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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

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COMMISSIONERS

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

2007 AUG 21 A 13 43
AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED

AUG 21 2007

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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 COCHISE COUNTY,
ARIZONA.

DOCKET NO. RR-03639A-07-0422

PROCEDURAL ORDER

BY THE COMMISSION:

On July 12, 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 Cochise County, Arizona by adding a second set of mainline tracks. Three of these crossings are in the Town of Wilcox ("Town"), in Cochise County ("County"), Arizona as follows: Maley Street, AAR/DOT No. 741 397H; Stewart Street, AAR/DOT No. 741 398P; and Patte Road, AAR/DOT No. 741 399W. The fourth is in Cochise County at Country Club Drive, AAR/DOT No. 741 500N ("Application").

On July 17, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff") filed a Motion for a Procedural Conference to be scheduled after the end of July.

On August 7, 2007, by Procedural Order, a Procedural Conference was scheduled on August 16, 2007.

On August 16, 2007, Staff and the Railroad appeared with counsel at the Procedural Conference to discuss aspects of the Application including public notice, other procedural matters and to determine a date for the hearing. The parties agreed to a hearing being held on November 20, 2007.

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

...

1 IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad shall be
2 considered an Application to construct a second set of mainline tracks at four existing crossings
3 pursuant to A.R.S. § 40-337, et seq.

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

6 IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **November**
7 **20, 2007, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West
8 Washington Street, Phoenix, Arizona.

9 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
10 Order, **THE UNION PACIFIC RAILROAD SHALL PROVIDE THE TOWN OF WILCOX**
11 **(“TOWN”), COCHISE COUNTY (“COUNTY”), THE ARIZONA DEPARTMENT OF**
12 **TRANSPORTATION (“ADOT”) AND ANY MUNICIPALITY OR INTERESTED PARTY**
13 that may be affected by the application with a copy of the application and this Procedural Order by
14 **certified U.S. mail.**

15 IT IS FURTHER ORDERED that Utilities Division, Railroad Safety Section (“Staff”) shall
16 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
17 them with Docket Control on or before 4:00 p.m. on **October 26, 2007.**

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

21 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
22 105, except that all motions to intervene must be filed on or before **November 1, 2007.**

23 IT IS FURTHER ORDERED that **Union Pacific Railroad shall provide public notice of**
24 **the hearing** in this matter, in the following form and style:

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26 ...

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IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC RAILROAD TO ADD A SECOND SET OF MAINLINE TRACKS AT EXISTING CROSSINGS IN THE TOWN OF WILCOX AND COCHISE COUNTY, ARIZONA AT MALEY STREET, AAR/DOT NO. 741 397H, STEWART STREET, AAR/DOT NO. 741 398P, PATTE ROAD, AAR/DOT NO. 741 399W AND COUNTRY CLUB DRIVE, AAR/DOT NO. 741 500N
DOCKET NO. RR-03639A-07-0422

On June 4, 2007, the Union Pacific Railroad ("Railroad") filed with the Arizona Corporation Commission ("Commission") an Application for the Railroad to add a second set of mainline tracks at existing crossings in the Town of Wilcox and Cochise County, Arizona at Maley Street, AAR/DOT No. 741 397H, Stewart Street, AAR/DOT No. 741 398P, Patte Road, AAR/DOT No. 741 399W, and Country Club Drive, AAR/DOT No. 741-500N.

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

The Commission will hold a hearing on this matter commencing on **November 20, 2007, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in 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.

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

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

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative

format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

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

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

DATED this 21st day of August, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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1 Copies of the foregoing mailed/delivered
2 this 21st day of August, 2007 to:

3 James H. Smith
4 UNION PACIFIC RAILROAD COMPANY
5 10031 Foothills Boulevard
6 Roseville, California 95747

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
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Phoenix, Arizona 85007

6 Anthony J. Hancock
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11 Phoenix, Arizona 85016
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13 Railroad Company

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

11 Michael Leighton, City Manager
12 CITY OF WILLCOX
13 101 South Railroad Avenue
14 Willcox, AZ 85643

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

14 COCHISE COUNTY HIGHWAY &
15 FLOOD PLAIN DEPARTMENT
16 1415 Melody Lane, Bldg. F
17 Bisbee, AZ 85603

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

20 Traffic Records Section
21 ARIZONA DEPARTMENT OF
22 TRANSPORTATION
23 206 South 17th Avenue, M/D 064R
24 Phoenix, AZ 85007

By:


Debra Broyles
Secretary to Marc Stern