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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION	)	DOCKET NO. RR-03639A-06-0377
OF THE UNION PACIFIC RAILROAD	)	
COMPANY TO CONSTRUCT A SECOND	)	<b>UNION PACIFIC RAILROAD</b>
SET OF TRACKS AT FORTUNA AND	)	<b>COMPANY'S NOTICE OF</b>
BLAISDELL ROADS, AAR/DOT NOS. 753	)	<b>APPLICATION TO CONSTRUCT</b>
584A AND 742 055L, RESPECTIVELY, IN	)	<b>A SECOND SET OF TRACKS AT</b>
YUMA COUNTY, ARIZONA.	)	<b>FORTUNA AND BLAISDELL</b>
	)	<b>ROADS AND PROCEDURAL</b>
	)	<b>ORDER RE: SAME</b>

Applicant Union Pacific Railroad Company, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., pursuant to the Procedural Order of the Arizona Corporation Commission ("ACC") dated June 19, 2006, hereby gives notice of its Application to Construct a Second Set of Tracks at Fortuna and Blaisdell Roads, AAR/DOT Nos. 753 584A and 742 055L, Respectively, in Yuma County, Arizona, and the ACC's Procedural Order related thereto, by attaching a copy of said documents hereto as Exhibits 1 and 2 respectively, to the following:

Arizona Department of Transportation  
Paul Patane, District Engineer  
2243 E. Gila Ridge Road  
Yuma, Arizona 85365  
(928) 317-2100

Roger Patterson  
Yuma County Engineer  
2351 West 26<sup>th</sup> Street  
Yuma, Arizona 85364

AZ CORP COMMISSION  
DOCUMENT CONTROL

2006 JUN 27 P 4: 31

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Yuma County  
Planning & Zoning  
2703 S Avenue B  
Yuma, Arizona 85364  
(928) 329-2300

Doug Hipp  
Assistant City Engineer  
City of Yuma  
P.O. Box 13013  
Yuma, Arizona 85366-3013

City of Yuma  
2670 S Avenue 9 E  
Yuma, Arizona 85367  
(928) 342-1948

DATED this 27<sup>th</sup> day of June, 2006.

BEAUGUREAU, ZUKOWSKI  
& HANCOCK, P.C.

By: *Terrance L. Sims*  
Anthony J. Hancock  
Terrance L. Sims  
2111 E. Highland Avenue  
Suite 255  
Phoenix, Arizona 85016  
Attorneys for Applicant Union  
Pacific Railroad Company

ORIGINAL AND THIRTEEN COPIES  
of the foregoing filed this 27<sup>th</sup> day of  
June, 2006, with:

Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

...  
...  
...

1 COPY of the foregoing hand-delivered  
2 this 27<sup>th</sup> day of June, 2006, to:

3 Christopher Kempley, Esq.  
4 Chief Counsel, Legal Division  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007

8 Linda M. Fisher, Esq.  
9 Attorney, Legal Division  
10 Arizona Corporation Commission  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

13 Brian Lehman, Chief  
14 Railroad Safety Section  
15 Utilities Division  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 COPY of the foregoing mailed, via  
20 certified mail, this 27<sup>th</sup> day of June,  
21 2006, to:

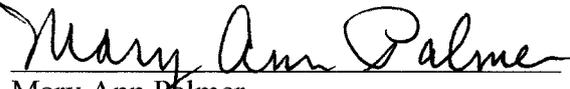
22 Arizona Department of Transportation  
23 Paul Patane, District Engineer  
24 2243 E. Gila Ridge Road  
25 Yuma, Arizona 8536

26 Roger Patterson  
Yuma County Engineer  
2351 West 26<sup>th</sup> Street  
Yuma, AZ 85364

Yuma County  
Planning & Zoning  
2703 S Avenue B  
Yuma, Arizona 85364

Doug Hipp  
Assistant City Engineer  
City of Yuma  
P.O. Box 13013  
Yuma, Arizona 85366-3013

1 City of Yuma  
2 2670 S Avenue 9 E  
3 Yuma, Arizona 85367

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5 Mary Ann Palmer  
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**EXHIBIT 1**

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF ALTERATION	)	DOCKET NO. _____
OF PUBLIC CROSSINGS DOT	)	
#753 584A AND DOT #742 055L	)	<b>UNION PACIFIC RAILROAD</b>
IN YUMA COUNTY BY ADDING	)	<b>COMPANY'S APPLICATION</b>
A SECOND MAINLINE TRACK	)	<b>FOR AUTHORITY TO ALTER</b>
	)	<b>PUBLIC CROSSINGS DOT</b>
	)	<b>#753 584A AND DOT #742 055L</b>
	)	<b>IN YUMA COUNTY BY ADDING</b>
	)	<b>A SECOND MAINLINE TRACK</b>

Applicant Union Pacific Railroad Company ("Union Pacific"), whose post office address is 1255 South Campbell Avenue, Tucson, Arizona 85713, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., pursuant to A.A.C. R14-3-106(F) and R14-3-107 and A.R.S. § 40-337(B)(2), hereby applies for authority to alter public grade crossings DOT #753 584A AND DOT #742 055L in Yuma County by adding a second mainline track thereto. The reasons for this application follow, supported by the Affidavit of James H. Smith, attached hereto as Exhibit A:

1. Union Pacific has determined that adding a second mainline track through Yuma County is in the best interests of Union Pacific's rail customers, other members of the public, Union Pacific, and rail commerce from, to and through Arizona.

2. Specifically, the addition of a second mainline track through Yuma County will allow more expeditious movement of rail freight through the County, and will thus minimize traffic delays for users of the roadways crossed by Union Pacific's railroad tracks within the County.

1           3.     The following roadways in Yuma County cross Union Pacific's existing mainline  
2 railroad track at grade, and would be affected by the addition of a second mainline track:

3                 a.   Fortuna Road (Avenue 11E), Crossing DOT # 753 584A

4                 b.   Blaisdell Road, Crossing DOT # 742 055L

5           4.     Union Pacific therefore wishes to alter the foregoing public crossings to  
6 accommodate addition of the second mainline track. Union Pacific will bear the entire cost of such  
7 alterations, with the possible exception of reimbursement from Yuma County for the cost of an  
8 additional design feature at the Fortuna Road crossing requested by the County.  
9

10          5.     Each of the foregoing crossings is currently protected by automatic warning signals,  
11 consisting of automatically controlled flashing lights, bells and gate arms as prescribed by Arizona  
12 Administrative Code R14-5-104(B) and the Manual on Uniform Traffic Control Devices.

13          6.     On March 15, 2006, Mr. Smith, Manager of Industry and Public Projects for Union  
14 Pacific in the State of Arizona, met with Roger Patterson, of the office of the County Engineer for  
15 the County of Yuma; Doug Hipp, Assistant City Engineer for the City of Yuma; and members of  
16 the Arizona Corporation Commission Railroad Safety Staff with regard to the proposed alteration  
17 of these crossings.

18          7.     During the March 15, 2006 meeting, Railroad Safety Staff asked for information  
19 concerning the crossing signal systems at each of the foregoing crossings. That requested  
20 information is contained in the following paragraphs.  
21

22          8.     The existing gate mechanism at each of the crossings will be replaced to  
23 accommodate the proposed second track.

24          9.     The existing signal circuitry at each of the crossings will be upgraded by installing  
25 new constant warning time circuitry.  
26

1 For the foregoing reasons, Union Pacific respectfully applies to the Commission for  
2 authority to alter, at Union Pacific's own cost, the foregoing public grade crossings as specified  
3 herein, so as to accommodate the addition of a second mainline track.

4 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of June, 2006.

5  
6 BEAUGUREAU, ZUKOWSKI  
& HANCOCK, P.C.

7  
8 By: Terrance L. Sims  
9 Anthony J. Hancock  
Terrance L. Sims  
10 2111 E. Highland Avenue, #255  
Phoenix, Arizona 85016  
11 Attorneys for Applicant Union  
Pacific Railroad Company

12 ORIGINAL AND THIRTEEN COPIES  
13 of the foregoing filed this 5<sup>th</sup> day of  
June, 2006, with:

14 Arizona Corporation Commission  
15 1200 West Washington Street  
Phoenix, Arizona 85007

16  
17 COPY of the foregoing mailed this  
5<sup>th</sup> day of June, 2006, to:

18 Linda M. Fisher, Esq.  
19 Attorney, Legal Division  
20 Arizona Corporation Commission  
1200 West Washington Street  
21 Phoenix, Arizona 85007

22 Mary Ann Palmer  
Mary Ann Palmer

**EXHIBIT A**

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER, Chairman  
4 KRISTIN K. MAYES  
5 WILLIAM MUNDELL  
6 MARC SPITZER  
7 MIKE GLEASON

8 IN THE MATTER OF ALTERATION )  
9 OF PUBLIC CROSSINGS DOT )  
10 #753 584A AND DOT #742 055L )  
11 IN YUMA COUNTY BY ADDING )  
12 A SECOND MAINLINE TRACK )

DOCKET NO. \_\_\_\_\_  
**AFFIDAVIT OF JAMES H. SMITH  
IN SUPPORT OF UNION PACIFIC  
RAILROAD COMPANY'S  
APPLICATION FOR AUTHORITY  
TO ALTER PUBLIC CROSSINGS  
DOT #753 584A AND DOT #742 055L  
IN YUMA COUNTY BY ADDING  
A SECOND MAINLINE TRACK**

13  
14 James H. Smith, being first duly sworn upon his oath, states as follows:

15 1. I am over the age of eighteen, and I have personal knowledge of the facts stated  
16 herein.

17 2. I am employed by Union Pacific Railroad Company ("Union Pacific") as Manager  
18 of Industry and Public Projects and I have responsibility for the State of Arizona.

19 3. Union Pacific has determined that adding a second mainline track through Yuma  
20 County is in the best interests of Union Pacific's rail customers, other members of the public,  
21 Union Pacific, and rail commerce from, to and through Arizona.

22 4. Specifically, the addition of a second mainline track through Yuma County will  
23 allow more expeditious movement of rail freight through the County, and will thus minimize traffic  
24 delays for users of the roadways crossed by Union Pacific's railroad tracks within the County.  
25  
26

1           5.     The following roadways in Yuma County cross Union Pacific's existing mainline  
2 railroad track at grade, and would be affected by the addition of a second mainline track:

3                 a.   Fortuna Road (Avenue 11E), Crossing DOT # 753 584A

4                 b.   Blaisdell Road, Crossing DOT # 742 055L

5           6.     Union Pacific therefore wishes to alter the foregoing public crossings to  
6 accommodate addition of the second mainline track. Union Pacific will bear the entire cost of such  
7 alterations, with the possible exception of reimbursement from Yuma County for the cost of an  
8 additional design feature at the Fortuna Road crossing requested by the County.  
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10           7.     Each of the foregoing crossings is currently protected by automatic warning signals,  
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12 Administrative Code R14-5-104(B) and the Manual on Uniform Traffic Control Devices.

13           8.     On March 15, 2006, I met with Roger Patterson, of the office of the County  
14 Engineer for the County of Yuma; Doug Hipp, Assistant City Engineer for the City of Yuma; and  
15 members of the Arizona Corporation Commission Railroad Safety Staff with regard to the  
16 proposed alteration of these crossings.

17           9.     During the March 15, 2006 meeting, Railroad Safety Staff asked for information  
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19 information is contained in the following paragraphs.  
20

21           10.    The existing gate mechanism at each of the crossings will be replaced to  
22 accommodate the proposed second track.

23     ...

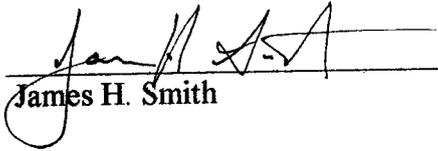
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11. The existing signal circuitry at each of the crossings will be upgraded by installing new constant warning time circuitry.

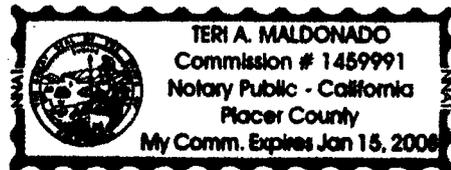
  
James H. Smith

SUBSCRIBED AND SWORN TO before me this 30 day of <sup>May</sup>~~June~~, 2006.

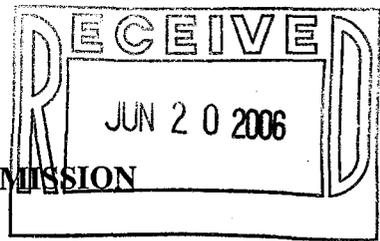
  
Notary Public

My Commission Expires:

1/15/08



**EXHIBIT 2**



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF  
THE UNION PACIFIC RAILROAD COMPANY  
TO CONSTRUCT A SECOND SET OF TRACKS  
AT FORTUNA AND BLAISDELL ROADS,  
AAR/DOT NOS. 753 584A AND 742 055L,  
RESPECTIVELY, IN YUMA COUNTY,  
ARIZONA.

DOCKET NO. RR-03639A-06-0377

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 5, 2006, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Railroad to construct a second set of tracks at the existing crossings at Fortuna and Blaisdell Roads, Yuma County, Arizona, at AAR/DOT Nos. 753 584A and 742 055L, respectively.

IT IS THEREFORE ORDERED that the request of the Railroad shall be considered an application for the Railroad to upgrade existing crossings pursuant to A.R.S. § 40-337, et seq.

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

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **July 13, 2006, at 10:30 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 Union Pacific Railroad Company shall provide Yuma County, the City of Yuma 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 the UNION PACIFIC RAILROAD COMPANY  
2 SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN ORIGINAL AND  
3 THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE with this Procedural Order  
4 concurrently with the mailing of notice ordered herein.

5 Dated this 19<sup>th</sup> day of June, 2006

6  
7  
8   
9 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered  
11 this 19 day of June, 2006 to:

11 James H. Smith  
12 UNION PACIFIC RAILROAD COMPANY  
13 10031 Foothills Blvd.  
Roseville, CA 95747

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

14 Anthony J. Hancock  
15 Terrance L. Sims  
16 BEAUGUREAU, ZUKOWSKI &  
HANCOCK  
2111 E. Highland Avenue, #255  
Phoenix, AZ 85016  
Attorneys for Union Pacific Railroad  
Company

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

18 John Syers  
19 Railroad Engineering Coordinator  
20 Arizona Department of Transportation  
205 S. 17<sup>th</sup> Avenue, Mail Drop 618E  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Ste. Three  
Phoenix, Arizona 85004-1126

21 David Gibson  
22 Arizona Department of Transportation  
23 Traffic Records Section  
206 S. 17<sup>th</sup> Avenue, Mail Drop 064R  
Phoenix, AZ 85007

By:   
Molly Johnson  
Secretary to Marc E. Stern