

ORIGINAL



0000043733

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

257D

COMMISSIONERS

2006 FEB 27 P 1:59

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
THE CITY OF SURPRISE TO UPGRADE AN
EXISTING CROSSING OF THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY AT
163rd AVENUE, IN THE CITY OF SURPRISE,
MARICOPA COUNTY, ARIZONA, AT AAR/DOT
NO. 025-599-G.

DOCKET NO. RR-02635B-06-0079

PROCEDURAL ORDER

BY THE COMMISSION:

On February 8, 2006, the City of Surprise ("City") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at 163rd Avenue in Surprise, Arizona, at AAR/DOT No. 025-599-G.

IT IS THEREFORE ORDERED that the request of the City shall be considered an application for the Railroad to upgrade an existing 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 the hearing on the application shall be held on March 23, 2006 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, **THE CITY OF SURPRISE SHALL PROVIDE THE RAILROAD 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.

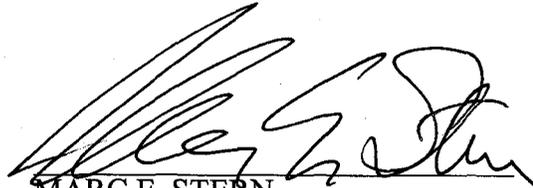
...

...

...

1 IT IS FURTHER ORDERED that the CITY OF SURPRISE 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 27th day of February, 2006


6
7 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 27th day of February, 2006 to:

10 John Syers
Railroad Engineering Coordinator
Arizona Department of Transportation
11 205 S. 17th Avenue, Mail Drop 618E
Phoenix, AZ 85007

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

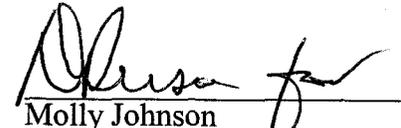
13 Colleen Deines, Manager
Public Projects
BNSF
14 740 East Carnegie Drive
San Bernardino, CA 92408

Don Thompson
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

15 David Gibson
ADOT
Traffic Records Section
16 206 S. 17th Avenue, MD-064R
Phoenix, AZ 85007

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

17 Robert Maki
Traffic Engineer
18 12425 West Bell Road, Ste. D-100
Surprise, AZ 85374

By: 
Molly Johnson
Secretary to Marc Stern