge of the Commission at the Commission's offices in Phoenix, Arizona. The
18 Railroad, the City, and Staff appeared through counsel. At the procedural conference, it was
19 determined that the Staff Report in this docket would be filed by July 25, 2008, and that a hearing
20 would be scheduled accordingly by Procedural Order.

21 On April 3, 2008, the Railroad filed responses to Staff's Second Set of Data Requests.

22 On May 9, 2008, Staff filed an attachment to the County Board of Supervisors letter filed on
23 January 15, 2008, as the attachment had been inadvertently omitted when the letter was filed.

24 On June 2, 2008, the Railroad filed notice of an Agreement for Construction and Funding of
25 Grade Separations, executed by the Railroad, the County, and the Cities of Maricopa, Casa Grande,
26 and Eloy.

27 On June 23, 2008, the County Board of Supervisors filed a letter notifying Staff of the
28 Agreement for Construction and Funding of Grade Separations and requesting that the Commission

1 approve the Railroad's Application.

2 On July 22, 2008, the City of Eloy filed a letter notifying Staff of the Agreement for
3 Construction and Funding of Grade Separation and requesting that the Commission approve the
4 Railroad's Application.

5 On July 22, 2008, the City of Maricopa filed a letter notifying Staff of the Agreement for
6 Construction and Funding of Grade Separations and requesting that the Commission approve the
7 Railroad's Application.

8 On July 23, 2008, a Procedural Order was issued scheduling a hearing in this matter for
9 September 9, 2008.

10 On September 3, 2008, the City filed a letter notifying Staff of the Agreement for
11 Construction and Funding of Grade Separations and requesting that the Commission approve the
12 Railroad's Application.

13 On September 9, 2008, a full evidentiary hearing was held before a duly authorized
14 Administrative Law Judge of the Commission at the Commission's offices in Phoenix, Arizona. The
15 Railroad, the City, and Staff appeared through counsel and presented testimony. Staff also presented
16 documentary evidence in the form of the Staff Report.

17 * * * * *

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

20 **FINDINGS OF FACT**

21 1. On September 7, 2007, the Railroad filed with the Commission an application for
22 approval to alter three public at-grade crossings of the Railroad in the City of Casa Grande in Pinal
23 County by adding a second mainline track, 20 feet from the center of the existing mainline track, and
24 by adding to one of the crossings a new siding track.

25 2. The three crossings are located within the City of Casa Grande along approximately
26 0.42 miles of the Railroad's track, which runs from the northwest to the southeast. From west to east,
27 the three crossings are located as follows: Sacaton Street, DOT #741 362G; Florence Street, DOT
28 #741 363N; and Hermosillo Street, DOT #741 364V and DOT #741 365C. Each of the streets at

1 issue runs north to south across the Railroad's tracks. Sacaton Street is 0.10 miles to the west from
2 Florence Street, which is 0.32 miles to the west from Hermosillo Street.

3 3. This application is part of the Railroad's double track project for their "Sunset Route"
4 across Arizona.

5 4. Pursuant to the Procedural Order issued on November 8, 2007, the Railroad provided a
6 copy of the Application and of the Procedural Order by certified mail to the City, the County, and
7 ADOT. The Railroad also had notice of the Application and hearing published in the *Casa Grande*
8 *Dispatch*, a daily newspaper of general circulation in the City and County, on November 30, 2007,
9 and in the *Florence Reminder and Blade-Tribune*, a weekly publication of general circulation in the
10 City and County, on December 6, 13, and 20, 2007.

11 5. On September 9, 2008, a full evidentiary hearing was held before a duly authorized
12 Administrative Law Judge of the Commission at the Commission's offices in Phoenix, Arizona. The
13 Railroad, the City, and Staff appeared through counsel and presented testimony. Staff also presented
14 documentary evidence in the form of the Staff Report.

15 6. The Commission has received letters supporting the Application from both the City
16 and the County. The City also expressed support for the Application through testimony at the
17 hearing.

18 7. The City is the road authority for all three crossings.

19 8. The existing automatic gates and flashing lights at all three crossings were installed in
20 1974.

21 9. According to Staff, the improvements recommended for the three crossings are
22 consistent with safety measures employed at other crossings throughout the state and are in
23 compliance with Commission rules.

24 **Sacaton Street**

25 10. The Application proposes adding a second mainline track at this crossing, to the south
26 of the existing mainline track, by replacing the existing siding track with mainline track. The
27 Railroad plans to re-profile a portion of the two-lane asphalt road to meet the new track and to
28 replace the existing incandescent flashing lights, gate mechanisms, bells, and detection circuitry with

1 the latest industry standard equipment, including 12-inch LED flashing lights, gates, bells, and
2 constant warning time circuitry.³ The Railroad also will add a new concrete crossing surface and will
3 replace any impacted pavement markings.

4 11. Based on traffic data provided to the Railroad by Gwen Geraci, an engineer for the
5 City, and Jennifer Crumbliss of HDR, a Railroad contractor, the average daily traffic ("ADT") for
6 Sacaton Street in 2007 was 1,325 vehicles per day ("VPD"). No future ADT projection was available
7 for Sacaton Street. The current Level of Service ("LOS") for Sacaton Street, based on the standards
8 of the American Association of State Highway and Transportation Officials ("AASHTO") is LOS A,
9 or least congested, for both northbound and southbound traffic.⁴ The posted speed limit on Sacaton
10 Street is 25 MPH.

11 12. Staff and Federal Railroad Administration ("FRA") records indicate that three
12 accidents have occurred at the Sacaton Street crossing, resulting in four injuries and two fatalities. In
13 October 1988, a pedestrian ignored the flashing lights and gates and was struck and killed. In
14 February 1999, a driver drove around the downed gate arm, resulting in one fatality and three
15 injuries. In September 1999, a driver drove through the downed gate arm and was injured. In
16 addition, in May 2006, a trespasser fatality occurred near the Sacaton Street crossing when an
17 individual jumped in front of a train.

18 13. The northwest quadrant of the Sacaton Street crossing has a sight obstruction in the
19 form of an industrial building. Staff recommends, in addition to the improvements proposed in the
20 Application, that the Railroad construct a concrete median barrier at the Sacaton Street crossing. The
21 concrete median barrier would prevent southbound motorists from edging forward to see around the
22 sight obstruction and from driving around the gate arms when in the down position. Staff states that
23 the accident history indicates a problem with southbound motorists circumventing the warning

24
25 ³ Constant warning time circuitry sends a signal to the at-grade crossing to activate its functioning at the instant it detects
26 a train's distance and measures the speed of the train to adjust the length of time that the crossing gates have to be closed,
27 so that the crossing gates are closed only for the amount of time necessary for the train to move through safely, thereby
28 avoiding motorist frustration and possible noncompliance caused by unnecessarily lengthy crossing gate closure.

⁴ According to the Staff Report, the AASHTO Geometric Design of Highways and Streets, 2004, uses LOS to
characterize the operating conditions on a roadway in terms of traffic performance measures related to speed and travel
time, freedom to maneuver, traffic interruptions, and comfort and convenience. LOS ranges from LOS A, least
congested, to LOS F, most congested.

1 devices, at least partially due to the sight obstruction. Staff testified that installing medians stops
2 motorists from driving around gates in violation of warning devices with approximately an 80 percent
3 success rate. (Tr. at 78.) Staff recommends that the cost of the concrete median barrier be shared by
4 the Railroad and the City. Both the Railroad and the City Manager testified that they agree with
5 Staff's recommendation.

6 14. The estimated cost of the crossing improvements in the Application total \$273,461 and
7 break down to \$227,141 for signal work and \$46,320 for the crossing surface. The Railroad will pay
8 the entire cost of these crossing improvements. The Railroad estimates that the cost of the concrete
9 median barrier would be approximately \$600 per linear foot. (Tr. at 34.)

10 **Florence Street**

11 15. The Application proposes adding a second mainline track at this crossing to the south
12 of the existing mainline track by replacing the existing siding track with mainline track. The Railroad
13 plans to re-profile a portion of the two-lane asphalt road to meet the new track and to replace the
14 existing incandescent flashing lights, gate mechanisms, bells, and detection circuitry with the latest
15 industry standard equipment, including 12-inch LED flashing lights, gates, bells, and constant
16 warning time circuitry. The Railroad also will add a new concrete crossing surface and will replace
17 any impacted pavement markings.

18 16. Based on traffic data provided to the Railroad by Gwen Geraci, an engineer for the
19 City, and Jennifer Crumbliss of HDR, a Railroad contractor, the ADT for Florence Street in 2007 was
20 3,048 VPD. The projected ADT for the year 2030 is 11,000 VPD. The current LOS for Florence
21 Street, based on AASHTO standards, is LOS A, or least congested, for both northbound and
22 southbound traffic. The posted speed limit on Florence Street is 25 MPH.

23 17. Staff and FRA records indicate that three accidents have occurred at the Florence
24 Street crossing, resulting in two injuries and three fatalities. In July 1975, a pedestrian failed to obey
25 the flashing lights and gates and was struck and killed. In February 1979, a pedestrian failed to obey
26 the warning devices and was killed. In December 1992, a driver disobeyed the warning devices by
27 driving around the downed gate arm, resulting in two injuries and one fatality.

28

1 18. The estimated cost of the crossing improvements in the Application total \$288,901 and
2 break down to \$227,141 for signal work and \$61,760 for the crossing surface. The Railroad will pay
3 the entire cost of these crossing improvements.

4 **Hermosillo Street**

5 19. The Application proposes adding a second mainline track at this crossing, to the south
6 of the existing mainline track, by replacing the existing siding track with mainline track and also to
7 add another siding track to the south so that the crossing will have a total of four sets of tracks (one
8 existing mainline track, one new mainline track, one existing industrial track, and one new siding
9 track). The Railroad plans to re-profile a portion of the two-lane asphalt road to meet the new track
10 and to replace the existing incandescent flashing lights, gate mechanisms, bells, and detection
11 circuitry with the latest industry standard equipment, including 12-inch LED flashing lights, gates,
12 bells, and constant warning time circuitry. The Railroad also will add a new concrete crossing
13 surface and will replace any impacted pavement markings.

14 20. Based on traffic data provided to the Railroad by Gwen Geraci, an engineer for the
15 City, and Jennifer Crumbliss of HDR, a Railroad contractor, the ADT for Hermosillo Street in 2007
16 was 1,837 VPD. No future ADT projection is available. The current LOS for Hermosillo Street,
17 based on AASHTO standards, is LOS A, or least congested, for both northbound and southbound
18 traffic. The posted speed limit on Hermosillo Street is 25 MPH.

19 21. Staff and FRA records indicate that one accident occurred at the Hermosillo Street
20 crossing when a motorist drove around the gates and was struck by a train, resulting in no injuries.

21 22. The estimated cost of the crossing improvements in the Application total \$452,649 and
22 break down to constitute \$290,529 for signal work and \$162,120 for the crossing surface. The
23 Railroad will pay the entire cost of these crossing improvements.

24 **Train Volume and Crossing Usage**

25 23. According to the Staff Report, data from the Railroad establish that an average of 48
26 trains per day travel through the crossings presently, 46 freight trains and 2 passenger trains, at a
27 speed of 70 MPH for the freight trains and 79 MPH for the passenger trains. The number of freight
28 trains is projected to increase to an average of 84 trains per day by the year 2016.

1 24. There are nine schools located to the northwest of these three crossings that serve the
2 public to the southeast of these crossings. They include five elementary schools, two middle schools,
3 and two high schools. Only the Florence Street crossing is used regularly by school buses, at an
4 average of 142 times per day during the week, because the bus yard is located on Florence Street to
5 the south of the tracks. The majority of these school bus crossings are to retrieve and return buses to
6 the bus yard and thus do not involve students crossing the tracks. According to Staff, supervisory
7 transportation staff for the Casa Grande Elementary District and Casa Grande High Schools indicate
8 that the buses experience minimal crossing blockage due to trains.

9 25. The nearest hospital to the crossings is Casa Grande Hospital, located approximately
10 2.5 miles from the crossings. There is no evidence that the improvements and upgrades to be made to
11 the three crossings at issue will adversely impact motorists' ability to reach the hospital.

12 26. Staff testified that the addition of the second mainline track should enhance safety
13 because through train traffic will be able to flow through the crossings more easily, even if another
14 train is stopped in the same area. (Tr. at 82.) This will result in better traffic flow for motorists as
15 well. (*Id.*)

16 **Grade Separation/Crossing Elimination**

17 27. Staff analyzed whether grade separation is warranted at any of the three crossings
18 using the Federal Highway Administration ("FHWA") *Railroad-Highway Grade Crossing Handbook*
19 ("*FHWA Handbook*").⁵ The FHWA Handbook indicates that grade separation or crossing
20 elimination should be considered when one or more of nine criteria are met. Staff created a chart,
21 attached hereto and incorporated herein as Exhibit A, showing the results of Staff's analysis of the
22 criteria for each of the three crossings.

23 28. Exhibit A shows that none of the three crossings currently meet any of the nine criteria
24 in the FHWA Handbook, although all three crossings are projected to meet the criterion for average
25 annual gross tonnage of 300 million or more by the year 2016. This determination is based on the
26 current annual gross tonnage in excess of 217 million with volume of 46 freight trains per day and
27

28 ⁵ Staff used the revised 2nd edition, August 2007.

1 projected volume of 84 freight trains per day by 2016, with the trains also expected to be longer
2 (8,000 feet long instead of the current length of 6,000 feet).

3 29. Staff testified that the criteria in the FHWA Handbook are only a screening tool and
4 guideline and not necessarily determinative of whether a grade separation is necessary, so meeting
5 one or more of the criteria does not automatically mean that grade separation is required. (Tr. at 84.)
6 Staff further testified that if the criteria alert one to the possible need for a grade separation, it is then
7 appropriate to analyze physical feasibility and cost. (Tr. at 85.) In this case, based on the results of
8 Staff's findings on the nine criteria, Staff did not find it necessary to look at physical feasibility or
9 cost. (*Id.*)

10 30. Staff does not recommend grade separation at any of the three crossings at issue and
11 testified that the crossings, with the proposed improvements and the median recommended by Staff,
12 will be safe without grade separation. (Tr. at 88, 91.)

13 31. The Railroad's expert witness, Dean Carlson,⁶ agrees with Staff's determination that
14 there is currently no need for grade separation at any of the three crossings and that the work that the
15 Railroad proposes will be adequate to provide increased safety at those crossings. (Tr. at 11.)

16 32. Staff also analyzed whether any of the three crossings should be eliminated, using
17 criteria from FHWA and the FRA. Staff analyzed six primary criteria for crossing elimination,
18 including low traffic counts, redundancy,⁷ crossing maintenance costs, accident history, emergency
19 service routes, and the impact to the neighborhood. Based on its analysis, Staff determined that the
20 Sacaton Street crossing was a candidate for crossing elimination.

21 33. Staff met with the City on two separate occasions, in December 2007 and July 2008,
22 to discuss the Sacaton Street crossing and gain more information about emergency service routes and
23 plans for development. Staff learned that the City has plans underway for commercial development,
24 that Sacaton will be used by a beverage distributor to be located south of the tracks, and that the City
25 objects to closure of the crossing and believes that it might alienate residents on the south side of the

26 _____
27 ⁶ Mr. Carlson retired from the FHWA, after 36 years of service, as its Executive Director. (Tr. at 9.) During his tenure
at the FHWA, Mr. Carlson also served as the Director of Engineering and the Director of the Office of Highway Safety.
28 (*Id.*) Mr. Carlson also served as the Secretary of Transportation for the State of Kansas for eight years. (*Id.*)

⁷ In the Staff Report, this was described as more than four crossings per mile.

1 tracks and could hamper the City's plans for revitalization of its downtown area, where the crossings
2 are located.

3 34. Staff does not recommend elimination of the Sacaton Street crossing or either of the
4 other two crossings. Staff stated in the Staff Report that until a future transportation study is
5 completed and reviewed by Staff, Staff will not recommend elimination of any of the three
6 crossings.⁸

7 35. The City Manager, Jim Thompson, testified that the Sacaton Street crossing has a
8 fairly high volume of traffic coming out of the Tohono O'odham Nation from the south. (Tr. at 50.)
9 Mr. Thompson also testified that the City's main fire station is located just north of the downtown
10 area and that emergency vehicles currently travel to the area south of the tracks on the three crossings
11 at issue. (Tr. at 53.) Mr. Thompson also testified that closure of any of the three crossings would
12 hamper the City's ability to provide emergency services to people located south of the tracks. (*Id.*)
13 The City Manager also testified that the area south of the tracks has more emergency calls and
14 emergency responses than does the area north of the tracks, (*Id.*), and that the City does not currently
15 have any plans for additional construction of public safety facilities to the south of the tracks, (Tr. at
16 54). In addition, Mr. Thompson testified that the City's landfill is located south of the tracks and that
17 sanitation trucks cross the tracks using the three crossings at issue on a daily basis. (Tr. at 55.) The
18 City Manager also testified that there is an industrial parkway, a Wal-Mart distribution center, and a
19 host of other companies located south of the tracks. (Tr. at 55-56.) Mr. Thompson testified that
20 leaving all three crossings open is very important so that the City will have flexibility for future
21 development. (Tr. at 55.)

22 36. On May 27, 2008, the Railroad, the County, and the Cities of Casa Grande, Eloy, and
23 Maricopa entered into an Agreement for Construction and Funding of Grade Separations
24 ("Agreement"). Under the Agreement, the Railroad will contribute \$35 million toward construction
25 of four separate grade separations. The locations for the grade separations are to be selected by the
26 County and cities from a list of crossings that includes the three crossings at issue herein. The

27 _____
28 ⁸ The City has indicated that a new transportation study for the City will get underway in the near future and will address possible grade separations of the roadway and railroad.

1 Agreement provides that the construction of a grade separation must result in closure of either a
2 crossing that is being replaced by the grade separation or another crossing determined by the County
3 and cities. According to the Staff Report, the Agreement requires that an application to construct a
4 grade separation submitted to the Commission also include a request for closure of an at-grade
5 crossing determined by the applicant and provides that the grade separation will not be funded by the
6 Railroad if the Commission denies closure of the at-grade crossing.

7 **Staff's Recommendations**

8 37. Staff recommends that the Application be approved, with the modification that the
9 Railroad be required to install a raised concrete median barrier at the Sacaton Street crossing to
10 prevent motorists from circumventing the warning devices and creeping forward in their vehicles to
11 see around the sight obstruction at the crossing. With that addition, and based on its review of all
12 applicable data, Staff believes that the proposed crossing upgrades are reasonable and in the public
13 interest. Staff recommends that the Railroad and the City share the costs of engineering, materials,
14 and construction for the concrete median barrier.

15 38. Staff's recommendations are reasonable and appropriate and should be followed.

16 **CONCLUSIONS OF LAW**

17 1. The Commission has jurisdiction over the Railroad and over the subject matter of the
18 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and
19 40-337.01.

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

21 3. Alteration of the crossings as proposed in the Application and modified by Staff is
22 necessary for the public's convenience and safety.

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

25 5. After alteration of the crossings, the Railroad should maintain the crossings in
26 accordance with A.A.C. R14-5-104.

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS THEREFORE ORDERED that the Union Pacific Railroad Company's Application, as modified by Staff's recommendation for a concrete median barrier to be installed at the Sacaton Street crossing, 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 alterations, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall maintain the crossings at Sacaton Street, Florence Street, and Hermosillo Street, in the City of Casa Grande, Pinal County, Arizona in compliance with A.A.C. R14-5-104.

...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...

1 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall file, every five
2 years from the effective date of this Decision, with the Commission's Docket Control, as a
3 compliance item in this docket, an update on the average daily traffic count at each of the three
4 crossings described in the Application. The updated average daily traffic count shall be obtained
5 from the road authority or a contractor hired by the Railroad.

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

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
8
9

10 CHAIRMAN _____ COMMISSIONER

11
12 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER

13
14 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
15 Director of the Arizona Corporation Commission, have
16 hereunto set my hand and caused the official seal of the
17 Commission to be affixed at the Capitol, in the City of Phoenix,
18 this ____ day of _____, 2008.

18 _____
19 BRIAN C. McNEIL
20 EXECUTIVE DIRECTOR

21 DISSENT _____

22 DISSENT _____

23 SNH:db
24
25
26
27
28

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD COMPANY

2 DOCKET NO.: RR-03639A-07-0520

3 Aziz Aman, Manager of Special Projects
4 UNION PACIFIC RAILROAD COMPANY
5 2073 East Jade Drive
6 Chandler, AZ 85286-4898

7 Anthony J. Hancock
8 Terrance L. Sims
9 BEAUGUREAU, HANCOCK, STOLL & SCHWARTZ, P.C.
10 302 East Coronado Road
11 Phoenix, Arizona 85004
12 Attorneys for Union Pacific Railroad Company

13 J. Blaha, Public Works Director
14 CITY OF CASA GRANDE
15 510 East Florence Boulevard
16 Casa Grande, Arizona 85222

17 Brett D. Wallace, City Attorney
18 CITY OF CASA GRANDE
19 510 East Florence Boulevard
20 Casa Grande, Arizona 85222

21 Gregory Stanley, County Engineer
22 PINAL COUNTY
23 P.O. Box 727
24 31 North Pinal Street, Building F
25 Florence, Arizona 85232

26 Bruce Vana, P.E., Engineer-Manager
27 Utility & Railroad Engineer Section
28 ARIZONA DEPARTMENT OF TRANSPORTATION
205 South 17th Avenue, M/D 618E
Phoenix, Arizona 85007

29 Brian Lehman, Chief
30 Railroad Safety Section
31 ARIZONA CORPORATION COMMISSION
32 1200 West Washington Street
33 Phoenix, Arizona 85007

34 Janice Alward, Chief Counsel
35 Legal Division
36 ARIZONA CORPORATION COMMISSION
37 1200 West Washington Street
38 Phoenix, Arizona 85007

26

27

28

EXHIBIT "A"**FHWA Guidelines Regarding Grade Separation (Revised 9/9/08)**

The Federal Highway Administration (FHWA) Railroad-Highway Grade Crossing Handbook (Revised Second Edition August 2007) provides nine criteria for determining whether highway-rail crossings should be considered for grade separation or otherwise eliminated across the railroad right of way. The Crossing Handbook indicates that grade separation or crossing elimination should be considered whenever one or more of the nine conditions are met. The nine criteria are applied to this crossing application as follows:

		Sacaton	Florence	Hermosillo
The highway is a part of the designated Interstate Highway System	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030	No	No	No
The highway is otherwise designed to have full controlled access	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030	No	No	No
The posted highway speed equals or exceeds 70 mph	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030	No	No	No
AADT exceeds 100,000 in urban areas or 50,000 in rural areas	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030 ¹	N/A	No	N/A
Maximum authorized train speed exceeds 110 mph	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030	No	No	No
An average of 150 or more trains per day or 300 million gross tons/year	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030 ²	Yes	Yes	Yes
Crossing exposure (trains/day x AADT) exceeds 1M in urban or 250k in rural; or passenger train crossing exposure exceeds 800k in urban or 200k in rural[1]	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030 ³	N/A	No	N/A
Expected accident frequency for active devices with gates, as calculated by the US DOT Accident Prediction Formula including five-year accident history, exceeds 0.5	Crossing Currently meets the criteria ⁴	No	No	No
	Crossing meets the criteria by 2030	Unknown	Unknown	Unknown
Vehicle delay exceeds 40 vehicle hours per day	Crossing Currently meets the criteria	No	No	No
	Crossing meets the criteria by 2030 ⁵	N/A	No	N/A

N/A = Information not available

¹ This table utilizes the most recent projected ADT data as follows: Sacaton – N/A, Florence – 11,000, Hermosillo – N/A.

² The Railroad is projected to exceed 300 million gross tons as of 2016. This projection is based on the fact that the Railroad is currently exceeding 217 million gross tons with 46 trains per day and is projected to run twice the number of trains (at lengths of up to 8,000 feet instead of the current length of 6,000 feet) by 2016.

³ The projected crossing exposure utilizing the most recent projected VPD data is as follows: Florence – 924,000, which does not exceed 1M for an urban area. The US 2000 Census considers an area with 50,000 population or more as urban. The City of Casa Grande estimates its population will exceed 50,000 by the year 2030.

⁴ The expected accident predictions for these crossings are as follows: Sacaton- .028, Florence - .031, Hermosillo - .0004.

⁵ Projected vehicle delay per day utilizing the most recent projected VPD data are as follows: Sacaton –N/A Florence – 16.2 hours, Hermosillo –N/A.

EXHIBIT "A"

DECISION NO. _____