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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

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

REVISED
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.

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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**
15 **January 14, 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
the matter. Persons desiring to intervene must file a written motion to intervene with
8 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
party upon whom service of documents is to be made if different than the
10 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
17 intervene will not preclude any concerned individual from appearing at the hearing
18 and making a statement on such individual's own behalf.

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

24 The Commission does not discriminate on the basis of disability in admission to its
25 public meetings. Persons with a disability may request a reasonable accommodation
26 such as a sign language interpreter, as well as request this document in an alternative
27 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
28 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 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 19th day of November, 2007.

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19 MARC E. STERN
20 ADMINISTRATIVE LAW JUDGE
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1 Copies of the foregoing mailed/delivered
2 this 19th 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 2nd 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

29 Christopher Kempley, Chief Counsel
30 Legal Division
31 ARIZONA CORPORATION COMMISSION
32 1200 West Washington Street
33 Phoenix, Arizona 85007

34 ARIZONA REPORTING SERVICE, INC.
35 2200 North Central Avenue, Suite 502
36 Phoenix, AZ 85004-1481

37 By: 
38 Debra Broyles
Secretary to Marc Stern