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5 Attorneys for BNSF Railway Company

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7  
8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 IN THE MATTER OF THE APPLICATION  
10 OF THE BNSF RAILWAY COMPANY  
FOR A WAIVER FROM A.A.C. R14-5-  
11 104(C)(6)

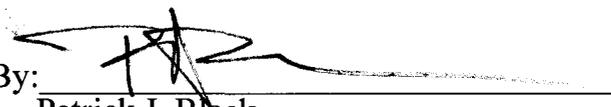
DOCKET NO. RR-02635B- 11-0355

**NOTICE OF FILING COMPLIANCE  
LETTER**

12  
13  
14 Pursuant to Decision No. 72799 (February 2, 2012), BNSF Railway Company  
15 ("BNSF") hereby submits this Notice of Filing in the above-captioned matter. Attached  
16 hereto as Exhibit 1 is a letter from Matthew Keller regarding surface crossing repairs at  
17 the Beaver Street and San Francisco Street public crossings.

18 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of February, 2012.

19 FENNEMORE CRAIG, P.C.

20  
21 By: 

Patrick J. Black  
Attorneys for BNSF Railway Company

22  
23 **ORIGINAL** and 13 copies filed  
this 22<sup>nd</sup> day of February, 2012 with:

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

Arizona Corporation Commission

**DOCKETED**

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**COPY** hand-delivered  
this 22<sup>nd</sup> day of February, 2012 to:

Charles Hains  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Brian Lehman, Acting Chief  
Railroad Safety Section  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

By: 

6801807

# **EXHIBIT 1**



**Matthew Keller**  
Division Engineer  
Southwest West Division

**BNSF Railway Company**

101 East Route 66  
Flagstaff, AZ 86001

928-226-3853 OFF  
817-584-1903 CELL  
matthew.keller@bnsf.com

February 16, 2012

Steve Olea, Director  
Railroad Safety Division  
Arizona Corporation Commission  
1200 West Washington St.  
Phoenix, Arizona 85007

Re: Crossing Maintenance – Flagstaff, Arizona  
Docket No. RR-02635B-11-0355

Dear Mr. Olea:

As discussed during the Arizona Corporation Commission's ("Commission") January 26, 2012 Securities Open Meeting, I am providing this letter in response to issues raised in regards to the waiver from A.A.C. R14-5-104(C)(6) that was granted by the Commission in response to an application filed by BNSF Railway ("BNSF") on September 21, 2011. As indicated by BNSF's counsel during that meeting, this letter addresses crossing surface improvements that have been, or will be, made at the Cottage Avenue, Steves Boulevard, Fanning Drive, San Francisco Street and Beaver Street crossings. In addition, I would like to provide a summary of efforts being made to ensure that the crossing improvements are completed by June 1, 2012.

First let me address the two crossings in question – San Francisco Street and Beaver Street. BNSF completed the requested repair of the rubber crossing at San Francisco Street in January 2012. A complete rehabilitation of the crossing is scheduled for May, 2013. However, repairs at Beaver Street are still pending. The primary reason permanent crossing surface upgrades have not been completed at the Beaver Street crossing is because in order to complete the work and ensure a smooth transition from the road to the crossing, the City of Flagstaff ("City") is required to perform asphalt work over the road. This work also requires that the City close the road while the improvements are being made to the crossing.

In order to avoid further delay, I have sent a written request to the City's public works director to meet so that we can coordinate and schedule the road improvement work to be completed by the City, and the crossing surface improvements to be completed by BNSF, with road closures.

With respect to the Cottage Road crossing, BNSF performed asphalt work and erected a buck signage soon after Staff's inspection of October 17, 2011. BNSF does not intend to make further improvements at this crossing in the foreseeable future due to the plans for its elimination in conjunction with the Rio De Flag project.

Thus far, BNSF has spent approximately \$200,000 for the temporary and completed surface improvements at Cottage Avenue, Steves Boulevard, Fanning Drive (Main Track Two) and Beaver Street (Main Track One). BNSF estimates that the cost for the surface upgrades at the Fanning Drive and Enterprise Boulevard crossings will be approximately \$500,000. The permanent work BNSF will complete at these two crossings include complete rehabilitation of both main tracks at both crossings, which will involve new ties, rail, concrete crossing planks and approach asphalt.

In summary, BNSF thanks you for the opportunity to provide this information to the Commission. We are hopeful that the City will provide the necessary services so that BNSF can complete the crossing surface improvements outlined herein by June 1, 2012. We will continue to keep your staff informed of BNSF's efforts to coordinate required road maintenance and closures, and any assistance by the Commission in this regard is welcome.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Keller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew Keller, BNSF Railway  
Division Engineer

c: Melvin Thomas, BNSF Railway  
Patrick Black, Fennemore Craig