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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE)	DOCKET NO.
APPLICATION OF THE ARIZONA)	RR-02635B-04-0865
DEPARTMENT OF TRANSPORTATION)	
FOR THE MODIFICATION OF)	
EXISTING CROSSINGS OF THE)	
BURLINGTON NORTHERN AND SANTA)	
FE RAILWAY IN THE CITY OF)	
GLENDALE, MARICOPA COUNTY,)	
ARIZONA, AT AAR/DOT NOS.)	
025-418-A2, 025-418-A1,)	
025-417-T1, 025-417-T2,)	
025-416-L, 025-415-E2 AND)	
025-415-E1)	
-----)	

At: Phoenix, Arizona

Date: February 3, 2005

Filed: **FEB 14 2005**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ARIZONA REPORTING SERVICE, INC.
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ORIGINAL

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8 INDEX TO EXHIBITS

9 NO. DESCRIPTION IDENTIFIED ADMITTED

10 S-1 Map of Grand Avenue 4 5
in Glendale

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1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard
3 before the Arizona Corporation Commission, in
4 Conference Room 2 of said Commission, 1200 West
5 Washington Street, Phoenix, Arizona, commencing at
6 10:30 a.m. on the 3rd day of February, 2005.

7

8

BEFORE: MARC E. STERN, Administrative Law Judge

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10 APPEARANCES:

11

For Arizona Corporation Commission Staff:

12

Legal Division
By Mr. Timothy Sabo
1200 West Washington
Phoenix, Arizona 85007

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KATHRYN A. BLACKWELDER, RPR
Certified Court Reporter
CCR No. 50666

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1 ALJ STERN: This hearing is now open in the
2 matter of the application of the Arizona Department of
3 Transportation for the modification of existing
4 crossings of the Burlington Northern and Santa Fe
5 Railway in the city of Glendale, Maricopa County,
6 Arizona at AAR/DOT Nos. 025-418-A2, 025-418-A1,
7 025-417-T1, 025-417-T2, 025-416-L, 025-415-E2, and
8 025-415-E1.

9 My name is Marc Stern. I'll preside over
10 this hearing today and render an opinion for Commission
11 action. At this time, we'll take appearances.

12 MR. SABO: Tim Sabo for Staff, Your Honor.

13 ALJ STERN: Before we go further, I just want
14 to take a minute and close the door.

15 And, Mr. Sabo, do you want to call your first
16 witness?

17 MR. SABO: Yes, Your Honor. Staff calls
18 Mr. Bob Starkey.

19 And we would also ask that, for the record,
20 it be noted that there's no members of the public or
21 railroad or City present for this matter.

22 ALJ STERN: Okay. And Mr. Starkey -- or,
23 Mr. Sabo, Mr. Starkey I know has a map with him. Do we
24 have an extra copy that we can give the court reporter?

25 We'll mark this as S-1?

1 MR. SABO: Yes, Your Honor, we'd ask that
2 that be marked as S-1.

3 ALJ STERN: We'll note, for the record, a map
4 of the area along Grand Avenue in Glendale is being
5 marked S-1. And I assume there's not going to be any
6 objection since Staff is the only party, so we'll admit
7 Exhibit S-1.

8 Go ahead, Mr. Sabo.

9 MR. SABO: Thank you, Your Honor.

10

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BOB STARKEY,

12 called as a witness herein, having been duly sworn by
13 the Certified Court Reporter to speak the truth and
14 nothing but the truth, was examined and testified as
15 follows:

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DIRECT EXAMINATION

18

19 BY MR. SABO:

20 Q. Good morning, Mr. Starkey.

21 A. Good morning.

22 Q. Can you please state your name and business
23 address for the record?

24 A. Bob Starkey, the Arizona Corporation
25 Commission, Office of Railroad Safety, 2200 North

1 Central Avenue, Phoenix, Arizona.

2 Q. And by whom are you employed and in what
3 position?

4 A. I'm employed by the Arizona Corporation
5 Commission, Office of Railroad Safety as a railroad
6 safety consultant.

7 Q. And you have many years of experience in
8 railroad safety matters, is that correct?

9 A. Yes, that's correct.

10 Q. And as part of your duties with the Office of
11 Railroad Safety, were you assigned to this case?

12 A. Yes, I was.

13 Q. And you've reviewed the materials submitted
14 by the Arizona Department of Transportation, as well as
15 conducted whatever other investigation you thought was
16 appropriate?

17 A. Yes, I have.

18 Q. And there are seven crossings involved in
19 this case, is that correct?

20 A. That's correct.

21 Q. And you prepared or caused to be prepared a
22 map that shows the location of these crossings, is that
23 correct?

24 A. Yes.

25 Q. And that map is the map that has been marked

1 as Exhibit S-1, is that correct?

2 A. Correct.

3 Q. And these crossings are all located on Grand
4 Avenue, is that correct?

5 A. That's correct.

6 Q. And as shown on this map, the seven crossings
7 in question are all shown by little circles, is that
8 correct?

9 A. That's correct.

10 Q. And some of the crossings are shown with red
11 circles for them, is that correct?

12 A. That's right.

13 Q. And these four red circles are crossings that
14 are going to be eliminated, is that right?

15 A. That's correct.

16 Q. And then there's three crossings with green
17 circles, and those are crossings that are going to be
18 modified, is that correct?

19 A. That's correct.

20 Q. And can you give the relevant street
21 intersections for the seven crossings?

22 A. Yes. The crossings that are going to be
23 modified are 59th Avenue at Glendale Avenue and US60,
24 Glendale Avenue at 59th Avenue and US60, and Myrtle
25 Avenue at US60. US60 is Grand Avenue.

1 Q. And this is part of an ongoing and large
2 project that ADOT has to improve Grand Avenue, is that
3 correct?

4 A. That's correct.

5 Q. And the Commission has issued numerous orders
6 in the past in connection with that, is that right?

7 A. Yes, we have.

8 Q. And why don't you go down each of the seven
9 crossings, and for each crossing describe, first, what
10 the current configuration and equipment of the crossing
11 is, and then describe what it will be like after the
12 project is completed?

13 A. Okay. The crossings 59th Avenue and Glendale
14 Avenue all intersect with the six-point intersection at
15 US60, which is Grand Avenue. Once the modifications --
16 Well, currently there are cantilever flashing lights on
17 Glendale Avenue and 59th Avenue. Once the modification
18 is done to Grand Avenue, that intersection will go from
19 a six-way intersection to a four-way intersection and
20 the signals will be changed -- the railroad signals
21 will be changed to accommodate that four-way
22 intersection and not the six-way intersection.

23 Q. And will the lights at that intersection also
24 be upgraded to LED lights?

25 A. Yes, they will.

1 Q. And do you find the proposed configuration
2 and safety equipment for that intersection to be
3 appropriate?

4 A. Yes.

5 Q. And why don't you --

6 ALJ STERN: Let me ask him just a quick
7 question.

8 At 59th and Glendale, would that still be
9 cantilevered with LED, or just flashing lights?

10 THE WITNESS: There's going to be
11 cantilevered flashing lights. That is shown on
12 Exhibit B in the Railroad and ADOT agreement.

13 ALJ STERN: And Grand Avenue is going to be
14 an underpass at that point underneath 59th Avenue and
15 underneath Glendale, right?

16 THE WITNESS: Correct.

17 BY MR. SABO:

18 Q. And why don't you, Mr. Starkey, then, go on
19 to the next intersection?

20 A. The next two crossings going up is 59th Drive
21 and West Glenn Drive. Now, these two crossings are
22 going to be eliminated or closed, however you want to
23 look at it, and that's as shown in Exhibit A in the
24 agreement with ADOT and the Railroad. You can see how
25 they're going to handle Glenn Drive and 59th Drive.

1 That would be over in the right lower corner of the
2 map. They're just going to dead end before they get to
3 the intersection.

4 Q. So there will no longer be a crossing at that
5 intersection?

6 A. No, there will not.

7 On the side where the track is located, you
8 can see that they come around and sort of join each
9 other in sort of a horseshoe-type configuration and do
10 not continue across the tracks like they used to.

11 Q. I see. And why don't you go on to discuss
12 the next intersection?

13 A. The next one is Palmaire Avenue, and it will
14 be similar to these two we just discussed. That would
15 be on Exhibit A, sheet three on the left side shows
16 Palmaire Avenue, and it sort of bends around and comes
17 into 60th Avenue rather than go across the tracks and
18 Grand Avenue.

19 Q. So this is another one where there is an
20 existing crossing and the crossing will be eliminated?

21 A. That's correct.

22 And the same goes for the 61st Avenue
23 crossing. It will not be there anymore.

24 Q. Okay. And then what's the last one?

25 A. I think that's it. Oh, Myrtle Avenue.

1 Myrtle Avenue will be another one that will go from the
2 six-point intersection to the four-point intersection,
3 and Myrtle Avenue will cross 61st Avenue and will feed
4 into Grand Avenue. Grand Avenue will be at ground
5 level when it gets to Myrtle Avenue, and it will just
6 intersect into Grand Avenue, as indicated on Exhibit A,
7 sheet three of the agreement exhibits.

8 Q. And can you describe the existing
9 configuration of the crossing at Myrtle Avenue?

10 A. It has the flashing lights and gate arms, and
11 when it's modified it will still retain the cantilever
12 flashing lights and the gate arms, however, the 61st
13 gates and lights will be eliminated, 61st Avenue.

14 Q. But 61st Avenue will no longer let part of
15 the crossing no longer -- you won't be able to drive
16 through there, is that how it's going to work, or
17 what's the plan there?

18 A. 61st Avenue looks like it will dead end there
19 at Grand Avenue.

20 Q. Okay. And so there will still be overhead or
21 cantilevered flashing lights, is that correct?

22 A. Yes, at Myrtle Avenue and Grand Avenue.

23 Q. And will those lights be upgraded to LED
24 lights?

25 A. Yes.

1 Q. Now, speaking overall of these seven
2 crossings, do you find the proposed modifications to
3 these crossings to be adequate and appropriate?

4 A. Yes.

5 Q. And who will pay for the upgrade or
6 modifications?

7 A. The Arizona Department of Transportation will
8 pay for the upgrades.

9 Q. And are you satisfied with the estimates that
10 they have provided?

11 A. Yes.

12 Q. And is the Commission responsible for any
13 portion of the funds for any of these projects?

14 A. No, we are not.

15 Q. And who should maintain the crossings that
16 remain, including any necessary reconstruction and
17 insurance?

18 A. The Railroad should maintain the crossings
19 once they're put in place.

20 Q. So this is a one-time expenditure of funds by
21 the State, and the Railroad is responsible for all
22 going-forward costs?

23 A. Yes.

24 Q. And was notice given, as provided in the
25 procedural order?

1 A. Yes, it was.

2 Q. And that notice covered all seven crossings,
3 is that correct?

4 A. Yes.

5 Q. And will approval of this application improve
6 the safety and convenience of the public, Railroad
7 employees, and any passengers the railroad may carry?

8 A. Yes.

9 Q. Do you have anything you'd like to add at
10 this time?

11 A. No, I do not.

12 MR. SABO: Thank you, Your Honor.

13 Mr. Starkey is available for examination.

14

15 EXAMINATION

16

17 BY ALJ STERN:

18 Q. Mr. Starkey, just so I make sure I have this
19 right, Myrtle Avenue is going to have -- it's going to
20 have -- after it's modified, it will continue to cross
21 east/west across Grand Avenue and across the tracks at
22 grade, but it's going to have cantilevered flashing
23 LEDs with automatic gates, right?

24 A. Yes, as indicated in Exhibit B of the
25 Railroad agreement with ADOT.

1 Q. Okay. Exhibit B to the agreement.

2 And Glendale Avenue east/west will be an
3 at-grade crossing across the tracks with cantilevered
4 flashing lights, no gates?

5 A. Correct.

6 Q. And 59th Avenue north/south where it crosses
7 the tracks and goes across Glendale Avenue and over
8 Grand Avenue, which is now underneath -- I think after
9 the modifications underneath Glendale and 59th Avenue,
10 at that point it's also going to be just cantilevered
11 flashing, LED lights, no gates, correct?

12 A. Right.

13 Q. And the ones we're closing, as I think you
14 said before, are North 61st Avenue at the tracks, and
15 it will just join up, I guess, with -- go into Myrtle,
16 is that what's happening, or something like that,
17 according to your exhibit?

18 A. No, it won't go into Myrtle.

19 Q. It will just dead end there, I guess?

20 A. Right.

21 Q. But on the north side of Grand Avenue, that
22 61st Avenue will join just into Grand and then you'll
23 be able to go north/south or --

24 A. Yeah, I believe that's the way it shows.

25 Q. But then West Palmaire will be closed, is

1 that correct?

2 A. That's correct.

3 Q. At the tracks?

4 A. Yes.

5 Q. And then we're going to be closing Glenn
6 Drive at the tracks and North 59th Drive, correct?

7 A. Right.

8 Q. Are they linking up, according to the
9 exhibit? I think they were.

10 A. On the -- What is it? Along the tracks on
11 the other side they are linking up.

12 Q. Oh, I see.

13 A. But on the Grand Avenue side they're not.

14 Q. You mean, on the Grand Avenue side they're
15 not linking up, they're just sort of coming into Grand
16 Avenue, is that what's happening?

17 A. They're more or less dead ending right here,
18 and then this being the tracks shows them connecting
19 like that.

20 Q. Oh, on the track side Glenn Drive will run
21 into 59th Drive?

22 A. Uh-huh.

23 ALJ STERN: Okay. I don't have any other
24 questions.

25 Any redirect?

1 MR. SABO: No, thank you, Your Honor.

2 ALJ STERN: Okay. That will conclude this
3 proceeding, and I'll issue a recommended order to the
4 Commission for final disposition. Thank you.

5 (The hearing concluded at 10:49 a.m.)

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1 STATE OF ARIZONA)
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 2 COUNTY OF MARICOPA)

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I, KATHRYN A. BLACKWELDER, Certified Court Reporter No. 50666 for the State of Arizona, do hereby certify that the foregoing printed pages constitute a full, true and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 9th day of February, 2005.



 KATHRYN A. BLACKWELDER
 Certified Court Reporter
 Certificate No. 50666