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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- MIKE GLEASON - Chairman
- WILLIAM A. MUNDELL
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2008 JUL 28 P 1:34

AZ CORP COMMISSION DOCKET CONTROL

Arizona Corporation Commission DOCKETED

JUL 28 2008

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC RAILROAD COMPANY TO ALTER FOUR CROSSINGS OF THE UNION PACIFIC RAILROAD AT MARANA, TANGERINE, CORTARO FARMS AND INA ROADS.

DOCKET NO. RR-03639A-08-0037

PROCEDURAL ORDER

BY THE COMMISSION:

On January 17, 2008, 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 Pima County ("County"), Arizona by adding a second set of mainline tracks. The four crossings are in the Town of Marana ("Town") as follows: Marana Road, AAR/DOT No. 922 399X; Tangerine Road, AAR/DOT No. 741 088V; Cortaro Farms Road, AAR/DOT No. 741 098B and Ina Road, AAR/DOT No. 741 101G ("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.

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

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

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

8 IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **October**
9 **14, 2008, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200
10 West Washington Street, Room 100, Phoenix, Arizona.

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

17 IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section shall prepare a
18 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with
19 Docket Control on or before 4:00 p.m. on **September 26, 2008.**

20 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
21 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **October**
22 **8, 2008.**

23 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
24 105, except that all motions to intervene must be filed on or before **September 26, 2008.**

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

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 EXISTING CROSSINGS IN THE TOWN OF MARANA IN PIMA COUNTY,**
 4 **ARIZONA AT MARANA ROAD, AAR/DOT NO. 922 399X; TANGERINE ROAD,**
 5 **AAR/DOT NO. 741 088V; CORTARO FARMS ROAD, AAR/DOT NO. 741 098B**
 6 **AND INA ROAD, AAR/DOT NO. 741 101G.**
 7 **(DOCKET NO. RR-03639A-08-0037)**

8 On January 17, 2008, the Union Pacific Railroad Company ("Railroad") filed with the
 9 Arizona Corporation Commission ("Commission") an Application for the Railroad to
 10 add a second set of mainline tracks at existing crossings in the Town of Marana in
 11 Pima County, Arizona at Marana Road, AAR/DOT No. 922 399X, Tangerine Road,
 12 AAR/DOT No. 741 088V, Cortaro Farms Road, AAR/DOT No. 741 098B and Ina
 13 Road, AAR/DOT No. 741 101G

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

18 The Commission will hold a hearing on this matter commencing on **October 14,**
 19 **2008, at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,
 20 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

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

- 27 1. The name, address, and telephone number of the proposed intervener and of any
 party upon whom service of documents is to be made if different than the
 intervener.
- 28 2. A short statement of the proposed intervener's interest in the proceeding (e.g., a
 customer of Railroad, a neighboring property owner, a crossing user, etc.).
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 September 26, 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-

1 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
2 allow time to arrange the accommodation.

3 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall cause the above
4 notice to be published at least once in a daily newspaper of general circulation in the area and at least
5 three times in a weekly publication in the city/county where the crossing is located, with **publication**
6 **to be completed no later than August 29, 2008.**

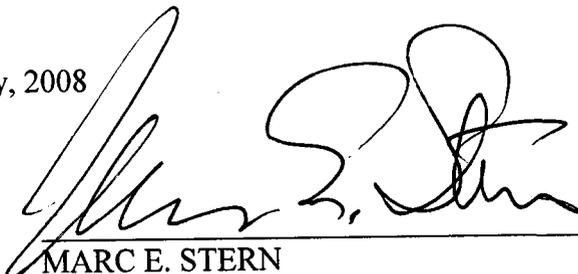
7 IT IS FURTHER ORDERED that notice shall be deemed complete upon the
8 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive
9 the notice.

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

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

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

20 DATED this 28TH day of July, 2008

21 
22 _____
23 MARC E. STERN
24 ADMINISTRATIVE LAW JUDGE

25 Copies of the foregoing mailed/delivered
26 this 28TH day of July, 2008 to:

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

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

5 Paul Baughman
Public Works Department
6 TOWN OF MARANA
11555 West Civic Center Drive
7 Marana, AZ 85653

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
13 205 South 17th Avenue, M/D 618E
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
19 1200 West Washington Street
Phoenix, AZ 85007

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

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

26
27 By: 
Debra Broyles
28 Secretary to Marc Stern