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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

FEB 26 2014

DOCKETED BY	NR
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IN THE MATTER OF THE APPLICATION
OF THE CITY OF CHANDLER TO UPGRADE
AN EXISTING CROSSING OF THE UNION
PACIFIC RAILROAD AT OCOTILLO ROAD IN
THE CITY OF CHANDLER, MARICOPA
COUNTY, ARIZONA, USDOT NO. 741-680-T.

DOCKET NO. RR-03639A-12-0433

DECISION NO. 74374

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 73670**

Open Meeting
February 6 and 7, 2014
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

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

FINDINGS OF FACT

1. On February 6, 2013, the Arizona Corporation Commission ("Commission") issued Decision No. 73670 which approved an application by the City of Chandler ("City") for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing at-grade crossing at Ocotillo Road at USDOT No. 741-680-T.
2. The Commission in Decision No. 73670 ordered the Railroad to complete the upgrade within fifteen months of the effective date of the Decision or by May 6, 2014.
3. On December 26, 2013, the City filed a request to extend the deadline for meeting the requirement to complete the project until May 6, 2015.
4. In its request for an extension, the City states that after the Commission issued Decision No. 73670, the City learned that the Salt River Project ("SRP") which was to complete

1 utility relocations and irrigation facilities prior to the upgrade of the Ocotillo Road crossing will not
2 be doing so until the summer of 2014, and thus the City and the Railroad cannot schedule and
3 complete crossing and road improvements until the winter of 2014 and the spring of 2015.

4 5. The City states that, as a result of the construction delay by SRP, additional time to
5 meet the Commission’s requirement that construction by the Railroad be completed within fifteen
6 months must be extended by one year, to May 6, 2015.

7 6. On January 7, 2014, the Commission’s Safety Division Railroad Safety Section
8 (“Staff”) filed a memorandum in which Staff states that the City’s request for an extension of time to
9 enable the Railroad to complete the upgrade by May 6, 2015, is reasonable and should be granted.

10 7. Under the circumstances, the request by the City for an extension of time until May 6,
11 2015, in which to complete the upgrade of the Ocotillo Road crossing should be granted.

12 **CONCLUSIONS OF LAW**

13 1. The Commission has jurisdiction over the parties and over the subject matter of the
14 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-252, 40-336, 40-
15 337 and 40-337.01.

16 2. Staff’s recommendation for the Railroad to have an extension of time, until May 6,
17 2015, to complete the upgrade of the crossing at Ocotillo Road should be granted.

18 3. After the installation of the crossing upgrade at Ocotillo Road, the Railroad should
19 maintain the crossing in accordance with A.A.C. R14-5-104.

20 **ORDER**

21 IT IS THEREFORE ORDERED that the City of Chandler’s request for an extension of time,
22 until May 6, 2015, for the Union Pacific Railroad to complete the Ocotillo Road crossing is hereby
23 approved.

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

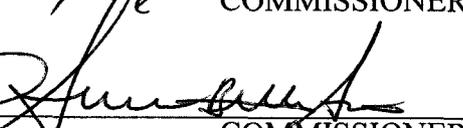
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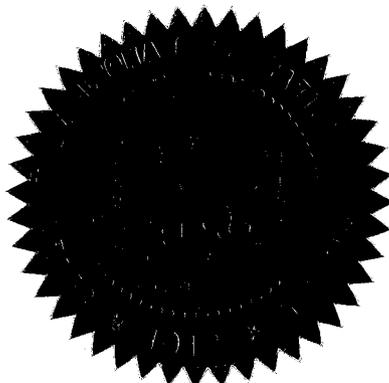
1 IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific
2 Railroad shall maintain the crossing in compliance with A.A.C R14-5-104.

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

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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7  CHAIRMAN  COMMISSIONER
8  COMMISSIONER  COMMISSIONER  COMMISSIONER
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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 26th day of February 2014.


JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
MES:ru

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD

2 DOCKET NO.: RR-03639A-12-0433

3 Alex Popovici, Manager
4 Industry & Public Projects
5 UNION PACIFIC RAILROAD COMPANY
6 631 South 7th Street
7 Phoenix, AZ 85034-2203

8 Anthony J. Hancock
9 Terrance L. Sims
10 BEAUGUREAU, ZUKOWSKI & HANCOCK, P.C.
11 302 East Coronado
12 Phoenix, AZ 85004
13 Attorneys for Union Pacific Railroad Company

14 Paul Young, PE, PTOE
15 Senior Transportation Engineer
16 Transportation & Development Department
17 CITY OF CHANDLER
18 P.O. Box 4008, M/S 105
19 Chandler, AZ 85244-4008

20 Mary Wade, City Attorney
21 CITY OF CHANDLER
22 P.O. Box 4008
23 Chandler, AZ 85244-4008

24 Vicki Bever, Manager
25 Utility & Railroad Engineering
26 ARIZONA DEPARTMENT OF TRANSPORTATION
27 205 South 17th Avenue, M/D 618E
28 Phoenix, AZ 85007-3212

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Brian Lehman, Chief
Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

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