

ORIGINAL



0000122101

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2011 JAN 19 P 4:15

JAN 19 2011

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

GARY PIERCE, Chairman  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP  
BRENDA BURNS

IN THE MATTER OF THE APPLICATION	)	DOCKET NO. RR-03639A-08-0054
OF THE UNION PACIFIC RAILROAD	)	
TO ALTER ONE CROSSING OF THE	)	<b>UNION PACIFIC RAILROAD</b>
UNION PACIFIC RAILROAD AT	)	<b>COMPANY'S WITHDRAWAL</b>
RUTHRAUFF ROAD	)	<b>OF ITS APPLICATION</b>

On June 9, 2008, Union Pacific Railroad Company ("Union Pacific") filed an application with the Arizona Corporation Commission ("Commission") for authority to construct a second mainline track at the existing public at-grade crossing of the Union Pacific tracks in Pima County, Arizona at Ruthrauff Road, AAR/DOT No. 741 104C ("Ruthrauff Application"). The Ruthrauff Road crossing is located in the City of Tucson. After a hearing was held before the Commission's Administrative Law Judge on November 25, 2008, a recommended opinion and order ("Ruthrauff ROO") was prepared and filed on February 3, 2009.

The Commission considered the Ruthrauff 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. Union Pacific hereby withdraws its Ruthrauff Application.

On January 17, 2008, Union Pacific filed with the Commission an application to alter four public at-grade crossings of Union Pacific in Pima County, Arizona by adding a second mainline track. The four crossings were Cochie Canyon (formerly Marana) Road, AAR/DOT No. 922 399X; Tangerine Road, AAR/DOT No. 741 088V; Cortaro Farms Road, AAR/DOT No.

1 741 098B; and Ina Road, AAR/DOT No. 741 101G ("Ina Application"). After a hearing was  
2 held before the Commission's Administrative Law Judge on October 14, 2008, a recommended  
3 opinion and order ("ROO") was prepared and filed on February 3, 2009.

4 The Commission considered the February 3, 2009 ROO at its March 19, 2009 Open  
5 Meeting. By its Opinion and Order, Decision No. 70893, signed March 24, 2009, the  
6 Commission approved the Ina Application with regard to the Cortaro Farms Road and the Cochie  
7 Canyon Road crossings, but denied without prejudice the Ina Application with regard to the  
8 Tangerine Road and Ina Road crossings. Union Pacific anticipates filing a new single  
9 application combining Union Pacific's request to add a second mainline track to both the  
10 Ruthrauff and Ina crossings.  
11

12 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of January, 2011.

13 BEAUGUREAU, HANCOCK,  
14 STOLL & SCHWARTZ, P.C.

15 By: Terrance L. Sims  
16 Anthony J. Hancock  
17 Terrance L. Sims

18 302 East Coronado  
19 Phoenix, Arizona 85004  
20 Attorneys for Applicant Union  
21 Pacific Railroad Company

22 ORIGINAL AND THIRTEEN COPIES  
23 of the foregoing filed this 19<sup>th</sup> day of  
24 January, 2011, with:

25 Arizona Corporation Commission  
26 1200 West Washington Street  
Phoenix, Arizona 85007

...

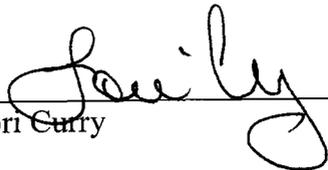
...

1 COPY of the foregoing mailed this  
19<sup>th</sup> day of January, 2011, to:

2  
3 Mr. Brian Lehman, Supervisor  
4 Mr. Chris Watson, Assistant Supervisor  
5 Railroad Safety Section  
6 Arizona Corporation Commission  
7 2200 North Central Avenue, #300  
8 Phoenix, Arizona 85007

9 Charles H. Hains, Esq.  
10 Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

10   
11 \_\_\_\_\_  
12 Lori Curry