



0000092244

Transcript Exhibit(s)

Docket #(s): RR-03639A-08-0505

RECEIVED
2009 JAN - 7 1 P 1:49
AZ. CORP. COMMISSION
DOCKET CONTROL

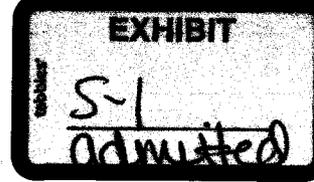
Exhibit #: 51

Arizona Corporation Commission
DOCKETED
JAN - 7 2009
DOCKETED BY 

RECEIVED

NOV 19 2008

LEGAL



Nancy West

LEGAL DIV.
COMMISSIONERS
ARIZ. CORP. COM. MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

RECEIVED



NOV 19 P 4:15

ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION
DOCKET CONTROL

BRIAN C. MCNEIL
Executive Director

DAVID RABER
Director, Safety Divi.

Staff Memorandum

To: THE COMMISSION DOCKET NO. RR-03639A-08-0505

From: Safety Division

Date: November 19, 2008

RE: IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF ALLIANCE LUMBER, L.L.C., AT RITTENHOUSE ROAD IN QUEENN CREEK, ARIZONA, AT AAR/DOT NO. 741-840-E.

On September 29, 2008, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for Alliance Lumber, L.L.C. ("Company") to upgrade the existing crossing at Rittenhouse Road, where the Company tracks cross and connect with the spur of the Union Pacific Railroad ("Railroad") in Queen Creek, Arizona at AAR/DOT # 741-840-E. The Town of Queen Creek ("Town") is the controlling road authority on Rittenhouse Road. The tracks traversing Rittenhouse Road are owned and maintained by the Company, due to the fact the Railroad's track ownership and maintenance responsibilities end at the clearance point of the track switch located at the Railroad's main track (See Appendix "A"). This type of track configuration is defined by ACC Regulation, R14-5-101 as "industrial track".

This project is a Federally Funded 130 project, and appeared on the 2006 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

FILE COPY

each project. The Company 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 Rittenhouse Road. The proposed project entails installing 12 inch LED flashing lights, bells and automatic gates, as well as a new concrete crossing surface. These new devices will conform to ACC and MUTCD (Manual on Uniform Traffic Control Devices) standards. The estimated cost of the project is \$231,015.51. The Company and the Railroad have entered into a maintenance agreement which designates Railroad personnel will maintain the warning devices after the upgrades are completed.

45
MBA

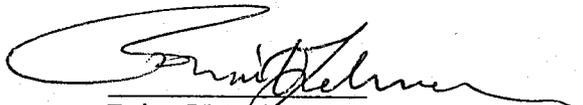
Rittenhouse Road is a two lane, north-south road, with a posted speed limit of 50 mph. This crossing is located on the outskirts of Queen Creek. Traffic count data received from ADOT was taken in April of 2008, and shows the Average Daily Traffic (ADT) for this location to be 27,151 vehicles per day (vpd). No Level of Service (LOS) calculation was available for this location. There are alternative routes on either side of Rittenhouse Road, to the east is Riggs Road, an at grade crossing approximately one half mile away, and to the west is Ocotillo Road, an at grade crossing approximately 2.5 miles away.

Train data provided by the Railroad states that there are approximately 4 to 6 train movements through this crossing per week. The train speed at this location is 10 mph. No passenger trains run on this line.

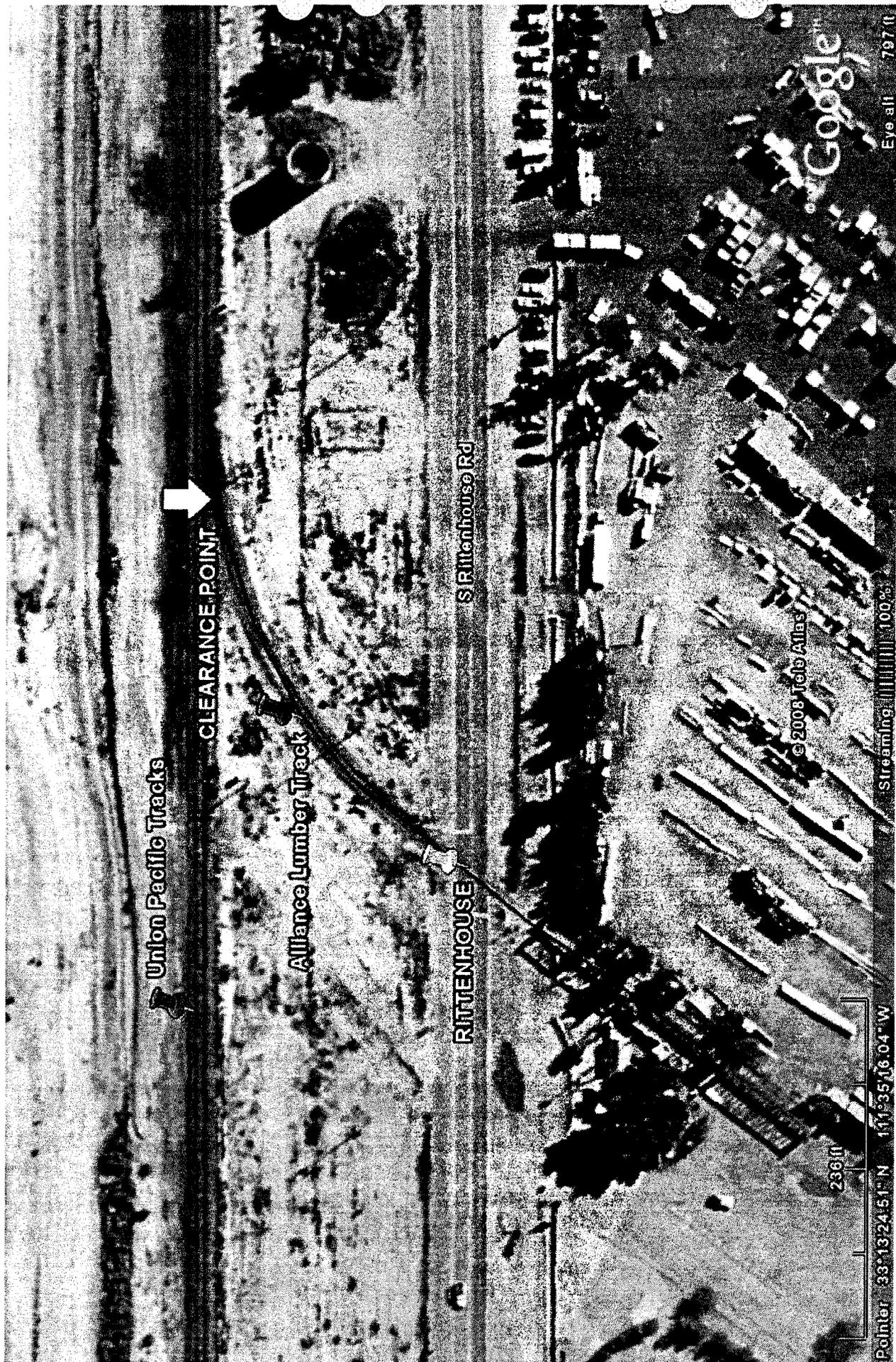
According to Railroad Safety Section accident/ incident records and the Federal Railroad Administration, there have been no accidents at this location.

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

Appendix "A"



Union Pacific Tracks

CLEARANCE POINT

Alliance Lumber Track

RITTENHOUSE

S Rittenhouse Rd

236 ft

Pointer 33°13'24.51" N 111°35'16.04" W

© 2003 Tele Atlas

Streaming 100%

Google™

Eye alt 797 ft

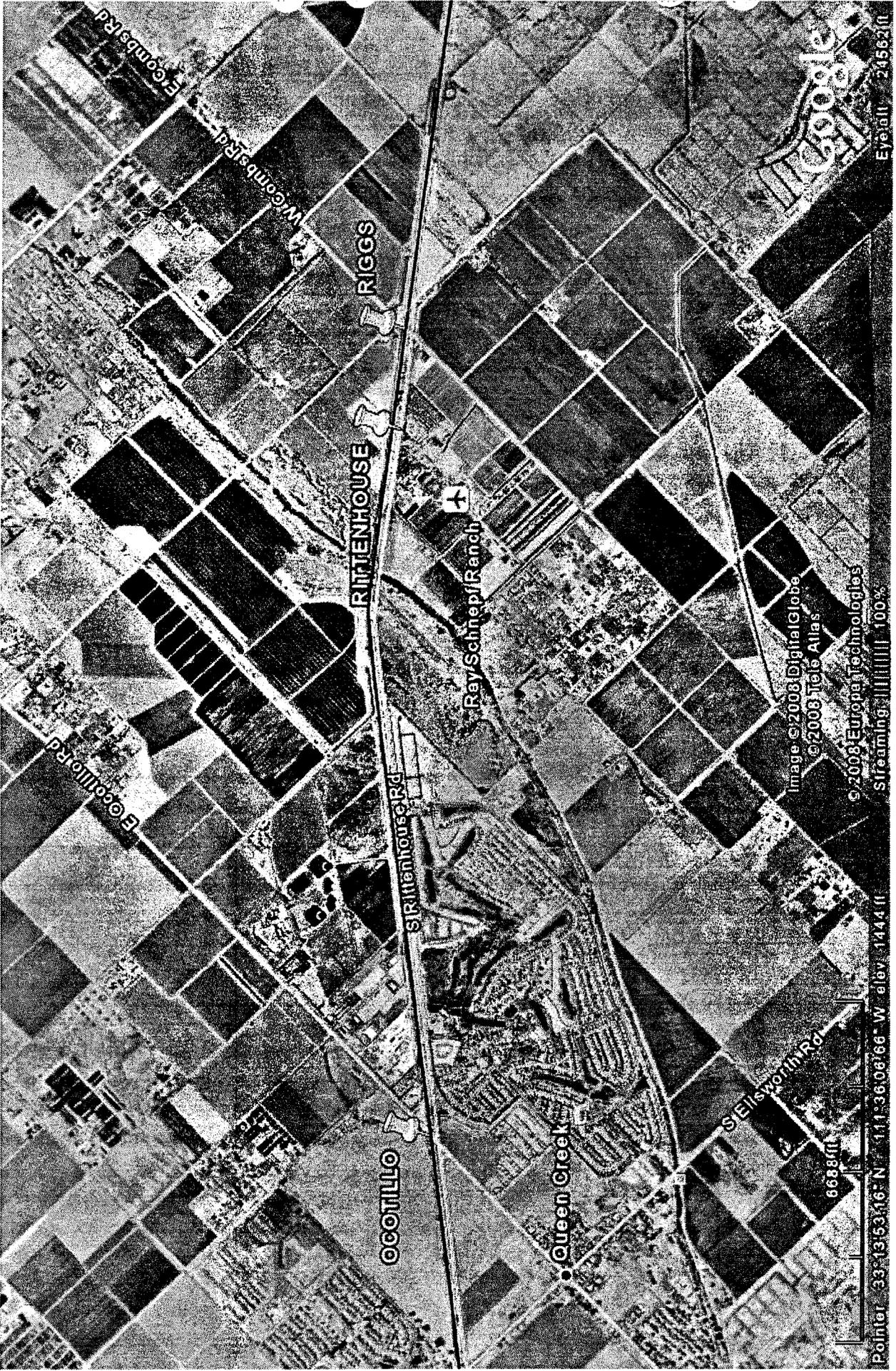


Image © 2008 DigitalGlobe
© 2008 Tele Atlas

© 2008 Europa Technologies
Streaming: 100%

Pointer: 33° 13' 53.16" N 111° 36' 08.66" W elev: 1444 ft

668.8m

EyeBall: 24563m

Original and thirteen (13) copies
of the foregoing were filed this
19th day of November, 2008 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Copy of the foregoing mailed
this 19th day of November, 2008 to:

Robert Travis, PE
State Railroad Liaison
Arizona Department of Transportation
205 S 17th Ave, Room 357
MD 618E
Phoenix, AZ 85007

Tim Carr
Alliance Lumber
24610 E. Rittenhouse Road
Queen Creek, Az. 85242-9450

Dick Schaner
Town of Queen Creek
22350 S. Ellsworth Road
Queen Creek, Az. 85242-9311

Aziz Aman P.E.
Union Pacific Railroad
2073 E Jade Dr.
Chandler, AZ. 85286