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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
 THE ARIZONA DEPARTMENT OF
 TRANSPORTATION TO UPGRADE AN
 EXISTING CROSSING OF THE UNION
 PACIFIC RAILROAD AT LITCHFIELD ROAD
 IN THE CITY OF GOODYEAR, MARICOPA
 COUNTY, ARIZONA, USDOT NO. 741-784-A.

DOCKET NO. RR-03639A-11-0245

PROCEDURAL ORDER

BY THE COMMISSION:

On June 160, 2011, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Litchfield Road in the City of Goodyear ("City"), Maricopa County, Arizona at USDOT No. 741-784-A ("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 Arizona Department of Transportation shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **August 29, 2011, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, **Room 100**, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, **the ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by

1 the application with a copy of the application and this Procedural Order by certified mail.

2 IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall
3 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
4 them with Docket Control on or before 4:00 p.m. on **August 12, 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
7 **August 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 **August 11, 2011**.

10 IT IS FURTHER ORDERED that **the Arizona Department of Transportation** shall provide
11 **public notice** of the hearing in this matter, in the following form and style:

12 **IN THE MATTER OF THE APPLICATION OF**
13 **THE ARIZONA DEPARTMENT OF TRANSPORTATION TO**
14 **UPGRADE AN EXISTING CROSSING OF THE UNION PACIFIC**
15 **RAILROAD AT LITCHFIELD ROAD IN THE CITY OF GOODYEAR,**
16 **MARICOPA COUNTY, ARIZONA, USDOT NO. 741-784-A.**
17 **(DOCKET NO. RR-03639A-11-0245)**

18 On June 16, 2011, the Arizona Department of Transportation ("ADOT") filed with
19 the Arizona Corporation Commission ("Commission") an application for approval
20 for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at
21 Litchfield Road in the City of Goodyear ("City"), Maricopa County, Arizona at
22 AAR/DOT No. 741-784-A.

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

26 The Commission will hold a hearing on this matter commencing on **August 29,**
27 **2011, at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,
28 Room 100, 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 intervener's interest in the proceeding (e.g.,
2 a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 3 3. A statement certifying that a copy of the motion to intervene has been mailed
4 to the Applicant or its counsel and to all parties of record in the case.

5 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
6 that all motions to intervene must be filed on or before August 10, 2011. The
7 granting of intervention, among other things, entitles a party to present sworn
8 evidence at hearing and to cross-examine other witnesses. However, failure to
9 intervene will not preclude any customer from appearing at the hearing and making a
10 statement on such customer's own behalf.

11 If you have any questions about this application, you may contact the applicant at
12 [insert telephone number]. If you wish to file written comments on the application
13 or want further information on intervention, you may write the Consumer Services
14 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call
15 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

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

22 IT IS FURTHER ORDERED that the Arizona Department of Transportation shall cause
23 the above notice to be published at least once in a newspaper of general circulation in the city/county
24 where the crossing is located, with **publication to be completed no later than July 15, 2011**.

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

28 IT IS FURTHER ORDERED that **THE ARIZONA DEPARTMENT OF**
TRANSPORTATION SHALL FILE CERTIFICATION OF NOTICE WITH THE
COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE after the
mailing/publication of notice ordered herein has been completed.

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

IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules
of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission
pro 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 28TH day of June, 2011.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 28TH day of June, 2011 to:

11 Alex Popovici, Manager
12 Industry & Public Projects
13 UNION PACIFIC RAILROAD COMPANY
631 South 7th Street
Phoenix, AZ 85034-2203

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

14 Anthony J. Hancock
15 Terrance L. Sims
16 BEAUGUREAU, ZUKOWSKI
& HANCOCK, P.C.
302 East Coronado
Phoenix, AZ 85004
Attorneys for Union Pacific Railroad Company

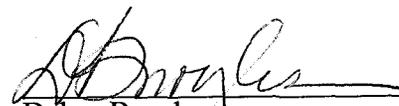
Brian Lehman, Chief
Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

17 Robert Travis, P.E.
18 State Railroad Liaison
19 ARIZONA DEPARTMENT OF
TRANSPORTATION
20 205 South 17th Avenue, Room 357
M/D 618E
Phoenix, AZ 85007

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

21 Luke Albert, City Traffic Engineer
22 CITY OF GOODYEAR
23 Engineering Department
195 North 145th Avenue, Building D
Goodyear, AZ 85338

24 Kelly Roy, Utility Project Coordinator
25 MARICOPA COUNTY DEPARTMENT
OF TRANSPORTATION
26 2901 West Durango Street
Phoenix, AZ 85009

27 By: 
28 Debra Broyles
Secretary to Marc Stern