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OFFICE OF THE ATTORNEY GENERAL



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Chief Deputy

September 1, 2009

Via e-mail and US Mail

Dennis M. Astill
General Counsel
Anderson Geneva Development
99 N. Geneva Road
Vineyard, Utah 84057

Re: 400 North Railroad Crossing

Dear Mr. Astill:

UDOT received your letter dated August 7, 2009. This letter is to address your inquiry whether the temporary closure is a final appealable order or whether Mr. Cheng will reconsider the temporary order. Please note that Mr. Cheng has thoroughly reviewed the facts surrounding this crossing and a surveillance review was conducted on August 6, 2009 to address the treatments to be used in the temporary closure of the 400 North crossing. The crossing is to remain closed until the approach roadways are improved to the level described in the Town of Vineyard's Master Road Plan and the roadways are open to the public. After reviewing your letter, Mr. Cheng will not reconsider the temporary order.

Please note that this order for the temporary closure of this crossing can be reviewed by the Public Service Commission ("PSC") as the PSC retains exclusive jurisdiction for the resolution of any dispute caused by UDOT's action pursuant to Utah Code Ann. Section 54-4-15. Any person aggrieved by UDOT's action taken pursuant to its authority maybe appealed to the PSC. Consequently, this process does not follow UAPA and Utah Administrative Code R907-1, which does not specifically address this issue.

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Renee Spooner".

Renee Spooner
Assistant Attorney General

cc: Eric Cheng, Chief Railroad Engineer