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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

25FD

COMMISSIONERS

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

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IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO ALTER FOUR CROSSINGS OF THE UNION
PACIFIC RAILROAD IN THE CITY OF CASA
GRANDE AND IN PINAL COUNTY, ARIZONA
AT MONTGOMERY, THORNTON, ANDERSON,
AND ETHINGTON ROADS.

DOCKET NO. RR-03639A-07-0518

PROCEDURAL ORDER

BY THE COMMISSION:

On September 7, 2007, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter four crossings of the Railroad in Pinal County ("County"), Arizona by adding a second set of mainline tracks. The first two of these crossings are in the City of Casa Grande ("City") at Montgomery Road, AAR/DOT No. 741 353H and at Thornton Road, AAR/DOT No. 741 358S. The third and fourth crossings are in the County at Anderson Road, AAR/DOT No. 741 351U and Ethington Road AAR/DOT No. 741 357K ("Application").

On October 24, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff") and the Railroad participated in a teleconference to discuss aspects of the application including public notice, other procedural matters and to determine a date for the hearing.

On November 8, 2007, by Procedural Order, the Commission ordered that a hearing be held on the application on February 11, 2008. The Procedural Order further ordered that notice be provided to various governmental entities by U.S. mail, establish filing dates and ordered the Railroad to provide public notice of the hearing in the form and fashion set forth in the Procedural Order.

On November 19, 2007, by Revised Procedural Order, the filing date to file any objections to the Staff Report was changed to January 14, 2008.

1 On December 13, 2007, Staff filed what was captioned "Staff Motion for Extension of
2 Deadline UP Double Track Cases" ("Motion") in which Staff stated that due to complexities in the
3 application Staff was in the process of retaining a consultant who would require up to 30 days to
4 perform an assessment of the application following his retention. Due to this problem, Staff is
5 requesting an indefinite extension of the filing deadline for the Staff Report until it finalizes its
6 arrangements with the consultant. Staff further indicated that it would file a request for a Procedural
7 Order at such time as Staff would be in a position to be prepared for the hearing.

8 On December 19, 2007, the Railroad filed a response to Staff's Motion. The Railroad pointed
9 out that a delay at this stage of the proceeding will be very detrimental to the Railroad and its
10 customers and that Staff should have determined its need for a consultant earlier in the proceeding.
11 In closing, the Railroad stated that any extension granted should be no more than 30 days to insure
12 the application is processed within a reasonable time.

13 On December 20, 2007, the Railroad filed certification that it had provided notice of the
14 application and hearing thereon pursuant to the Commission's Procedural Order of November 8,
15 2007.

16 On December 21, 2007, Staff filed a reply to the Railroad's response to Staff's Motion
17 restating its request for an indefinite extension of time in this proceeding until Staff is able to
18 proceed.

19 Under the circumstances, Staff should disclose when they propose to file their Staff Report in
20 a timely fashion.

21 IT IS THEREFORE ORDERED that the Commission's Safety Division Railroad Safety
22 Section shall file no later than **January 11, 2008**, when it proposes to file its Staff Report.

23 IT IS FURTHER ORDERED that the hearing presently scheduled for February 11, 2008,
24 shall be held for the purpose of taking public comment only since public notice has previously been
25 provided by the Union Pacific Railroad Company.

26 IT IS FURTHER ORDERED that all other filing dates shall be held in abeyance pending the
27 filing by the Commission's Safety Division Railroad Safety Section which indicates when a form of
28 proposed Staff Report will be filed so that other filing dates may be determined and the evidentiary

1 portion of the proceeding be rescheduled.

2 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
3 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
4 *pro hac vice*.

5 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
6 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
7 ruling at hearing.

8 DATED this 2nd day of January, 2008.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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15 Copies of the foregoing mailed/delivered
16 this 2nd day of January, 2008 to:

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10 By: 
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12 Secretary to Marc Stern

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