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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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

2011 FEB 15 P 3:00

DOCKETED

FEB 15 2011

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKETED BY

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**  
**(Notice of Administrative Closure)**

**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").

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.

On March 27, 2009, by Procedural Order, a procedural conference was scheduled on April 15, 2009, for the purpose of allowing the parties to discuss an appropriate procedural schedule and other procedural issues associated with the additional hearing.

1 On April 15, 2009, Staff and the Railroad appeared with counsel to determine how to proceed  
2 on the Application, but they determined that they were not yet ready to proceed with an additional  
3 hearing and the parties were to advise the presiding Administrative Law Judge when they were ready  
4 to go forward.

5 On June 19, 2011, the Railroad filed notice that it was withdrawing the Application herein and  
6 indicated that it would be filing a new Application with respect to the Ruthrauff Road at-grade  
7 crossing in conjunction with a related at-grade crossing at Ina Road in the Town of Marana.<sup>1</sup> Staff  
8 has not filed any objections to the Railroad's withdrawal of its Application herein.

9 Accordingly, this docket should be administratively closed.

10 IT IS THEREFORE ORDERED that **Docket No. RR-03639A-08-0054** is hereby  
11 **administratively closed.**

12 DATED this 15<sup>TH</sup> day of February, 2011.

  
13  
14  
15 **MARC E. STERN**  
**ADMINISTRATIVE LAW JUDGE**

16 Copies of the foregoing mailed/delivered  
17 this 15<sup>th</sup> day of February, 2011 to:

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By:   
Debra Broyles  
Secretary to Marc E. Stern

<sup>1</sup> On January 31, 2011, the Railroad filed the Application with respect to the two at-grade crossings referenced to above, Ruthrauff and Ina Roads, in Docket No. RR-03639A-11-0051.