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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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DOCKETED

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

AUG 02 2004

DOCKETED BY	
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IN THE MATTER OF THE APPLICATION OF  
THE TOWN OF SAHUARITA, ARIZONA TO  
ESTABLISH A NEW RAILROAD CROSSING  
WITH AUTOMATIC WARNING DEVICES AT  
THE TRACKS OF THE UNION PACIFIC  
RAILROAD COMPANY AT M.P. 1009.18.

DOCKET NO. RR-03639A-00-0560

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 2, 2000, the Arizona Corporation Commission ("Commission") issued Decision No. 62987 in which the Commission approved the construction of a new railroad crossing with automatic warning devices at the tracks of the Union Pacific Railroad Company ("Railroad") at the Madera Highlands Subdivision ("Madera"), Sahuarita, Arizona, M.P. 1009.18. The crossing was to be completed within 15 months of the date of the Decision (January 31, 2002).

On January 17, 2002, Madera, on whose behalf the Town of Sahuarita ("Town") had requested authorization for the construction of the crossing by the Railroad, requested a 15 month extension of time (until May 1, 2003) because of the turndown in the general economy, slowing of Madera's development and other factors outside its control.

On January 24, 2002, by Procedural Order, the Commission approved an extension of time until May 1, 2003.

On February 18, 2003, Madera requested an additional 15-month extension until August 1, 2004 because the circumstances had not changed and development was being further delayed.

On March 31, 2003, by Procedural Order, the Commission approved an extension until August 1, 2004.

On July 22, 2004, Madera requested a further 15-month extension until November 1, 2005 because of the alleged ongoing sluggish nature of the general economy.

Neither the Town, the Railroad nor the Railroad Safety Section of the Commission's Utilities

1 Division object to this extension.

2 Accordingly, the request for an additional 15-month extension until November 1, 2005 is  
3 reasonable and should be granted.

4 IT IS THEREFORE ORDERED that the Union Pacific Railroad Company be, and hereby is,  
5 granted an extension until November 1, 2005 to complete the construction of the crossing at M.P.  
6 1009.18.

7 IT IS FURTHER ORDERED that no further extensions shall be approved without extremely  
8 good cause shown.

9 DATED this 2<sup>nd</sup> day of August, 2004

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered  
14 this 2<sup>nd</sup> day of August, 2004 to:

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By:   
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Secretary to Marc E. Stern