



ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

2 COMMISSIONERS

2008 JUL -2 P 12: 52

DOCKETED

- 3 MIKE GLEASON, Chairman
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

AZ CORP COMMISSION DOCKET CONTROL

JUL -2 2008

DOCKETED BY MA

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

DOCKET NO. RR-03639A-07-0518

PROCEDURAL ORDER

11 BY THE COMMISSION:

12 On September 7, 2007, the Union Pacific Railroad Company ("Railroad") filed with the
13 Arizona Corporation Commission ("Commission") an application for approval for the Railroad to
14 alter four crossings of the Railroad in Pinal County ("County"), Arizona by adding a second set of
15 mainline tracks. The first two of these crossings are in the City of Casa Grande ("City") at
16 Montgomery Road, AAR/DOT No. 741 353H and at Thornton Road, AAR/DOT No. 741 358S. The
17 third and fourth crossings are in the County at Anderson Road, AAR/DOT No. 741 351U and
18 Ethington Road AAR/DOT No. 741 357K ("Application").

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

22 On November 8, 2007, by Procedural Order, the Commission ordered that a hearing be held
23 on the application on February 11, 2008. The Procedural Order further ordered that notice be
24 provided to various governmental entities by U.S. mail, established filing dates and ordered the
25 Railroad to provide public notice of the hearing in the form and fashion set forth in the Procedural
26 Order.

27 On November 19, 2007, by Revised Procedural Order, the filing date to file any objections to
28 the Staff Report was changed to January 14, 2008.

1 On December 13, 2007, Staff filed what was captioned "Staff Motion for Extension of
2 Deadline UP Double Track Cases" ("Motion") in which Staff stated that due to complexities in the
3 application Staff was in the process of retaining a consultant who would require up to 30 days to
4 perform an assessment of the application following his retention. Due to this problem, Staff
5 requested an indefinite extension of the filing deadline for the Staff Report until it finalized its
6 arrangements with the consultant. Staff further indicated that it would file a request for a Procedural
7 Order at such time as Staff would be in a position to be prepared for the hearing.

8 On December 19, 2007, the Railroad filed a response to Staff's Motion opposing an extension
9 of longer than 30 days.

10 On December 20, 2007, the Railroad filed certification that it had provided notice of the
11 Application and hearing thereon pursuant to the Commission's Procedural Order of November 8,
12 2007.

13 On December 21, 2007, Staff filed a reply to the Railroad's response to Staff's Motion
14 restating its request for an indefinite extension of time in this proceeding until Staff was able to
15 proceed.

16 On January 2, 2008, by Procedural Order, Staff was ordered to file notice when it would be
17 able to file its Staff Report and the hearing date of February 11, 2008, used for the purpose of taking
18 public comment only.

19 On January 11, 2008, the City of Casa Grande ("Casa Grande") filed a request to intervene in
20 the proceeding. No objections were received in response to Casa Grande's request.

21 On January 23, 2008, intervention was granted to Casa Grande.

22 On February 11, 2008, a full public hearing was commenced before a duly authorized
23 Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. The Railroad, Casa
24 Grande and Staff appeared with counsel. There was no one present for public comment and the
25 proceeding was recessed until the evidentiary hearing is held.

26 On February 14, 2008, Staff filed a request for a procedural conference to be scheduled to
27 discuss a date for the evidentiary hearing to be scheduled and related filing dates.

28 On March 4, 2008, by Procedural Order, a procedural conference was scheduled on March 12,

1 2008.

2 On March 12, 2008, the procedural conference was held as scheduled. The Railroad, Staff
3 and Casa Grande appeared with counsel. Staff indicated that the Staff Report would be filed by May
4 2, 2008, and that the proceeding could then be scheduled for hearing following the hearing on RR-
5 03639A-07-0517.

6 On May 1, 2008, Staff filed its report in this proceeding. Subsequently, due to scheduling
7 delays in the RR-03639A-07-0517 docket for a public comment hearing in the City of Maricopa, a
8 request was made to the Hearing Division to schedule this proceeding for hearing.

9 On June 13, 2008, by Procedural Order, since a public comment hearing had been held
10 previously in this proceeding, an evidentiary hearing was scheduled on July 14, 2008.

11 On June 24, 2008, the Railroad filed a request to continue the evidentiary hearing due to the
12 non-availability of its expert witness who has a schedule conflict. In the request, the Railroad
13 requested that the hearing be scheduled after August 4, 2008, but not August 11 or 12.

14 Accordingly, the evidentiary hearing should be continued from July 14, 2008 to a later date.

15 IT IS THEREFORE ORDERED that an **evidentiary hearing** shall be held on **August 14,**
16 **2008, at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street, 2nd Floor
17 Commissioners' Conference Room, Phoenix, Arizona.

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

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

24 DATED this 27th day of July, 2008.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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this 2nd day of July, 2008 to:

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