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Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

Floyd Roehrich Jr.
State Engineer

John S. Halikowski
Director

October 8, 2010

Docket Control
Arizona Corporation Commission

RE: Public/ agency notice for 5 railroad safety upgrades using Railroad-highway safety funds

Enclosed are copies of the public notices and agency letters with return receipts. All public notices were published on/before August 11th, 2010. All agency letters were received on/before July 15, 2010.

This affects the following dockets:

Docket	Road Name
RR-02634A-10-0235	Central Avenue (Graham County)
RR-02634A-10-0236	College Ave (Town of Thatcher)
RR-02634A-10-0237	Bixby Road (Gila county)
RR-02634A-10-0238	BIA 2 Road (San Carlos Apache Nation)
RR-02634A-10-0239	BIA 101 Road/ Sam's Crossing (San Carlos Apache Nation)

Sincerely,

Robert H. Travis, PE
Railroad Liaison
602-712-6193
rtravis@azdot.gov

Arizona Corporation Commission

DOCKETED

OCT 8 2010

DOCKETED BY

RECEIVED

2010 OCT -8 A 11: 35

DOCKET CONTROL

cc: Marcel Benberou, ADOT
Brian Lehman, ACC

PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATIONS OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE THE EXISTING CROSSINGS OF THE ARIZONA EASTERN RAILWAY COMPANY AS FOLLOWS: AT CENTRAL ROAD EAST OF US 70 IN GRAHAM COUNTY, ARIZONA, AT USDOT NO. 742-253-G, AT COLLEGE AVENUE SOUTH OF RAILROAD AVENUE IN THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, AT USDOT NO. 742-243-B; AT BIXBY ROAD NORTH OF SR 188 IN GILA COUNTY, ARIZONA, AT USDOT NO. 742-364-Y; AT BIA 2 ROAD EAST OF THE BIA SR 170 HIGHWAY, GILA COUNTY, ARIZONA, AT USDOT NO. 742-332-T AND AT BIA 101 ROAD NORTH OF THE BIA SR 170 HIGHWAY, GILA COUNTY, ARIZONA, AT USDOT NO. 742-336-V. (DOCKET NO. RR-02634A-10-0235 ET AL.)

On June 10, 2010, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") applications for approval for the Arizona Eastern Railway Company ("Railroad") to upgrade the following existing public crossings located at the Railroad's tracks: at Central Road east of US 70 in Graham County, Arizona, at USDOT No. 742-253-G, at College Avenue south of Railroad Avenue in the Town of Thatcher, Graham County, Arizona, at USDOT NO. 742-243-B; at Bixby Road north of SR 188 in Gila County, Arizona, at USDOT NO. 742-364-Y; at BIA 2 Road East of the BIA SR 170 highway, Gila County, Arizona, at USDOT NO. 742-332-T, and at BIA 101 Road north of the BIA SR 170 Highway, Gila County, Arizona, at USDOT NO. 742-336-V.

The applications are available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on October 15, 2010, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open

public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion must be filed by Applicant or Applicant's agent and to all parties of record, and which at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party to whom service of documents is to be made if different than the intervenor.

2. A statement of the proposed intervenor's interest in the proceedings (e.g., a customer of the Railroad, neighboring property owner, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or Applicant's agent and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.C.C.R. 14-205, except that all motions to intervene must be filed on or before September 20, 2010.

The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such matters on behalf of the Railroad.

If you have any questions about this application, you may contact the applicant at 602-712-1400. You may also file written comments on the application or request more information on the application by writing the Commission, at the attention of the Commission, at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000, or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-5931, e-mail SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

Req.: ADOT

Published: August 4, 2010, in the Eastern Arizona Courier, Safford, Arizona 85546.

AFFIDAVIT OF PUBLICATION

SHERRY L. ENGLISH

being first

duly sworn, deposes and says: That (he) (she) is the Agent to the Publisher of the EASTERN ARIZONA COURIER newspaper printed and published bi-weekly in the County of Graham, State of Arizona, and of general circulation in the city of Safford, County of Graham, State of Arizona and elsewhere, and the hereto attached

HEARING/APPLICATION
UPGRADE EXISTING
CROSSING OF THE
ARIZONA EASTERN
RAILWAY COMPANY

was printed and published correctly in the regular and entire issue of said EASTERN ARIZONA COURIER for 1 issues, that the first was

made on the 4th day of AUGUST 20 10

and the last publication thereof was made on the 4th day of

AUGUST 20 10

that said

publication was made on each of the following dates, to wit:

08/04/10

Request of AZ DEPT OF TRANSPORTATION

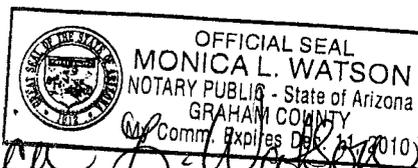
EASTERN ARIZONA COURIER

By

Sherry L English

Subscribed sworn to before me this 4th day of AUGUST

20 10



Notary Public in and for the County of Graham, State of Arizona

My Commission Expires: Dec 11, 2010



Arizona Department of Transportation
Intermodal Transportation Division
 206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
 Governor

Floyd Roehrich Jr.
 State Engineer

John S. Halikowski
 Director

July 12, 2010

Mr. Heath Brown
 Town Engineer
 Town of Thatcher
 Box 670
 Thatcher, Arizona 85552
 Certified Mail # 7003 2260 0006 7208 1291

RE: Procedural Order for 5 Section 130 projects
 ACC Docket No. RR-02634A-10-0235 ET AL.

TRACS No. 0940 GH THR SR151 01C
 Project No. STP-000-6(132)P
 RAIL/HIGHWAY SAFETY PROGRAM
 College Avenue (Thatcher)
 Arizona Eastern Railway Company
 Agreement No. 2810-06-AZER
 AAR/DOT No: 742-243-B

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Sent To: Heath Brown
 Street, Apt. No. or PO Box No.: Town of Thatcher
 City, State, ZIP+4: SR 151 ACC ROAD ORDER

PS Form 3800, June 2002 See Reverse for Instructions

Dear Mr. Brown:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project. Please note your crossing is one of 5 crossings that are part of this application. I have also enclosed a copy of the executed agreement between the AZER and ADOT for your records.

Sincerely,

Robert H. Travis, PE
 Railroad Liaison
 Arizona Department of Transportation
 205 S 17th Avenue
 Mail Drop 618E
 (602) 712-6193 (office)
rtravis@azdot.gov

Enclosure

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) <u>Jan M Napier</u> B. Date of Delivery <u>7/12/10</u></p> <p>C. Signature <u>Jan M Napier</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No if YES, enter delivery address below:</p>	
1. Article Addressed to: <u>Heath Brown</u> <u>Town of Thatcher</u> <u>PO Box 670</u> <u>Thatcher AZ 85552</u>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article # <u>7003 2260 0006 7208 1291</u>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	



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

July 12, 2010

Mr. Barney Bigman
Tribal Transportation Planner
San Carlos Apache Tribe
PO Box O
San Carlos, AZ 85550
CERTIFIED MAIL 7003 2260 0006 7208 1284

RE: Application to install concrete crossing surface and 2 gate/flasher combo units
Project: BIA 101 Road / Sam's Crossing
Federal Project # STP-000-6(130)P
ADOT Tracs # 0940 GI ISC SR149 01C
Arizona Eastern Railway DOT 742 336 V

Project: BIA 2 Road (Again Bridge Crossing)
Federal Project # STP-000-6(131)P
ADOT Tracs # 0940 GI ISC SR150 01C
Arizona Eastern Railway DOT 742 332 T

Docket RR-02634A-10-0235 ET AL.

Dear Mr. Bigman:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project. Please note that your 2 crossings are part of a 5 crossing application all involving the Arizona Eastern Railway.

I have also enclosed copies of the

Sincerely,

Robert H. Travis, PE
Railroad Liaison
Arizona Department of Transportation
205 S 17th Avenue
Mail Drop 618E
(602) 712-6193 (office)
rtravis@azdot.gov

Enclosure

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1. Article Addressed to:		C. Signature <i>[Signature]</i>	
<p>Mr Barney Bigman San Carlos Apache Tribe PO Box O San Carlos AZ 85550</p>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. A		D. Is delivery address different from item 1? If YES, enter delivery address below:	
7003 2260 0006 7208 1284		<input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		SR149 Acc Prod SR150 Agents	



Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

John S. Halikowski
Director

July 12, 2010

Floyd Roehrich Jr.
State Engineer

Mr Michael Bryce
County Engineer
Graham County
921 Thatcher Blvd, 2nd Floor
Safford, AZ 85546
Certified Mail # 7003 2260 0006 7208 1314

RE: Procedural Order for 5 Section 130 projects
ACC Docket No. RR-02634A-10-0235 ET AL

RE: FHWA Section 130 Signal upgrade
Federal Project # STP-000-6(166)
ADOT Tracs # 0940 GI GGH SR186 01C
Central Avenue Road signal and surface upgrade
Arizona Eastern Railway crossing AAR/DOT 742 253 G

Dear Mr. Bryce:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project. Please note your crossing is one of 5 crossings that are part of this application. I have also enclosed a copy of the executed agreement between the AZER and ADOT for your records.

Sincerely,

Robert H. Travis, PE
Railroad Liaison
Arizona Department of Transportation
205 S 17th Avenue
Mail Drop 618E
(602) 712-6193 (office)
rtravis@azdot.gov

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Sent To: Mike Bryce
 Street, Apt. No.; or PO Box No.: Graham Co
 City, State, ZIP+4: ACC Procedural order SR186

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) TERRI COOPER B. Date of Delivery</p> <p>C. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below</p>	
<p>1. Article Addressed to:</p> <p>Mr Michael Bryce Graham Co Engineer 921 Thatcher Blvd 2nd Floor Safford AZ 85546</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Copy from service label)</p> <p>7003 2260 0006 7208 1314</p>		<p>Stamp: FLOYD ROEHRICH JR. JUL 14 2010 USPS</p> <p>Stamp: SR186 ACC Procedural order</p>	



Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

Floyd Roehrich Jr.
State Engineer

John S. Halikowski
Director

July 12, 2010

Mr. Steve Sanders
Public Works Deputy Director
Gila County
1400 East Ash Street
Globe, Arizona 85501
Certified Mail # 7003 2260 0006 7208 1307

RE: Procedural Order for 5 Section 130 projects
ACC Docket No. RR-02634A-10-0235 ET AL.

RE: TRACS No. 0940 GI GGI SR170 01C
Project No. STP-000-6(151)P
RAIL/HIGHWAY SAFETY PROGRAM
Bixby Road (Gila Co.)
Arizona Eastern Railway Company
Agreement No. 2811-06-AZER
AAR/DOT No: 742-364-Y

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Street, Apt. No., or PO Box No.: <i>Gila County SR170</i>	
City, State, ZIP+4: <i>Acc Procedure</i>	
PS Form 3800, June 2002 See Reverse for Instructions	

0000 0922 9000 7208 1307

Dear Mr. Sanders:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project. Please note your crossing is one of 5 crossings that are part of this application. I have also enclosed a copy of the executed agreement between the AZER and ADOT for your records.

Sincerely,

[Signature]
Robert H. Travis, PE
Railroad Liaison
Arizona Department of Transportation
205 S 17th Avenue Room
Mail Drop 618E
(602) 712-6193 (office) (602)
rtravis@azdot.gov

Enclosure

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1. Article Addressed to:		C. Signature	
STEVE STRATTON SANDERS		<i>[Signature]</i> <input type="checkbox"/> Agent	
PUBLIC WORKS DIRECTOR		<input type="checkbox"/> Addressee	
GILA COUNTY		D. Is delivery address different from item 1? <input type="checkbox"/> Yes	
1400 EAST ASH STREET		If YES, enter delivery address below: <input type="checkbox"/> No	
GLOBE, ARIZONA 85501			
3. Service Type		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			
7003 2260 0006 7208 1307		<i>SR170 ACC Procedure</i>	



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

July 12, 2010

Mrs. Kathy Holguin
Office Manager
Arizona Eastern Railway
PO Box 2200
Claypool, AZ 85532

RE: Procedural Order for 5 Section 130 projects
 ACC Docket No. RR-02634A-10-0235 ET AL.
 Certified Mail # 7003 2260 0006 7208 1277

Dear Mrs. Holguin:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project. Please note that a total of 5 (five) crossings are affected by this 1 hearing and subsequent order.

Crossings affected are listed below:

DOT #	Road Name	Authority	Tracs	Project Number	Agreement
742 253 G	Central Rd	Graham Co.	SR 186	STP-000-6(166)P	2795-06-AZER
742 243 B	College Ave	Thatcher	SR 151	STP-000-6(132)P	2810-06-AZER
742 364 Y	Bixby Road	Gila Co.	SR 170	STP-000-6(151)P	2811-06-AZER
742 332 T	BIA 2 Rd	SC Apache	SR 150	STP-000-6(131)P	2809-06-AZER
742 336 V	BIA 101 Rd	SC Apache	SR 149	STP-000-6(130)P	2808-06-AZER

Sincerely,

Robert H. Travis, PE
 Railroad Liaison
 Arizona Department of Transportation
 205 S 17th Avenue
 Mail Drop 618E
 (602) 712-6193 (office)
 rtravis@azdot.gov

Enclosure

Cc: Chris Dodge, Permin Basin

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
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1. Article Addressed to:		C. Signature <i>Kathy Holguin</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
2. <i>Ms. Kathy Holguin Office Manager Arizona Eastern Railway Co. P.O. Box 2200 Claypool, Arizona 85532</i>		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Service Type		4. Restricted Delivery? (Extra Fee)	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input type="checkbox"/> Yes	
2. <i>7003 2260 0006 7208 1277</i>		<i>SR 149, 150, 151, 170, 186 Procedural order</i>	