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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2010 OCT -1 P 2:08

DOCKETED

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

AZ CORP COMMISSION
DOCKET CONTROL

OCT 1 2010

DOCKETED BY	<i>MLA</i>
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IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT CENTRAL ROAD EAST OF US 70 IN GRAHAM COUNTY, ARIZONA, AT USDOT NO. 742-253-G.

DOCKET NO. RR-02634A-10-0235

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT COLLEGE AVENUE SOUTH OF RAILROAD AVENUE IN THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, AT USDOT NO. 742-243-B.

DOCKET NO. RR-02634A-10-0236

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT BIXBY ROAD NORTH OF SR 188 IN GILA COUNTY, ARIZONA, AT USDOT NO. 742-364-Y.

DOCKET NO. RR-02634A-10-0237

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT BIA 2 ROAD EAST OF THE BIA SR 170 HIGHWAY, GILA COUNTY, ARIZONA, AT USDOT NO. 742-332-T.

DOCKET NO. RR-02634A-10-0238

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT BIA 101 ROAD NORTH OF THE BIA SR 170 HIGHWAY, GILA COUNTY, ARIZONA, AT USDOT NO. 742-336-V.

DOCKET NO. RR-02634A-10-0239

PROCEDURAL ORDER
(Grants Intervention)

1 **BY THE COMMISSION:**

2 On June 10, 2010, the Arizona Department of Transportation (“ADOT”) filed with the
3 Arizona Corporation Commission (“Commission”) applications for approval for the Arizona Eastern
4 Railway Company (“Railroad”) to upgrade the following existing public crossings located at the
5 Railroad’s tracks: at Central Road East of US 70 in Graham County, Arizona, at USDOT No. 742-
6 253-G; at College Avenue south of Railroad Avenue in the Town of Thatcher, Graham County,
7 Arizona, at USDOT No. 742-243-B; at Bixby Road north of SR 188 in Gila County, Arizona, at
8 USDOT No. 742-364-Y; at BIA 2 road east of the BIA SR 170 Highway, Gila County, Arizona, at
9 USDOT No. 742-332-T; and at BIA 101 road north of the BIA SR 170 Highway, Gila County,
10 Arizona, at USDOT No. 742-336-V.

11 On June 21, 2010, the Safety Division, Railroad Safety Section (“Staff”) filed a Motion to
12 Consolidate the above-captioned proceedings.

13 On July 7, 2010, by Procedural Order, the above-captioned proceedings were consolidated, a
14 hearing was ordered to be held on October 15, 2010, after public notification was given and filing
15 dates were ordered.

16 On September 20, 2010, the San Carlos Apache Tribe (“Tribe”) filed a Motion to Intervene
17 (“Motion”). The Tribe’s Motion states that the proposed upgrades to the railroad crossings in Docket
18 Nos. RR-02634A-10-0238 and RR-02634A-10-0239 are entirely within the exterior boundaries of the
19 San Carlos Apache Reservation and that the effected highways are principal roadways through the
20 Reservation. There has been no opposition to this Motion.

21 IT IS THEREFORE ORDERED that the San Carlos Apache Tribe’s Motion to Intervene is
22 hereby granted.

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

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

28 . . .

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

4 DATED this 1st day of October, 2010



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
this 1st day of October, 2010 to:

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10 Vice President Railroad Services
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