

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

2007 JUL 25 P 4: 39

COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**

JUL 25 2007

DOCKETED BY

IN THE MATTER OF THE )  
APPLICATION OF UNION PACIFIC )  
RAILROAD TO ALTER A CROSSING )  
OF THE UNION PACIFIC RAILROAD )  
AT CENTRAL AVENUE IN BOWIE, )  
ARIZONA, AAR/DOT NO. 741 403J, )  
BY ADDING A SECOND MAINLINE )  
TRACK )

DOCKET NO. RR-03639A-07-0347  
UNION PACIFIC RAILROAD  
COMPANY'S CERTIFICATION  
OF COMPLIANCE WITH DECISION  
AND ORDER NO. 69653

Applicant Union Pacific Railroad Company ("Union Pacific"), by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., hereby files its Certification of Compliance with Decision and Order No. 69653 issued June 25, 2007 by the Commission. In compliance with said Decision and Order, Union Pacific submits herewith:

1. Its attached Check No. 897615 in the amount of \$56,000.00 made payable to the State of Arizona for the violations described in said Decision and Order.
2. The sworn affidavit of Chris Peterson, Director Government Affairs for Union Pacific, stating that Union Pacific has complied with all paragraphs contained in Decision and Order No. 69653 within 30 days of the effective date of that Decision and Order as follows: a) it has made payment of the total monetary penalty of \$56,000.00 by submitting Check No. 897615 made payable to the State of Arizona; and b) it has provided its first update to the Commission's Safety Division Staff following Union Pacific's construction conference calls, and will continue to provide updates throughout the duration of the double-track project.

1           3.       The sworn affidavit of James H. Smith stating that on July 10, 2007 he and Luis  
2 Heredia, another representative of Union Pacific, discussed with Bruce Brown, Superintendent of  
3 the Bowie Unified School District No. 14, the issues raised in the Bowie Unified School District's  
4 letter of May 24, 2007 attached to Decision and Order No. 69653. Mr. Smith's affidavit also states  
5 Union Pacific's understanding that Bowie is an unincorporated area in Cochise County and that  
6 there is no organized township. Thus, it was not possible to include a representative of the Town  
7 of Bowie (other than Mr. Brown) in the discussion.  
8

9                   RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of July, 2007.

10                                   BEAUGUREAU, ZUKOWSKI  
11                                   & HANCOCK, P.C.

12                                   By: Terrance L. Sims  
13                                   Anthony J. Hancock  
14                                   Terrance L. Sims  
15                                   2111 E. Highland Avenue, #255  
16                                   Phoenix, Arizona 85016  
17                                   Attorneys for Applicant Union  
18                                   Pacific Railroad Company

19                   ORIGINAL AND THIRTEEN COPIES  
20                   of the foregoing filed this 25<sup>th</sup> day of  
21                   July, 2007, with:

22                   Arizona Corporation Commission  
23                   1200 West Washington Street  
24                   Phoenix, Arizona 85007

25                   COPY of the foregoing mailed this  
26                   25<sup>th</sup> day of July, 2007, to:

Janice M. Alward, Esq.  
Charles H. Hains, Esq.  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Mary Ann Palmer  
Mary Ann Palmer

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2  
3 COMMISSIONERS

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

9 IN THE MATTER OF THE )  
10 APPLICATION OF UNION PACIFIC ) DOCKET NO. RR-03639A-07-0347  
11 RAILROAD TO ALTER A CROSSING )  
12 OF THE UNION PACIFIC RAILROAD )  
13 AT CENTRAL AVENUE IN BOWIE, ) **AFFIDAVIT OF CHRIS PETERSON,**  
14 ARIZONA, AAR/DOT NO. 741 403J, ) **DIRECTOR OF GOVERNMENT**  
15 BY ADDING A SECOND MAINLINE ) **AFFAIRS FOR UNION PACIFIC**  
16 TRACK ) **RAILROAD COMPANY,**  
17 ) **CERTIFYING COMPLIANCE WITH**  
18 ) **DECISION AND ORDER NO. 69653**

19 Chris Peterson, being first duly sworn upon his oath, states as follows:

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

22 2. I am employed by Union Pacific Railroad Company ("Union Pacific") as Director  
23 Government Affairs and I have responsibility for the State of Arizona.

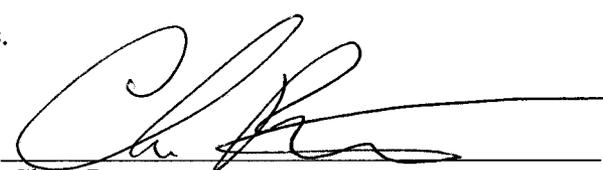
24 3. I certify that Union Pacific has complied with all paragraphs of Decision and Order  
25 No. 69653 within 30 days of the effective date of that Decision and Order as follows:

26 a) it has made payment of the total monetary penalty of \$56,000.00 by  
submitting Check No. 897615 made payable to the State of Arizona; and

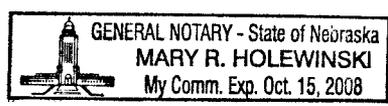
b) it has provided its first update to the Commission's Safety Division Staff  
following Union Pacific's construction conference calls, and will continue to provide updates  
throughout the duration of the double-track project, specifically addressing the following: 1) where

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construction is on-going, including railroad milepost locations; 2) projected dates when construction will begin and end in that area; 3) a starting and completion date for construction at affected grade crossings; 4) the name of the control point affected by construction; and 5) the status, in writing, of the governmental requirements for each crossing, in a format jointly agreed upon by the ACC Safety Division and Union Pacific.

  
Chris Peterson

SUBSCRIBED AND SWORN TO before me this 13 day of July, 2007.



  
Notary Public

My Commission Expires:  
October 15, 2008

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

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IN THE MATTER OF THE	)	
APPLICATION OF UNION PACIFIC	)	DOCKET NO. <b>RR-03639A-07-0347</b>
RAILROAD TO ALTER A CROSSING	)	
OF THE UNION PACIFIC RAILROAD	)	<b>AFFIDAVIT OF JAMES H. SMITH</b>
AT CENTRAL AVENUE IN BOWIE,	)	<b>CONCERNING COMPLIANCE WITH</b>
ARIZONA, AAR/DOT NO. 741 403J,	)	<b>DECISION AND ORDER NO. 69653</b>
BY ADDING A SECOND MAINLINE	)	
TRACK	)	
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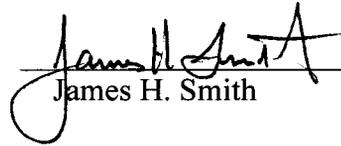
James H. Smith, being first duly sworn upon his oath, states as follows:

1. I am over the age of eighteen, and I have personal knowledge of the facts stated herein.
2. I am employed by Union Pacific Railroad Company ("Union Pacific") as Manager of Industry and Public Projects and I have responsibility for the State of Arizona.
3. I certify that on July 10, 2007 another representative of Union Pacific, Luis Heredia, and I discussed with Bruce Brown, Superintendent of the Bowie Unified School District No. 14, the issues raised in the Bowie Unified School District's letter of May 24, 2007 attached to Decision and Order No. 69653. It is Union Pacific's understanding that Bowie is an unincorporated area in

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Cochise County and that there is no organized township. Thus, it was not possible to include a representative of the Town of Bowie (other than Mr. Brown) in the discussion.

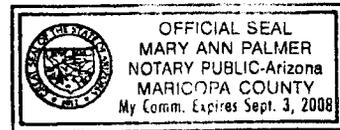
  
James H. Smith

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> day of July, 2007.

  
Notary Public

My Commission Expires:

9-3-2008



ORIGINAL AND THIRTEEN COPIES of the foregoing filed this 25<sup>th</sup> day of July, 2007, with:

Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

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