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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED
SEP 17 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 AT ARIZONA AT 83RD
AVENUE, RIO BRAVO ROAD, AND RALSTON
ROAD.

DOCKET NO. RR-03639A-07-0494

PROCEDURAL ORDER

BY THE COMMISSION:

On August 24, 2007, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter three crossings of the Railroad in Maricopa County and Pinal County, Arizona by adding a second set of mainline tracks. One of these crossings is in the City of Goodyear ("Goodyear"), in Maricopa County, 83rd Avenue, AAR/DOT No. 741 340G; and the other two are in the City of Maricopa ("Maricopa"), in Pinal County, at Rio Bravo Road, AAR/DOT No. 741 341N, and Ralston Road, AAR/DOT No. 741 342V ("Application").

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 the Union Pacific Railroad shall be considered an Application to construct a second set of mainline tracks at three existing crossings pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Union Pacific 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 20, 2007, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

1 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
2 Order, **THE UNION PACIFIC RAILROAD SHALL PROVIDE THE CITY OF GOODYEAR,**
3 **THE CITY OF MARICOPA, THE ARIZONA DEPARTMENT OF TRANSPORTATION**
4 **(“ADOT”) AND ANY GOVERNMENTAL BODY OR INTERESTED PARTY** that may be
5 affected by the application with a copy of the application and this Procedural Order by **certified U.S.**
6 **mail.**

7 IT IS FURTHER ORDERED that the Safety Division, Railroad Safety Section (“Staff”) shall
8 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
9 them with Docket Control on or before 4:00 p.m. on **November 30, 2007.**

10 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
11 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on
12 **December 7, 2007.**

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that all motions to intervene must be filed on or before **November 2, 2007.**

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

17 **IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC**
18 **RAILROAD TO ADD A SECOND SET OF MAINLINE TRACKS AT EXISTING**
19 **CROSSINGS IN THE CITY OF GOODYEAR AND CITY OF MARICOPA,**
20 **ARIZONA AT 83RD AVENUE, AAR/DOT NO. 741 340G, RIO BRAVO ROAD,**
AAR/DOT NO. 741 341N, AND RALSTON ROAD, AAR/DOT NO. 741 342V.
(DOCKET NO. RR-03639A-07-0494)

21 On August 24, 2007, the Union Pacific Railroad (“Railroad”) filed with the Arizona
22 Corporation Commission (“Commission”) an Application for the Railroad to add a
23 second set of mainline tracks at existing crossings in the City of Goodyear at 83rd
Avenue, AAR/DOT No. 741 340G; and in the City of Maricopa, at Rio Bravo Road,
AAR/DOT No. 741 341N, and Ralston Road, AAR/DOT No. 741 342V.

24 The Application is available for inspection during regular business hours at the
25 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.

26 The Commission will hold a hearing on this matter commencing on **December 20,**
27 **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.

28

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

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

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

20 If you have any questions about this application, you may contact the applicant at
21 **[insert telephone number]**. If you wish to file written comments on the application
22 or want further information on intervention, you may write the Consumer Services
23 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
24 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

25 The Commission does not discriminate on the basis of disability in admission to its
26 public meetings. Persons with a disability may request a reasonable accommodation
27 such as a sign language interpreter, as well as request this document in an alternative
28 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 of the city/county
where the crossing is located, with **publication to be completed no later than October 19, 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.

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

4 DATED this 17th day of September, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 17th day of September, 2007 to:

12 James H. Smith
13 UNION PACIFIC RAILROAD COMPANY
14 10031 Foothills Boulevard
Roseville, California 95747

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

15 Anthony J. Hancock
16 Terrance L. Sims
17 BEAUGUREAU, ZUKOWSKI, HANCOCK,
18 STOLL & SCHWARTZ, P.C.
302 East Coronado
Phoenix, Arizona 85004
Attorneys for Union Pacific Railroad Company

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

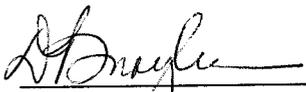
19 Brian Dalke, City Manager
20 CITY OF GOODYEAR
190 North Litchfield Road
Goodyear, AZ 85338

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

21 Rick Buss, City Manager
22 CITY OF MARICOPA
23 P.O. Box 610
Maricopa, AZ 85239

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

24 John Syers, Railroad Engineering Coordinator
25 ARIZONA DEPARTMENT OF
TRANSPORTATION
26 205 South 17th Avenue, M/D 618E
Phoenix, AZ 85007

By: 
Debra Broyles
Secretary to Marc Stern