ORIGINAL

OPEN MEETING ITEM



	0000178547					
1	BEFORE THE ARIZONA CORPORATION CC					
2	TOM FORESE Chairman					
3	BOB BURNS Arizona Corporation Commission 7011 MAP 21 D 2 1 2					
4	BOB BURNS CommissionerArizona Corporation Commission2011 MAR 31 P 2: 42DOUG LITTLEDOCKETED					
5	Commissioner MAD 9 1 2017					
5	ANDY TOBIN Commissioner					
6	BOYD DUNN					
7	Commissioner					
8	IN THE MATTER OF THE APPLICATION DOCKET NO. RR-00000E-17-0018					
9	FOR ARIZONA CORPORATION					
9	COMMISSION (RAILROAD SAFETY) FOR APPROVAL OF THE 2017 GRADE NOTICE OF FILING					
10	CROSSING ARRAY. PROPOSED ORDER					
11						
12	Staff of the Arizona Corporation Commission hereby provides notice of filing the attached					
13	Proposed Order in the above referenced matter. Please note that this is a Staff Proposed Order and					
14	not a final Order of the Commission. This matter may be considered and voted upon by the					
15	Commission during the Open Meeting scheduled for May 9, 2017.					
16	RESPECTFULLY SUBMITTED this 31st day of March, 2017.					
17						
18	he to					
19	Charles H. Hains, Attorney					
20	Legal Division Arizona Corporation Commission					
	1200 West Washington Street Phoenix, Arizona 85007					
21	(602) 542-3402					
22	chains@azcc.gov					
23	On this 31st day of March, 2017, the foregoing document was filed with Docket Control as an					
24	Safety Division Notice of Filing - Miscellaneous and conies of the foregoing were mailed on behalf					
25	soon as possible thereafter, the Commission's eDocket program will automatically email a link to the					
	foregoing to the following who have consented to email service.					
26	Chris Watson Michele Burton Arizona Corporation Commission Assistant Attorney General					
27	Railroad Safety Supervisor Office of the Attorney General					
28	1300 West Washington Street1275 West Washington StreetPhoenix, Arizona 85007Phoenix, Arizona 85007					
1						

1	Vicki Beaver			
2	Utility and Railroad Manager Arizona Department of Transportation			
3	205 South 17th Avenue, Room 357 MD 618E Phoenix, Arizona 85007			
4	Jason L. Sanchez			
5	Manager Public Projects BNSF Railway			
6	740 East Carnegie Drive San Bernardino, California 92408			
7	Patrick Black			
8	Fennemore Craig, P.C. 2394 East Camelback Road, Ste. 600 Phoenix, Arizona 85016			
9				
10	Daniel Dalton General Manager			
11	Arizona Eastern Railway Company 5903 South Calle De Loma			
12	Claypool, Arizona 85532			
13	Ray Dovalina Street Transportation Director			
14	City of Phoenix 200 West Washington Street, 12th Floor			
15	Phoenix, Arizona 85003			
16	Ian McGaughey Town Manager			
17	Town of Clifton 510 North Coronado Blvd.			
18	PO Box 1415			
19	Clifton, Arizona 85533			
20	Stephan J. Pauken City Manager			
20	City of Winslow 21 Williamson Avenue			
1	Winslow, Arizona 86047			
22	Mr. Timothy La Sota Acting General Counsel/Acting Director			
23	Legal Division			
24	Arizona Corporation Commission 1200 West Washington Street			
25	Phoenix, Arizona 85007 LegalDiv@azcc.gov			
26	<u>JMazza@azcc.gov</u> Consented to Service by Email			
27				
28				

By:

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Paula Hargis Executive Legal Assistant

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1	BEFORE THE ARIZONA CORPORATION COMMISSION						
2	TOM FORESE Chairman						
3	BOB BURNS Commissioner						
4	DOUG LITTLE Commissioner						
5	ANDY TOBIN Commissioner						
6	BOYD DUNN Commissioner						
7							
8	IN THE MATTER OF THE APPLICATION DOCKET NO. RR-00000E-17-0018						
9	COMMISSION (RAILROAD SAFETY) FOR COMMISSION NO.						
10	APPROVAL OF THE 2017 GRADE						
11							
12	Open Meeting						
13	May 9 and 10, 2017 Phoenix, Arizona						
14	BY THE COMMISSION:						
15	FINDINGS OF FACT						
16	1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the						
17	allocation of funds for the installation of automatic warning signals and devices at public railroad grade						
18	crossings and the determination of locations where the installation of automatic warning signals should						
19	occur on that date.						
20	2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission),						
21	which has the exclusive power to determine and prescribe the manner and terms of installation of						
22	warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public						
23	railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.						
24	3. Although numerous hazard index formulas have been proposed over many years to						
25	assess the relative hazard of a grade crossing based upon some combination of its characteristics, no						
26	one such formula, or combination thereof, has universal acceptance. The development of the array and						
27	the determination of the warnings to be installed at crossings also involve the exercise of judgment.						
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4. The array establishes crossings where the installation of automatic warning signals and 2 devices should be considered in accordance with the above referenced legislation, depending upon the 3 availability of monies, material, labor and other factors involved in such installation. The inclusion of a 4 crossing on the array, however, does not mean that existing warning signs or signals, if any, are 5 inadequate to enable an ordinary, prudent motorist to safely pass over the crossing. Conversely, a public 6 crossing not appearing on the array does not exclude it from being improved under this program if it 7 becomes an increased hazard to safety prior to the issuance of the next annual array.

5. 8 The array first became effective on July 1, 1977. It is in the best interest of public safety, 9 considering the current state and federal appropriations which have been allocated for the acquisition 10 and installation of automatic warning signals and devices at public grade crossings in Arizona, for the 11 array to be supplemented as provided herein.

12 6. In order to promote the timely installation of warning signals and crossing upgrades, 13 Staff, with representatives of Arizona Department of Transportation and the Federal Highway 14 Administration, have determined that four additional crossings should be placed on the 2017 array for 15 upgrade with improved surfaces and one crossing be added to the array for both improved surface work 16 and visibility upgrades.

7. 17 Staff has recommended that the array approved by the Commission in Decision No. 18 75489 dated March 10, 2016, be reaffirmed and that the crossings listed in Attachment 1 be added to 19 the array.

20

CONCLUSIONS OF LAW

21 1. Some Public railway/highway grade crossings in Arizona are eligible to receive Federal 22 funds for the installation of automatic warning signals and devices under the 23 U.S.C. § 130. These 23 monies were appropriated in recognition of the public responsibility to improve safety at 24 railway/highway crossings, and may be used to pay one hundred (100) percent of the total installation 25 cost of each project.

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1	2. Pursuant to the Commission's exclusive power over railway/highway crossings, the array					
2	shall establish the public	grade crossings in Arizona at which changes in signalization may be made				
3	under A.R.S. Sections 40-337, et seq.					
4	ORDER					
5	THEREFORE, IT IS ORDERED that the array established in Decision No. 75489, as well as					
6	the crossings listed on Attachment 1, be and hereby is approved.					
7	IT IS FURTHER ORDERED that this Decision shall become effective immediately.					
8						
9	BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION					
10						
11	CHAIRMAN FORESE COMMISSIONER DUNN					
12						
13						
14	COMMISSIONER TO	BIN COMMISSIONER LITTLE COMMISSIONER BURNS				
15		IN WITNESS WHEREOF, I, TED VOGT, Executive Director				
16		of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be				
17 18		affixed at the Capitol, in the City of Phoenix, thisday of, 2017.				
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20						
21		TED VOGT				
22		EXECUTIVE DIRECTOR				
23	DISSENT:					
24	DISSENT:					
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		Decision No.				
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1 2	SERVICE LIST FOR: 2017 Railroad Crossing DOCKET NO.: RR-00000E-17-0018	g Array
3	Chris Watson	Daniel Dalton
3	Arizona Corporation Commission	General Manager
4	Railroad Safety Supervisor	Arizona Eastern Railway Company
5	1300 West Washington Street Phoenix, Arizona 85007	5903 South Calle De Loma Claypool, Arizona 85532
6	Michele Burton	
7	Assistant Attorney General	Ray Dovalina Street Transportation Director
1	Office of the Attorney General	City of Phoenix
8	1275 West Washington Street	200 West Washington Street, 12th Floor
9	Phoenix, Arizona 85007	Phoenix, Arizona 85003
	Vicki Beaver	Ian McGaughey
10	Utility and Railroad Manager	Town Manager
11	Arizona Department of Transportation	Town of Clifton
	205 South 17th Avenue, Room 357 MD 618E	510 North Coronado Blvd.
12	Phoenix, Arizona 85007	PO Box 1415
13	Jason L. Sanchez	Clifton, Arizona 85533
	Manager Public Projects	Stephan J. Pauken
14	BNSF Railway	City Manager
15	740 East Carnegie Drive	City of Winslow
	San Bernardino, California 92408	21 Williamson Avenue
16	Patrick Black	Winslow, Arizona 86047
17	Fennemore Craig, P.C.	Mr. Timothy La Sota
10	2394 East Camelback Road, Ste. 600	Acting General Counsel/Acting Director
18	Phoenix, Arizona 85016	Legal Division Arizona Corporation Commission
19		1200 West Washington Street
20		Phoenix, Arizona 85007
usser.		LegalDiv@azcc.gov
21		<u> IMazza@azcc.gov</u> <u>Consented to Service by Email</u>
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Decision No.

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DOCKET NO. RR-00000E-17-0018

ATTACHMENT 1

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Douglas A. Ducey, Governor John S. Halikowski, Director Dallas Hammit, State Engineer Steve Boschen, Division Director

February 16, 2017

Mr. Jason Pike Grade Crossing Inspector Arizona Corporation Commission 1300 W. Washington Street Phoenix, AZ 85007

Subject: Railroad-Highway Crossing ARRAY 2017

Dear Mr. Pike,

Below are the five (5) proposed railroad upgrade crossings for the ARRAY 2017, under Section 130.

DOT#	RR	RRMP	Location	City	County	Work	Est'd Cost
025-033J	BNSF	286.20	Washington St.	Winslow	Navajo	Surface	\$ 70,000
025-518E	BNSF	189.66	29 th Avenue	Phoenix	Maricopa	Surface	\$ 90,000
025-628P	BNSF	197.10	44 th Avenue	Phoenix	Maricopa	Surface	\$ 110,000
025-831G	BNSF	193.06	Lincoln St.	Phoenix	Maricopa	Surface	\$ 110,000
741-892W	AZER	1,215.90	Park Avenue	Clifton	Greenlee	Surface &	\$ 150,000
						Visibility	
					Total Estimated Cost:		\$ 530,000

If you have any questions regarding this submittal, feel free to contact me at your earliest convenience.

Sincerely,

Jørge L. Vásquez Railroad Coordinator - Section 130 ADOT - URR Section 205 South 17th Avenue - Room 357 Phoenix, AZ 85007 JVasquez@azdot.gov