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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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

Arizona Corporation Commission

**DOCKETED**

OCT 30 2009

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IN THE MATTER OF THE ARIZONA CORPORATION COMMISSION, ON ITS OWN MOTION, TO ESTABLISH AN ARRAY OF PUBLIC RAIL/HIGHWAY GRADE CROSSINGS THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. RR-00000E-09-0021

DECISION NO. 71309

ORDER

Open Meeting  
October 20 - 21, 2009  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the allocation of funds for the installation of automatic warning signals and devices at public railroad grade crossings and the determination of locations where the installation of automatic warning signals should occur on that date.

2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission), which has the exclusive power to determine and prescribe the manner and terms of installation of warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.

3. Although numerous hazard index formulas have been proposed over many years to assess the relative hazard of a grade crossing based upon some combination of its characteristics, no one such formula, or combination thereof, has universal acceptance. The development of the array and the determination of the warnings to be installed at crossings also involve the exercise of judgement.

4. The array establishes crossings where the installation of automatic warning signals and

1 devices should be considered in accordance with the above referenced legislation, depending upon  
2 the availability of monies, material, labor and other factors involved in such installation. The  
3 inclusion of a crossing on the array, however, does not mean that existing warning signs or signals, if  
4 any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing.  
5 Conversely, a public crossing not appearing on the array does not exclude it from being improved  
6 under this program if it becomes an increased hazard to safety prior to the issuance of the next annual  
7 array.

8  
9 5. The array first became effective on July 1, 1977. It is in the best interest of public  
10 safety, considering the current state and federal appropriations which have been allocated for the  
11 acquisition and installation of automatic warning signals and devices at public grade crossings in  
12 Arizona, for the array to be supplemented as provided herein.

13 6. In order to promote the timely installation of warning signals and crossing upgrades,  
14 Staff, with representatives of ADOT and the Federal Highway Administration, have determined that  
15 an additional eight (8) crossings should be placed on the 2009 array for upgrading.

16 7. Staff has recommended that the array approved by the Commission in  
17 Decision No. 70481 dated September 3, 2008, be reaffirmed and that the crossings listed in  
18 Attachment 1 be added to the array.

#### 19 CONCLUSIONS OF LAW

20 1. Some Public railway/highway grade crossings in Arizona are eligible to receive  
21 Federal funds for the installation of automatic warning signals and devices under the 23 U.S.C.  
22 § 130. These monies were appropriated in recognition of the public responsibility to improve safety  
23 at railway/highway crossings, and may be used to pay one hundred (100) percent of the total  
24 installation cost of each project.

25 2. Pursuant to the Commission's exclusive power over railway/highway crossings, the  
26 array shall establish the public grade crossings in Arizona at which changes in signalization may be  
27 made under A.R.S. Sections 40-337, *et seq.*

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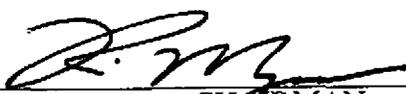
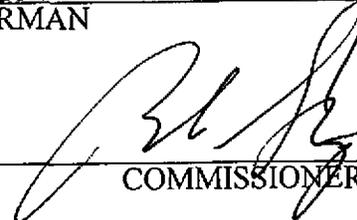
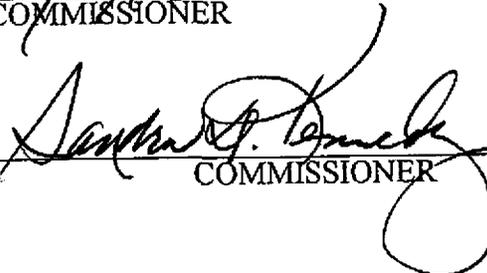
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ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 70481, as well as the crossings listed on Attachment 1, be and hereby is approved.

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

**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

		
CHAIRMAN	COMMISSIONER	
		
COMMISSIONER	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 30<sup>th</sup> day of OCTOBER 2009.

  
 \_\_\_\_\_  
 ERNEST G. JOHNSON  
 Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

1 **SERVICE LIST FOR:**  
2 **DOCKET NO. RR-00000E-09-0021**

3 Mr. Jim Smith  
4 Manager Public Projects  
5 Union Pacific Railroad  
6 10031 Foothills Blvd.  
7 Roseville, CA 95747

8 Mr. John Syers  
9 Railroad Engineering Coordinator  
10 ADOT-Utilities & Railroad Section  
11 205 S. 17<sup>th</sup> Ave., Mail Drop 618E  
12 Phoenix, AZ 85007-3212

13 Ms. Megan McIntyre  
14 Manager Public Projects  
15 Burlington Northern Santa Fe Railway  
16 740 East Carnegie  
17 San Bernardino, Ca. 92408

18 Mr. Bob Roggenthen  
19 Civil Engineering Manager  
20 Pima County Department of Transportation  
21 1313 South Mission Road  
22 Tucson, AZ. 85713-1398

23 Mr. Donald Noble  
24 Interim Public Works Director  
25 Town of Queen Creek  
26 22350 S. Ellsworth Road  
27 Queen Creek, AZ. 85242

28 Mr. True Carr  
29 President Alliance Lumber  
30 6770 W. Northern Avenue  
31 Glendale, AZ. 85303

32 Mr. David Gibson  
33 ADOT-Traffic Engineering  
34 206 S. 17<sup>th</sup> Ave., Mail Drop 064R  
35 Phoenix, AZ 85007

36 Director  
37 Pima County Public Works  
38 201 N. Stone  
39 Tucson, AZ 85701

1 Mr. Richard Nassi  
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3 City of Tucson  
4 Box 27210  
5 Tucson, AZ 85726-7210

6 Mr. Nichols Swart  
7 Dept. of Transportation  
8 Maricopa County  
9 2901 W. Durango  
10 Phoenix, AZ 85009

11 Mr. Michael Negrete  
12 Project Manager  
13 City of Phoenix  
14 1034 E. Madison Street  
15 Phoenix, AZ. 85034-2292

16 Mr. Martin Roush  
17 Town Engineer  
18 Town of Sahuarita  
19 850-B West Sahuarita Road  
20 Box 879  
21 Sahuarita, AZ. 85629

22 Mr. Norm Davis  
23 Assistant County Engineer  
24 Yavapai County  
25 1100 Commerce Drive  
26 Prescott, AZ. 86305

27 Mr. Harry Parsipe  
28 Director of Public Works  
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Mr. Dale Wegner, P.E.  
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Nick Mascia  
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Horacio Williams  
Streets  
113 S. 1<sup>st</sup> Street  
Williams, AZ. 86046

# Attachment 1

2009 Array

Proposed by Arizona DOT, September 9, 2009

ADOT

DOT Number	RR	MP	Location	Scope of Work	Estimated Costs	Exposure Index
<b>Protective Devices</b>						
025 617 C	BNSF	189.58	27th Avenue	Pre-signals	\$100,000	27,318.96
025 430 G	BNSF	189.62	Thomas	Pre-Signals	\$100,000	22,276.00
742 018 J	UP	1034.4	Palo Parado	Flashers & Gates	\$250,000	930.15
					<b>Subtotal</b>	<b>\$450,000</b>
<b>Hazard Elimination</b>						
025 725 Y	FZ	182.99	Cotton Rd	PCCP xing	\$100,000	20000
025 733 R	FZ	183.11	Olive Ave	PCCP xing	\$100,000	18000
025 451 A	BNSF	192.90	15th Ave	PCCP xing & sidewalks	\$200,000	9100
741 459 D	UP	905.20	15th Ave	PCCP xing & sidewalks	\$350,000	9100
741 775 B	UP	905.20	Apache Rd	PCCP xing	\$100,000	4716
					<b>Subtotal</b>	<b>\$850,000</b>