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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

DOCKET NO. RR-03639A-07-0493

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
FOR THE CLOSURE OF A RAILROAD
CROSSING AT LA PALMA ROAD IN THE
CITY OF ELOY, PINAL COUNTY, ARIZONA
AT AAR/DOT NO. 741 710H.

PROCEDURAL ORDER

BY THE COMMISSION:

On August 24, 2007, the Union Pacific Railroad ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval to close an existing crossing at La Palma Road in the City of Eloy ("Eloy") in Pinal County ("County"), Arizona at AAR/DOT No. 741 710H.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of Railroad shall be considered an application for the Railroad to close an existing crossing 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 **December 17, 2007, at 10:00 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 SHALL PROVIDE THE COUNTY, ELOY 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.

IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section ("Staff") shall

1 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
2 them with Docket Control on or before 4:00 p.m. on **October 22, 2007**.

3 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
4 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on
5 **November 1, 2007**.

6 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
7 105, except that all motions to intervene must be filed on or before **December 1, 2007**.

8 IT IS FURTHER ORDERED that **the Railroad** shall provide public notice of the hearing in
9 this matter, in the following form and style:

10 **IN THE MATTER OF THE APPLICATION THE UNION PACIFIC**
11 **RAILROAD TO CLOSE A CROSSING OF THE UNION PACIFIC**
12 **RAILROAD AT LA PALMA ROAD IN THE CITY OF ELOY,**
13 **PINAL COUNTY, ARIZONA, AAR/DOT NO. 741 710H.**
(DOCKET NO. RR-03639A-07-0493)

14 On August 24, 2007, the Union Pacific Railroad (“Railroad”) filed with the Arizona
15 Corporation Commission (“Commission”) an application for approval to close an
16 existing crossing at the Railroad’s tracks at La Palma Road in the City of Eloy, in
17 Pinal County, Arizona, at AAR/DOT No. 741 710H.

18 The application is available for inspection during regular business hours at the offices
19 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,
20 and on the internet via the Commission website (www.azcc.gov) using the e-docket
21 function.

22 The Commission will hold a hearing on this matter commencing on **December 17,**
23 **2007, at 10:00 a.m.,** at the Commission’s offices, 1200 West Washington Street,
24 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

25 The law provides for an open public hearing at which, under appropriate
26 circumstances, interested parties may intervene. Intervention shall be permitted to
27 any person entitled by law to intervene and having a direct and substantial interest in
28 the matter. Persons desiring to intervene must file a written motion to intervene with
the Commission, which motion should be sent to Applicant or its counsel and to all
parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervener and of any party upon whom service of documents is to be made if different than the intervener.
2. A short statement of the proposed intervener’s interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 2 that all motions to intervene must be filed on or before December 1, 2007. The
 3 granting of intervention, among other things, entitles a party to present sworn
 4 evidence at hearing and to cross-examine other witnesses. However, failure to
 5 intervene will not preclude any customer from appearing at the hearing and making a
 6 statement on such customer's own behalf.

7 If you have any questions about this application, you may contact the applicant at
 8 **[insert telephone number]**. If you wish to file written comments on the application
 9 or want further information on intervention, you may write the Consumer Services
 10 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
 11 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

12 The Commission does not discriminate on the basis of disability in admission to its
 13 public meetings. Persons with a disability may request a reasonable accommodation
 14 such as a sign language interpreter, as well as request this document in an alternative
 15 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
 16 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
 17 allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that Union Pacific Railroad shall cause the above notice to be
 19 published at least once in a newspaper of general circulation in the city/county where the crossing is
 20 located, with **publication to be completed no later than October 26, 2007**.

21 IT IS FURTHER ORDERED that the **Union Pacific Railroad shall post visible signs** within
 22 90 feet of each side of the roadway approach to the crossing notifying the public of the proposed
 23 closure **no later than October 26, 2007**, in the following form and style:

24 NOTICE

25 AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION
 26 COMMISSION TO CLOSE THIS CROSSING. THE COMMISSION WILL
 27 HOLD A HEARING ON THIS MATTER COMMENCING ON **DECEMBER 17,**
 28 **2007, AT 10:00 A.M.,** AT THE COMMISSION'S OFFICES, 1200 WEST
 WASHINGTON STREET, PHOENIX, ARIZONA. PUBLIC COMMENT WILL
 BE TAKEN ON THE FIRST DAY OF THE HEARING. PUBLIC CONCERNS
 CAN BE MADE IN WRITING TO THE RAILROAD SAFETY SECTION, C/O
 ARIZONA CORPORATION COMMISSION, 1200 WEST WASHINGTON
 STREET, PHOENIX, ARIZONA 86007, OR CALL 1-800-222-7000 OR APPEAR
 AT THE HEARING AND MAKE COMMENT.

Sign specifications are as follows:

- a. a metal sign with 1.5 inch black letters on white background
- b. mounted on 4" x 4" wood post.

IT IS FURTHER ORDERED that notice shall be deemed complete upon the
 mailing/publication/posting of same, notwithstanding the failure of an individual or entity to read or
 receive the notice.

1 IT IS FURTHER ORDERED that the UNION PACIFIC RAILROAD SHALL FILE
2 CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS
3 SOON AS PRACTICABLE after the mailing/publication/posting of notice ordered herein has been
4 completed.

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 20th day of September, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 20th day of September, 2007 to:

15 James H. Smith
16 UNION PACIFIC RAILROAD COMPANY
17 10031 Foothills Boulevard
18 Roseville, CA 95747

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

19 John Syers
20 Railroad Engineering Coordinator
21 ARIZONA DEPARTMENT OF
22 TRANSPORTATION
23 205 South 17th Avenue, M/D 618E
24 Phoenix, AZ 85007

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

25 Traffic Records Section
26 ARIZONA DEPARTMENT OF
27 TRANSPORTATION
28 206 South 17th Avenue, M/D 064R
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

Greg Stanley, P.E.
Director/County Engineer
PINAL COUNTY DEVELOPMENT SERVICES
P.O. Box 727
31 North Pinal Street, Bldg. F
Florence, AZ 85232

By: 
Debra Broyles
Secretary to Marc Stern