

ORIGINAL



0000086253

BEFORE THE ARIZONA CORPORATION COMMISSION

254

COMMISSIONERS

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

2008 JUL 25 P 2:39

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 25 2008

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO ALTER A CROSSING OF THE UNION
PACIFIC RAILROAD AT RUTHRAUFF ROAD.

DOCKET NO. RR-03639A-08-0054

PROCEDURAL ORDER

BY THE COMMISSION:

On January 28, 2008, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter a crossing of the Railroad in Pima County ("County"), Arizona by adding a second set of mainline tracks. The crossing is in the City of Tucson ("City") at Ruthrauff Road, AAR/DOT No. 741 104C ("Application").

On March 12, 2008, at a related procedural conference on the Railroad's double track project, the Railroad agreed to request a procedural conference be scheduled for future scheduling on its Application as related cases were heard and Decisions issued by the Commission.

On June 9, 2008, the Railroad filed a request that a procedural conference be set to discuss scheduling issues in this docket.

On June 25, 2008, by Procedural Order, a procedural conference was scheduled to discuss possible hearing and filing dates on July 17, 2008.

On July 17, 2008, at the procedural conference, the Railroad and the Railroad Safety Section of the Commission's Safety Division ("Staff") appeared with counsel to discuss prospective hearing and filing dates.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

1 IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad Company shall
2 be considered an Application to construct a second set of mainline tracks at three existing crossings
3 pursuant to A.R.S. § 40-337, et seq.

4 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall be considered as
5 the Applicant in this proceeding.

6 IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **November**
7 **25, 2008, at 9:30 a.m.**, or as soon thereafter as is practicable, at the Commission’s offices, 1200 West
8 Washington Street, Hearing Room 1, Phoenix, Arizona.

9 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
10 Order, **THE UNION PACIFIC RAILROAD COMPANY SHALL PROVIDE THE CITY OF**
11 **TUCSON (“CITY”), PIMA COUNTY (“COUNTY”), THE ARIZONA DEPARTMENT OF**
12 **TRANSPORTATION (“ADOT”) AND ANY OTHER MUNICIPALITY OR INTERESTED**
13 **PARTY** that may be affected by the Application with a copy of the Application and this Procedural
14 Order **by certified U.S. mail.**

15 IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section shall prepare a
16 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with
17 Docket Control on or before 4:00 p.m. on **November 7, 2008.**

18 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
19 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on
20 **November 19, 2008.**

21 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
22 105, except that all motions to intervene must be filed on or before **October 27, 2008.**

23 IT IS FURTHER ORDERED that **Union Pacific Railroad Company shall provide public**
24 **notice of the hearing** in this matter, in the following form and style:

- 25 ...
- 26 ...
- 27 ...
- 28 ...

1 **IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC**
2 **RAILROAD COMPANY TO ADD A SECOND SET OF MAINLINE TRACKS**
3 **AT AN EXISTING CROSSING IN THE CITY OF TUCSON IN PIMA COUNTY,**
4 **ARIZONA AT RUTHRAUFF ROAD, AAR/DOT 741 104C.**
5 **(DOCKET NO. RR-03639A-08-0054)**

6 On January 28, 2008, the Union Pacific Railroad Company ("Railroad") filed with the
7 Arizona Corporation Commission ("Commission") an Application for the Railroad to
8 add a second set of mainline tracks at an existing crossing in the City of Tucson in
9 Pima County, Arizona at Ruthrauff Road, AAR/DOT 741 104C.

10 The Application is available for inspection during regular business hours at the
11 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
12 Arizona, and on the internet via the Commission website (www.azcc.gov) using the
13 e-docket function.

14 The Commission will hold a hearing on this matter commencing on **November 25,**
15 **2008, at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street,
16 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

17 The law provides for an open public hearing at which, under appropriate
18 circumstances, interested parties may intervene. Intervention shall be permitted to
19 any person entitled by law to intervene and having a direct and substantial interest in
20 the matter. Persons desiring to intervene must file a written motion to intervene with
21 the Commission, which motion should be sent to Applicant or its counsel and to all
22 parties of record, and which, at the minimum, shall contain the following:

- 23 1. The name, address, and telephone number of the proposed intervenor and of any
24 party upon whom service of documents is to be made if different than the
25 intervenor.
- 26 2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a
27 customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 28 3. A statement certifying that a copy of the motion to intervene has been mailed to
 the Applicant or its counsel and to all parties of record in the case.

 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 that all motions to intervene must be filed on or before October 27, 2008. The
 granting of intervention, among other things, entitles a party to present sworn
 evidence at hearing and to cross-examine other witnesses. However, failure to
 intervene will not preclude any concerned individual from appearing at the hearing
 and making a statement on such individual's own behalf.

 If you have any questions about this application, you may contact the applicant at
 [insert telephone number]. If you wish to file written comments on the application
 or want further information on intervention, you may write the Consumer Services
 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

 The Commission does not discriminate on the basis of disability in admission to its
 public meetings. Persons with a disability may request a reasonable accommodation
 such as a sign language interpreter, as well as request this document in an alternative
 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
 allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall cause the above
2 notice to be published at least once in a daily newspaper of general circulation in the area and at least
3 three times in a weekly publication in the city/county where the crossing is located, with **publication**
4 **to be completed no later than October 1, 2008.**

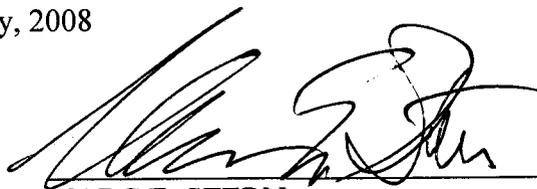
5 IT IS FURTHER ORDERED that notice shall be deemed complete upon the
6 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive
7 the notice.

8 IT IS FURTHER ORDERED that the **UNION PACIFIC RAILROAD COMPANY**
9 **SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET**
10 **CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein
11 has been completed.

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

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

18 DATED this 25th day of July, 2008

19
20
21 
22 MARC E. STERN
23 ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
25 this 25th day of July, 2008 to:

26 Aziz Aman, Manager of Special Projects
27 UNION PACIFIC RAILROAD COMPANY
1301 East Harrison Street
28 Phoenix, AZ 85034-2336

1 Anthony J. Hancock
Terrance L. Sims
2 BEAUGUREAU, HANCOCK STOLL & SCHWARTZ, P.C.
302 E. Coronado
3 Phoenix, AZ 85004
Attorneys for Union Pacific Railroad

4 Andrew C. Dinauer
5 Engineering Administrator, Engineering Division
6 Department of Transportation
CITY OF TUCSON
201 North Stone Avenue, Third Floor
7 Tucson, AZ 85701-1207

8 Albert Letzkus, P.E. PTOE
9 Division Manager, Traffic Engineering
PIMA COUNTY
10 1313 South Mission Road
Tucson, AZ 85713-1398

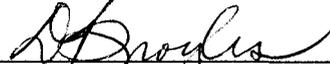
11 Bruce Vana, P.E., Engineer-Manager
12 Utility & Railroad Engineering Section
ARIZONA DEPARTMENT OF TRANSPORTATION
205 South 17th Avenue, M/D 618E
13 Phoenix, Arizona 85007

14 Traffic Records Section
15 ARIZONA DEPARTMENT OF TRANSPORTATION
206 South 17th Avenue, M/D 064R
16 Phoenix, AZ 85007

17 Brian Lehman, Chief
18 Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
19 Phoenix, AZ 85007

20 Janice Alward, Chief Counsel
21 Legal Division
ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
Phoenix, AZ 85007

23 ARIZONA REPORTING SERVICE, INC.
24 2200 North Central Street, Suite 502
25 Phoenix, AZ 85004-1481

26 By: 
27 Debra Broyles
28 Secretary to Marc Stern