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BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE UNION PACIFIC
RAILROAD AT DOBSON ROAD IN THE CITY
OF MESA, MARICOPA COUNTY, ARIZONA,
USDOT NO. 741-649-G.

DOCKET NO. RR-03639A-13-0268

DECISION NO. 74250

OPINION AND ORDER

DATE OF HEARING: October 25, 2013

PLACE OF HEARING: Phoenix, Arizona

ADMINISTRATIVE LAW JUDGE: Marc E. Stern

APPEARANCES: Mr. James Redpath, Assistant Attorney General,
Transportation Section, on behalf of the Arizona
Department of Transportation;

Mr. W. Reed Campbell, Beaugureau, Hancock, Stoll &
Schwartz, P.C., on behalf of the Union Pacific Railroad;
and

Ms. Bridget A. Humphrey and Charles Haines, Staff
Attorneys, Legal Division on behalf of the Safety
Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On August 5, 2013, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Dobson Road in the City of Mesa ("City"), Maricopa County, Arizona at USDOT No. 741-649-G ("Application").

On August 16, 2013, by Procedural Order, a hearing was scheduled for October 25, 2013, ADOT filed documentation that it had provided public notice in accordance with the Commission's Procedural Order.

On October 25, 2013, a full public hearing was convened before a duly authorized

1 Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. ADOT, the
 2 Railroad and the Commission's Safety Division Railroad Safety Section ("Staff") were present with
 3 counsel. At the conclusion of the hearing, the matter was taken under advisement pending
 4 submission of a Recommended Opinion and Order to the Commission.

5 * * * * *

6 Having considered the entire record herein and being fully advised in the premises, the
 7 Commission finds, concludes, and orders that:

8 **FINDINGS OF FACT**

9 1. On August 5, 2013, ADOT filed an Application requesting an Opinion and Order from
 10 the Commission approving an agreement between ADOT and the Railroad to upgrade an existing at-
 11 grade crossing at Dobson Road in Mesa, Maricopa County, Arizona, USDOT No. 741-649-G.

12 2. Prior to the filing of the Application, representatives of ADOT, the City, the Railroad
 13 and Staff participated in several diagnostic review meetings of the proposed upgrades for the
 14 crossing. All parties who were present at these meetings were in agreement that the proposed
 15 enhancements would improve safety at the crossing.¹

16 3. ADOT is seeking Commission approval to upgrade the existing at-grade crossing at
 17 Dobson Road, a seven lane paved roadway, which consists of three northbound and three southbound
 18 lanes with a center turning lane. The proposed improvements will replace the existing automatic
 19 warning devices with two new automatic gates with LED flashing lights at the curbside of the
 20 roadway, two gates with LED flashing lights which will be located on a new raised median, one
 21 cantilever at the curbside of the road for northbound traffic and one cantilever in the new raised
 22 median for southbound traffic. Additionally, the city will be making improvements to the new raised
 23 medians along with sidewalk adjustments and will also make road approach improvements to
 24 accommodate the railroad signal and surface work.

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 26 _____
 27 ¹ The proposed upgrade of the Dobson Road crossing was approved by the Commission in Decision No. 70481
 28 (September 3, 2008) as part of the 2008 Annual Array to utilize federal funding pursuant to 23 U.S.C. § 130 ("Section 130") which is provided by the Federal Highway Administration ("FHWA") to reimburse ADOT for 100 percent of the cost of the project. Section 130 projects are used to eliminate hazards to pedestrians and highway vehicles at public railroad crossings which are not primarily for the benefit of the Railroad.

1 4. On October 18, 2013, ADOT filed documentation that it had provided public notice of
2 the Application and hearing thereon pursuant to the Commission's Procedural Order by publishing
3 notice in the Arizona Republic and by mailing by certified U.S. mail, notice to the City and the
4 Railroad.

5 5. The hearing was held as scheduled on October 25, 2013.

6 6. According to the Staff Memorandum, the areas adjacent to the Dobson Road crossing
7 consist primarily of land which is zoned for manufacturing, industrial and employment uses, with a
8 portion being zoned for commercial use.

9 7. Mr. Sayeed Hani, ADOT's Railroad liaison, testified in support of the Application.

10 8. Mr. Hani stated that the project was a typical at-grade crossing improvement with
11 upgrades to the gates and cantilevers at the Dobson Road crossing which is located between
12 Broadway Road and Main Street in Mesa. (Tr. 5:18-22)

13 9. Mr. Hani stated that existing cantilevers and gates will be replaced with new
14 cantilevers and gates with flashing LED lights. (Tr. 7:8-15)

15 10. Mr. Hani testified that ADOT is in agreement with the recommendations of Staff in its
16 memorandum. (Tr. 7:2-4)

17 11. Mr. Hani further testified that ADOT is also in agreement with Staff with respect to
18 the fact that grade separation is not required at the Dobson Road crossing according to the nine
19 criteria in the Federal Highway Administration Grade Crossing Handbook. (Tr. 8:2-8)

20 12. Mr. Hani stated that the City will maintain the roadway approaches to the Dobson
21 Road at-grade crossing, and the crossing will be maintained by the Railroad. (Tr. 8:14-22)

22 13. Mr. Hani stated that the upgrade which had previously been approved by the
23 Commission in its 2008 Array Decision would be funded 100 percent with Section 130 funding. (Tr.
24 9:1-4)

25 14. According to Mr. Hani, the upgrades to be installed at Dobson Road are in the public
26 interest and will be consistent with similar crossings in Arizona. (Tr. 9:5-11)

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ORDER

IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application, as described herein, is hereby approved.

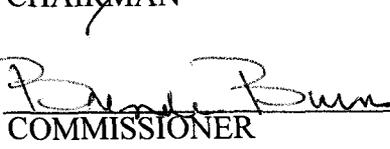
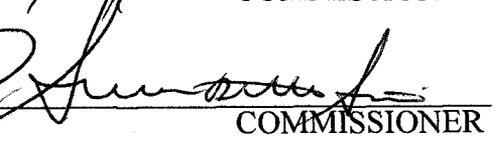
IT IS FURTHER ORDERED that the Union Pacific Railroad shall complete the crossing upgrade as described in the Application within fifteen months of the effective date of this Decision.

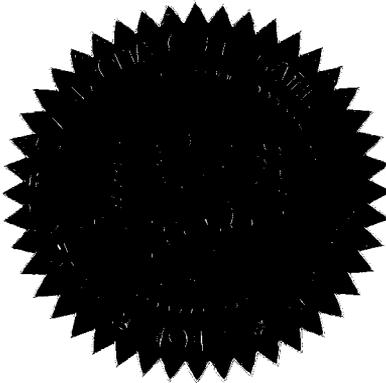
IT IS FURTHER ORDERED that the Union Pacific Railroad shall notify the Commission, in writing, within ten days of both the commencement and completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad shall maintain the crossing in compliance with A.A.C. R14-5-104.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN	COMMISSIONER	
		
COMMISSIONER	COMMISSIONER	COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 7th day of January ~~2013~~ 2014


JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
MES:tv

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