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**ARIZONA CORPORATION COMMISSION
SAFETY DIVISION**

Outline of Typical Rail-Crossing Upgrade Process

- 1) Applicant (sponsor) of the project will be responsible for setting up an on-sight meeting with all parties involved (railroad, ACC Rail Safety Section, local government agency having jurisdiction over the roadway i.e. city, state or county, and any other stakeholder interested in the proposed project).
- 2) Information typically discussed at the on-sight meeting:
 - The exact location of the proposed new grade crossing
 - Upgrades or modifications being considered to the existing crossing
 - Discussion of grade separation (over or under pass) Why or Why not?
 - Applicant must state who is paying for the crossing construction and maintenance
 - Proposed types of warning devices to be installed
 - ACC Staff's data Request
 - ACC Staff Report and recommendations
- 3) Contents of Application to the Commission – the following are not required content for an application but providing the following information is helpful for the processing of the application:
 - Applicant should include a letter providing a narrative description of the scope of the project to include but not limited to:
 - i. Location of crossing
 - ii. Why the anticipated changes are needed
 - iii. If grade separation is not being proposed, why the proposed or existing crossing can't be grade separated
 - iv. Type of warning devices to be installed
 - v. Who will maintain the crossing warning devices
 - vi. Who is funding the project
 - Applicant should include a signed agreement between the railroad and the road authority with jurisdiction at the crossing.
 - Applicant should include a conceptual drawing (**not an engineering plan**) on 8 ½ x 11 paper indicating the proposed changes to the crossing including all warning devices and pavement markings.
- 4) Applicant must submit one original and thirteen copies for materials filed in the docket including the application to:

Arizona Corporation Commission, Attn. Docket Control, 1200 W. Washington St.
Phoenix, AZ 85007.

- Docketed application will be scheduled for hearing by an Administrative Law Judge (ALJ). A Procedural Order with instructions to be followed will be issued by the ALJ. The Procedural Order will direct the applicant to provide public notice of the scheduled hearing. The applicant must file with the Commission Docket certification of the required public notice.
Failure to follow the Procedural Order may result in delaying the hearing process.
- 5) ACC Rail Safety Staff may request data. Such request may include but are not limited to:
- Average Daily Traffic Counts
 - Number and type of train movements per day along with speed of trains
 - Completed traffic studies including traffic projections and any Design Concept Reports.
 - Any other relevant issue raised by the application that is not clearly explained within the application.
- 6) Attendance at public hearings
- Applicant and legal counsel should attend the scheduled evidentiary hearing and Open Meeting. Failure by the applicant to attend the scheduled evidentiary hearing may result in continuance of the hearing. Failure to bring counsel to the scheduled evidentiary hearing may result in the continuance of the hearing.
 - At the conclusion of the hearing process, a Recommended Opinion and Order from the ALJ will be issued.
- 7) Recommended Opinion and Order of application to be presented at a regular scheduled Open Meeting for Commissioners approval.
- Attendance of applicant and legal counsel is strongly recommended in the event that the Commissioners have questions regarding the application.
 - Approval of the Recommended Opinion and Order is subject to a majority vote of the Commissioners at the Open Meeting.
- 8) Under ordinary circumstances, the process generally takes 90 to 120 days from application to Open Meeting, depending on hearing and Open Meeting scheduling.
- 9) If you have questions on the application process please call Chris Watson or Brian H. Lehman at (602-262-5601)