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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

DOCKETED

FEB 17 2011

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO ALTER TWO CROSSINGS OF THE UNION
PACIFIC RAILROAD AT RUTHRAUFF AND
INA ROADS.

DOCKET NO. RR-03639A-11-0051

PROCEDURAL ORDER
(Schedules a Hearing)

BY THE COMMISSION:

On January 31, 2011, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter two crossings of the Railroad in Arizona by adding a second set of mainline tracks. The Ruthrauff Road crossing, USDOT No. 741 104C, is located in Pima County ("County") and the Ina Road crossing, USDOT No. 741 101G, is located in the Town of Marana ("Town") ("Application").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad Company shall be considered an Application to construct a second set of mainline tracks at two existing at-grade crossings pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **May 5, 2011, at 9:30 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, **THE UNION PACIFIC RAILROAD COMPANY SHALL PROVIDE THE TOWN OF MARANA ("TOWN"), PIMA COUNTY ("COUNTY"), THE ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT") AND ANY OTHER MUNICIPALITY OR INTERESTED PARTY** that may be affected by the Application with a copy of the Application and this Procedural

1 Order by **certified U.S. mail.**

2 IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section shall prepare a
3 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with
4 Docket Control on or before 4:00 p.m. on **April 8, 2011.**

5 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
6 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **April**
7 **22, 2011.**

8 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
9 105, except that all motions to intervene must be filed on or before **March 30, 2011.**

10 IT IS FURTHER ORDERED that **Union Pacific Railroad Company** shall provide **public**
11 **notice of the hearing** in this matter, in the following form and style:

12 **IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC**
13 **RAILROAD COMPANY TO ADD A SECOND SET OF MAINLINE**
14 **TRACKS AT TWO EXISTING CROSSINGS IN PIMA COUNTY,**
15 **ARIZONA AT RUTHRAUFF ROAD, USDOT NO. 741 104C, AND IN THE**
16 **TOWN OF MARANA, ARIZONA AT INA ROAD, USDOT NO. 741 104G.**
17 **(DOCKET NO. RR-03639A-11-0051)**

18 On January 31, 2011, the Union Pacific Railroad Company ("Railroad") filed with
19 the Arizona Corporation Commission ("Commission") an Application for the
20 Railroad to add a second set of mainline tracks at two existing crossings in Pima
21 County, Arizona at Ruthrauff Road, USDOT 741 104C and in the Town of Marana,
22 Arizona at Ina Road, USDOT 741 101G.

23 The Application is available for inspection during regular business hours at the
24 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
25 Arizona, and on the internet via the Commission website (www.azcc.gov) using the
26 e-docket function.

27 The Commission will hold a hearing on this matter commencing on **May 5, 2011,**
28 **at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street, Phoenix,
Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Intervention shall be permitted to
any person entitled by law to intervene and having a direct and substantial interest
in the matter. Persons desiring to intervene must file a written motion to intervene
with the Commission, which motion should be sent to Applicant or its counsel and
to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervener and of
any party upon whom service of documents is to be made if different than the
intervener.

- 1 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 2 3. A statement certifying that a copy of the motion to intervene has been mailed
3 to the Applicant or its counsel and to all parties of record in the case.

4 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
5 except that all motions to intervene must be filed on or before March 30, 2011. The
6 granting of intervention, among other things, entitles a party to present sworn
evidence at hearing and to cross-examine other witnesses. However, failure to
intervene will not preclude any concerned individual from appearing at the hearing
and making a statement on such individual's own behalf.

7 If you have any questions about this application, you may contact the applicant at
8 **[insert telephone number]**. If you wish to file written comments on the
application or want further information on intervention, you may write the
9 Consumer Services Section of the Commission at 1200 West Washington Street,
Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
comment.

10 The Commission does not discriminate on the basis of disability in admission to its
11 public meetings. Persons with a disability may request a reasonable
12 accommodation such as a sign language interpreter, as well as request this
document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator,
13 voice phone number 602-542-3931, E-mail SABernal@azcc.gov. Requests should
be made as early as possible to allow time to arrange the accommodation.

14
15 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall cause the above
16 notice to be published at least once in a daily newspaper of general circulation in the area and at least
17 three times in a weekly publication in the city/county where the crossing is located, with **publication**
18 **to be completed no later than March 4, 2011.**

19 IT IS FURTHER ORDERED that notice shall be deemed complete upon the
20 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive
21 the notice.

22 IT IS FURTHER ORDERED that the **UNION PACIFIC RAILROAD COMPANY**
23 **SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET**
24 **CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein
25 has been completed.

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

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 17TH day of February, 2011

5
6
7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 17th day of February, 2011 to:

11 Alex Popovici, Manager
12 Industry & Public Projects
13 UNION PACIFIC RAILROAD COMPANY
631 South 7th Street
Phoenix, AZ 85734

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

14 Anthony J. Hancock
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Phoenix, AZ 85007

18 Keith Brann, Town Engineer
19 Assistant Director of Public Works
20 CITY OF MARANA
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Marana, AZ 85653-7002

ARIZONA REPORTING SERVICE, INC.
2200 North Central Street, Suite 502
Phoenix, AZ 85004-1481

21 Albert Letzkus, P.E. PTOE
22 Division Manager, Traffic Engineering
23 PIMA COUNTY
1313 South Mission Road
Tucson, AZ 85713-1398

24 Marcel Benberou
25 Manager, Utility & Railroad Engineering
26 ARIZONA DEPARTMENT OF
TRANSPORTATION
205 South 17th Avenue, M/D 618E
Phoenix, AZ 85007

27 By: 
28 Debra Broyles
Secretary to Marc Stern