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BEFORE THE ARIZONA CORPORATION COMMISSION

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

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY AT
HADLEY STREET IN THE CITY OF PHOENIX,
MARICOPA COUNTY, ARIZONA, AT AAR/DOT
NO. 025-834-C.

Arizona Corp 025-8-07-0530
DOCKET NO. RR-02635B-07-0530

DOCKETED

OCT 30 2007

DOCKETED BY [Signature]

PROCEDURAL ORDER

BY THE COMMISSION:

On September 17, 2007, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at Hadley Street, in Phoenix, Arizona, at AAR/DOT No. 025-834-C.

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 ADOT shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **January 10, 2008, at 9:30 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 ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE RAILROAD, CITY OF PHOENIX AND ANY OTHER MUNICIPALITY OR INTERESTED**

1 **PARTY** that may be affected by the application with a copy of the application and this Procedural
2 Order by certified mail.

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

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

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

11 IT IS FURTHER ORDERED that Arizona Department of Transportation shall provide
12 public notice of the hearing in this matter, in the following form and style:

13 **PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATION**
14 **OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN**
15 **EXISTING CROSSING OF THE BURLINGTON NORTHERN AND SANTA FE**
16 **RAILWAY AT HADLEY STREET IN THE CITY OF PHOENIX, MARICOPA**
COUNTY, ARIZONA, AT AAR/DOT NO. 025-834-C.
(DOCKET NO. RR-02635B-07-0530)

17 On September 17, 2007, the Arizona Department of Transportation ("ADOT") filed
18 with the Arizona Corporation Commission ("Commission") an application for
19 approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to
20 upgrade an existing crossing at the Railroad's tracks at Hadley Street, in Phoenix,
21 Arizona, at AAR/DOT No. 025-834-C.

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

26 The Commission will hold a hearing on this matter commencing on **January 10,**
27 **2008, at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street,
28 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 1. The name, address, and telephone number of the proposed intervenor and of
2 any party upon whom service of documents is to be made if different than the
3 intervenor.
- 4 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
5 a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 6 3. A statement certifying that a copy of the motion to intervene has been mailed
7 to the Applicant or its counsel and to all parties of record in the case.

8 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
9 that all motions to intervene must be filed on or before December 21, 2007. The
10 granting of intervention, among other things, entitles a party to present sworn
11 evidence at hearing and to cross-examine other witnesses. However, failure to
12 intervene will not preclude any customer from appearing at the hearing and making a
13 statement on such customer's own behalf.

14 If you have any questions about this application, you may contact the applicant at
15 **[insert telephone number]**. If you wish to file written comments on the application
16 or want further information on intervention, you may write the Consumer Services
17 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
18 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

19 The Commission does not discriminate on the basis of disability in admission to its
20 public meetings. Persons with a disability may request a reasonable accommodation
21 such as a sign language interpreter, as well as request this document in an alternative
22 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
23 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
24 allow time to arrange the accommodation.

25 IT IS FURTHER ORDERED that Arizona Department of Transportation shall cause the
26 above notice to be published at least once in a newspaper of general circulation in the city where the
27 crossing is located, with **publication to be completed no later than November 30, 2007.**

28 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 **ARIZONA DEPARTMENT OF TRANSPORTATION
SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET
CONTROL AS SOON AS PRACTICABLE** after the publication of notice ordered herein has been
completed.

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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 30th day of October, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

8
9 Copies of the foregoing mailed/delivered
this 30th day of October, 2007 to:

10 Colleen Deines, Manager
11 Public Projects
12 BURLINGTON NORTHERN SANTA FE
13 RAILWAY COMPANY
14 740 East Carnegie Drive
15 San Bernardino, CA 92408

16 John Syers
17 Railroad Engineering Coordinator
18 ARIZONA DEPARTMENT OF
19 TRANSPORTATION
20 205 S. 17th Avenue, Mail Drop 618E
21 Phoenix, AZ 85007

22 Traffic Records Section
23 ARIZONA DEPARTMENT OF
24 TRANSPORTATION
25 206 S. 17th Avenue, MD-064R
26 Phoenix, AZ 85007

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

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

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

By: 
Debra Broyles
Secretary to Marc Stern