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AZ CORP COMMISSION  
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

Commissioners

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

Arizona Corporation Commission  
**DOCKETED**

AUG 10 2009

DOCKETED BY *MW*

IN THE MATTER OF THE APPLICATION OF )  
THE CITY OF FLAGSTAFF TO UPGRADE )  
EXISTING RAILROAD CROSSINGS OF THE )  
BNSF RAILWAY COMPANY AT STEVES )  
BOULEVARD AND FANNING DRIVE IN THE )  
CITY OF FLAGSTAFF, COCONINO COUNTY, )  
ARIZONA, DOT CROSSING NOS. 025099J )  
AND 025129Y. )

DOCKET NO.  
RR-02635B-09-0075

**APPLICANT'S  
SECOND BRIEF**

At the evidentiary hearing on July 8, 2009, Administrative Law Judge ("ALJ") Sarah N. Harpring ordered the City of Flagstaff ("City"), BNSF Railway Company ("BNSF"), and Arizona Corporation Commission ("Commission") staff to submit briefs addressing several issues.

**1. FEDERAL PREEMPTION**

First, the ALJ ordered the parties to analyze whether the Commission is preempted by federal law from taking action in this case. The ALJ asked the parties to address the issue of preemption as it pertains to the crossings at Fanning Drive and Steves Boulevard as well as those at Beaver Street, San Francisco Street, and Enterprise Avenue. In response to the ALJ's request, the City offers the following analysis:

**A. Fanning Drive and Steves Boulevard**

The City is unable to clearly determine whether the Commission is preempted by federal law from taking action as to the crossings at Fanning Drive and Steves Boulevard. If the Commission determines that preemption applies, the City will proceed under the FRA regulations that it has followed throughout this project. However, if the Commission

determines that preemption does not apply, the City requests approval of its application based on the documents and testimonial evidence it has submitted to the Commission.

49 C.F.R. Part 222.7(a) specifically addresses the issue of preemption as follows:

Except as provided in paragraph (b) of this section, issuance of this part **preempts** any State law, rule, regulation, or order governing the sounding of the locomotive horn at public highway-rail grade crossings, in accordance with 49 U.S.C. 20106.” [Emphasis added]

Based on the language cited above, the Commission is arguably preempted from taking action with regard to the crossings at Fanning Drive and Steves Boulevard because those crossings are located within the Quiet Zone. However, because the City intends to change the warning devices at these crossings, it could also be argued that the Commission does have authority to act, based on A.R.S. §§ 40-337 and 40-337.01, which give the Commission authority over protection devices at railroad crossings. Because of the changes to the warning devices at Fanning Drive and Steves Boulevard, preemption is less likely to apply to those crossings than to the other three crossings.

The City has submitted to the Commission an application to install warning devices that act as a one-to-one substitution for the train horns at the Fanning Drive and Steves Boulevard crossings, which was reviewed by Commission Staff (Exhibit 1, attached). The Commission staff participated as part of the diagnostic team that reviewed the City’s plans for installation of the wayside horns (Testimony of Randy Whitaker, Tr. at 24). Commission staff generally approves of the installation of the wayside horns at Fanning Drive and Steves Boulevard (Testimony of Chris Watson, Transcript of evidentiary hearing held on July 8, 2009, p 159, 162; Staff Memorandum dated March 27, 2009, a copy of which is attached as Exhibit 2). The City has fully cooperated with Commission staff with regard to the installation of the wayside horns and has indicated its intent to continue to do so (Testimony of Chris Watson, Tr. at 181; Testimony of Randy Whitaker, Tr. at 42; Testimony of Richard Barrett, Tr. at 111).

The establishment of Quiet Zones and wayside horns is a relatively new issue in Arizona and before this Commission. However, it should be noted that public agencies in other states have acted to approve the installation of wayside horns at railroad crossings. For example, the Washington State Utilities and Transportation Commission (“WSUTC”) considered an application by the Town of Steilacoom to install wayside horns at a highway-railroad grade crossing. In that matter, WSUTC approved the town’s application, subject to inspection by Commission staff (Copy of WSUTC Order in the Matter of the Town of Steilacoom is attached as Exhibit 3).

In another case before the WSUTC, the Washington State Department of Transportation (“WSDOT”) submitted an application to install wayside horns as a one-for-one substitution of train horns. The WSUTC approved that application as well, making approval subject to review by a diagnostic team including, among other stakeholders, WSUTC staff (Copy of WSUTC Order in the Matter of WSDOT is attached as Exhibit

4). In this case before the Arizona Corporation Commission, Commission staff have already participated in the review completed by a diagnostic team, which approved the crossings at Fanning Drive and Steves Boulevard.

Based on the information provided by the City, along with Commission staff's own recommendations, the Commission has sufficient information to approve the City's application for the installation of the wayside horns at Fanning Drive and Steves Boulevard. Those crossings have been thoroughly reviewed by the Diagnostic Team, as required by FRA Quiet Zone regulations. See Appendix F to Part 222 (Testimony of Randy Whitaker, Tr. at 28). In addition, review by the Diagnostic Team continues while the project is being completed (Testimony of Randy Whitaker, Tr. at 23). Therefore, to the extent the Commission has the authority to approve the addition of wayside horns at Fanning Drive and Steves Boulevard, the City believes such approval is supported by the record in this matter and would protect the safety of the public at those crossings.

### **B. Beaver Street, San Francisco Street, and Enterprise Avenue**

The Commission is not authorized to take action with regard to the crossings at Beaver Street, San Francisco Street, and Enterprise Avenue for several reasons. First, the Commission is preempted by federal law from imposing any additional safety requirements regarding these three crossings. As discussed above, 49 C.F.R. § 222.7(a) provides that "any State law, rule, regulation, or order governing the sounding of the locomotive horn at public highway-rail grade crossings" is preempted by Part 222.

It is also the opinion of Commission staff that the Federal Railroad Administration ("FRA") determines the safety standards at public at-grade crossings within Quiet Zones (Testimony of Chris Watson, Tr. at 163), and the City agrees. BNSF is also of the opinion that the FRA is the "final decision-maker" with regard to the establishment of quiet zones (Testimony of Melvin Thomas, Tr. at 130). The City's plans regarding the crossings at Beaver, San Francisco, and Enterprise were developed based on its understanding that the FRA has the primary authority to regulate Quiet Zones (Testimony of Randy Whitaker, Tr. at 130). However, it is clear under the FRA regulations that the Commission has an important role as well, including participation in the Diagnostic Team described in 49 C.F.R. § 222.9.

Aside from the preemption issue discussed above, the changes to the Beaver Street, San Francisco, and Enterprise Avenue crossings do not require Commission approval because they do not involve changes to the warning devices, roadway configuration, or pavement markings. Commission staff testified that the changes being made at Beaver and San Francisco were not changes to warning devices (Testimony of Chris Watson, Tr. at 169). As discussed above, the Commission has authority pursuant to A.R.S. §§ 40-337 and 40-337.01 to regulate the installation of warning signals or devices. In this case, no changes are being made to the existing warning signals or devices, roadway configuration, or pavement markings, and Commission staff has determined the existing warning signals and devices in place at these crossings to be sufficient to protect the safety of the public (Testimony of Chris Watson, Tr. at 173).

The Beaver Street, San Francisco Street, and Enterprise Avenue crossings require only the addition of signage, fencing, and sidewalk improvements, all of which will be done to increase safety. All existing safety devices will remain in place. The City did not submit an application to the Commission regarding the Beaver Street, San Francisco Street, and Enterprise Avenue crossings because Commission staff did not believe an application was necessary, as no changes were being made to the warning devices at those crossings (Testimony of Chris Watson, Tr. at 169). As a result, Commission Staff did not formally analyze Beaver Street, San Francisco, and Enterprise Avenue. However, Commission staff indicated that they identified no major concerns about the safety of those three crossings (Testimony of Chris Watson, Tr. at 173).

The ALJ also ordered the parties to analyze whether the Commission's authority extends to the sidewalks abutting public roadways crossing the railway lines and whether the Commission may require installation of additional safety devices specifically intended to protect pedestrians. The FRA regulations contain specific provisions for crossings intended for use by pedestrians only. "Pedestrian crossing" in this context is defined as follows:

*Pedestrian crossing* means, for purposes of this part, a separate designated sidewalk or pathway where pedestrians, but not vehicles, cross railroad tracks. Sidewalk crossings contiguous with, or separate but adjacent to, public highway-rail grade crossings, are presumed to be part of the public highway-rail grade crossing and are *not* considered pedestrian crossings.

49 C.F.R. § 222.27. As set forth in the FRA regulations cited above, sidewalk crossings that are contiguous with public highway-rail grade crossings are presumed to be part of the public highway-rail grade crossing and are not treated as separate pedestrian crossings. 49 C.F.R. § 222.9. BNSF's understanding of the regulation of sidewalks under FRA regulations is consistent with that of the City (Testimony of Melvin Thomas, Tr. at 124).

Therefore, to the extent that federal preemption applies, the Commission's authority does not extend to the sidewalks abutting the roadways. The Commission has had a role, as a participant in the Diagnostic Team, in evaluating the crossings with regard to sidewalk pedestrian safety issues. It is presumed that Commission staff would have raised any pedestrian safety issues it identified. Instead, Commission staff found the Fanning and Steves crossings to be safe, and did not raise any issues concerning the other three crossings at Beaver, San Francisco, and Enterprise (Testimony of Chris Watson, Tr. at 173).

## **2. COMPLIANCE WITH FEDERAL QUIET ZONE REQUIREMENTS**

The ALJ also directed the parties to analyze whether the City has met all of the requirements for designation of a Quiet Zone under 49 CFR § 222.39(a).

The City has complied with the federal requirements pertaining to the establishment of a Quiet Zone under 49 CFR § 222.39(a). City staff did not initially meet each of the formal notification requirements set forth in 49 CFR § 222.43(a) because it inadvertently neglected to notify Amtrak and misidentified a Commission staff member. However, these oversights were minor and were subsequently corrected as soon as City staff became aware of them. Notice of these proceedings was sent to Amtrak officials on May 14, 2009 (Copy attached as Exhibit 5). Commission staff member Chris Watson participated as a member of the Diagnostic Team evaluating the City's plans (Testimony of Randy Whitaker, Tr. at 24). The City remedied the notice deficiencies as soon as they were discovered, and believes that these omissions had no effect on the determination by the Diagnostic Team that the crossings will be safe.

The City has followed applicable federal procedures in establishing a Quiet Zone and ensuring that adequate safety measures will be in place. These include the creation of a "Diagnostic Team" which reviewed the City's Quiet Zone plans, including the crossings at Beaver Street, San Francisco Street, and Enterprise Avenue (Testimony of Randy Whitaker, Tr. at 107).

FRA regulations define "Diagnostic Team" as follows:

*Diagnostic team* as used in this part, means a group of knowledgeable representatives of parties of interest in a highway-rail grade crossing, organized by the public authority responsible for that crossing, who, using safety management principles, evaluate conditions at a grade crossing to make determinations or recommendations for the public authority concerning safety needs at that crossing.

49 C.F.R. § 222.9. The Diagnostic Team was formed according to FRA regulations, and included members from the City of Flagstaff, BNSF Railway, and the Arizona Corporation Commission. 49 CFR § 222.9. The Diagnostic Team concluded that the existing safety measures in place at the Beaver Street, San Francisco Street, and Enterprise Avenue crossings, along with the additional signage, fencing, and sidewalk improvements, will ensure safety at these crossings (Testimony of Randy Whitaker, Tr. at 17-18). The Commission's Safety Division Staff generally supports the City's plan for creation of a Quiet Zone (Testimony of Randy Whitaker, Tr. at 18; Testimony of Chris Watson, Tr. at 113). In addition, BNSF staff believes that the crossing inventories for the five crossings are accurate (Testimony of Melvin Thomas, Tr. at 136).

The City believes it has complied with the requirements for railroad Quiet Zones established by the FRA. However, it is the City's understanding that there may be questions about the accuracy of the data currently maintained by the FRA and/or ADOT. To address these questions, the City provided the ALJ with updated information in Applicant's Response to Request for Late-Filed Exhibits. The City also learned on August 5, 2009 that ADOT has provided updated Crossing Inventory information to the FRA concerning the five crossings at issue in this matter. A copy of the updated inventory information, along with an electronic mail message from ADOT staff to FRA

staff is attached as Exhibit 6. It should be noted that the City's calculations submitted in connection with Applicant's Response to Request for Late-Filed Exhibits did use gates and the existing Supplemental Safety Measures ("SSM's") in the Risk Index Calculator. After analyzing the updated inventory information, City staff concluded that all five of the crossings in the City's Quiet Zone would still fall within the acceptable risk category using the new data. A copy of the City's updated calculations, completed on August 7, 2009 using the latest ADOT information, is attached as Exhibit 7.

In summary, the City has fully cooperated with the Commission in this matter and has attempted to comply with all requirements for railroad Quiet Zones established by the FRA. In doing so, the City has demonstrated that the five crossings at issue are in fact safe for the public.

As discussed above, the City is unable to determine whether the Commission is preempted by federal law with regard to the crossings at Fanning Drive and Steves Boulevard. However, the City believes that the Commission is preempted from taking action regarding the Beaver Street, San Francisco Street, and Enterprise Avenue crossings. Therefore, the Commission lacks authority to take action regarding those crossings if it determines that the City has failed to meet the FRA Quiet Zone requirements. In addition, those crossings do not require Commission approval because no changes were made to the warning signals, roadway configuration, or pavement markings. Finally, the City has shown that it has complied with FRA regulations concerning the establishment of its Quiet Zone.

Respectfully submitted this 7<sup>th</sup> day of August, 2009 by:



David Womochil  
Senior Assistant City Attorney  
City of Flagstaff

Original and thirteen (13) copies of the foregoing were mailed this 7<sup>th</sup> day of August, 2009, first class postage prepaid, to:

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

Copies of the foregoing mailed this 7<sup>th</sup> day of August, 2009 to:

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City of Flagstaff  
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Flagstaff, AZ 86001

Melvin V. Thomas, Manager Public Projects  
BNSF Railway Company  
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San Bernardino, CA 92408-3571

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Utilities & Railroad Engineering Section  
Arizona Dept. of Transportation  
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Amtrak  
810 N. Alameda Street  
Los Angeles, CA 90012

By:  \_\_\_\_\_

# EXHIBIT 1



February 17, 2009

Arizona Corporation Commission  
Attn: Chris Watson  
2200 North Central Avenue  
Suite #300  
Phoenix, AZ 85004

Re: Applicant for Existing Rail Crossing Changes, DOT #'s 025099J & 025129Y

Mr. Watson,

This application is to install additional warning devices at the Steves and Fanning railroad crossings. The existing lights and gates will not be altered but wayside horns will be installed at each crossing. The following historic information is in the context of creating a quiet zone that the wayside horns are a part of. There are other crossings in the quiet zone but no changes will be made to the warning devices, roadway configuration or pavement marking at these crossings.

In accordance with the Federal Railroad Administration's Quiet Zone ruling 49 CFR Parts 222 and 229, the City of Flagstaff, Arizona intends to create a New Quiet Zone. The intent of this action is the elimination of train horn noise at railroad crossings within the limits of the City.

**Crossings Contained Within the Quiet Zone:**

- Beaver Street                      DOT Crossing # 025133N
- San Francisco Street              DOT Crossing # 025132G
- Enterprise Avenue                DOT Crossing # 025131A
- Steves Boulevard                 DOT Crossing # 025099J
- Fanning Drive                      DOT Crossing # 025129Y

An on-site meeting was held on May 2, 2006 with the following attendance:

Kurt Anderson, Railroad Controls

Barry Gondron, Gannett Fleming

Chris Watson, Arizona Corporation Commission

Stu Seubert, City of Flagstaff (part time)

Randy Whitaker, City of Flagstaff

Debbie Jo Maust, City of Flagstaff

Gerry Craig, City of Flagstaff (part time)

Megan McIntyre, BNSF

Tom Chilcoat, BNSF

Note: FRA representatives could not attend due to financial situation.

At this field meeting the various safety measures were discussed that could occur at each of the crossing and a report "Quiet Zone/Wayside Horn Update December 2006, Revision 1-22-07 was issued to each participant.

In accordance with 29 CFR Part 222.43, on March 14, 2008 a Notice of Intent which included 60% drawings was provided by means of Certified Mail, Return Receipt Requested to:

- All railroads operating over the public highway rail – grade crossings within the Quiet Zone (BNSF Railroad);
- The State Agency responsible for highway and road safety (Arizona Department of Transportation)
- The State Agency responsible for grade crossing safety (Arizona Corporation Commission)

There is a statutory 60-day comment period after the date this Notice of Intent is mailed. BNSF did have several comments that have been addressed in the 100% drawings.

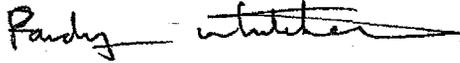
There are currently lights and gates at all five crossing within the project and these devices will not be changed as part of this project. Per the FRA Ruling to create the Quiet Zone, Beaver, San Francisco and Enterprise crossings will only require additional signage and fencing. Additional warning devices in the form of wayside horns will be installed at the Steves and Fanning crossings.

The City is funding the project and will be responsible for maintaining all signage, fencing and equipment installed as part of the project. The exception is the new electronic equipment inside the BNSF cabinet that sends a signal to the wayside horns will be maintained by BNSF.

There is not an overall agreement required to create the quiet zone but a Wayside Horn Agreement was required by BNSF.

Please do not hesitate to call or Email me at 928-226-4844 or  
rwhitaker@ci.flagstaff.az.us

Thank You,

A handwritten signature in black ink that reads "Randy Whitaker". The signature is written in a cursive style with a long horizontal flourish at the end.

Randy Whitaker  
Senior Project Manager  
City of Flagstaff

Exhibits:

- A - Site Maps
- B - U.S.DOT - Crossing Inventory Information
- C - BNSF Wayside Horn Agreement
- D - Quiet Zone/Wayside Horn Update December 2006, Revision 1-22-07
- E - Notice of Intent & 60% Design Narrative

## EXHIBIT 2

COMMISSIONERS  
KRISTIN K. MAYES-Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP



ARIZONA CORPORATION COMMISSION

MICHAEL P. KEARNS  
Interim Executive Director

DAVID RABER  
Director, Safety Division

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### Staff Memorandum

To: THE COMMISSION

DOCKET NO. RR-02635B-09-0075

From: Safety Division

Date: March 27, 2009

RE: IN THE MATTER OF THE APPLICATION OF THE CITY OF FLAGSTAFF TO MODIFY AN EXISTING CROSSINGS OF THE BNSF RAILWAY COMPANY AT STEVES BOULEVARD (DOT NO. 025-099-J) AND FANNING DRIVE (DOT NO.025-129-Y) IN THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA.

#### Background

On February 19, 2009 the City of Flagstaff ("City") filed with the Arizona Corporation Commission ("Commission") an application for approval to modify two existing at-grade railroad crossings of the BNSF Railway Company ("BNSF") by installing additional warning devices in the form of wayside horns, as part of the City's attempt to mitigate locomotive horn noise. The two crossings are at Steves Boulevard; DOT No. 025-099-J, and Fanning Drive, DOT No. 025-129-Y, both located within the City, in Coconino County, Arizona. Originally, the City had intended on including these two crossings as part of a proposed Quiet Zone, which would require the City to choose between two improvement options: (1) the use of roadway medians or (2) the use of four quadrant gates. The option of installing roadway medians was not feasible due to the close proximity of Route 66 and Industrial Drive to these crossings. As for the four quadrant gates, the cost of installation and maintenance were the major deterrents to that option. Therefore, the City chose to pursue the wayside horn warning devices in an attempt to mitigate the horn noise at these crossings.

On May 2, 2006, Staff, the Railroad and the City participated in diagnostic review of the proposed improvements at these crossings. All parties present were in agreement to the proposed improvements at Steves Boulevard and Fanning Drive. The following is a break down of the two crossings in this application, including information about the crossings that was provided to Staff by the City.

## Geographical Information

Flagstaff, Arizona is located at the intersection of Interstate 17 and Interstate 40, and is the largest city in Northern Arizona. The City is also the regional center and county seat for Coconino County, the second largest county in the 48 contiguous states. The City of Flagstaff currently comprises of just over 64 square miles, nestled at the base of the San Francisco Peaks and surrounded by one of the largest pine forests on earth. Flagstaff drew its name from a very tall pine tree made into a flagpole in 1876 to celebrate our nation's centennial. At nearly 7,000 feet, Flagstaff is also one of the highest elevation cities in the United States. The City is a year-round Mecca for visitors and many Arizonans maintain second homes here.

Located on the east side of Flagstaff, Steves Boulevard and Fanning Drive have very similar characteristics. Both at-grade crossings connect Route 66 to Industrial Drive; two east-west roadways which parallel the railroad tracks. The distance between Route 66 and Industrial Drive is only 300 feet, which limits the options of improving the crossings. The railroad track location is approximately centered between the curb lines of the parallel roadways. (See Appendix "A")

## Steves Boulevard

The existing crossing is being modified as part of the City's efforts to reduce locomotive horn noise. Steves Boulevard is a two lane through street, which runs in a north-south direction with right and left turning lanes at Route 66 and Industrial Drive. Currently, the warning devices consist of cantilevers, automatic gates, flashing lights and automatic bells. The proposed upgrades include: installation of wayside horns, new sidewalk construction which will conform to all ADA (Americans with Disabilities Act) requirements and the installation of "No Train Horn" signs. The "No Train Horn" signs indicate to the public that the locomotive horn is not routinely sounded at the crossing. The proposed measures are consistent with wayside horns employed at similar at-grade crossings across the country. The estimated cost of the proposed railroad crossing upgrade is \$115,000.

Traffic data for Steves Boulevard was provided by the City. The most current data provided showed the Average Daily Traffic (ADT) to be 11,028 vehicles per day (vpd). No future traffic projections were provided by the City.

Commission Rail Safety Section records, as well as Federal Railroad Administration ("FRA") accident/incident records indicate one accident at this crossing. The accident occurred on 11/9/1985 as a result of an auto running through the downed crossing gate arm. No injuries or fatalities occurred in this accident. Records indicate the warning devices were reported to be working as intended at the time of the accident.

Alternative routes from this crossing are as follows; to the east .65 miles is Fanning Drive, an at-grade crossing, and to the west .54 miles, is 4<sup>th</sup> Street, a grade separated crossing.

### **Fanning Drive**

The existing crossing is being modified as part of the City's efforts to reduce locomotive horn noise. Fanning Drive is a two lane through street, which runs in a north-south direction with right and left turning lanes onto Route 66 and Industrial Drive. Currently the warning devices consist of cantilevers, gates, flashing lights and bells. The proposed upgrades include: installation of wayside horns, new sidewalk construction which will conform to all ADA requirements and the installation of "No Train Horn" signs. The proposed measures are consistent with wayside horns employed at similar at-grade crossings across the country. The estimated cost of the proposed railroad crossing upgrade is \$115,000.

Traffic data for Fanning Drive was provided by the City. The most current data provided showed the ADT to be 8,101 vpd. No future traffic projections were provided.

Commission Rail Safety Section records, as well as FRA accident/incident records indicate four accidents at this crossing with one injury. The first accident occurred on 8/21/1988 as a result of an auto running through the downed crossing gate. The second occurred on 9/29/2001 as a result of an auto stopping on the railroad tracks. The third accident occurred on 2/6/2003, also as a result of an auto stopping on the railroad tracks. A fourth accident occurred on 10/23/2006, when a tractor trailer did not clear the crossing and was struck by a train, resulting in one injury. Records indicate the warning devices were reported to be working as intended in all four accidents.

Alternative routes from this crossing are as follows; to the east .61 miles is Country Club Road, a grade separated crossing, and to the west is Steves Boulevard, .65 miles, an at grade crossing.

### **Train Data**

Data provided by the City regarding train movements through these crossings are as follows:

**Train Count:** 93 trains per day on two main tracks

**Train Speed:** 55 mph freight and passenger

**Thru Freight/Switching Moves:** There are thru freight moves as well as switching moves through these crossings. This is an Amtrak passenger route.

### **Wayside Horns**

Both of these crossings involve the installation of wayside horns. Wayside horns are an innovative railroad signaling device that significantly improves safety for motorists and pedestrians and dramatically reduces the amount of noise pollution created

by train horns along rail corridors in populated areas. Wayside horns are a stationary horn system activated by the railroad-highway grade crossing warning system. Wayside horns are mounted at the crossing, rather than on the locomotive, to deliver a longer, louder, more consistent audible warning to motorists and pedestrians while eliminating noise pollution in neighborhoods for more than 1/2 mile along the rail corridor.

The wayside horn sounds like a train horn because the tone modules in the horns were digitally recorded from an actual locomotive horn. After receiving the signal from the railroad's track circuit warning system, the horn mimics the train horn warning by cycling through the standard railroad whistle pattern until the train reaches the crossing. Once the train has entered the crossing, the wayside horn is silenced. A confirmation signal notifies the locomotive engineer that the wayside horn is functioning properly. When the locomotive engineer sees that the confirmation signal is flashing, he will not be required to sound his horn unless he detects an unsafe condition at the grade crossing. Coordination with the railroad operating company is essential since the wayside horn is directly connected to the railroad's crossing signal-warning system. The railroad operating company must issue instructions to their train crews regarding the sounding or non-sounding of the train's horn. The implementation of wayside horns at rail crossings does not establish a quiet zone. Currently, there are no rail crossings in Arizona that have wayside horns.

Wayside horns have been classified by the FHWA as a traffic control device for inclusion in the Manual on Uniform Traffic Control Devices (MUTCD). Under CFR Part 222.59 (a) (1), wayside horns may be used in lieu of a locomotive horn at any highway-rail grade crossing equipped with an active warning system consisting of, at a minimum, flashing lights and gates.

### **Creation of a Quiet Zone**

Within the City's application, the City explained that a "quiet zone" will be created at Beaver Street, San Francisco Street and Enterprise Avenue, but that no changes will be made to the warning devices, roadway configuration, or pavement markings that would require Commission approval.

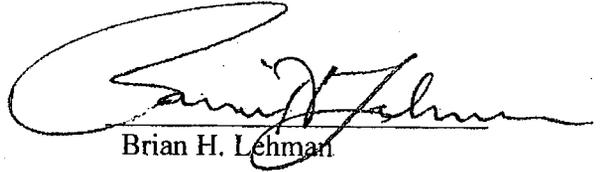
A quiet zone is a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities. The train horns can be silenced only when other safety measures compensate for the absence of the horns. The Federal Railroad Administration (FRA) train horn rule 49 CFR Parts 222 and 229, provides localities nationwide with the opportunity to establish quiet zones. The federal rule pre-empts all applicable state laws, regarding the sounding of locomotive horns at highway-rail grade crossings. To qualify, communities wishing to establish quiet zones must equip proposed grade crossings with adequate safety measures to overcome the decrease in safety created by silencing the train horns. The additional safety measures must be constructed at the community's own expense and must meet federal specifications. The federal rule also contains language which for the first time restricts the volume of train horns.

**Staff Conclusions**

Having reviewed all applicable data, Staff generally supports the City's application. By installing wayside horns, and the "No Train Horn" signs at Steves Blvd. and Fanning Drive, Staff believes these modifications will provide adequate warning to the public of the approach of a train. Having said that, Staff believes that the measures proposed by the City will provide for the public's safety. Therefore, Staff recommends approval of the City's application.



\_\_\_\_\_  
Dave Raber



\_\_\_\_\_  
Brian H. Lehman



Original and thirteen (13) copies  
of the foregoing were filed this  
27th day of March, 2009 with:

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

Copy of the foregoing mailed  
this 27th day of March, 2009 to:

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

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Flagstaff, Az. 86001

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740 E. Carnegie Dr.  
San Bernardino, Ca. 92408

Tim Dalegowski  
Coconino County  
Public Works Department  
5600 E. Commerce Dr.  
Flagstaff, Az. 86004

**EXHIBIT 3**

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TR-081743
	)	
TOWN OF STEILACOOM,	)	ORDER 01
	)	
Petitioner.	)	ORDER GRANTING PETITION TO
	)	INSTALL WAYSIDE HORNS AT THE
	)	SUNNYSIDE BEACH PEDESTRIAN-
BNSF RAILWAY COMPANY,	)	ONLY CROSSING
	)	
Respondent.	)	
	)	USDOT: 085754X
	)	UTC: 1K14.94
.....	)	

**BACKGROUND**

- 1 On September 23, 2008, the Town of Steilacoom (Steilacoom or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to install wayside horns at the Sunnyside Beach pedestrian-only railroad grade crossing. The crossing is identified as USDOT 085754X.
- 2 The Petitioner seeks to eliminate the train's horn that sounds as it approaches and travels through this crossing. The crossing does not currently qualify as a "Quiet Zone" as provided under current Federal Railroad Administration rules and regulations, so the railroad must sound its horn unless a wayside horn is installed. Wayside horns are stationary horn systems mounted at the crossing and activated by the highway-railroad warning system. Wayside horns deliver a targeted blast of sound toward on-coming vehicle traffic and pedestrian users of the crossing. The result is a more focused horn sound at the crossing which helps alleviate the traditional train horn noise in neighborhoods located near the tracks.
- 3 The Sunnyside Beach railroad crossing is a pedestrian-only crossing. Railroad warning devices consist of 12" flashing lights, STOP signs, crossbucks, and pavement markings. The Town of Steilacoom estimates that up to 70 pedestrians cross the Sunnyside Beach tracks per day during peak summer months and as few as ten users per day during the winter months.
- 4 Approximately 42 freight trains per day travel the tracks at 50 miles per hour. In addition, 8 passenger trains travel the tracks each day at 79 miles per hour.

- 5 The proposed wayside horns will be mounted on poles located in the same quadrants as the flashing lights at the crossing. A remote confirmation signal will be installed 439 feet to the northeast of the crossing on the outside of the curve of the track to address sight restrictions. Two additional dual confirmation signals will be installed on the same poles with the wayside horns. The wayside horns will be aimed across the tracks at the crossing to minimize the impact of the 92 decibel horn sound on the nearby pedestrians.
- 6 On September 10, 2008, the Respondent consented to entry of an Order by the Commission without further notice or hearing.

#### FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *RCW 81.53.*
- 8 (2) The grade crossing at the intersection of the Sunnyside Beach pedestrian crossing and the Petitioner's tracks, identified as USDOT 085754X, is a public railroad crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires that the Commission grant approval prior to any changes to public railroad grade crossings within the state of Washington. *See also 480-62-150.*
- 10 (4) Commission Staff investigated the petition and recommended that it be granted, provided that upon completion of the construction, the Petitioner notifies the Commission. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.
- 11 (5) After reviewing the petition filed on September 23, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 12 The Town of Steilacoom's petition to install wayside horns at a highway-railroad grade crossing, located at the Sunnyside Beach pedestrian crossing and BNSF Railway Company tracks, is granted.
- 13 The Petitioner must notify the Commission upon completion of the installation. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws and regulations.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective October 8, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

**NOTICE:** This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).

EXHIBIT 4

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON STATE	)	DOCKET TR-081232
DEPARTMENT OF	)	
TRANSPORTATION,	)	ORDER 01
	)	
Petitioner.	)	ORDER GRANTING PETITION,
	)	WITH CONDITIONS, TO MODIFY A
	)	PUBLIC HIGHWAY-RAIL GRADE
	)	CROSSING AT 100 <sup>th</sup> STREET SW
Central Puget Sound Regional	)	
Transportation Authority (Sound	)	
Transit), City of Lakewood and	)	
Tacoma Rail	)	USDOT: 085402S
	)	UTC: 43A8.40
Respondents.	)	
.....	)	

**BACKGROUND**

- 1 On July 2, 2008, the Washington State Department of Transportation (WSDOT) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to modify a railroad-highway grade crossing at 100<sup>th</sup> Street Southwest in the city of Lakewood in Pierce County. Modifying the crossing is part of the Point Defiance Bypass project.
- 2 The Point Defiance Bypass project is a partnership between Sound Transit and WSDOT to improve reliability of the Amtrak Cascades passenger service between Portland, Oregon, and Seattle, and to extend commuter rail service to Lakewood. Currently, passenger trains slow down to maneuver on the curved tracks along southern Puget Sound and share the track with freight trains. Once construction of the project is complete in 2010, passenger trains will travel on an 18-mile inland "bypass" route that runs along the west side of Interstate 5, from south Tacoma through Lakewood and DuPont. Most freight trains will continue to use the existing tracks along Puget Sound.
- 3 Safety improvements will be made at nine public highway-rail grade crossings in phases over several years. This petition represents safety improvements at one of four grade crossings in phase one. Related petitions are TR-081229, Steilacoom Boulevard Southwest; TR-081230, 108<sup>th</sup> Street Southwest; and TR-081231, Bridgeport Way Southwest, all crossings are located within the city of Lakewood.

- 4 Prior to the involvement of WSDOT in this project, Sound Transit petitioned the Commission in docket number TR-061196 for approval to make various modifications to the 100<sup>th</sup> Street Southwest crossing. The Commission approved Sound Transit's petition on September 22, 2006. The proposed modifications approved in docket number TR-061196 were never completed and are now incorporated into the modifications proposed in this docket.
- 5 Respondents Tacoma Rail, Sound Transit and the City of Lakewood have consented to entry of an Order by the Commission without further notice or hearing.
- 6 100<sup>th</sup> Street Southwest is a secondary arterial with four lanes of travel; two eastbound and two westbound. There is also a left turn pocket for westbound traffic. WSDOT reports average annual daily vehicle traffic over the crossing at 23,050 in 2006, with 4.6 percent of the traffic involving commercial motor vehicles at the afternoon peak. The crossing is part of an established school bus route involving 34 buses per weekday. The average annual daily vehicle traffic is expected to increase to 31,580 by 2020. The posted speed limit is 35 miles per hour.
- 7 The current crossing has an active main line and an inactive, disconnected portion of a second track. BNSF Railway Company (BNSF Railway) and Tacoma Rail currently operate two freight trains over the crossing four or five days per week. Current speed limit for the trains is 10 miles per hour. No passenger trains operate at the crossing at this time. Train traffic and train speeds are expected to increase substantially in the future. Freight trains operated by BNSF Railway and Tacoma Rail will continue at two per day but train speeds will increase to 40 mph. Sound Transit and Amtrak will initiate passenger service over this crossing upon completion of the project. Average daily passenger train traffic is expected to be 36 per day. Some passenger trains will operate at the authorized speed of 79 mph and others will operate at lower speeds.
- 8 WSDOT proposes to realign and relocate the tracks 30 feet east of the current location of the crossing. There will be two active main lines on approximately 15 foot track centers at this new location.
- 9 Current warning devices at the crossing include cross-bucks and cantilever-mounted flashing lights on each approach. The lights are interconnected with the traffic signal at the intersection of 100<sup>th</sup> Street SW and Lakeview Avenue. The existing train detection circuitry is motion sensors.

- 10 The realignment, reconstruction of tracks and future proposed use of this crossing presents a number of significant challenges. In order to address public safety concerns and other issues, WSDOT and Sound Transit organized a diagnostic team consisting of representatives of all major stakeholder groups. The diagnostic team met on-site in September 2006, and provided valuable input and specific recommendations to WSDOT, Sound Transit and the contracted design engineers. The resulting construction design is consistent in all major components to the recommendations of the diagnostic team.
- 11 Modifications to the existing warning devices include relocating the existing east approach cantilever approximately 40 feet further east to accommodate construction of the new second main line. LED flashing light units will also be retrofitted on this cantilever. A new cantilever will be installed on the west approach and gates will be installed on both approaches.
- 12 The control equipment for the railroad warning devices will be upgraded to modern constant warning time units, including replacing the existing bungalow and hardware. The new circuitry will allow additional advanced preemption time. The interconnection between the rail crossing and traffic signals will be upgraded to a six-wire supervisory configuration. Active "No Right Turn" blank-out signs are proposed to control turns at the intersection of 100<sup>th</sup> Street and Lakeview Avenue SW in appropriate phases of pre-emption.
- 13 Medians will be installed east and west of the crossing to discourage driving around the gates and other illegal or risky motorist behavior. A "C" curb extension in the northeast quadrant will be modified to allow large trucks easier turning movements.
- 14 Sidewalks on both sides of the crossing will be installed to provide safe pedestrian travel over the crossing.
- 15 WSDOT also proposes to install wayside horns as a one-for-one substitution of the traditional train horn. With higher speed train operations, the train horn would begin sounding farther from the crossing, near residential areas and schools. The installation of wayside horns will confine the sound near the crossing and minimize noise in areas where an audible warning is not needed for safety purposes. Horns are proposed to be installed in the northeast and southwest quadrants. Indicator lights are proposed to be installed on top of the cantilever masts high enough so that train engineers can see them from a distance.

16 The proposed upgrades are in the interest of improving passenger train service in Washington and providing for the safety and convenience of roadway users.

### FINDINGS AND CONCLUSIONS

- 17 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*
- 18 (2) The proposed modifications of this crossing involve a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 19 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington.
- 20 (4) Commission Staff investigated the petition and recommends that it be granted with the conditions identified below.
- 21 (5) After examination of the petition filed by the Washington State Department of Transportation on July 2, 2008, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

### ORDER

#### THE COMMISSION ORDERS:

- 22 The petition of the Washington State Department of Transportation to modify a railroad-highway grade crossing at the intersection of 100<sup>th</sup> Street Southwest and Sound Transit's tracks in the city of Lakewood is granted, as follows:
- (1) The modifications must substantially conform to those described in the petition and detailed in the design drawings. Due to the complexity of this project, design changes are inevitable. Petitioner is authorized to make minor changes as necessary for successful completion of the project on the condition that Commission Staff is consulted on safety-related changes.

- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (3) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances from both the roadway and railroad tracks.
- (4) The installation of wayside horns is approved in concept. Actual placement of the horns and indicator lights are subject to approval of a diagnostic team which includes, at a minimum, Commission Staff, Sound Transit, WSDOT, the wayside horn vendor, and the City of Lakewood.
- (5) Petitioner must notify Commission Staff within 30 days upon completion of this modification project.
- (6) TR-081232 Order 01 supersedes Order 01 in Docket TR-061196.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(b)).

DATED at Olympia, Washington, and effective September 24, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

**NOTICE:** This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).



# City of Flagstaff

Office of the City Attorney - Patricia J. Boomsma, City Attorney

**Mailing Address:**

Flagstaff City Attorney's Office  
211 W. Aspen Avenue  
Flagstaff, Arizona 86001

(928) 779-7680  
(928) 774-5281 Main & TDD  
Arizona Relay Service 7-1-1

**Civil Section**

211 W. Aspen Avenue, 2<sup>nd</sup> Floor  
Fax (928) 913-3204

HARRY M. LANE, DEPUTY CITY ATTORNEY  
DANA H. KJELLGREN  
DAVID A. WOMOCHIL  
JAMES B. SPEED

**Prosecution Section**

107 W. Aspen Avenue  
Fax (928) 913-3215

LISA M. STANKOVICH, CHIEF PROSECUTOR  
RONALD KANWISCHER  
ROBERT W. BROWN  
JULIE LABENZ  
CONSUELO BRENNAN

May 14, 2009

Mr. Harry Steelman  
Project Manager, Amtrak  
810 N. Alameda Street  
Los Angeles, CA 90012

RE: **Arizona Corporation Commission Docket No. RR-02635B-09-0075**

Dear Mr. Steelman,

This letter is to provide notice to Amtrak concerning a matter that is currently pending before the Arizona Corporation Commission. It involves the City of Flagstaff's application to upgrade existing BNSF railroad crossings at several locations.

Please find attached a Procedural Order issued by the Corporation Commission on February 27, 2009, which set a hearing on this matter for May 6, 2009. The hearing scheduled for that date was continued, and a new hearing has been scheduled for July 8, 2009 at 10:00 a.m. Please feel free to contact me at the number listed above if you have any questions.

Sincerely,

David Womochil  
Senior Assistant City Attorney

Attachment: **Corporation Commission Procedural Order Dated February 27, 2009**

cc: Mark Bolton  
Fennemore Craig  
3003 North Central Avenue, Suite 2600  
Phoenix, AZ 85012  
Attorney for BNSF Railway Company



1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 KRISTIN K. MAYES, Chairman  
4 GARY PIERCE  
5 PAUL NEWMAN  
6 SANDRA D. KENNEDY  
7 BOB STUMP

RECEIVED MAR 0 2 2009

8 IN THE MATTER OF THE APPLICATION OF  
9 THE CITY OF FLAGSTAFF TO UPGRADE  
10 EXISTING RAILROAD CROSSINGS OF THE  
11 BNSF RAILWAY COMPANY AT STEVES  
12 BOULEVARD AND FANNING DRIVE IN THE  
13 CITY OF FLAGSTAFF, COCONINO COUNTY,  
14 ARIZONA, DOT CROSSING NOS. 025099J  
15 AND 025129Y.

DOCKET NO. RR-02635B-09-0075

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On February 19, 2009, the City of Flagstaff ("City") filed with the Arizona Corporation  
13 Commission ("Commission") an application for approval to upgrade two existing at-grade railroad  
14 crossings of the BNSF Railway Company ("BNSF") by installing additional warning devices in the  
15 form of wayside horns, as part of the City's plan to create a New Quiet Zone within the City's limits.  
16 The two crossings are at Steves Boulevard, DOT Crossing No. 025099J, and Fanning Drive, DOT  
17 Crossing No. 025129Y, both located within the City, in Coconino County, Arizona. The City  
18 explained that additional crossings (Beaver Street, San Francisco Street, and Enterprise Avenue<sup>1</sup>) are  
19 to be included within its New Quiet Zone, but that no changes will be made to the warning devices,  
20 roadway configuration, or pavement markings at those crossings.

21 The Commission now issues this Procedural Order to govern the preparation and conduct of  
22 this proceeding.

23 IT IS THEREFORE ORDERED that the City's application shall be considered an application  
24 for BNSF to upgrade existing crossings pursuant to A.R.S. §§ 40-337 *et seq.*

25 IT IS FURTHER ORDERED that BNSF shall be considered as the Respondent in this  
26 proceeding.

27  
28 <sup>1</sup> These crossings are further identified, respectively, by DOT Crossing Nos. 025133N, 025132G, and 025131A.

1 IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **May 6,**  
 2 **2009, at 1:00 p.m.,** or as soon thereafter as is practicable, in the 2<sup>nd</sup> Floor Conference Room at the  
 3 Commission's offices at 1200 West Washington Street, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural  
 5 Order, the **City shall provide BNSF, Coconino County, the Arizona Department of**  
 6 **Transportation, and any other municipality or interested person that may be affected by the**  
 7 **application with a copy of the application and this Procedural Order by certified mail.**

8 IT IS FURTHER ORDERED that the Railroad Safety Section of the Commission's Safety  
 9 Division ("Staff") shall prepare a written **Staff Report and associated exhibits** to be presented at  
 10 hearing and file copies of them with Docket Control on or before 4:00 p.m. on **March 27, 2009.**  
 11 **Staff shall ensure that a copy of the Staff Report and associated exhibits is provided to the City,**  
 12 **BNSF, and any other person identified in the service list for this docket.**

13 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
 14 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **April**  
 15 **10, 2009.**

16 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
 17 105, except that all motions to intervene must be filed on or before **April 17, 2009.**

18 IT IS FURTHER ORDERED that the City shall provide public notice of the hearing in this  
 19 matter, in the following form and style, with the heading in no less than 12-point bold type and the  
 20 body in no less than 10-point regular type:

21 **PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATION**  
 22 **OF THE CITY OF FLAGSTAFF TO UPGRADE EXISTING RAILROAD**  
 23 **CROSSINGS OF THE BNSF RAILWAY COMPANY AT STEVES BOULEVARD**  
 24 **AND FANNING DRIVE IN THE CITY OF FLAGSTAFF, COCONINO COUNTY,**  
**ARIZONA, DOT CROSSING NOS. 025099J AND 025129Y.**  
**(DOCKET NO. RR-02635B-09-0075)**

25 On February 19, 2009, the City of Flagstaff ("City") filed with the Arizona  
 26 Corporation Commission ("Commission") an application for approval to upgrade two  
 27 existing at-grade railroad crossings of the BNSF Railway Company ("BNSF") by  
 28 installing additional warning devices in the form of wayside horns. The two  
 crossings are at Steves Boulevard, DOT Crossing No. 025099J, and Fanning Drive,  
 DOT Crossing No. 025129Y, both located within the City, in Coconino County,  
 Arizona.

1 The Railroad Safety Section of the Commission's Safety Division ("Staff") is in the  
2 process of analyzing the application and has not yet made any recommendations in  
3 this matter. The Commission will determine whether to grant the application based  
4 on the evidence of record in this matter. The Commission is not bound by the  
5 proposals made by the City, BNSF, Staff, or any intervenors.

6 Copies of the application and the other documents filed in this matter are available at  
7 the Commission's Docket Control Center at 1200 West Washington Street, Phoenix,  
8 Arizona, for inspection during regular business hours, and on the Internet via the  
9 Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

10 The Commission will hold a **hearing** in this matter beginning on **May 6, 2009, at**  
11 **1:00 p.m.**, in the 2<sup>nd</sup> Floor Conference Room at the Commission's offices at 1200  
12 West Washington Street, Phoenix, Arizona. Public comments will be taken on the  
13 first day of the hearing. Written public comments may be submitted by mailing an  
14 original and 13 copies of a letter referencing Docket No. RR-02635B-09-0075 to the  
15 Commission's Docket Control Center, 1200 West Washington Street, Phoenix,  
16 Arizona 85007.

17 Any person or entity entitled by law to intervene and having a direct and substantial  
18 interest in the matter will be permitted to intervene. If you desire to intervene, you  
19 must file an original and 13 copies of a written motion to intervene with the  
20 Commission's Docket Control no later than **April 17, 2009**. You must send a copy of  
21 the motion to intervene to the City or its counsel and to all parties of record. Your  
22 motion to intervene must contain the following:

- 23 1. Your name, address, and telephone number and the name, address, and  
24 telephone number of any party upon whom service of documents is to be  
25 made, if not yourself;
- 26 2. A short statement of your interest in the proceeding (e.g., a customer of  
27 BNSF, a neighboring property owner, a crossing user, etc.); and
- 28 3. A statement certifying that you have mailed a copy of the motion to intervene  
to the City or its counsel and to all parties of record in the case.

18 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
19 that all motions to intervene must be filed on or before April 17, 2009. If  
20 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme  
21 Court, intervention will be conditioned upon the intervenor's obtaining counsel to  
22 represent the intervenor. For information about requesting intervention, visit the  
23 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.  
24 The granting of intervention, among other things, entitles a party to present sworn  
25 evidence at hearing and to cross-examine other witnesses. However, failure to  
26 intervene will not preclude any interested person or entity from appearing at the  
27 hearing and providing public comment on the application or from filing written  
28 comments in the docket for the case.

29 If you have any questions about the application, you may contact the City at [insert  
30 telephone number].

31 The Commission does not discriminate on the basis of disability in admission to its  
32 public meetings. Persons with a disability may request a reasonable accommodation  
33 such as a sign language interpreter and request this document in an alternative format  
34 by contacting the ADA Coordinator, Shaylin Bernal, at [sabernal@azcc.gov](mailto:sabernal@azcc.gov), voice  
35 phone number 602-542-3931. Requests should be made as early as possible to allow  
36 time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the City shall cause the above notice to be **published** at  
2 least once in a newspaper of general circulation in the area where the crossings are located, with  
3 **publication to be completed no later than March 20, 2009.**

4 IT IS FURTHER ORDERED that notice shall be deemed complete upon the publication of  
5 same, notwithstanding the failure of an individual or entity to read or receive the notice.

6 IT IS FURTHER ORDERED that the City shall file **certification of notice with the**  
7 **Commission's Docket Control as soon as practicable** after the publication of notice ordered herein  
8 has been completed, and **no later than April 10, 2009.**

9 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
10 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
11 *pro hac vice.*

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
13 Communications) applies to this proceeding and shall remain in effect until the Commission's  
14 Decision in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
16 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
17 ruling at hearing.

18 DATED this 27<sup>th</sup> day of February, 2009.

19  
20  
21   
22 SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

23  
24 Copies of the foregoing mailed/delivered  
this 27<sup>th</sup> day of February, 2009, to:

25 Randy Whitaker, Senior Project Manager  
26 Traffic Engineering  
CITY OF FLAGSTAFF  
27 City Hall  
211 West Aspen Avenue  
28 Flagstaff, AZ 86001

1 Melvin V. Thomas, Manager Public Projects  
BNSF RAILWAY COMPANY  
740 East Carnegie Drive  
2 San Bernardino, CA 92408-3571

3 Robert Travis, PE, State Railroad Liaison  
Utilities & Railroad Engineering Section  
4 ARIZONA DEPARTMENT OF TRANSPORTATION  
205 South 17<sup>th</sup> Avenue, Mail Drop 618E  
5 Phoenix, AZ 85007

6 Traffic Records Section  
ARIZONA DEPARTMENT OF TRANSPORTATION  
7 206 South 17<sup>th</sup> Avenue, Mail Drop 064R  
Phoenix, AZ 85007  
8

9 Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
Phoenix, Arizona 85007  
11

12 Brian Lehman, Chief  
Railroad Safety Section  
ARIZONA CORPORATION COMMISSION  
13 1200 West Washington Street  
Phoenix, Arizona 85007  
14

15 ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
16 Phoenix, AZ 85004-1481

17  
18 By:   
Debra Broyles  
19 Secretary to Sarah N. Harpring  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT 6



**Arizona Department of Transportation**  
**Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

John S. Halikowski  
Director

Floyd Roehrich Jr.  
State Engineer

August 5, 2009

Mr. Tom Woll  
Highway-Rail Crossing Safety Engineer  
Federal Railroad Administration  
1200 New Jersey Ave. SE, W33-447, Mail Stop 25  
Washington, DC 20590

Mr. Woll,

Enclosed are DOT-Crossing Inventory information updates for proposed Quiet zone projects in the city of Flagstaff, Arizona. Updates are per the 2007 guidelines for crossing inventory. I personally inspected the crossings and received the updated traffic counts from the city of Flagstaff. I have not received any corrections nor input from the Burlington Northern Santa Fe Railway.

I understand that the Railroad, FRA, City representatives/ designers also visited the crossings before me as part of the Quiet Zone process. I do have pictures of all crossings in digital format if you need them.

Updates for crossings:

DOT #	Street Name
025 133 N	Beaver Street (1 way South bound)
025 132 G	San Francisco Street (1 way North bound)
025 131 A	Enterprise Road
025 129 Y	Fanning Drive
025 099 J	Steves Boulevard

Sincerely,

Robert Travis, PE  
State Railroad Liaison  
Arizona Department of Transportation  
205 S 17th Ave, Room 357  
MD 618E  
Phoenix, AZ 85007  
602-712-6193 602-712-3229 fax  
[rtravis@azdot.gov](mailto:rtravis@azdot.gov)

enclosures

cc: Melvin Thomas, BNSF  
Randy Whitaker, City of Flagstaff  
Chris Watson, Arizona Corporation Commission



# U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **025133N**

Continued

Effective Begin-Date of Record: ~~08/17/06~~  
End-Date of Record: **8-1-09**

## Part III: Traffic Control Device Information

**Signs:**

Crossbucks:	4	Highway Stop Signs:	0
Advanced Warning:	Yes	Hump Crossing Sign:	No
Pavement Markings:	<b>Stop Lines and RR Xing Symbols</b>	Other Signs:	2
			2

Specify: **3-TRACKS R15-2**  
**OTHER STPSGN R8-8**

**Train Activated Devices:**

Gates:	2	4 Quad or Full Barrier:	<del>Yes</del> <b>No</b>
Mast Mounted FL:	4	Total Number FL Pairs:	9
Cantilevered FL (Over):	2	Cantilevered FL (Not over):	0
Other Flashing Lights:	0	Specify Other Flashing Lights:	
Highway Traffic Signals:	0	Wigwags:	0
Other Train Activated Warning Devices:		Bells:	4
Channelization:	<del>Yes</del> <b>No</b>	Special Warning Devices Not Train Activated:	
Track Equipped with Train Signals?	Yes	Type of Train Detection:	<b>Constant Warning Time</b>
		Traffic Light Interconnection/Preemption:	<b>Advance Preemption</b>

## Part IV: Physical Characteristics

Type of Development:	<b>Commercial</b>	Smallest Crossing Angle:	<b>60 to 90 Degrees</b>
Number of Traffic Lanes Crossing Railroad:	2	Are Truck Pullout Lanes Present?	No
Is Highway Paved?	Yes	If Other:	
Crossing Surface:	<b>Concrete</b>	Is it Signalized?	Yes
Nearby Intersecting Highway?	<b>Less than 75 feet</b>	Is Crossing Illuminated?	No
Does Track Run Down a Street?	No		
Is Commercial Power	Yes		

## Part V: Highway Information

Highway System:	<b>Other FA Highway - Not NHS</b>	Functional Classification of Road at Crossing:	<b>Urban Collector</b>
Is Crossing on State Highway System:	No	AADT Year:	<del>2003</del> <b>2008</b>
Annual Average Daily Traffic (AADT):	<del>007642</del> <b>5900</b>	Avg. No of School Buses per Day:	0
Estimated Percent Trucks:	40		
Posted Highway Speed:	<del>0</del> <b>25</b>		

**U.S. DOT - CROSSING INVENTORY INFORMATION**  
AS OF 8/3/2009

Crossing No.: **025132G** Update Reason: **Changed Crossing** Effective Begin-Date of Record: ~~08/17/06~~  
 Railroad: **BNSF BNSF Rwy Co. [BNSF]** End-Date of Record: **8-1-09**  
 Initiating Agency **Railroad State** Type and Position: **Public At Grade**

**Part I Location and Classification of Crossing**

Division:	<b>SOUTHWEST</b>	State:	<b>AZ</b>
Subdivision:	<b>SELIGMAN</b>	County:	<b>COCONINO</b>
Branch or Line Name:	<b>E WINSL-NEEDLES</b>	City:	<b>In FLAGSTAFF</b>
Railroad Milepost:	<b>0344.16</b>	Street or Road Name:	<b>SAN FRANCISCO ST</b>
RailRoad I.D. No.:	<b>7200</b>	Highway Type & No.:	
Nearest RR Timetable Stn:	<b>FLAGSTAFF</b>	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	<b>35A</b>
Crossing Owner:		Latitude:	<b>35.1968505</b>
ENS Sign Installed:		Longitude:	<b>-111.6482409</b>
Passenger Service:	<b>AMTRAK</b>	Lat/Long Source:	<b>Actual</b>
Avg Passenger Train Count:	<b>2</b>	Quiet Zone:	<b>No</b>
Adjacent Crossing with Separate Number:			

**Private Crossing Information:**

Category:	Public Access:	<b>Unknown</b>
Specify Signs:	Specify Signals:	
ST/RR A	ST/RR B	ST/RR C
		ST/RR D

Railroad Use:

State Use:

Narrative: **ENS <sup>Q</sup> BUNDA = 1 way st w/ dual entrance gates 2 LONG, 1 rubber panel**

Emergency Contact: **(800)832-5452** Railroad Contact: **(913)551-4540** State Contact:

**Part II Railroad Information**

<b>Number of Daily Train Movements:</b>	Less Than One Movement Per Day:	<b>No</b>
Total Trains: <b>93</b>	Total Switching: <b>0</b>	Day Thru: <b>47</b>
Typical Speed Range Over Crossing: From <b>1</b> to <b>45</b> mph	Maximum Time Table Speed:	<b>45</b>
Type and Number of Tracks: Main: <b>2</b> Other: <b>1</b>	Specify:	<b>SIDING</b>
Does Another RR Operate a Separate Track at Crossing?	<b>No</b>	
Does Another RR Operate Over Your Track at Crossing?	<b>Yes: ATK</b>	

**U.S. DOT - CROSSING INVENTORY INFORMATION**

Crossing 025132G

Continued

Effective Begin-Date of Record: ~~08/17/06~~

End-Date of Record.

8-1-08

**Part III: Traffic Control Device Information**

**Signs:**

Crossbucks:	4	Highway Stop Signs:	0
Advanced Warning:	Yes	Hump Crossing Sign:	No
Pavement Markings:	Stop Lines and RR Xing Symbols	Other Signs:	2 Specify: <b>DIRECTIONAL R 8-8</b> - 2 R 5-1a 2 R 15-2

**Train Activated Devices:**

Gates:	2	4 Quad or Full Barrier:	<del>Yes</del> No
Mast Mounted FL:	<del>6</del> 4	Total Number FL Pairs:	9
Cantilevered FL (Over):	1	Cantilevered FL (Not over):	0
Other Flashing Lights:	0	Specify Other Flashing Lights:	
Highway Traffic Signals:	0	Wigwags:	0 Bells: 4
Other Train Activated Warning Devices:		Special Warning Devices Not Train Activated:	
Channelization:		Type of Train Detection:	Constant Warning Time
Track Equipped with Train Signals?	Yes	Traffic Light Interconnection/Preemption:	Advance Preemption

**Part IV: Physical Characteristics**

Type of Development:	Commercial	Smallest Crossing Angle:	60 to 90 Degrees
Number of Traffic Lanes Crossing Railroad:	3	Are Truck Pullout Lanes Present?	No
Is Highway Paved?	Yes	If Other:	
Crossing Surface:	Concrete	Is it Signalized?	Yes
Nearby Intersecting Highway?	76 to 200 feet	Is Crossing Illuminated?	No
Does Track Run Down a Street?	No		
Is Commercial Power	Yes		

**Part V: Highway Information**

Highway System:	Other FA Highway - Not NHS	Functional Classification of Road at Crossing:	Urban Collector
Is Crossing on State Highway System:	No	AADT Year:	<del>2003</del> 2008
Annual Average Daily Traffic (AADT):	<del>007978</del> 6100	Avg. No of School Buses per Day:	0
Estimated Percent Trucks:			
Posted Highway Speed:	<del>0</del> 25		

**U.S. DOT - CROSSING INVENTORY INFORMATION  
AS OF 8/3/2009**

Crossing No.: **025131A**      Update Reason: **Changed Crossing**      Effective Begin-Date of Record: ~~08/17/06~~  
 Railroad: **BNSF BNSF Rwy Co. [BNSF]**      End-Date of Record: **8-1-09**  
 Initiating Agency: ~~Railroad~~ **State**      Type and Position: **Public At Grade**

**Part I Location and Classification of Crossing**

Division:	<b>SOUTHWEST</b>	State:	<b>AZ</b>
Subdivision:	<b>SELIGMAN</b>	County:	<b>COCONINO</b>
Branch or Line Name:	<b>E WINSL-NEEDLES</b>	City:	<b>In FLAGSTAFF</b>
Railroad Milepost:	<b>0342.93</b>	Street or Road Name:	<b>ENTERPRISE RD.</b>
Railroad I.D. No.:	<b>7200</b>	Highway Type & No.:	<b>FAU9012</b>
Nearest RR Timetable Stn:	<b>FLAGSTAFF</b>	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	<b>41</b>
Crossing Owner:		Latitude:	<b>35.1947847</b>
ENS Sign Installed:		Longitude:	<b>-111.6281883</b>
Passenger Service:	<b>AMTRAK</b>	Lat/Long Source:	<b>Actual</b>
Avg Passenger Train Count:	<b>2</b>	Quiet Zone:	<b>No</b>
Adjacent Crossing with Separate Number:			

**Private Crossing Information:**

Category:	Public Access:	<b>Unknown</b>
Specify Signs:	Specify Signs:	
ST/RR A	ST/RR B	ST/RR C
		ST/RR D

Railroad Use:

State Use: **Pad xing behind gates**

Narrative: **< 9 in median w/ short full entrance gates  
ENS @ on bungalos**

Emergency Contact: **(800)832-5452**      Railroad Contact: **(913)551-4540**      State Contact:

**Part II Railroad Information**

Number of Daily Train Movements:	Less Than One Movement Per Day:	<b>No</b>
Total Trains: <b>97</b>	Total Switching: <b>4</b>	Day Thru: <b>47</b>
Typical Speed Range Over Crossing: From <b>1</b> to <b>55</b> mph	Maximum Time Table Speed:	<b>55</b>
Type and Number of Tracks: Main: <b>2</b> Other: <b>2</b>	Specify:	<b>SIDING-SPU</b>
Does Another RR Operate a Separate Track at Crossing?		<b>No</b>
Does Another RR Operate Over Your Track at Crossing?		<b>Yes: ATK</b>

# U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **025131A**

Continued

Effective Begin-Date of Record: ~~08/17/06~~

End-Date of Record: **8-1-09**

## Part III: Traffic Control Device Information

**Signs:**

Crossbucks: **6**  
 Advanced Warning: **Yes**  
 Pavement Markings: **Stop Lines and RR Xing Symbols**

Highway Stop Signs: **0**  
 Hump Crossing Sign:  
 Other Signs: ~~1~~ **2**

Specify: ~~DIRECTIONAL~~ **4x R8-8**  
~~W/O-2~~ **4x R15-2**  
**3x W10-3**  
**2x W10-11a**

**Train Activated Devices:**

Gates: **4**  
 Mast Mounted FL: **9**  
 Cantilevered FL (Over): **2**  
 Other Flashing Lights: **0**  
 Highway Traffic Signals: **0**  
 Other Train Activated Warning Devices:  
 Channelization: **No**  
 Track Equipped with Train Signals? **Yes**

4 Quad or Full Barrier: ~~Yes~~ **No**  
 Total Number FL Pairs: **16**  
 Cantilevered FL (Not over): **0**  
 Specify Other Flashing Lights:  
 Wigwags: **0** Bells: **2**  
 Special Warning Devices Not Train Activated:  
 Type of Train Detection: **DC/AFO**  
 Traffic Light Interconnection/Preemption: **Advance Preemption**

## Part IV: Physical Characteristics

Type of Development: **Industrial**  
 Number of Traffic Lanes Crossing Railroad: **5**  
 Is Highway Paved? **Yes**  
 Crossing Surface: **Concrete**  
 Nearby Intersecting Highway? **76 to 200 feet**  
 Does Track Run Down a Street? **No**  
 Is Commercial Power **Yes**

Smallest Crossing Angle: **60 to 90 Degrees**  
 Are Truck Pullout Lanes Present? **No**  
 If Other:  
 Is it Signalized? **Yes**  
 Is Crossing Illuminated? **No**

## Part V: Highway Information

Highway System: **Other FA Highway - Not NHS**  
 Is Crossing on State Highway System: **No**  
 Annual Average Daily Traffic (AADT): ~~020836~~ **12800**  
 Estimated Percent Trucks: **38**  
 Posted Highway Speed: **35**

Functional Classification of Road at Crossing: **Urban Minor Arterial**  
 AADT Year: ~~2003~~ **2008**  
 Avg. No of School Buses per Day: **0**

**U.S. DOT - CROSSING INVENTORY INFORMATION**  
AS OF 8/3/2009

Crossing No: 025129Y      Update Reason: **Changed Crossing**      Effective Begin-Date of Record: 08/01/07-  
 Railroad: **BNSF BNSF Rwy Co. [BNSF]**      End-Date of Record: 8-1-09  
 Initiating Agency: ~~Railroad~~ **State**      Type and Position: **Public At Grade**

**Part I Location and Classification of Crossing**

Division:	<b>SOUTHWEST</b>	State:	<b>AZ</b>
Subdivision:	<b>SELIGMAN</b>	County:	<b>COCONINO</b>
Branch or Line Name:	<b>E WINSL-NEEDLES</b>	City:	<b>In FLAGSTAFF</b>
Railroad Milepost:	<b>0340.55</b>	Street or Road Name:	<b>FANNING DRIVE</b>
RailRoad I.D. No.:	<b>7200</b>	Highway Type & No.:	
Nearest RR Timetable Stn:	<b>FLAGSTAFF</b>	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	<b>38</b>
Crossing Owner:		Latitude:	<b>35.2153902</b>
ENS Sign Installed:		Longitude:	<b>-111.5952922</b>
Passenger Service:	<b>AMTRAK</b>	Lat/Long Source:	<b>Actual</b>
Avg Passenger Train Count:	<b>2</b>	Quiet Zone:	<b>No</b>
Adjacent Crossing with Separate Number:			

**Private Crossing Information:**

Category:		Public Access:	<b>Unknown</b>
Specify Signs:		Specify Signals:	
	ST/RR A	ST/RR B	ST/RR C
Railroad Use:			ST/RR D
State Use:			

Narrative: <sup>3</sup>  
 ENS ~~is~~ **bunbalo**  
**Pool** IN FRONT OF gate

Emergency Contact: **(800)832-5452**      Railroad Contact: **(913)551-4540**      State Contact:

**Part II Railroad Information**

<b>Number of Daily Train Movements:</b>		Less Than One Movement Per Day:	<b>No</b>
Total Trains:	<b>93</b>	Day Thru:	<b>47</b>
Total Switching:	<b>0</b>	Maximum Time Table Speed:	<b>55</b>
Typical Speed Range Over Crossing: From	<b>1</b> to <b>55</b> mph	Specify:	
Type and Number of Tracks:	Main: <b>2</b> Other <b>0</b>		
Does Another RR Operate a Separate Track at Crossing?			<b>No</b>
Does Another RR Operate Over Your Track at Crossing?			<b>Yes: ATK</b>

# U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **025129Y**

Continued

Effective Begin-Date of Record: ~~08/01/07~~  
End-Date of Record: **8-1-09**

## Part III: Traffic Control Device Information

**Signs:**

Crossbucks: **2**  
Advanced Warning: **Yes**  
Pavement Markings: **Stop Lines and RR Xing Symbols**

Highway Stop Signs: **0**  
Hump Crossing Sign:  
Other Signs: **1**  
**1**

Specify: ~~W/O 2~~ **1 XMO-2**  
**1 XW10-11A**  
~~DIRECTIONAL~~ **2 X R-15-2**  
**2 R8-8**

**Train Activated Devices:**

Gates: **2**  
Mast Mounted FL: **2**  
Cantilevered FL (Over): **2**  
Other Flashing Lights: **0**  
Highway Traffic Signals: **0**  
Other Train Activated Warning Devices:  
Channelization: **No**  
Track Equipped with Train Signals? **Yes**

4 Quad or Full Barrier: **No**  
Total Number FL Pairs: **6**  
Cantilevered FL (Not over): **0**  
Specify Other Flashing Lights:  
Wigwags: **0** Bells: **2**  
Special Warning Devices Not Train Activated:  
Type of Train Detection: **DC/AFO**  
Traffic Light Interconnection/Preemption: **Advance Preemption**

## Part IV: Physical Characteristics

Type of Development: **Commercial**  
Number of Traffic Lanes Crossing Railroad: **4**  
Is Highway Paved? **Yes**  
Crossing Surface: **Concrete**  
Nearby Intersecting Highway? **76 to 200 feet**  
Does Track Run Down a Street? **No**  
Is Commercial Power **Yes**

Smallest Crossing Angle: **60 to 90 Degrees**  
Are Truck Pullout Lanes Present? **No**  
If Other:  
Is it Signalized? **Yes**  
Is Crossing Illuminated? **No**

## Part V: Highway Information

Highway System: **Non-Federal-aid**  
Is Crossing on State Highway System: **No**  
Annual Average Daily Traffic (AADT): ~~000101~~ **3300**  
**4500**  
Estimated Percent Trucks: **40**  
Posted Highway Speed: ~~0~~ **25**

Functional Classification of Road at Crossing: **Urban Local**  
AADT Year: ~~2003~~ **2008**  
Avg. No of School Buses per Day: **0**



U.S. DOT - CROSSING INVENTORY INFORMATION  
Continued

Crossing 025099J

Effective Begin-Date of Record: ~~08/04/07~~  
End-Date of Record: 8-1-08

**Part III: Traffic Control Device Information**

**Signs:**

Crossbucks: 2  
Advanced Warning: Yes  
Pavement Markings: RR Xing Symbols

Highway Stop Signs: 0  
Hump Crossing Sign: No  
Other Signs: 1 Specify: ~~W0-2~~  
1 DIRECTIONAL

1 x W10-11a  
1 x W10-2  
1 x R8-8  
2 x R15-2

**Train Activated Devices:**

Gates: 2  
Mast Mounted FL: 2  
Cantilevered FL (Over): 2  
Other Flashing Lights: 0  
Highway Traffic Signals: 0  
Other Train Activated Warning Devices:  
Channelization: No  
Track Equipped with Train Signals? Yes

4 Quad or Full Barrier: No  
Total Number FL Pairs: 8  
Cantilevered FL (Not over): 0  
Specify Other Flashing Lights:  
Wigwags: 0 Bells: 2  
Special Warning Devices Not Train Activated:  
Type of Train Detection: DC/AFO  
Traffic Light Interconnection/Preemption: Simultaneous Preemption

**Part IV: Physical Characteristics**

Type of Development: Commercial  
Number of Traffic Lanes Crossing Railroad: 4  
Is Highway Paved? Yes  
Crossing Surface: Concrete  
Nearby Intersecting Highway? 76 to 200 feet  
Does Track Run Down a Street? No  
Is Commercial Power Yes

Smallest Crossing Angle: 60 to 90 Degrees  
Are Truck Pullout Lanes Present? No  
If Other:  
Is it Signalized? Yes  
Is Crossing Illuminated? No

**Part V: Highway Information**

Highway System: Other FA Highway - Not NHS  
Is Crossing on State Highway System: No  
Annual Average Daily Traffic (AADT): ~~011028~~ 3200  
Estimated Percent Trucks: 05  
Posted Highway Speed: 25

Functional Classification of Road at Crossing: Urban Collector  
AADT Year: ~~2002~~ 2009  
Avg. No of School Buses per Day: 0

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Change Scenario:

Crossing	Street	Traffic	Warning Device	Pre-SSM	SSM	Risk	
025131A	ENTERPRISE RD.	12800	Gates	0	0	63,898.24	MODIFY
025132G	SAN FRANCISCO ST	6100	Gates	14	0	166,570.55	MODIFY
025133N	BEAVER ST	5900	Gates	14	0	107,299.90	MODIFY

**Create New Zone**

**Manage Existing Zones**

**Log Off**

\* Only Public At Grade Crossings are listed.

**Step by Step Instructions:**

**Step 1:** To specify New Warning Device (For Pre-Rule Quiet Zone Only) and/or SSM, click the **MODIFY** Button

**Step 2:** Select proposed warning device or SSM. Then click the **UPDATE** button. To generate a spreadsheet of the values on this page, click on **ASM** button—This spreadsheet can then be used for ASM calculations.

**Step 3:** Repeat Step (2) until the **SELECT** button is shown at the bottom right side of this page. Note that the **SELECT** button is shown ONLY when the Quiet Zone Risk Index falls below the NSRT or the Risk Index with Horn.

**Step 4:** To save the scenario and continue, click the **SELECT** button

**ALERT:** Quiet Zone qualifies because QZRI is less than Risk Index with Horns.

Click for **Supplementary Safety Measures [SSM]**

Click for ASM spreadsheet: **ASM**

\* Note: The use of ASMs requires an application to and approval from the FRA.

Summary	
Proposed Quiet Zone:	AUGUST 7
Type:	New 24-hour QZ
Scenario:	AUGUST 7_29794
Estimated Total Cost:	\$0.00
Nationwide Significant Risk Threshold:	17610 .00
Risk Index with Horns:	316826.68
Quiet Zone Risk Index:	<b>112589.56</b>
	<input type="button" value="Select"/>

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### Update and Verify Crossing Information

#### Create New Zone

Zone: **AUGUST 7**

Quiet Zone Type : **New 24-hour Quiet Zone**

#### Manage Existing Zones

025131A ENTERPRISE RD.  
025132G SAN FRANCISCO ST  
025133N BEAVER ST

#### Log Off

#### Step by Step Instructions:

**Step 1:** To add more crossings to the zone Click the **ADD CROSSING**.

**Step 2:** To Make changes to the default information, select the crossing from list. Enter the changes in the appropriate box, then click the **UPDATE** button.

**Step 3:** To permanently remove a crossing from the zone, select Crossing from list. Click the **DELETE CROSSING** button.

**Step 4:** Verify All Crossing Information Provided is correct. Then Click the Check Box, then **CONTINUE** button.

\* Note: To see a list of SSMs, click on "Pre-Existing SSM".

025131A ENTERPRISE RD.

Crossing Updated!

Present warn device: **Quad**  **Four Gates**

Number of highway vehicles per day: **020836**  **12800**

Total trains: **97**  **97**

Day through trains : **47**  **47**

Total Switching Trains : **4**  **4**

Number of main tracks: **2**  **2**

Number of other tracks: **2**  **2**

Urban(U.)/Rural(R.): **Arterial**  **U.Minor Arterial**

Highways paved: **Yes**  **Yes**

Maximum timetable speed mph: **55**  **35**

Number of highway lanes: **5**  **5**

Number of years accident data: **5**  **6**

Number of accidents in accident data years: **0**  **0**

Wayside horn: **No**  **No**

Pre-Existing SSM: **No**  **No**

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### Update and Verify Crossing Information

**CONTINUE**

**Create New Zone** Zone: **AUGUST 7**  
**Manage Existing Zones** Quiet Zone Type : **New 24-hour Quiet Zone**

025131A ENTERPRISE RD.  
025132G SAN FRANCISCO ST  
025133N BEAVER ST

025132G SAN FRANCISCO ST

Crossing Updated!

Present warn device: **Four Quad** Gates

Number of highway vehicles per day: **007978** 6100

Total trains: **93**

Day through trains : **47**

Total Switching Trains : **0**

Number of main tracks: **2**

Number of other tracks: **1**

Urban(U.)/Rural(R.): **U.Collector** U.Collector

Highways paved: **Yes** Yes

Maximum timetable speed mph: **45** 25

Number of highway lanes: **3** 3

Number of years accident data: **5** 5

Number of accidents in accident data years: **2** 2

Wayside horn: **No** No

Pre-Existing SSM: **14** 14

**UPDATE**

#### Create New Zone

#### Manage Existing Zones

#### Log Off

#### Step by Step Instructions:

**Step 1:** To add more crossings to the zone Click the **ADD CROSSING**.

**Step 2:** To Make changes to the default information, select the crossing from list. Enter the changes in the appropriate box, then click the **UPDATE** button.

**Step 3:** To permanently remove a crossing from the list, select Crossing from list. Click the **DELETE CROSSING** button.

**Step 4:** Verify All Crossing Information Provided is correct. Then Click the Check Box, then **CONTINUE** button .

\* **Note:** To see a list of SSMs, click on "Pre-Existing SSM".

\* = Not Public At Grade Crossing  
\*\* = Closed Crossing

To verify **ALL CROSSING INFORMATION PROVIDED** is correct, click on the check box here.

**ADD CROSSING**

**DELETE CROSSING**

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### Update and Verify Crossing Information

**CONTINUE**

#### Create New Zone

Zone: **AUGUST 7**

Quiet Zone Type : **New 24-hour Quiet Zone**

#### Manage Existing Zones

#### Log Off

025131A ENTERPRISE RD.  
025132G SAN FRANCISCO ST  
025133N BEAVER ST

025133N BEAVER ST

Crossing Updated!

Present warn device: **Four Quad** Gates

Number of highway vehicles per day: **007642** 6900

Total trains: **93**

Day through trains : **47**

Total Switching Trains : **0**

Number of main tracks: **2**

Number of other tracks: **0**

Urban(U.)/Rural(R.): **U.Collector** U.Collector

Highways paved: **Yes** Yes

Maximum timetable speed mph: **45** 25

Number of highway lanes: **2** 2

Number of years accident data: **5** 5

Number of accidents in accident data years: **1** 1

Wayside horn: **No** No

Pre-Existing SSM: **14** 14

**UPDATE**

#### Step by Step Instructions:

**Step 1:** To add more crossings to the zone Click the **ADD CROSSING**.

**Step 2:** To Make changes to the default information, select the crossing from list. Enter the changes in the appropriate box, then click the **UPDATE** button.

**Step 3:** To permanently remove a crossing from the zone, select Crossing from list. Click the **DELETE CROSSING** button.

**Step 4:** Verify All Crossing Information Provided is correct. Then Click the Check Box, then **CONTINUE** button .

\* Note: To see a list of SSMs, click on "Pre-Existing SSM".

\* = Not Public At Grade Crossing  
\*\* = Closed Crossing

To verify **ALL CROSSING INFORMATION PROVIDED is correct**, click on the check box here.

**ADD CROSSING**

**DELETE CROSSING**