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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

DOCKET NO. RR-03639A-08-0311

IN THE MATTER OF THE APPLICATION OF
THE MARICOPA COUNTY DEPARTMENT
OF TRANSPORTATION TO UPGRADE A
CROSSING OF THE UNION PACIFIC
RAILROAD AT SARIVAL AVENUE IN
MARICOPA COUNTY, ARIZONA, AAR/DOT
NO. 741-782-L.

PROCEDURAL ORDER

BY THE COMMISSION:

On June 19, 2008, the Maricopa County Department of Transportation ("MCDOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Sarival Avenue in Maricopa County, Arizona at AAR/DOT No. 741-782-L.

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 Maricopa County Department of Transportation 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 **August 28, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, **the MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that

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

3 IT IS FURTHER ORDERED that the Commission's 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 **August 11, 2008**.

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 **August**
8 **21, 2008**.

9 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
10 105, except that all motions to intervene must be filed on or before **August 8, 2008**.

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

13 **IN THE MATTER OF THE APPLICATION OF THE MARICOPA COUNTY**
14 **DEPARTMENT OF TRANSPORTATION TO UPGRADE A CROSSING OF**
15 **THE UNION PACIFIC RAILROAD AT SARIVAL AVENUE IN MARICOPA**
16 **COUNTY, ARIZONA, AAR/DOT NO. 741-782-L.**
17 **(DOCKET NO. 03639A-08-0311)**

18 On June 11, 2008, the Maricopa County Department of Transportation ("MCDOT")
19 filed with the Arizona Corporation Commission ("Commission") an application for
20 approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing
21 at Sarival Avenue in Maricopa County, Arizona at AAR/DOT No. 741-782-L.

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 **August 28,**
27 **2008, at 10:00 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. 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.

- 1 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
- 2 a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 3 3. A statement certifying that a copy of the motion to intervene has been mailed
- 4 to the Applicant or its counsel and to all parties of record in the case.

4 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except

5 that all motions to intervene must be filed on or before August 8, 2008. The

6 granting of intervention, among other things, entitles a party to present sworn

7 evidence at hearing and to cross-examine other witnesses. However, failure to

8 intervene will not preclude any customer from appearing at the hearing and making a

9 statement on such customer's own behalf.

10 If you have any questions about this application, you may contact the applicant at

11 **[insert telephone number]**. If you wish to file written comments on the application

12 or want further information on intervention, you may write the Consumer Services

13 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona

14 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

15 The Commission does not discriminate on the basis of disability in admission to its

16 public meetings. Persons with a disability may request a reasonable accommodation

17 such as a sign language interpreter, as well as request this document in an alternative

18 format, by contacting Linda Hogan, ADA Coordinator, voice phone number (602) 42-

19 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to

20 allow time to arrange the accommodation.

21 **IT IS FURTHER ORDERED that the Maricopa County Department of Transportation**

22 shall cause the above notice to be published at least once in a newspaper of general circulation in the

23 city/county where the crossing is located, with **publication to be completed no later than July 25,**

24 **2008.**

25 **IT IS FURTHER ORDERED** that notice shall be deemed complete upon the

26 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive

27 the notice.

28 **IT IS FURTHER ORDERED that the MARICOPA COUNTY DEPARTMENT OF**

29 **TRANSPORTATION SHALL FILE CERTIFICATION OF NOTICE WITH THE**

30 **COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the

31 mailing/publication of notice ordered herein has been completed.

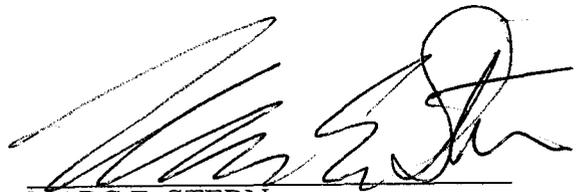
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33 ...

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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 June, 2008.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 30th day of June, 2008 to:

11 Aziz Aman, Manager of Special Projects
12 UNION PACIFIC RAILROAD COMPANY
13 1301 E. Harrison Street
Phoenix, AZ 85034-2336

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

14 Kelly L. Roy, Utility Coordinator
15 MARICOPA COUNTY
2901 West Durango Street
Phoenix, Arizona 85009-6357

ARIZONA REPORTING SERVICE, INC.
2200 North Central Street, Suite 502
Phoenix, Arizona 85004-1481

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

20 David Ramierz
21 CITY OF GOODYEAR
195 N. 145th Ave., Bldg D
22 Goodyear, AZ 85338

23 Janice Alward, Chief Counsel
24 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
25 Phoenix, Arizona 85007

By: 
Debra Broyles
Secretary to Marc Stern

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