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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

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 application Staff was in the process of retaining a consultant who would require up to 30 days to

1 perform an assessment of the application following his retention. Due to this problem, Staff
2 requested an indefinite extension of the filing deadline for the Staff Report until it finalized its
3 arrangements with the consultant. Staff further indicated that it would file a request for a Procedural
4 Order at such time as Staff would be in a position to be prepared for the hearing.

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

7 On January 3, 2008, by Procedural Order, Staff was ordered to file notice when it would be
8 able to file its Staff Report and the hearing scheduled for February 27, 2008, used for the purpose of
9 taking public comment only since it appeared that public notice had previously been provided by the
10 Railroad.

11 On January 9, 2008, the Railroad filed certification that it had provided public notice pursuant
12 to the Commission's Procedural Order.

13 On January 11, 2008, the City of Casa Grande ("Casa Grande") requested intervention in the
14 proceeding. No objections were filed to Casa Grande's request.

15 On January 23, 2008, intervention was granted to Casa Grande in the proceeding.

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

18 On February 27, 2008, a full public hearing was commenced before a duly authorized
19 Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. The Railroad and
20 Staff appeared with counsel. Casa Grande did not appear. No one was present to make public
21 comment and the proceeding was recessed pending scheduling of an evidentiary hearing.

22 On March 12, 2008, during a procedural conference, Staff indicated that the Staff Report in
23 this proceeding would be filed by July 25, 2008, and it was determined that all other filings dates
24 would be held in abeyance until the evidentiary hearing was scheduled.

25 Accordingly, an evidentiary hearing should be scheduled.

26 IT IS THEREFORE ORDERED that the evidentiary hearing on the Application shall be held
27 on **September 9, 2008, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street,
28 Second Floor Commissioners' Conference Room, Phoenix, Arizona.

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 23rd day of July, 2008.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 23rd day of July, 2008 to:

15 Aziz Aman, Manager of Special Projects
16 UNION PACIFIC RAILROAD COMPANY
1301 East Harrison Street
Phoenix, Arizona 85234-2336

Bruce Vana, P.E., Engineer-Manager
Utility & Railroad Engineering Section
ARIZONA DEPARTMENT OF
TRANSPORTATION
205 South 17th Avenue, M/D 618E
Phoenix, Arizona 85007

17 Anthony J. Hancock
18 Terrance L. Sims
19 BEAUGUREAU, ZUKOWSKI, HANCOCK,
20 STOLL & SCHWARTZ, P.C.
302 East Coronado
Phoenix, Arizona 85004
Attorneys for Union Pacific Railroad Co.

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

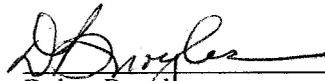
21 Brett D. Wallace, City Attorney
22 CITY OF CASA GRANDE
510 East Florence Boulevard
Casa Grande, Arizona 85222

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

23 J. Blaha, Public Works Director
24 CITY OF CASA GRANDE
510 East Florence Blvd.
Casa Grande, Arizona 85222

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

25 Gregory Stanley, County Engineer
26 PINAL COUNTY
P.O. Box 727
27 31 North Pinal Street, Bldg. F
Florence, Arizona 85232

By: 
Debra Broyles
Secretary to Marc Stern