



**AMERICAN SOCIETY OF  
HIGHWAY ENGINEERS  
(ASHE)**

**PHOENIX, Arizona  
OCTOBER 12, 2010**



# Arizona Corporation Commission

Statutes

Procedures

Application Process

Presented by:

Brian Lehman, Rail Safety Supervisor

# Power of Commission Over Railway Crossings – 40-337



## Section A.

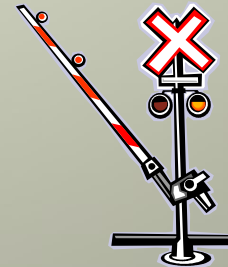
- No public highway or street shall be constructed across the track of any railroad at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad at grade, without the permission of the commission.
- Provision shall not apply to the replacement of lawfully existing tracks. The commission may refuse permission or grant it upon such terms and conditions as it prescribes.

# Power of Commission over Railway Crossings – 40-337 – cont'd.

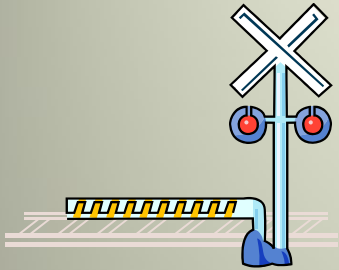
## Section B.

The commission shall have the exclusive power:

- To determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each of the crossings.
- To alter or abolish crossings.
- To prescribe the terms upon which and the proportions in which the expense of the alteration or abolition of the crossing shall be divided between the parties affected or in interest.



# Power of Commission Over Railway Crossings – 40-337 – cont'd.

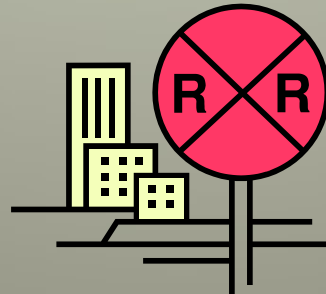


## Section C.

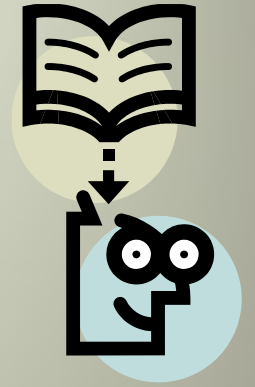
- When the commission finds that public convenience and necessity demands establishment, creation or construction of a crossing of a street or highway over, under or upon the tracks or lines of any public service corporation, the commission may by order require the establishment, construction or creation of the crossing, The crossing shall thereupon become a public crossing.
- The commission shall have the exclusive power to prescribe the character of crossings to be constructed and maintained by railroads where their lines cross public roads or streets of a town or city.

# PROCEDURES FOR REQUESTING A NEW CROSSING OR UPGRADEING OF AN EXISTING CROSSING

- Applicant (sponsor) of the project must set 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 party having interest in the proposed project).



# On-site Information



- Exact location of the proposed new grade crossing
- Upgrades being considered to the existing crossing
- Discussion of grade separation (over or under pass) Why or Why not?
- 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

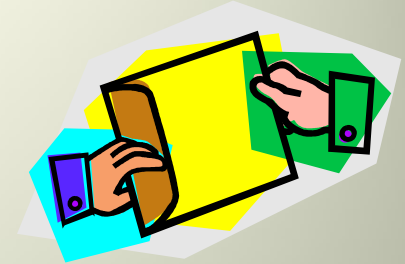
# Contents of Application to the Commission

- Applicant must submit a letter of introduction describing the scope of the project to include but not limited to:
  - Location of crossing
  - Why the crossing is needed
  - Why the proposed or existing crossing can not be grade separated  
**(lack of funding is not an acceptable answer)**
  - Type of warning devices to be installed
  - Who will maintain the crossing warning devices
  - Who is funding the project





# Contents



- Applicant must submit a signed agreement between the railroad and the road authority with jurisdiction at the crossing.
- Applicant must submit a conceptual drawing (**not an engineering plan**) on 8 ½ x 11 paper indicating changes to crossing including all warning devices and pavement markings.

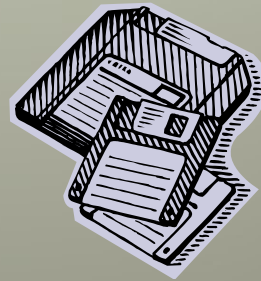


# Docket Submittal

- One original and eleven copies of the application to: Arizona Corporation Commission, Attn. Docket Control, 1200 W. Washington St. Phoenix, AZ. 85007.
  - Docketed application will be scheduled for hearing by Administrative Law Judge (ALJ).
  - A Procedural Order will be issued by the ALJ with instructions to be followed. **Failure to follow the Procedural Order may result in delaying the hearing process.**
  - Applicant must submit 11 copies of the followed procedural order along with copies of the required certified mail receipts.

# Staff Data Request

- ACC Rail Safety Staff will request data to include but 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.



# Hearing



Applicant and legal counsel must attend the scheduled hearing.

- ❖ At the conclusion of the hearing process a recommended Opinion and Order from the ALJ will be issued.

# Open Meeting

- ✓ Opinion and Order of application to be presented at a regular scheduled Open Meeting for Commissioners approval.
- ✓ Applicant and legal counsel must attend
- ✓ Approval subject to a majority vote
- ✓ The process takes 90 to 120 days, depending on hearing and open meeting calendars.



# Early Planning

- Get ACC Staff Involved
- Scope of the Project
- Start & End Dates
- Who's Funding
- Is grade separation being considered



# Propose New Regulations

❖ Arizona Corporation Commission

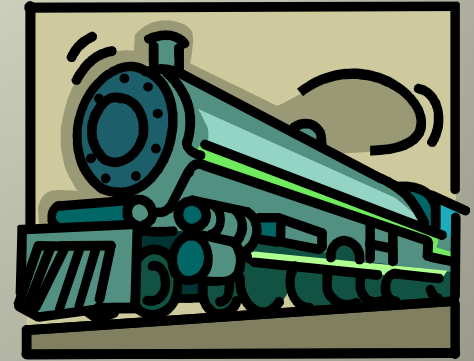
❖ Road Authorities

❖ Railroads



# New Regulations

- Timeline for Railroads to complete engineering and agreements
- Grade Separation Guidelines
- Utilizing the Exposure Index



(Grade Separations – When Do We Separate?)

By: Nicholson and Reed



# New Regulations – cont'd.

- Necessary Data

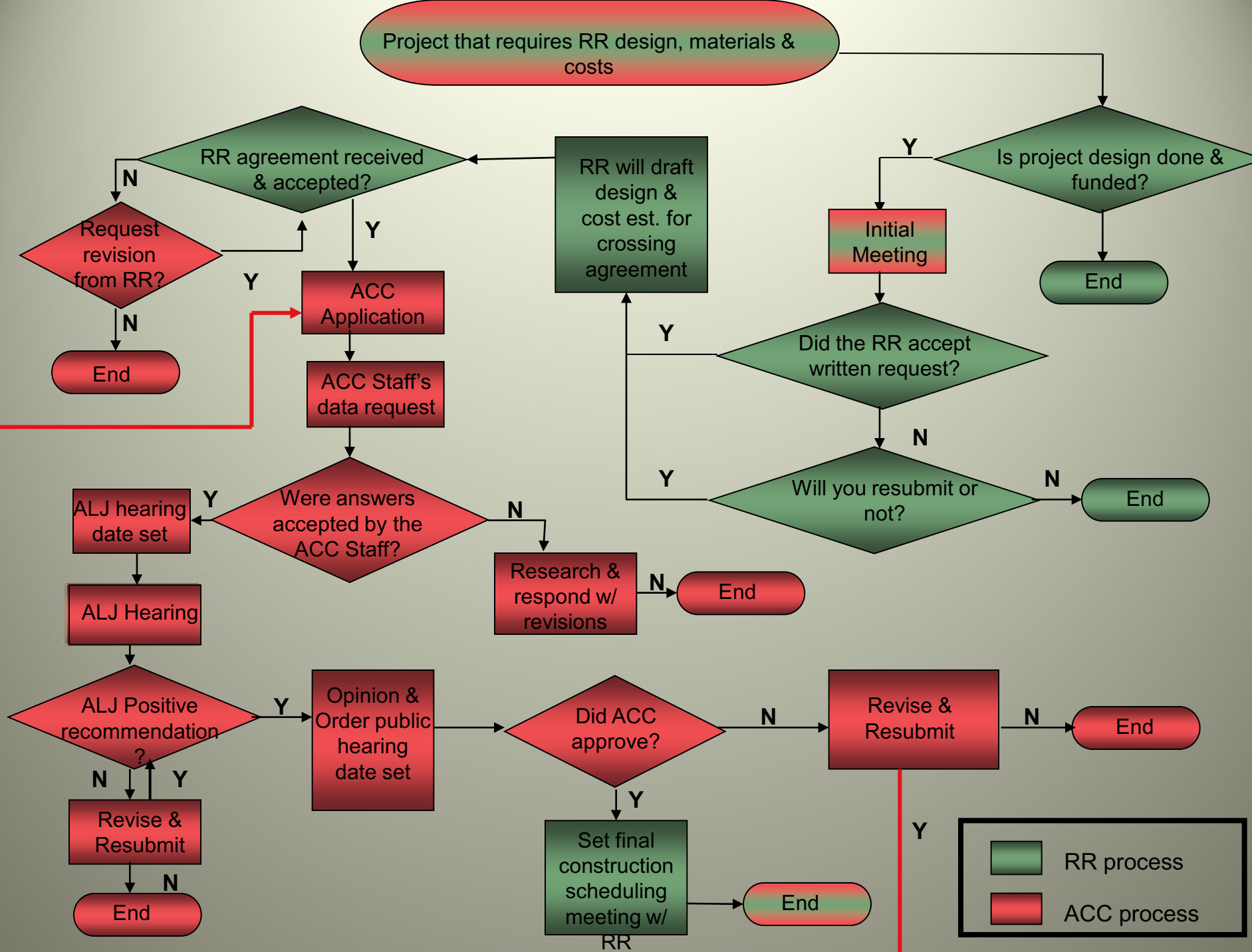


- Staff Approval



- Commission Pre-Approval

From Project Design  
to  
Pre-construction



# Other reasons to be in RR ROW

- **Industrial Development/Real Estate**
  - Real Estate and Utility Specifications
    - work covers a variety of concerns including Property Leases and Purchases, Utilities (Pipeline/Wireline) Installation, House Moves (across their tracks), as well as Drainage Modifications, Environmental Access and Temporary Use of Railroad Property.

- Public Projects (IPP)
  - for local communities and agencies working on Public Projects. Public Projects may include public or private crossings, surface renewal projects, over- and underpasses, track realignments and Quiet Zones.

# The websites have your answers

- UPRR.com
- BNSF.com
  - <http://www.bnsf.com/communities/faqs/permits-real-estate/>



Questions?