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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

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC RAILROAD COMPANY TO ALTER THREE CROSSINGS OF THE UNION PACIFIC RAILROAD IN THE CITY OF CASA GRANDE, PINAL COUNTY, ARIZONA AT SACATON, FLORENCE AND HERMOSILLA STREETS.

DOCKET NO. RR-03639A-07-0520

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 three crossings of the Railroad in Pinal County ("County"), Arizona by adding a second set of mainline tracks. The three crossings are in the City of Casa Grande ("City") as follows: Sacaton Street, AAR/DOT No. 741 362G; Florence Street, AAR/DOT No. 741 363N; and Hermosilla Street, AAR/DOT Nos. 741 364V and 741 365C ("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.

On November 8, 2007, by Procedural Order, the Commission ordered that a hearing be held on the application on February 27, 2008. The Procedural Order further ordered that notice be provided to various governmental entities by U.S. mail, established filing dates and ordered the Railroad to provide public notice of the hearing in the form and fashion set forth in the Procedural Order by January 25, 2008.

On December 13, 2007, Staff filed what was captioned "Staff Motion for Extension of Deadline UP Double Track Cases" ("Motion") in which Staff stated that due to complexities in the

1 application Staff was in the process of retaining a consultant who would require up to 30 days to
2 perform an assessment of the application following his retention. Due to this problem, Staff is
3 requesting an indefinite extension of the filing deadline for the Staff Report until it finalizes its
4 arrangements with the consultant. Staff further indicated that it would file a request for a Procedural
5 Order at such time as Staff would be in a position to be prepared for the hearing.

6 On December 19, 2007, the Railroad filed a response to Staff's Motion. The Railroad pointed
7 out that a delay at this stage of the proceeding will be very detrimental to the Railroad and its
8 customers and that Staff should have determined its need for a consultant earlier in the proceeding.
9 In closing, the Railroad stated that any extension granted should be no more than 30 days to insure
10 the application is processed within a reasonable time.

11 Under the circumstances, Staff should disclose when they propose to file their Staff Report in
12 a timely fashion. Further, since it appears that public notice may have been given, the present
13 hearing date should be used for the purpose of taking public comment only. In the event that no
14 public notice has been provided prior to the issuance of this Procedural Order, upon prompt
15 notification by the Railroad, the hearing date of February 27, 2008, will be vacated.

16 **IT IS THEREFORE ORDERED that the Commission's Safety Division Railroad Safety**
17 **Section shall file no later than January 11, 2008, when it proposes to file its Staff Report.**

18 **IT IS FURTHER ORDERED that the hearing presently scheduled for February 27, 2008,**
19 **shall be held for the purpose of taking public comment only** since it appears that public notice has
20 previously been provided by the Union Pacific Railroad Company.

21 **IT IS FURTHER ORDERED** that in the event no public notice has been provided prior to the
22 issuance of this Procedural Order, the Union Pacific Railroad Company shall promptly file
23 notification of same so that the hearing date of February 27, 2008, may be vacated.

24 **IT IS FURTHER ORDERED** that all other filing dates shall be held in abeyance pending the
25 filing by the Commission's Safety Division Railroad Safety Section which indicates when a form of
26 proposed Staff Report will be filed so that other filing dates may be determined and the evidentiary
27 portion of the proceeding be scheduled.

28 ...

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

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

7 DATED this 3rd day of January, 2008.

8
9
10 
11 MARC E. STERN
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 3rd day of January, 2008 to:

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Railroad Safety Section
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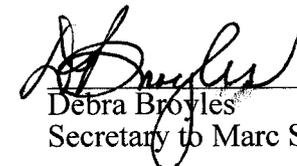
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By: 
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Secretary to Marc Stern