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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKET NO. RR-03639A-00-1009

DECISION NO. 63464

OPINION AND ORDER

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD TO
CONSTRUCT A SECOND TRACK AND
RELOCATE AN EXISTING GATE AND
FLASHING LIGHTS AT A CROSSING OF THE
UNION PACIFIC RAILROAD AT MANZORA
ROAD, IN THE TOWN OF COCHISE, COCHISE
COUNTY, ARIZONA, M.P. 1063.25.

DATE OF HEARING: January 25, 2001
PLACE OF HEARING: Phoenix, Arizona
ADMINISTRATIVE LAW JUDGE: Marc E. Stern
APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal
Division, on behalf of the Utilities Division of
the Arizona Corporation Commission.

BY THE COMMISSION:

On December 6, 2000, the Union Pacific Railroad Company ("Railroad") submitted to the Arizona Corporation Commission ("Commission") a request for approval to construct an additional track parallel to its existing track and relocate an existing gate and automatic flashing lights at Manzora Road, Town of Cochise, Cochise County, Arizona at mile post 1063.25 ("Application"). The Application was docketed on December 11, 2000.

On January 3, 2001, by Procedural Order, the Application was set for hearing and the Railroad was ordered to notify any interested party of the Application and the hearing.

On January 25, 2001, a full public hearing as held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was taken under advisement pending submission of a Recommended Opinion and Order to the Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the

1 Commission finds, concludes, and orders that:

2 **FINDINGS OF FACT**

3 1. On December 11, 2000, the Railroad filed an application in which it requested an
4 Opinion and Order from the Commission approving the construction at Manzora Road, Town of
5 Cochise, Cochise County, Arizona, of an additional track parallel to the existing track with relocated
6 automatic flashing lights and gates, and a concrete crossing surface, at milepost 1063.25.

7 2. A hearing was held as scheduled on January 25, 2001.

8 3. The Railroad provided notice to all interested parties of the Application and hearing
9 thereon as ordered in the Commission's Procedural Order. Subsequently, no objections to the
10 application were received by the Commission.

11 4. The application provides for the Railroad to upgrade the crossing by constructing an
12 additional track parallel to the existing track and by relocating the flashing lights and automatic gates.

13 5. Staff testified that the cost for the installation of the crossing upgrade as provided in
14 the Application is proper and will be fully paid for by the Railroad.

15 6. Staff has recommended that the Application be approved.

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. Installation of the crossing upgrade is necessary for the public's convenience and
22 safety.

23 4. The Application should be approved as recommended by Staff.

24 5. After the installation of the crossing, the Railroad should maintain the crossing in
25 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 is hereby approved.

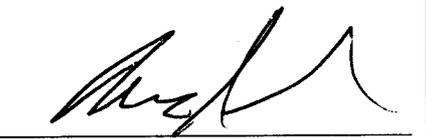
IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

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 upgrade, pursuant to A.A.C. R14-5-104.

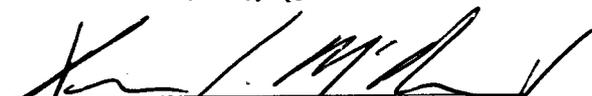
IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad Company shall maintain the crossing in compliance with A.A.C. R14-5-104.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary 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 15th day of March, 2001.


 BRIAN C. McNEIL
 EXECUTIVE SECRETARY

DISSENT _____
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SERVICE LIST FOR: UNION PACIFIC RAILROAD COMPANY

DOCKET NO.: RR-03639A-00-1009

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