

OPEN MEETING ITEM

C. Watson

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2009 OCT -8 P 3: 24

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL



IN THE MATTER OF THE ARIZONA CORPORATION COMMISSION, ON ITS OWN MOTION, TO ESTABLISH AN ARRAY OF PUBLIC RAIL/HIGHWAY GRADE CROSSINGS THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. RR-00000E-09-0021

STAFF'S NOTICE OF FILING

Staff hereby provides notice of filing the attached proposed order authorizing establishment Array of Public Rail/Highway Grade Crossings throughout the State of Arizona for the Commission's consideration. This is only a Staff recommendation to the Commission; it has not yet become an order of the Commission. The Commission can decide to accept, amend or reject Staff's proposed order. This matter is scheduled for Commission deliberation at its Open Meeting scheduled October 20 - 21, 2009.

RESPECTFULLY submitted this 8<sup>th</sup> day of October, 2009.

Charles H. Hains, Attorney  
Legal Division  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-3402

Original and thirteen (13) copies of the foregoing were filed this 8<sup>th</sup> day of October, 2009 with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007



1 Copy of the foregoing mailed this  
2 8<sup>th</sup> day of October, 2009 to:

3 Mr. Aziz Aman P.E.  
4 Manager Public Projects  
5 Union Pacific Railroad  
6 2073 East Jade Drive  
7 Chandler, AZ 85283

Mr. Nichols Swart  
Dept. of Transportation  
Maricopa County  
2901 West Durango  
Phoenix, AZ 85009

6 Mr. John Syers  
7 Railroad Engineering Coordinator  
8 ADOT-Utilities & Railroad Section  
9 205 South 17<sup>th</sup> Ave., Mail Drop 618E  
10 Phoenix, AZ 85007-3212

Mr. Michael Negrete  
Project Manager  
City of Phoenix  
1034 East Madison Street  
Phoenix, AZ. 85034-2292

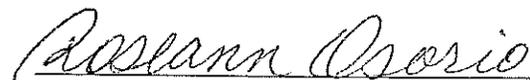
9 Mr. Melvin Thomas  
10 Manager Public Projects  
11 Burlington Northern Santa Fe Railway  
12 740 East Carnegie  
13 San Bernardino, CA 92408

Mr. C. Rex Hartmann  
Senior Street Division Coordinator  
City of Chandler  
Mail Stop 909  
Box 4008  
Chandler, AZ 85244-4008

13 Mr. Marc Pearsall  
14 Senior Transportation Planner  
15 City of Tempe  
16 20 East 6<sup>th</sup> Street  
17 Tempe, AZ 85281

Mr. Dan Cherry  
Assistant County Engineer  
Yavapai County  
1100 Commerce Drive  
Prescott, AZ. 86305

16 Mr. Chris Hamilton  
17 Engineering Department  
18 City of Avondale  
19 11465 West Civic Center  
20 Suite 120  
21 Avondale, AZ 85323

  
\_\_\_\_\_

20 Mr. Gerald Schmidt  
21 Town Manager  
22 Town of Pima  
23 110 West Center Street  
24 Box 426  
25 Pima, AZ 85543

24 Mr. Mark Ahlstrom, P.E.  
25 City of Mesa  
26 20 East Main Street  
27 Box 1466  
28 Mesa, AZ 85211-1466

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- KRISTIN K. MAYES, Chairman
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

IN THE MATTER OF THE ARIZONA CORPORATION COMMISSION, ON ITS OWN MOTION, TO ESTABLISH AN ARRAY OF PUBLIC RAIL/HIGHWAY GRADE CROSSINGS THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. RR-00000E-09-0021

DECISION NO.

ORDER

Open Meeting  
 October 20 – 21, 2009  
 Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the allocation of funds for the installation of automatic warning signals and devices at public railroad grade crossings and the determination of locations where the installation of automatic warning signals should occur on that date.

2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission), which has the exclusive power to determine and prescribe the manner and terms of installation of warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.

3. Although numerous hazard index formulas have been proposed over many years to assess the relative hazard of a grade crossing based upon some combination of its characteristics, no one such formula, or combination thereof, has universal acceptance. The development of the array and the determination of the warnings to be installed at crossings also involve the exercise of judgement.

4. The array establishes crossings where the installation of automatic warning signals and

1 devices should be considered in accordance with the above referenced legislation, depending upon  
2 the availability of monies, material, labor and other factors involved in such installation. The  
3 inclusion of a crossing on the array, however, does not mean that existing warning signs or signals, if  
4 any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing.  
5 Conversely, a public crossing not appearing on the array does not exclude it from being improved  
6 under this program if it becomes an increased hazard to safety prior to the issuance of the next annual  
7 array.

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

13 6. In order to promote the timely installation of warning signals and crossing upgrades,  
14 Staff, with representatives of ADOT and the Federal Highway Administration, have determined that  
15 an additional eight (8) crossings should be placed on the 2009 array for upgrading.

16 7. Staff has recommended that the array approved by the Commission in  
17 Decision No. 70481 dated September 3, 2008, be reaffirmed and that the crossings listed in  
18 Attachment 1 be added to the array.

#### 19 CONCLUSIONS OF LAW

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

25 2. Pursuant to the Commission's exclusive power over railway/highway crossings, the  
26 array shall establish the public grade crossings in Arizona at which changes in signalization may be  
27 made under A.R.S. Sections 40-337, *et seq.*

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ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 70481, as well as the crossings listed on Attachment 1, be and hereby is approved.

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

**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

_____ CHAIRMAN	_____ COMMISSIONER	
_____ COMMISSIONER	_____ COMMISSIONER	_____ COMMISSIONER

IN WITNESS WHEREOF, I ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

1 **SERVICE LIST FOR:**  
2 **DOCKET NO. RR-00000E-09-0021**

3 Mr. Jim Smith  
4 Manager Public Projects  
5 Union Pacific Railroad  
6 10031 Foothills Blvd.  
7 Roseville, CA 95747

8 Mr. John Syers  
9 Railroad Engineering Coordinator  
10 ADOT-Utilities & Railroad Section  
11 205 S. 17<sup>th</sup> Ave., Mail Drop 618E  
12 Phoenix, AZ 85007-3212

13 Ms. Megan McIntyre  
14 Manager Public Projects  
15 Burlington Northern Santa Fe Railway  
16 740 East Carnegie  
17 San Bernardino, Ca. 92408

18 Mr. Bob Roggenthen  
19 Civil Engineering Manager  
20 Pima County Department of Transportation  
21 1313 South Mission Road  
22 Tucson, AZ. 85713-1398

23 Mr. Donald Noble  
24 Interim Public Works Director  
25 Town of Queen Creek  
26 22350 S. Ellsworth Road  
27 Queen Creek, AZ. 85242

28 Mr. True Carr  
29 President Alliance Lumber  
30 6770 W. Northern Avenue  
31 Glendale, AZ. 85303

32 Mr. David Gibson  
33 ADOT-Traffic Engineering  
34 206 S. 17<sup>th</sup> Ave., Mail Drop 064R  
35 Phoenix, AZ 85007

36 Director  
37 Pima County Public Works  
38 201 N. Stone  
39 Tucson, AZ 85701

1 Mr. Richard Nassi  
2 Traffic Engineering  
3 City of Tucson  
4 Box 27210  
5 Tucson, AZ 85726-7210

6 Mr. Nichols Swart  
7 Dept. of Transportation  
8 Maricopa County  
9 2901 W. Durango  
10 Phoenix, AZ 85009

11 Mr. Michael Negrete  
12 Project Manager  
13 City of Phoenix  
14 1034 E. Madison Street  
15 Phoenix, AZ. 85034-2292

16 Mr. Martin Roush  
17 Town Engineer  
18 Town of Sahuarita  
19 850-B West Sahuarita Road  
20 Box 879  
21 Sahuarita, AZ. 85629

22 Mr. Norm Davis  
23 Assistant County Engineer  
24 Yavapai County  
25 1100 Commerce Drive  
26 Prescott, AZ. 86305

27 Mr. Harry Parsipe  
28 Director of Public Works  
Town of Wickenburg  
155 North Tegner, Suite A  
Wickenburg, AZ. 85390

Mr. Dale Wegner, P.E.  
County Engineer  
Coconino County  
5600 East Commerce  
Flagstaff, AZ. 86004

Nick Mascia  
Traffic Engineer  
City of Surprise  
12425 W. Bell Road D-100  
Surprise, AZ. 85374

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Stu Seubert  
City of Flagstaff  
Capitol Improvements  
211 W. Aspen Ave.  
Flagstaff, AZ. 86001

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City of Glendale  
6210 W. Myrtle Ave. Suite 111  
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Ferrin Crosby  
Apache County Engineer  
P.O. Box 238  
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Dennis Alvarez  
County Engineer  
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Arturo Garino  
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777 N. Grand Ave.  
Nogales, AZ. 85621

Victor Gabilondo  
Santa Cruz County Public Works  
Congress Dr.  
Nogales, AZ. 85621

Horacio Williams  
Streets  
113 S. 1<sup>st</sup> Street  
Williams, AZ. 86046

# Attachment 1

2009 Array

Proposed by Arizona DOT, September 9, 2009

ADOT

DOT Number	RR	MP	Location	Scope of Work	Estimated Costs	Exposure Index
<b>Protective Devices</b>						
025 617 C	BNSF		189.58 27th Avenue	Pre-signals	\$100,000	27,318.96
025 430 G	BNSF		189.62 Thomas	Pre-Signals	\$100,000	22,276.00
742 018 J	UP		1034.4 Palo Parado	Flashers & Gates	\$250,000	930.15
					<b>Subtotal</b>	
					<b>\$450,000</b>	
<b>Hazard Elimination</b>						
025 725 Y	FZ		182.99 Cotton Rd	PCCP xing	\$100,000	20000
025 733 R	FZ		183.11 Olive Ave	PCCP xing	\$100,000	18000
025 451 A	BNSF		192.90 15th Ave	PCCP xing & sidewalks	\$200,000	9100
741 459 D	UP		905.20 15th Ave	PCCP xing & sidewalks	\$350,000	9100
741 775 B	UP		905.20 Apache Rd	PCCP xing	\$100,000	4716
					<b>Subtotal</b>	
					<b>\$850,000</b>	

COMMISSIONERS  
KRISTIN K. MAYES - Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP



ARIZONA CORPORATION COMMISSION

ORIGINAL

MEMORANDUM

TO: THE COMMISSION

FROM: Brian Lehman  
Supervisor  
Railroad Safety

Arizona Corporation Commission  
DOCKETED

SEP 11 2009

DOCKETED BY

DATE: September 10, 2009

RE: IN THE MATTER OF THE ARIZONA CORPORATION  
COMMISSION, ON ITS OWN MOTION, TO ESTABLISH AN ARRAY  
OF PUBLIC RAIL/HIGHWAY GRADE CROSSINGS THROUGHOUT  
THE STATE OF ARIZONA (DOCKET NO. RR-00000E-09-0021).

The Arizona Corporation Commission (Commission), pursuant to law, submits to the railroad Companies, Cities, Counties and the Arizona Department of Transportation (ADOT), an array of Public Rail/Highway grade crossings where the installation of automatic warning signals or devices should be considered. This array is used as a planning tool by these agencies and railroads for grade crossing upgrades. Staff recommends that the previous array approved by the Commission in Decision 70481, dated September 3, 2008, be reaffirmed and that eight (8) additional crossings (identified in Attachment 1 to the proposed order) be added to the array. The eight (8) additional crossing upgrades were identified by Staff after consultation with ADOT and the Federal Highway Administration.

ORIGINATOR: Chris Watson

RECEIVED  
2009 SEP 11 A 9:35  
ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

2009 Array

Proposed by Arizona DOT, September 9, 2009

ADOT

<u>DOT Number</u>	<u>RR</u>	<u>MP</u>	<u>Location</u>	<u>Scope of Work</u>	<u>Estimated Costs</u>	<u>Exposure Index</u>
<b>Protective Devices</b>						
025 617 C	BNSF	189.58	27th Avenue	Pre-signals	\$100,000	27,318.96
025 430 G	BNSF	189.62	Thomas	Pre-Signals	\$100,000	22,276.00
742 018 J	UP	1034.4	Palo Parado	Flashers & Gates	\$250,000	930.15
					<b>Subtotal</b>	
					<b>\$450,000</b>	
<b>Hazard Elimination</b>						
025 725 Y	FZ	182.99	Cotton Rd	PCCP xing	\$100,000	20000
025 733 R	FZ	183.11	Olive Ave	PCCP xing	\$100,000	18000
025 451 A	BNSF	192.90	15th Ave	PCCP xing & sidewalks	\$200,000	9100
741 459 D	UP	905.20	15th Ave	PCCP xing & sidewalks	\$350,000	9100
741 775 B	UP	905.20	Apache Rd	PCCP xing	\$100,000	4716
					<b>Subtotal</b>	
					<b>\$850,000</b>	

**2009 Array Mailing List**

1. Mr. Aziz Aman  
Manager Public Projects  
Union Pacific Railroad  
2073 E Jade Dr.  
Chandler, AZ. 85286
2. Mr. Robert Travis  
Railroad Engineering Coordinator  
ADOT-Utilities & Railroad Section  
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Phoenix, AZ 85007-3212
3. Mr. Melvin Thomas  
Manager Public Projects  
Burlington Northern Santa Fe Railway  
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4. Mr. Nicholaas Swart  
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5. Mr. Belinda Cummings  
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6. Scott J. Altherr, P.E., CFM  
Public Works Director  
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7. Mike Cynecki  
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8. Craig Allen  
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9. Jose L. Heredia  
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10. Kelly Roy  
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