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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

Arizona Corporation Commission

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1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER

DOCKETED BY [signature]

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6 IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
7 TO CONSTRUCT A SECOND SET OF TRACKS
AT TWO EXISTING CROSSINGS OF THE
8 UNION PACIFIC RAILROAD COMPANY AT
40TH STREET AND 48TH STREET IN THE CITY
9 OF PHOENIX, MARICOPA COUNTY, ARIZONA,
M.P. 910.78 AND 911.77, RESPECTIVELY.

DOCKET NO. RR-03639A-01-0544

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11 On July 9, 2001, the Union Pacific Railroad Company ("Railroad") filed with the Arizona
12 Corporation Commission ("Commission") a request for approval to add a second set of tracks at two
13 of its existing crossings at 40th Street and 48th Street in the City of Phoenix ("City"), Maricopa
14 County, Arizona, at milepost 910.78 and 911.77, respectively ("Application").

15 On July 11, 2001, the Commission, by Procedural Order, scheduled a hearing on August 2,
16 2001, on the Railroad's Application. The Commission also ordered the Railroad to provide
17 certification of notice of the proceeding to the City and any other interested party.

18 At the outset of the proceeding on August 2, 2001, the witness for the Commission's Utilities
19 Division indicated that the Railroad had failed to provide certification of notice to the City and any
20 other interested party of the proceeding by providing them with a copy of the Application and the
21 Commission's Procedural Order. The witness also indicated that, thus far, an agreement on the
22 construction had not been reached between the City and the Railroad.

23 On August 3, 2001, the proceeding was continued indefinitely until an agreement was
24 concluded, and another hearing requested with proper notice to be provided to the City and any other
25 interested party.

26 On September 18, 2001, the City filed a letter indicating that the City is not opposed to the
27 additional crossings.

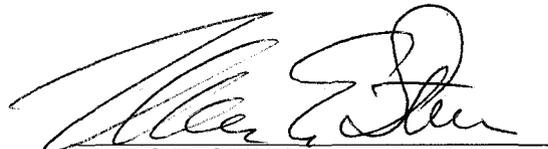
28 Accordingly, the matter should be rescheduled for hearing.

1 IT IS THEREFORE ORDERED that a hearing on the Application of the Union Pacific
2 Railroad Company to add a second set of tracks at existing crossings pursuant to A.R.S. § 40-337, et
3 seq. shall be held on October 16, 2001, at 9:30 a.m., at the Commission's offices at 1200 West
4 Washington Street, Phoenix, Arizona.

5 IT IS FURTHER ORDERED that within five business days of receipt of the Procedural Order
6 which reschedules the hearing in this proceeding, the Union Pacific Railroad Company shall provide
7 the City of Phoenix and any other governmental entity or interested party that may be affected by the
8 Application with a copy of the Application and the Procedural Order which reschedules the hearing
9 by certified mail.

10 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall file with the
11 Commission's Docket Control proof of compliance with this Procedural Order concurrently with the
12 mailing of notice ordered herein when a hearing is next scheduled in this proceeding.

13 DATED this 17th day of September, 2001.

14
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16 
17 MARC E. STERN
18 ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 24th day of September, 2001 to:

21 Richard Gonzales
22 UNION PACIFIC RAILROAD COMPANY
23 19100 Slover Avenue
24 Bloomington, California 92316

24 Freddy Chung
25 UNION PACIFIC RAILROAD COMPANY
26 19100 Slover Avenue
27 Bloomington, California 92316

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

1 Don Thompson, Railroad Safety Supervisor
2 Office of Railroad Safety
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

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By:


Molly Johnson
Secretary to Marc Stern