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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2005 SEP 29 P 1:54

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
VALLEY METRO RAIL TO UPGRADE A
CROSSING OF THE UNION PACIFIC
RAILROAD AT FIRST STREET AND RIO
SALADO PARKWAY IN TEMPE, ARIZONA,
AAR/DOT NO. 741 547N.

DOCKET NO. RR-03639A-05-0404

PROCEDURAL ORDER

BY THE COMMISSION:

On June 3, 2005, Valley Metro Rail ("VMR") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Union Pacific Railroad ("Railroad") to upgrade a crossing at First Street and Rio Salado Parkway in Tempe, Arizona at AAR/DOT No. 741 547N.

IT IS THEREFORE ORDERED that the request of the Valley Metro Rail shall be considered an application for the Railroad to upgrade a public railroad crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

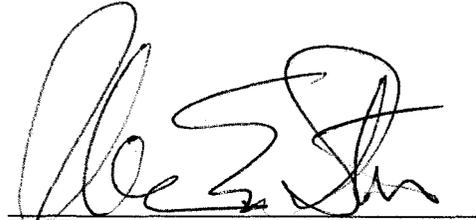
IT IS FURTHER ORDERED that a **hearing** on the application shall be held on **October 26, 2005 at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, Valley Metro Rail shall provide the Railroad and Tempe and any other municipality or interested party that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

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1 IT IS FURTHER ORDERED that VALLEY METRO RAIL SHALL FILE WITH THE
2 COMMISSION'S DOCKET CONTROL AN ORIGINAL AND THIRTEEN (13) COPIES OF
3 PROOF OF COMPLIANCE with this Procedural Order concurrently with the mailing of notice
4 ordered herein.

5 DATED this 29th day of September, 2005



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 29 day of September, 2005 to:

11 Vicki Barron, P.E.
12 Director of Design and Construction
13 Valley Metro Rail
14 411 North Central Avenue, Ste. 200
15 Phoenix, AZ 85004

16 David Gibson
17 Arizona Department of Transportation
18 Traffic Records Section
19 206 S. 17th Avenue, MD 064R
20 Phoenix, AZ 85007

21 James H. Smith
22 Union Pacific Railroad
23 10031 Foothill Blvd.
24 Roseville, CA 95747

25 Christopher Kempley, Chief Counsel
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, Arizona 85007

Brian Lehman, Chief
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 North Third Street, Ste. Three
Phoenix, AZ 85004-1103

27 By: 
28 Molly Johnson
Secretary to Marc Stern