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BEFORE THE ARIZONA CORPORATI
Arizona Corporation Commission

COMMISSIONERS

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

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ARIZONA CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
UNION PACIFIC RAILROAD TO ABOLISH THE
PUBLIC AT-GRADE CROSSING AT MARTIN
ROAD, IN THE TOWN OF SAHUARITA, PIMA
COUNTY, ARIZONA AT USDOT NO. 742-137T.

DOCKET NO. RR-03639A-12-0338

PROCEDURAL ORDER

BY THE COMMISSION:

On July 25, 2012, the Union Pacific Railroad ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to abolish the public at-grade crossing at Martin Road, in the Town of Sahuarita, Pima County, Arizona at USDOT NO. 742-137T ("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 Railroad shall be considered an Application to close an existing public at-grade crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **October 18, 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 UNION PACIFIC RAILROAD SHALL PROVIDE THE TOWN OF SAHUARITA, PIMA COUNTY, AND ANY OTHER GOVERNMENTAL AGENCY OR INTERESTED PARTY** that may be affected by the Application with a copy and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section ("Staff") shall prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of

1 them with Docket Control on or before 4:00 p.m. on **September 27, 2012.**

2 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
3 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **October**
4 **8, 2012.**

5 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
6 105, except that all motions to intervene must be filed on or before **September 24, 2012.**

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

9 **PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE**
10 **APPLICATION OF UNION PACIFIC RAILROAD COMPANY TO ABOLISH**
11 **THE PUBLIC CROSSING AT MARTIN ROAD, IN THE TOWN OF**
SAHUARITA, PIMA COUNTY, ARIZONA AT USDOT NO.742-137T.
(DOCKET NO. RR-03639A-12-0338)

12 On July 25, 2012, the Union Pacific Railroad (“Railroad”) filed with the Arizona
13 Corporation Commission (“Commission”) an application for approval for the
14 Railroad to abolish the public at-grade crossing at Martin Road, in the Town of
Sahuarita, Pima County, Arizona at USDOT NO. 742-137T (“Application”).

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

17 The Commission will hold a **hearing** on this matter commencing on **October 18,**
18 **2012, at 10:00 a.m.,** at the Commission’s offices, 1200 West Washington Street,
Hearing Room No. 1, Phoenix, Arizona. Public comment will be taken on the first
19 day of the hearing.

20 The law provides for an open public hearing at which, under appropriate
21 circumstances, interested parties may intervene. Intervention shall be permitted to
22 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:

- 23 1. The name, address, and telephone number of the proposed intervener and of
24 any party upon whom service of documents is to be made if different than the
intervener.
- 25 2. A short statement of the proposed intervener’s interest in the proceeding (e.g.,
26 a customer of the Railroad, a neighboring property owner, a crossing user,
etc.).
- 27 3. A statement certifying that a copy of the motion to intervene has been mailed
28 to the Railroad or its counsel and to all parties of record in the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
 2 except that all motions to intervene must be filed on or before September 24,
 3 2012. If representation by counsel is required by Rule 31 of the Rules of the
 4 Arizona Supreme Court, intervention will be conditioned upon the intervener
 5 obtaining counsel to represent the intervener. For information about requesting
 6 intervention, visit the Arizona Corporation Commission's webpage at
<http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The 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 customer from appearing at the hearing and making a statement
on such customer'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
 9 or want further information on intervention, you may write the Consumer Services
 10 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
 85007 or call 602-542-4251 or 1-800-222-7000 or appear at the hearing and make
 comment.

11 The Commission does not discriminate on the basis of disability in admission to its
 12 public meetings. Persons with a disability may request a reasonable accommodation
 13 such as a sign language interpreter, as well as request this document in an alternative
 14 format, by contacting Shaylin Bernal, ADA Coordinator, 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.

15 **IT IS FURTHER ORDERED** that the **Union Pacific Railroad shall cause the above notice**
 16 **to be published** at least once in a newspaper of general circulation in the Town of Sahuarita where
 the crossing is located, with **publication to be completed no later than September 4, 2012.**

17 **IT IS FURTHER ORDERED** that the **Union Pacific Railroad shall post visible signs** within
 18 10 feet of each side of the approach to the public at-grade crossing notifying the public of the
 19 proposed closure **no later than September 4, 2012**, in the following form and style:

20 NOTICE

21 AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION
 22 COMMISSION TO CLOSE THIS PUBLIC AT-GRADE CROSSING. THE
 23 COMMISSION WILL HOLD A HEARING ON THIS MATTER COMMENCING
 ON **OCTOBER 18, 2012, AT 10:00 A.M.**, AT THE COMMISSION'S OFFICES,
 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA. PUBLIC
 24 COMMENT WILL BE TAKEN ON THE FIRST DAY OF THE HEARING.
 PUBLIC CONCERNS CAN BE MADE IN WRITING TO THE RAILROAD
 SAFETY SECTION, C/O ARIZONA CORPORATION COMMISSION, 1200
 25 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007, OR CALL 602-
 542-4251 OR 1-800-222-7000 OR APPEAR AT THE HEARING AND MAKE
 26 COMMENT.

27 Sign specifications are as follows:

- 28 a. a metal sign with 1-1/2" black letters on white background;
- b. mounted on 4" x 4" wood post or a sturdy steel post which is at least 6' tall.

1 IT IS FURTHER ORDERED that notice shall be deemed complete upon the publication of
2 same, notwithstanding the failure of an individual or entity to read or receive the notice.

3 IT IS FURTHER ORDERED that **THE UNION PACIFIC RAILROAD SHALL FILE**
4 **CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS**
5 **SOON AS PRACTICABLE** after the publication of notice ordered herein has been completed.

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

9 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
10 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
11 ruling at hearing.

12 DATED this 2nd day of August, 2012.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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18 Copies of the foregoing mailed/delivered
19 this 2nd day of August, 2012 to:

20 Alex Popovici, Manager
21 Industry & Public Projects
22 UNION PACIFIC RAILROAD COMPANY
23 631 South 7th Street
24 Phoenix, AZ 85034-2203

25 Anthony J. Hancock
26 Terrance L. Sims
27 BEAUGUREAU, HANCOCK, STOLL,
28 & SCHWARTZ, P.C.
302 East Coronado Road
Phoenix, AZ 85004
Attorneys for Union Pacific Railroad Co.

Daniel J. Hochuli, Town Attorney
TOWN OF SAHUARITA
375 West Sahuarita Center Way
Sahuarita, Arizona 85629

1 Vicki Bever, Manager
Utility & Railroad Engineering
2 ARIZONA DEPARTMENT OF TRANSPORTATION
205 South 17th Avenue, M/D 618E
3 Phoenix, AZ 85007-3212

4 Janice Alward, Chief Counsel
Legal Division
5 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
6 Phoenix, Arizona 85007

7 Brian Lehman, Chief
Railroad Safety Section
8 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
9 Phoenix, Arizona 85007

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

12 By: 
13 Debra Broyles
14 Secretary to Marc E. Stern

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