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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 26 2012



IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE UNION
PACIFIC RAILROAD AT AGUA VERDE
ROAD, NEAR VAIL, PIMA COUNTY,
ARIZONA, USDOT NO. 741-308-N.

DOCKET NO. RR-03639A-12-0087

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On March 7, 2012, 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 Agua Verde Road near Vail, Pima County, Arizona at USDOT No. 741-308-N ("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 **June 7, 2012, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, 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 **May 22, 2012**.

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 **June 1, 2012**.

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 **May 21, 2012**.

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 AGUA VERDE ROAD NEAR VAIL, PIMA COUNTY,**
ARIZONA, USDOT NO. 741-308-N,
(DOCKET NO. RR-03639A-12-0087)

16 On March 7, 2012, the Arizona Department of Transportation (“ADOT”) filed with
17 the Arizona Corporation Commission (“Commission”) an application for approval
18 for the Union Pacific Railroad (“Railroad”) to upgrade an existing crossing at
19 Agua Verde Road, near Vail, Pima County, Arizona at USDOT No. 741-308-N.

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

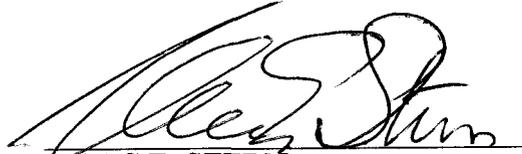
23 The Commission will hold a hearing on this matter commencing on **June 7, 2012, at**
24 **10:00 a.m.**, at the Commission’s offices, 1200 West Washington Street, Hearing
25 Room No. 1 Phoenix, Arizona. Public comments will be taken on the first day of the
26 hearing.

27 The law provides for an open public hearing at which, under appropriate
28 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 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 26th day of March, 2012.

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6
7
8 
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 26th day of March, 2012 to:

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

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