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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO REPLACE EXISTING
CANTILEVERED FLASHING LIGHTS AT A
CROSSING OF THE UNION PACIFIC
RAILROAD AT LINCOLN STREET IN THE
CITY OF PHOENIX, MARICOPA COUNTY,
ARIZONA, AAR/DOT NO. 741-492-D.

DOCKET NO. RR-03639A-10-0233

PROCEDURAL ORDER
(Continues Hearing)

BY THE COMMISSION:

On June 10, 2010, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to replace the existing cantilevered lights at its crossing at Lincoln Street in the City of Phoenix ("City"), Maricopa County, Arizona at AAR/DOT No. 741-492-D ("Application").

On June 29, 2010, by Procedural Order, a hearing was scheduled on September 8, 2010.

On August 12, 2010, the Staff Memorandum was filed recommending approval of the Application which had been filed by ADOT.

On August 25, 2010, ADOT filed certification that notice of the proceeding was provided in accordance with the Commission's Procedural Order.

On September 7, 2010, an engineer from ADOT who was to appear as ADOT's witness at the hearing sent an email to Staff indicating that he would be unable to attend the hearing. The email indicated ADOT agreed with Staff's recommendation in the Staff Memorandum. ADOT's representative further requested that the hearing be held as scheduled and that the Application be approved.

On September 8, 2010, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. ADOT did not

1 appear and no one appeared to give public comment. The Commission's Railroad Safety Section
2 ("Staff") was present with counsel. Because no one appeared on ADOT's behalf, the proceeding
3 was continued and Staff was directed to contact ADOT to determine a date upon which the
4 proceeding could be reconvened with a representative of ADOT present.

5 Subsequently, Staff contacted the Hearing Division and indicated ADOT could go forward on
6 September 16, 2010. Since public notice has previously been provided, no additional public notice
7 will be required.

8 IT IS THEREFORE ORDERED that the **hearing** on the application shall be continued from
9 September 8, 2010 to **September 16, 2010, at 10:00 a.m.**, or as soon thereafter as is practical, at the
10 Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
12 Communications) applies to this proceeding as the matter is now set for public hearing

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

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

19 DATED this 10TH day of September, 2010.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
25 this 10th day of September, 2010 to:

26 Freddy Cheung, P.E.
27 Senior Manager – Industry & Public Projects
28 UNION PACIFIC RAILROAD COMPANY
2015 South Willow Avenue
Bloomington, CA 92316

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

5 Robert Travis, P.E.
State Railroad Liaison
6 ARIZONA DEPT. OF TRANSPORTATION
205 South 17th Avenue, Room 357
7 M/D 618E
Phoenix, AZ 85007

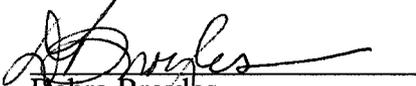
8 Belinda Cumings
9 CITY OF PHOENIX
200 West Washington Street
10 Phoenix, AZ 85003

11 Kelly Roy, Utility Project Coordinator
MARICOPA COUNTY
12 DEPARTMENT OF TRANSPORTATION
2901 West Durango Street
13 Phoenix, AZ 85009

14 Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
Phoenix, AZ 85007

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

19 ARIZONA REPORTING SERVICE, INC.
20 2200 North Central Street, Suite 502
Phoenix, AZ 85004

21
22 By: 
Debra Broyles
23 Secretary to Marc Stern

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25
26
27
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