

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER



BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: March 9, 2000

DOCKET NO.: RR-02635B-00-0039

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Marc E. Stern. The recommendation has been filed in the form of an Opinion and Order on:

BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
(CROSSING CLOSURES)

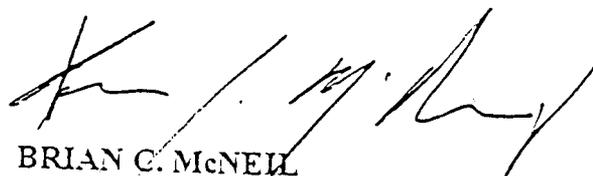
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MARCH 20, 2000

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

MARCH 28, 2000 AND MARCH 29, 2000

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250.



BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 WILLIAM A. MUNDELL  
COMMISSIONER  
5

6 IN THE MATTER OF THE MATTER OF THE  
APPLICATION OF THE CITY OF FLAGSTAFF,  
7 ARIZONA FOR CLOSURE OF TWO SPUR  
CROSSINGS OF THE BURLINGTON  
8 NORTHERN AND SANTA FE RAILWAY  
COMPANY, AT FLAGSTAFF, ARIZONA, AT  
9 AAR/DOT NO. 25-143-U AND NO. 25-145-H.

DOCKET NO. RR-02635B-00-0039

DECISION NO. \_\_\_\_\_

**OPINION AND ORDER**

10 DATE OF HEARING: February 24, 2000  
11 PLACE OF HEARING: Phoenix, Arizona  
12 PRESIDING OFFICER: Marc E. Stern  
13 APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal Division, on  
behalf of the Utilities Division of the Arizona  
14 Corporation Commission.

15 **BY THE COMMISSION:**

16 On January 10, 2000, the City of Flagstaff, Arizona ("City") submitted to the Arizona  
17 Corporation Commission ("Commission") an application requesting the closure of two existing spur  
18 track crossings of the Burlington Northern and Santa Fe Railway Company ("Railroad") on  
19 Huntington Drive, 300 and 1300 feet east of Enterprise Road in Flagstaff, Arizona at AAR/Dot No.  
20 25-143-U and No. 25-145-H. ("Application"). The City requested approval to close the crossings on  
21 behalf of the Railroad because all service has been terminated and the crossings have been removed  
22 from service. The Application was filed with Docket Control on January 19, 2000.

23 On February 4, 2000, by Procedural Order, the Application was set for a hearing and the City  
24 was ordered to notify any interested parties of the Application and the hearing.

25 On February 14, 2000, the City filed certification that notice had been provided pursuant to  
26 the terms of the Procedural Order.

27 On February 24, 2000, a full public hearing was held before a duly authorized Hearing Officer  
28 of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter

1 was taken under advisement pending submission of a Recommended Opinion and Order to the  
2 Commission.

3 \* \* \* \* \*

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

6 **FINDINGS OF FACT**

7 1. On January 19, 2000, the City filed an Application in which it requested approval for  
8 closure of two existing spur track crossings of the Railroad on Huntington Drive, 300 and 1300 feet  
9 east of Enterprise Road in the City at AAR/Dot No. 25-143-U and No. 25-145-H.

10 2. On February 11, 2000, the City provided notice by registered U.S. mail of the  
11 Application and hearing thereon.

12 3. A hearing was held as scheduled on February 24, 2000.

13 4. The Application was filed because all service has been terminated and the crossings  
14 have been removed from service.

15 5. Staff testified that the closures as requested in the Application are proper.

16 6. Staff has recommended that the Application be approved.

17 **CONCLUSIONS OF LAW**

18 1. The Commission has jurisdiction over the parties and over the subject matter of the  
19 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-252, 40-336, and  
20 40-337.

21 2. Notice of the Application was provided in accordance with the law.

22 3. The closure of the crossings is in the public interest.

23 4. The Application should be approved as recommended by Staff.

24 **ORDER**

25 IT IS THEREFORE ORDERED that the City of Flagstaff's Application is hereby approved.

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IT IS FURTHER ORDERED that the Burlington Northern and Santa Fe Railway Company shall notify the Commission, in writing, within ten days of the closure and removal of the spur track.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary 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 \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
MES:bbs

1 SERVICE LIST FOR: BURLINGTON NORTHERN AND SANTA FE  
2 RAILWAY COMPANY

3 DOCKET NO. RR-02635B-00-0039

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