

# ORIGINAL OPEN MEETING ITEM



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**COMMISSIONERS**  
JEFF HATCH-MILLER - Chairman  
WILLIAM A. MUNDELL  
MIKE GLEASON  
KRISTIN K. MAYES  
GARY PIERCE



**ARIZONA CORPORATION COMMISSION**

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AZ CORP COMMISSION  
DOCUMENT CONTROL

DATE: JANUARY 25, 2007

DOCKET NO: RR-03639A-06-0724

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc E. Stern. The recommendation has been filed in the form of an Opinion and Order on:

UNION PACIFIC RAILROAD  
(AT-GRADE CROSSING)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

FEBRUARY 5, 2007

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

FEBRUARY 13, and 14, 2007

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

Arizona Corporation Commission  
**DOCKETED**

JAN 25 2007

DOCKETED BY	<i>WU</i>
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BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MIKE GLEASON  
6 KRISTIN K. MAYES  
7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF  
9 THE CITY OF MARICOPA TO UPGRADE AN  
10 EXISTING CROSSING OF THE UNION PACIFIC  
11 RAILROAD AT PORTER ROAD, IN THE CITY  
12 OF MARICOPA, PINAL COUNTY, ARIZONA AT  
13 AAR/DOT NO. 741-345R.

DOCKET NO. RR-03639A-06-0724

DECISION NO. \_\_\_\_\_

OPINION AND ORDER

14 DATE OF HEARING: January 3, 2007  
15 PLACE OF HEARING: Phoenix, Arizona  
16 ADMINISTRATIVE LAW JUDGE: Marc E. Stern  
17 APPEARANCES: Mr. Charles Haines, Staff Attorney, Legal Division, on  
18 behalf of the Utilities Division of the Arizona  
19 Corporation Commission.

20 **BY THE COMMISSION:**

21 On November 15, 2006, the City of Maricopa, Arizona filed with the Arizona Corporation  
22 Commission ("Commission") a request for an Opinion and Order for the approval of an agreement  
23 between the City and the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at the  
24 Railroad's tracks at Porter Road in the City of Maricopa, Pinal County, Arizona, at AAR/DOT No.  
25 741-345R ("Application").

26 On December 5, 2006, by Procedural Order, the Application was set for a hearing and the  
27 City was ordered to provide public notice to the Railroad and any other interested party with a copy  
28 of the Application and the Procedural Order.

The City certified that it provided notice pursuant to the terms of the Procedural Order.

On January 3, 2007, a full public hearing was held before a duly authorized Administrative  
Law Judge of the Commission at its offices in Phoenix, Arizona. The Commission's Railroad Safety  
Section was represented by counsel. At the conclusion of the hearing, the matter was taken under  
advisement pending submission of a Recommended Opinion and Order to the Commission.





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IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad shall maintain the crossing in compliance with A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

MES:dr

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD

2 DOCKET NO. RR-03639A-06-0724

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