



ORIGINAL
Arizona Department of Transportation



0000125158

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

Janice K. Brewer
Governor

John S. Halikowski
Director

Floyd Roehrich Jr.
State Engineer

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MAY 11 A 11:47

AZ CORP COMMISSION
DOCKET CONTROL

Docket Control
Arizona Corporation Commission

Arizona Corporation Commission
DOCKETED

RE: Application to Arizona Corporation Commission
ACC Docket No. RR-02635B-10-0305

MAY 11 2011

DOT No.: 025 651 J Greenway Road
DOT No.: 025 397 J at 111th Avenue
DOT No.: 025 398 R at 107th Avenue
DOT No.: 025 399 X at 103rd Avenue

DOCKETED BY

Per the Procedural Order, enclosed is a copy of the Public advertisement, and copies of letters with return receipts sent to the BNSF Railway Co, City of Surprise, City of El Mirage, and Maricopa Department of Transportation.

The Public notice was published on the April 20, 2011 edition of the Arizona Republic, Northwest Valley News. We attempted to publish on April 14th, but were advised no space was available.

The letters to the BNSF Railway, City of Surprise, City of El Mirage and Maricopa Dept. of Transportation were sent on April 11, 2011 with return receipts showing delivery between April 12th and April 13th.

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

Enclosures

Cc: Brian Lehman, ACC by email

ARIZONA DEPARTMENT OF TRANSPORTATION
PUBLIC NOTICE OF THE HEARING IN THE MATTER OF
THE APPLICATION OF THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO MODIFY FOUR EXISTING CROSSINGS OF THE
BURLINGTON NORTHERN SANTA FE RAILWAY AT 103RD, 107TH AND
111TH AVENUES AND GREENWAY ROAD IN MARICOPA COUNTY,
ARIZONA. (DOCKET NO. RR-07635B-10-0305)



On July 22, 2010, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an Application for approval for the modification of four crossings of the Burlington Northern Santa Fe Railway ("Railroad") in Maricopa County, Arizona. The first three of the crossings are in the County and the last one is in the City of Surprise ("City") as follows: 103rd Avenue at USDOT NO. 025 399 X; 107th Avenue at USDOT NO. 025 398 R; 111th Avenue at USDOT NO. 025 397 J; and Greenway Road at USDOT NO. 025 651 J.

On February 28, 2011, ADOT filed an amended Application.

The Application is 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 **May 23, 2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, 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 should be sent to the Applicant or its counsel 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 upon whom service of documents is to be made if different than the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner a crossing user, etc.);
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **May 4, 2011**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.

The granting of an 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 customer's own behalf.

If you have questions about this application, you may contact the applicant at 602.712.6193. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington, Phoenix, Arizona 85007 or call 602.542.4251 or 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 602.542.3931, email sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

City Hall hopefuls list
in Surprise increases

By Dustin Gardner
 The Republic | azcentral.com

As the summer campaign season quickly approaches, Surprise's municipal election is heating up.

Many new and familiar faces have emerged since candidates began filing and collecting signatures in early January. The mayor's post and three City Council seats are on the August 30 primary ballot.

Mayor Lynn Truitt and Councilmen John

Williams, Richard Alton and Roy Villanueva are seeking re-election. Candidates must collect a specific number of voter signatures by June 1 to get on the ballot. Information is available at surpriseaz.gov.

Here is a rundown of new candidates who have filed since Feb. 9. They join a dozen candidates who previously declared and bumps up to six those who are considering a run for mayor. For more candidate information and biographies, visit surpriseaz-central.com.

LOU PROVENZANO,
MAYOR

Surprise resident since 2005.
Residence: Copper Canyon Ranch, HomeTown, Pittsburg.
When he filed: April 11.
Background: Provenzano moved to Surprise after retiring from a 22-year ca-

reer with Fuji Hunt Photographic Chemicals in California, where he worked as a sales representative and in management roles. He also owned a chain of one-hour photo-finishing stores, Photo Pro, and several rental homes. He sold the photo business before moving to Arizona.

See PROVENZANO, Page 7



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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

April 11, 2011

Mr. Melvin Thomas
Manager of Public Projects
Burlington Northern Santa Fe Railway
740 E Carnegie Drive
San Bernardino, CA 92408
CERTIFIED MAIL # 70032260 0006 7208 2571

The Burlington Northern and
Santa Fe Railway Company
ACC Docket No. RR-02635B-10-0305

DOT No.: 025 651 J Greenway Road
DOT No.: 025 397 J at 111th Avenue
DOT No.: 025 398 R at 107th Avenue
DOT No.: 025 399 X at 103rd Avenue

Dear Mr. Thomas:

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. This revised hearing accounts for the increased scope of work at the different crossing by adding constant warning detection equipment and replacement of worn out equipment.

Sincerely,

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

enc

cc: Marcel Benberou, ADOT
Barry Brown, CEI-Inc

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) B. Date of Delivery 11 APR 11 PM 8:41/3/11</p> <p>C. Signature X [Signature]</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Melvin V. Thomas Manager Public Projects BNSF Railway 740 East Carnegie Dr. San Bernardino, CA 92408</p> </div>		<p>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.</p>	
<p>2. Article Number: 7003 2260 0006 7208 2571</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p><i>PLEASE ALL Proc order</i></p>	

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



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

April 11, 2011

Mr. Suneel Garg
Civil Engineer
Public Works Department - CIP Building
16000 N Civic Center Plaza
Surprise, AZ 85374
CERTIFIED MAIL # 7003 2260 0006 7208 2595

The Burlington Northern and
Santa Fe Railway Company
ACC Docket No. RR-02635B-10-0305

DOT No.: 025 651 J Greenway Road
DOT No.: 025 397 J at 111th Avenue
DOT No.: 025 398 R at 107th Avenue
DOT No.: 025 399 X at 103rd Avenue

Dear Mr. Garg:

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. This revised hearing accounts for the increased scope of work at the different crossing by adding constant warning detection equipment and replacement of worn out equipment.

Sincerely,

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

enc

cc: Marcel Benberou, ADOT
Barry Brown, CEI-Inc

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 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

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<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) _____ B. Date of Delivery _____</p> <p>C. Signature _____</p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Suneel Garg Engineering Public Works Department 16000 N Civic Center Plaza Surprise, AZ 85374</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 #</p> <p>7003 2260 0006 7208 2595</p>	<p>HUBB Rec'd 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

April 11, 2011

Mr. Tony Hernandez
City of El Mirage
12145 NW Grand Avenue
El Mirage, AZ 85335
CERTIFIED MAIL # 7003 2260 0006 7208 2601

The Burlington Northern and
Santa Fe Railway Company
ACC Docket No. RR-02635B-10-0305

DOT No.: 025 651 J Greenway Road
DOT No.: 025 397 J at 111th Avenue
DOT No.: 025 398 R at 107th Avenue
DOT No.: 025 399 X at 103rd Avenue

Dear Mr. Hernandez:

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Total Postage & Fees \$				

1092 8022 9000 0922 E002

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. This revised hearing accounts for the increased scope of work at the different crossing by adding constant warning detection equipment and replacement of worn out equipment.

Sincerely,

Robert H. Travis, PE
Railroad Liaison
rtravis@azdot.gov (602) 712-6

enc
cc: Marcel Benberou, ADOT
Barry Brown, CEI-Inc

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. 		A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery <u>4/12/11</u>
2. A <u>7003 2260 0006 7208 2601</u> B <u>468006 Prod order</u>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
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.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

April 11, 2011

Floyd Roehrich Jr.
State Engineer

John S. Halikowski
Director

Mrs. Vicki Stewart
Maricopa DOT
Traffic Studies
2901 W Durango St
Phoenix, AZ 85009
CERTIFIED MAIL # 7003 2260 0006 7208 2588

The Burlington Northern and
Santa Fe Railway Company
ACC Docket No. RR-02635B-10-0305

DOT No.: 025 651 J Greenway Road
DOT No.: 025 397 J at 111th Avenue
DOT No.: 025 398 R at 107th Avenue
DOT No.: 025 399 X at 103rd Avenue

Dear Mrs. Stewart:

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. This revised hearing accounts for the increased scope of work at the different crossing by adding constant warning detection equipment and replacement of worn out equipment.

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Total Postage & Fees	\$

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City, State, ZIP+4: _____

PS Form 3800, June 2002 See Reverse for Instructions

Sincerely,

Robert H. Travis, PE
Railroad Liaison
rtravis@azdot.gov (602) 712-_____

enc
cc: Marcel Benberou, ADOT
Barry Brown, CEI-Inc

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 mail piece or on the front if space permits. 		<p>A. Received by (Please Print Clearly) <u>Charles Tuscher</u> B. Date of Delivery <u>APR 12 2011</u></p> <p>C. Signature <u>Charles Tuscher</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to:		3. Service Type	
<p>Vicki Stewart Maricopa DOT Traffic Studies 2901 W Durango St Phoenix, AZ 85009</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.	
2. Article Number (Copy from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7003 2260 0006 7208 2588		#6360 7208 0101	