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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

2008 JUN 13 A 8:12

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

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.

On November 8, 2007, by Procedural Order, the Commission ordered that a hearing be held on the application on February 11, 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.

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

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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.

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1 On March 4, 2008, by Procedural Order, a procedural conference was scheduled on March 12,
2 2008.

3 On March 12, 2008, the procedural conference was held as scheduled. The Railroad, Staff
4 and Casa Grande appeared with counsel. Staff indicated that the Staff Report would be filed by May
5 2, 2008, and that the proceeding could then be scheduled for hearing following the hearing on RR-
6 03639A-07-0517.

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

10 Accordingly, since a public comment hearing was previously held in this proceeding, an
11 evidentiary hearing should be scheduled.

12 IT IS THEREFORE ORDERED that an **evidentiary hearing** shall be held on **July 14, 2008**,
13 **at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix,
14 Arizona.

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

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

21 DATED this 13TH day of June, 2008.

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25 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

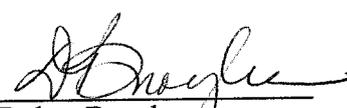
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- 1 Copies of the foregoing mailed/delivered
- 2 this 13th day of June, 2008 to:
- 3 Aziz Aman, Manager of Special Projects
- 4 UNION PACIFIC RAILROAD COMPANY
- 5 1301 East Harrison Street
- 6 Phoenix, Arizona 85034-2336
- 7 Anthony J. Hancock
- 8 Terrance L. Sims
- 9 BEAUGUREAU, ZUKOWSKI, HANCOCK,
- 10 STOLL & SCHWARTZ, P.C.
- 11 302 East Coronado
- 12 Phoenix, Arizona 85004
- 13 Attorneys for Union Pacific Railroad Co.
- 14 Brett D. Wallace, City Attorney
- 15 CITY OF CASA GRANDE
- 16 510 East Florence Blvd.
- 17 Casa Grande, Arizona 85222
- 18 J. Blaha, Public Works Director
- 19 CITY OF CASA GRANDE
- 20 510 East Florence Blvd.
- 21 Casa Grande, Arizona 85222
- 22 Gregory Stanley, County Engineer
- 23 PINAL COUNTY
- 24 P.O. Box 727
- 25 31 North Pinal Street, Bldg. F
- 26 Florence, Arizona 85232
- 27 Bruce Vana, P.E., Engineer-Manager
- 28 Utility & Railroad Engineering Section
- ARIZONA DEPARTMENT OF
- TRANSPORTATION
- 205 South 17th Avenue, M/D 618E
- Phoenix, Arizona 85007
- Brian Lehman, Chief
- Railroad Safety Section
- ARIZONA CORPORATION COMMISSION
- 1200 West Washington Street
- Phoenix, Arizona 85007
- Janice Alward, 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, Arizona 85004-1481

By:


Debra Broyles
Secretary to Marc Stern