

**ORIGINAL**

NEW APPLICATION



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Attorneys for Applicant City of Phoenix

8

BEFORE THE ARIZONA CORPORATION COMMISSION

9

COMMISSIONERS:

10

GARY PIERCE, Chairman

11

SANDRA D. KENNEDY

PAUL NEWMAN

12

BOB STUMP

BRENDA BURNS

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IN THE MATTER OF THE APPLICATION

OF THE CITY OF PHOENIX TO CLOSE

EIGHT PUBLIC GRADE CROSSINGS ON

11<sup>TH</sup> AVENUE BETWEEN APACHE

STREET AND GRANT STREET, IN THE

CITY OF PHOENIX, MARICOPA COUNTY,

ARIZONA, AT DOT NUMBERS 928161M,

025839L, 928160F, 025837X, 936631D,

025835J WEST, 025835J EAST, 025833V

18

DOCKET NO. RR-02635B-12-0251

**CITY OF PHOENIX  
APPLICATION TO CLOSE BNSF  
PUBLIC GRADE CROSSINGS**

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200 W. WASHINGTON, SUITE 1300  
PHOENIX, ARIZONA 85003-1611

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The City of Phoenix (Phoenix), through its City Attorney, Gary Verburg, by his

20

Assistant, Cynthia S. Campbell, submits this Application to the Arizona Corporation

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Commission ("Commission") to permit the City of Phoenix ("Phoenix") to close eight

22

existing public grade Burlington Northern Santa Fe Railroad ("BNSF") crossings on the 11<sup>th</sup>

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**

JUN 13 2012

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PHOENIX, ARIZONA 85003-1611

1 Avenue spur located on 11<sup>th</sup> Avenue between Apache and Grant Streets in the City of  
2 Phoenix, Arizona. In support of its Application, Phoenix states as follows:

3 **BACKGROUND**

4 The 11<sup>th</sup> Avenue I-17 to Grant Street Roadway Reconstruction Project (“11<sup>th</sup> Avenue  
5 Reconstruction Project”) is located within the Matthew Henson Public Housing Community  
6 (“Matthew Henson”). Matthew Henson opened in 1941 on the northwest corner of 7<sup>th</sup>  
7 Avenue and Buckeye Road in Phoenix, Arizona. Matthew Henson was the state’s first  
8 public housing unit offered to Phoenix’ African-American community. The original red  
9 brick units were constructed with all the modern conveniences of the era and were a model  
10 for other public housing projects west of the Mississippi River.

11 As the development aged, Phoenix sought mechanisms to revive the community. In  
12 2001, Phoenix received a \$35 million HOPE VI grant from the U.S. Department of Housing  
13 and Urban Development (HUD) to demolish and rebuild Matthew Henson. With the  
14 assistance of McCormack Baron Salazar, Phoenix used the HOPE VI grant to leverage  
15 funding and build 549 units of mixed-income rental housing, create a program to promote  
16 home ownership, and implement a community and support services program to encourage  
17 self-sufficiency for a total development cost of over \$110 million.

18 The Matthew Henson rental community has been built to market rate standards to  
19 attract a wide variety of residents. It provides amenities to residents which include open  
20 space, swimming pools, barbecue areas and a community center. All four rental phases of  
21 the project have been completed, and Matthew Henson maintains a high occupancy rate. To  
22 continue to revitalize the area surrounding Matthew Henson HOPE VI community, residents

1 proposed that BNSF and Phoenix close certain public grade railroad crossings and  
2 implement streetscape improvements as part of the 11<sup>th</sup> Avenue Reconstruction Project. The  
3 proposed improvements and closings will increase safety, improve property values and  
4 generally beautify the neighborhood.

5 **FACTS**

6 1. The Commission has jurisdiction over this matter pursuant to Arizona Revised  
7 Statutes (A.R.S.) § 40-337.

8 2. BNSF has a spur line that is located down the center of 11<sup>th</sup> Avenue adjacent to  
9 the west side of the newest Matthew Henson community.

10 3. Two trains pass along the 11th Avenue spur in the vicinity of Matthew Henson  
11 each day, traveling at approximately 10 miles per hour.

12 3. In order to allow better control of traffic in the neighborhood, improve safety  
13 for the residents, and minimize future roadway maintenance costs for Phoenix, the 11<sup>th</sup>  
14 Avenue Reconstruction Project will remove eight public grade crossings. The public  
15 crossings to be removed include three through alley crossings and four street crossings over  
16 the BNSF tracks. A map of the vicinity of the 11<sup>th</sup> Avenue Reconstruction Project is  
17 attached hereto as Exhibit A. A track alignment diagram is attached hereto as Exhibit B.  
18 The Railroad Crossing Data Sheet is attached hereto as Exhibit C. An aerial map and a street  
19 map are attached hereto as Exhibits D and E respectively.

20 4. Phoenix is negotiating with BNSF to enter into the Grade Crossing  
21 Construction and Maintenance Agreement Between BNSF Railway Company and City of  
22 Phoenix ("Agreement"). Phoenix expects that this Agreement will be executed by both

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1 parties before the Commission issues its Final Decision on this Application.

2 WHEREFORE, the City of Phoenix requests that the Commission open a case, set  
3 forth the form of Public Notification and set a hearing date for consideration of this  
4 Application.

5 RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of June, 2012.

6 GARY VERBURG, City Attorney

7 By 

8 CYNTHIA S. CAMPBELL  
9 Assistant City Attorney  
10 200 W. Washington, Suite 1300  
Phoenix, Arizona 85003-1611

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11 Original and 13 Copies of the  
12 foregoing hand delivered this  
13<sup>th</sup> day of June, 2012 to:

13 Docket Control  
14 Arizona Corporation Commission  
15 1200 W. Washington  
Phoenix, AZ 85007

16 Administrative Law Judge  
17 Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

18 Copies of the foregoing mailed  
19 this 13<sup>th</sup> day of June, 2012, to:

20 Brian Lehman  
21 Railroad Safety Supervisor  
Arizona Corporation Commission  
22 Railroad Safety Section  
2200 N. Central Ave., Suite #300  
Phoenix, AZ 85004

1 Janice Alward  
Chief Legal Counsel  
2 Legal Division  
Arizona Corporation Commission  
3 1200 W. Washington Street  
Phoenix, Arizona 85007

4  
5 Melvin Thomas  
Manager, Public Projects  
BNSF Railway  
6 740 East Carnegie Drive  
San Bernardino, California 92408

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8 By K. Bralle  
CSC/kb:979747v1

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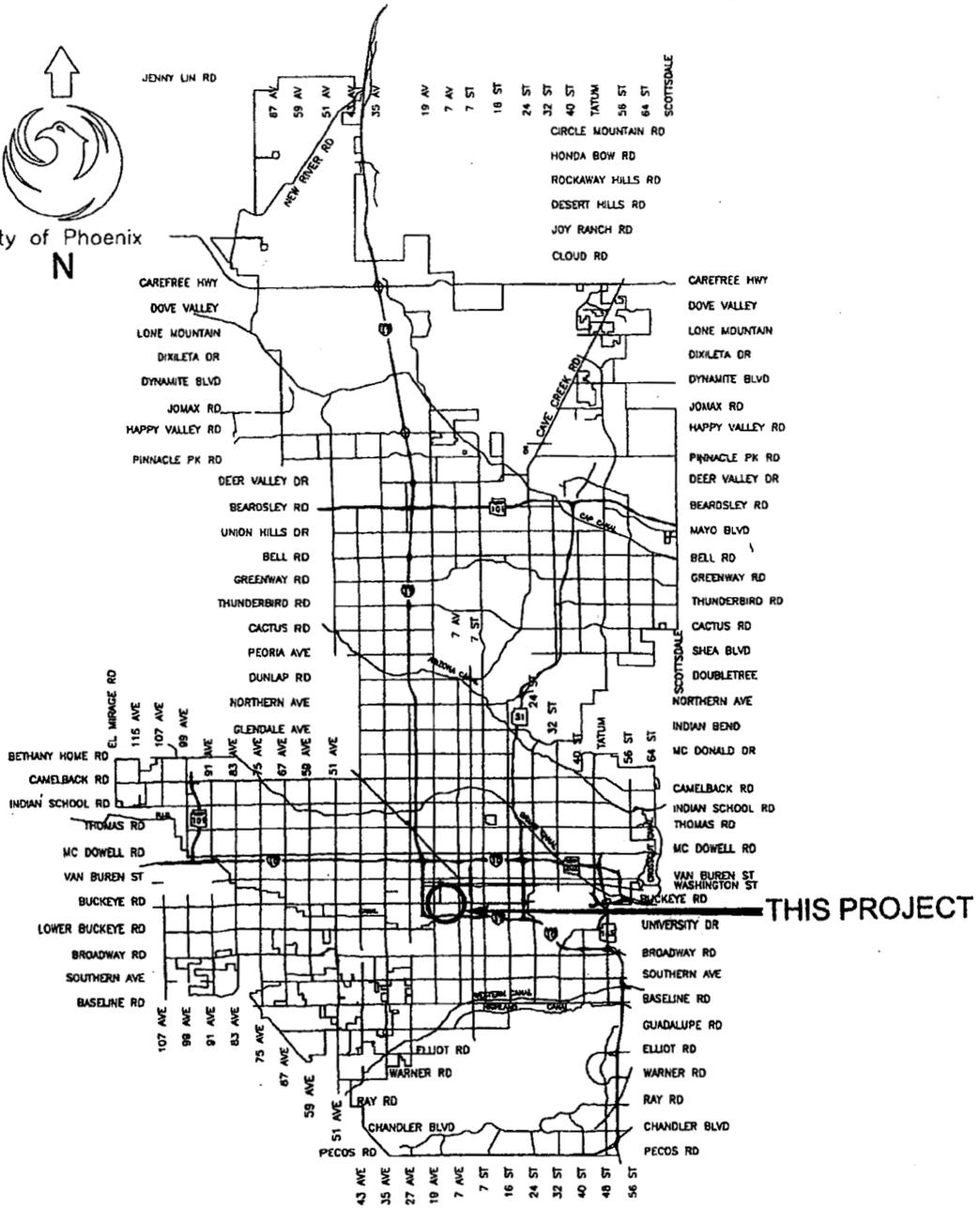
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**VICINITY MAP**

**EXHIBIT A**



**PHOENIX, ARIZONA  
ST87110133: 11TH AVENUE I-17 TO GRANT STREET  
RAILROAD CROSSING DATA**

**RAILROAD CROSSING DATA SHEET**

DOT #	MILE POST	STREET NAME	STATUS	START	END	START	END	START	END
025-842-U	0194.82	Apache Street	OPEN	6+10	7+20				
				Asphalt removal and replacement between the rails by BNSF.					
				Asphalt mill and overlay by Phoenix from outside edge of rail to edge of lip of gutter.					
025-841-M	0194.78	Alley	CLOSED <b>OPEN</b>						
				Asphalt removal and replacement between the rails by BNSF.					
				Asphalt mill and overlay by Phoenix from outside edge of rail to edge to lip of gutter.					
025-840-F	0194.75	Mohave	OPEN	9+30	10+70				
				Asphalt removal and replacement between the rails and two outside of rails by BNSF.					
				Asphalt mill and overlay by Phoenix from outside edge of rail to edge to lip of gutter.					
928-161-M	0193.72	Alley	CLOSED						
025-839-L	0193.69	Cocopah Street	CLOSED						
928-160-F	0193.66	Alley	CLOSED						
025-838-E	0193.63	Pima Street	OPEN	15+90	16+93	16+93	17+49	17+49	17+40
				Paid for by COP					
				Paid for by BNSF					
025-837-X	0193.51	Yuma Street	CLOSED						
936-631-D	0193.42	Alley	CLOSED						
025-836-R	0193.39	Buckeye Road	OPEN	29+10	29+56	29+56	30+44	30+44	30+80
				Paid for by COP					
				Paid for by BNSF					
025-835-J	0193.32	Tonto Street	CLOSED						
025-834-C	0193.25	Hadley Street	OPEN	36+75	37+22	37+22	37+78	37+78	38+25
				Paid for by COP					
				Paid for by BNSF					
025-833-V	0193.18	Sherman Street	CLOSED						
025-832-N	0193.39	Grant Street	OPEN	44+10	44+62	44+62	45+50	45+50	45+54
				Paid for by COP					
				Paid for by BNSF					

Paid for by City of Phoenix - The length of the concrete panels outside of the original street crossing width  
 Paid for by BNSF - The length of the concrete panels for the original street crossing width

**EXHIBIT C**

AERIAL MAP



N  
0 0.025 0.05 0.1  
Miles  
1 inch = 150 feet

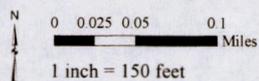
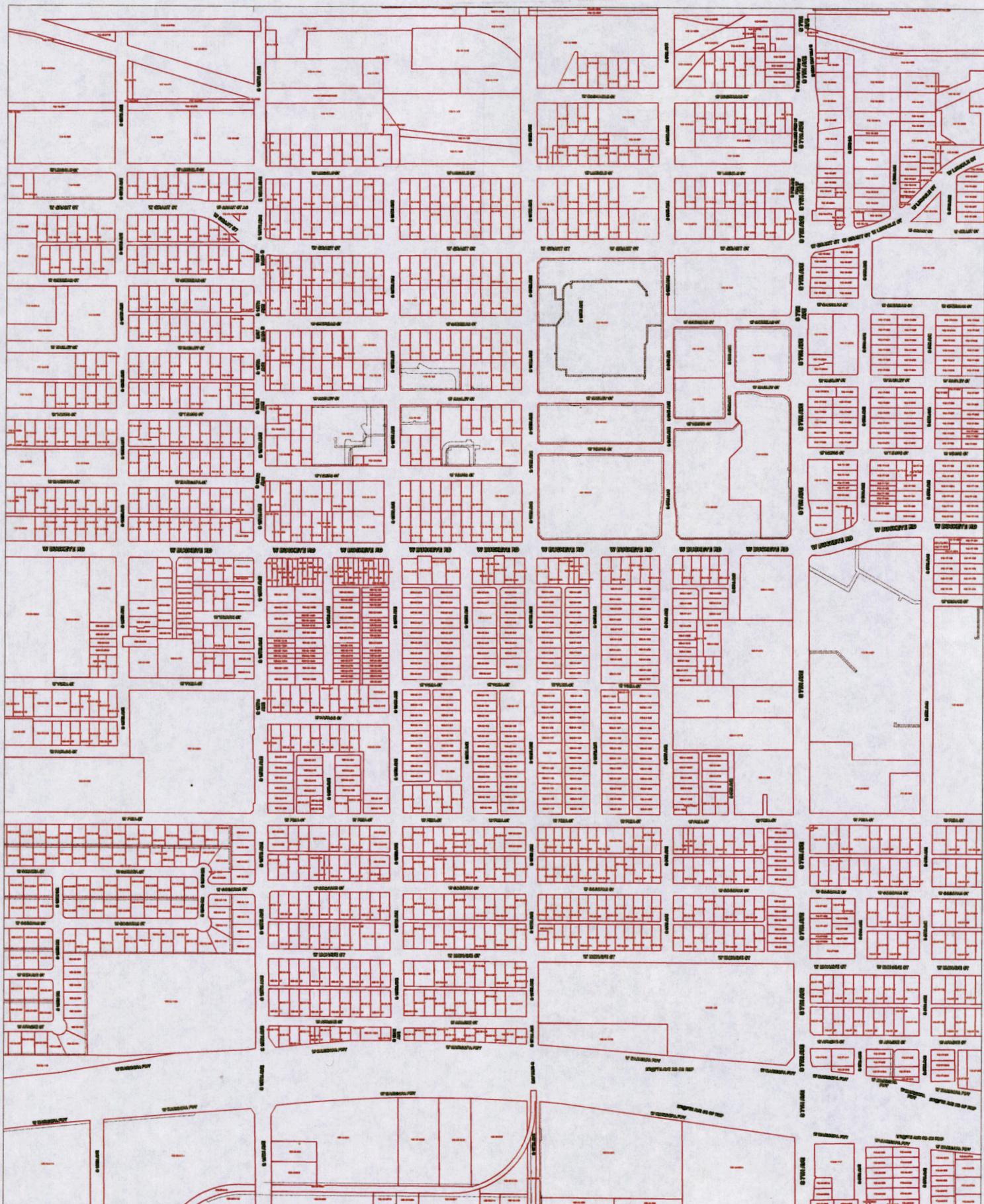
Grant Ave to I-17  
Between 13th ave and 9th ave

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EXHIBIT D

# STREET MAP



Grant Ave to I-17  
Between 13th ave and 9th ave

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## EXHIBIT E