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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL  
AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY  
MM

IN THE MATTER OF THE APPLICATION OF  
THE UNION PACIFIC RAILROAD COMPANY  
TO ALTER FOUR CROSSINGS OF THE UNION  
PACIFIC RAILROAD IN THE CITY OF CASA  
GRANDE AND IN PINAL COUNTY, ARIZONA  
AT MONTGOMERY, THORNTON, ANDERSON,  
AND ETHINGTON ROADS.

DOCKET NO. RR-03639A-07-0518

PROCEDURAL ORDER

**BY THE COMMISSION:**

On September 7, 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 Pinal County ("County"), Arizona by adding a second set of mainline tracks. The first two of these crossings are in the City of Casa Grande ("City") at Montgomery Road, AAR/DOT No. 741 353H and at Thornton Road, AAR/DOT No. 741 358S. The third and fourth crossings are in the County at Anderson Road, AAR/DOT No. 741 351U and Ethington Road AAR/DOT No. 741 357K ("Application").

On October 24, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff") and the Railroad participated in a teleconference to discuss aspects of the Application including public notice, other procedural matters and to determine a date for the hearing.

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 four 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.

1 IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **February**  
2 **11, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West  
3 Washington Street, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural  
5 Order, **THE UNION PACIFIC RAILROAD SHALL PROVIDE THE CITY OF CASA**  
6 **GRANDE ("CITY"), PINAL COUNTY ("COUNTY"), THE ARIZONA DEPARTMENT OF**  
7 **TRANSPORTATION ("ADOT") AND ANY OTHER MUNICIPALITY OR INTERESTED**  
8 **PARTY** that may be affected by the application with a copy of the application and this Procedural  
9 Order by **certified U.S. mail**.

10 IT IS FURTHER ORDERED that Utilities Division, Railroad Safety Section ("Staff") shall  
11 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of  
12 them with Docket Control on or before 4:00 p.m. on **January 4, 2008**.

13 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
14 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **January**  
15 **4, 2008**.

16 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
17 105, except that all motions to intervene must be filed on or before **January 11, 2008**.

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

20 **IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC**  
21 **RAILROAD TO ADD A SECOND SET OF MAINLINE TRACKS AT EXISTING**  
22 **CROSSINGS IN THE CITY OF CASA GRANDA AND IN PINAL COUNTY,**  
23 **ARIZONA AT MONTGOMERY ROAD, AAR/DOT NO. 741 353H, THORNTON**  
24 **ROAD, AAR/DOT NO. 741 358S, ANDERSON ROAD, AAR/DOT NO. 741 351U**  
25 **AND ETHINGTON ROAD, AAR/DOT NO. 741 357K**  
26 **(DOCKET NO. RR-03639A-07-0518)**

27 On September 7, 2007, the Union Pacific Railroad ("Railroad") filed with the Arizona  
28 Corporation Commission ("Commission") an Application for the Railroad to add a  
second set of mainline tracks at existing crossings in the City of Casa Grande and in  
Pinal County, Arizona at Montgomery Road, AAR/DOT No. 741 353H, Thornton  
Road, AAR/DOT No. 741 358S, Anderson Road, AAR/DOT No. 741 351U and  
Ethington Road, AAR/DOT No. 741 357K.

1 The Application is available for inspection during regular business hours at the  
2 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.

3 The Commission will hold a hearing on this matter commencing on **February 11,**  
4 **2008, at 10:00 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.

5 The law provides for an open public hearing at which, under appropriate  
6 circumstances, interested parties may intervene. Intervention shall be permitted to  
7 any person entitled by law to intervene and having a direct and substantial interest in  
8 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:

- 9 1. The name, address, and telephone number of the proposed intervener and of any  
10 party upon whom service of documents is to be made if different than the  
intervener.
- 11 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.).
- 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 January 11, 2008. The  
16 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.

17 If you have any questions about this application, you may contact the applicant at  
18 **[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  
19 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.

20 The Commission does not discriminate on the basis of disability in admission to its  
21 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  
22 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  
23 allow time to arrange the accommodation.

24 IT IS FURTHER ORDERED that the Union Pacific Railroad shall cause the above notice to be  
25 published at least once in a daily newspaper of general circulation in the area and at least three times in  
26 a weekly publication in the city/county where the crossing is located, with **publication to be**  
27 **completed no later than December 21, 2007.**

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

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

8 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of  
9 the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
10 *hac vice*.

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

14 DATED this 8<sup>TH</sup> day of November, 2007.

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19 MARC E. STERN  
20 ADMINISTRATIVE LAW JUDGE  
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22  
23  
24  
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26  
27  
28

1 Copies of the foregoing mailed/delivered  
2 this 8<sup>th</sup> day of November, 2007 to:

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

7 Anthony J. Hancock  
8 Terrance L. Sims  
9 BEAUGUREAU, ZUKOWSKI & HANCOCK, P.C.  
10 302 East Coronado  
11 Phoenix, Arizona 85004  
12 Attorneys for Union Pacific Railroad Company

13 J. Blaha, Public Works Director  
14 CITY OF CASA GRANDE  
15 510 East Florence Blvd.  
16 Casa Grande, Arizona 85222

17 Gregory Stanley, County Engineer  
18 PINAL COUNTY  
19 P.O. Box 727  
20 31 North Pinal St., Bldg. F  
21 Florence, Arizona 85232

22 Reza Karimvand, Traffic Engineer  
23 ARIZONA DEPARTMENT OF TRANSPORTATION  
24 1221 South 2<sup>nd</sup> Avenue  
25 Tucson, AZ 83713-1620

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

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

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

26 By:   
27 Debra Broyles  
28 Secretary to Marc Stern