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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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MAR 27 2009

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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

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

DOCKET NO. RR-03639A-08-0054

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 9, 2008 Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for authority to construct a second mainline track at the existing public at-grade crossing of the Railroad in Pima County, Arizona at Ruthrauff Road, AAR/DOT No. 741-104-C ("Application"). The Ruthrauff Road crossing is located in the City of Tucson.

A hearing on the Application was held on November 25, 2008, before a duly authorized Administrative Law Judge of the Commission at the Commission's offices in Phoenix, Arizona. The Railroad and the Railroad Safety Section of the Commission's Safety Division ("Staff") appeared through counsel, presented evidence, and cross-examined witnesses. Following the hearing, the matter was taken under advisement, and a recommended opinion and order ("ROO") was prepared and filed on February 3, 2009.

The Commission considered the February 3, 2009 ROO at its March 19, 2009, Open Meeting. The Commission did not vote on the ROO, but instead directed the Hearing Division to schedule an additional hearing on the Application to consider additional evidence regarding a grade separation at the Ruthrauff Road crossing and the level of the Railroad's financial contribution to the grade separation.

Accordingly a procedural conference should be scheduled for the purpose of allowing the parties to discuss an appropriate procedural schedule and other procedural issues associated with the

1 additional hearing.

2 IT IS THEREFORE ORDERED that a **procedural conference** on this matter shall be held on  
3 **April 15, 2009, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices,  
4 Hearing Room 1, 1200 West Washington Street, Phoenix, Arizona, for the purpose of allowing the  
5 parties to discuss an appropriate procedural schedule and other procedural issues associated with the  
6 additional hearing.

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

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
11 Communications) applies to this proceeding and shall remain in effect until the Commission's  
12 Decision in this matter is final and non-appealable.

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

16 DATED this 27<sup>th</sup> day of March, 2009.

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TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

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Copies of the foregoing mailed/delivered  
this 27<sup>th</sup> day of March, 2009, to:

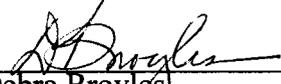
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