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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

Arizona Corporation Commission

**DOCKETED**

FEB 18 2014

DOCKETED BY 

RECORDED  
AZ CORP COMMISSION  
DOCKET CONTROL

2014 FEB 18 AM 10 09

**ORIGINAL**

IN THE MATTER OF THE APPLICATION OF  
THE TOWN OF QUEEN CREEK TO UPGRADE  
AN EXISTING CROSSING OF THE UNION  
PACIFIC RAILROAD COMPANY AT OCOTILLO  
ROAD IN QUEEN CREEK, MARICOPA  
COUNTY, ARIZONA, USDOT NO. 741-837-W.

DOCKET NO. RR-03639A-14-0035

**PROCEDURAL ORDER**  
**(Schedules Hearing)**

**BY THE COMMISSION:**

On February 5, 2014, the Town of Queen Creek ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Ocotillo Road in Queen Creek, Maricopa County, Arizona at USDOT No. 741-837-W ("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 Town of Queen Creek 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 **April 25, 2014, 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 ten business days of receipt of this Procedural Order, the **TOWN OF QUEEN CREEK SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy

1 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 **April 8, 2014**.

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 **April 18, 2014**.

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 26, 2014**.

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

**IN THE MATTER OF THE APPLICATION OF THE TOWN OF**  
**QUEEN CREEK TO UPGRADE AN EXISTING CROSSING OF**  
**THE UNION PACIFIC RAILROAD COMPANY AT OCOTILLO**  
**ROAD IN QUEEN CREEK, MARICOPA COUNTY, ARIZONA,**  
**USDOT NO. 741-837-W,**  
**(DOCKET NO. RR-03639A-14-0035)**

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15  
16 On February 5, 2014, the Town of Queen Creek filed with the Arizona Corporation  
17 Commission (“Commission”) an application for approval for the Union Pacific  
18 Railroad to upgrade an existing crossing at Ocotillo Road in Queen Creek,  
19 Maricopa County, Arizona at AAR/DOT No. 741-837-W.

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](http://www.azcc.gov)) using the e-docket function.

23 The Commission will hold a hearing on this matter commencing on **April 25, 2014,**  
24 **at 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  
26 the 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 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  
to the Applicant or its counsel and to all parties of record in the case.

3  
4 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
that all motions to intervene must be filed on or before March 26, 2014. The  
5 granting of intervention, among other things, entitles a party to present sworn  
evidence at hearing and to cross-examine other witnesses. However, failure to  
6 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  
[insert telephone number]. If you wish to file written comments on the application  
8 or want further information on intervention, you may write the Consumer Services  
Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call  
9 602-542-4251 or 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  
public meetings. Persons with a disability may request a reasonable accommodation  
11 such as a sign language interpreter, as well as request this document in an  
alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone  
12 number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as  
early as possible to allow time to arrange the accommodation.

13  
14 IT IS FURTHER ORDERED that **the Town of Queen Creek** shall cause the above notice to  
15 be published at least once in a newspaper of general circulation in the city/county where the crossing  
is located, with **publication to be completed no later than March 14, 2014**.

16  
17 IT IS FURTHER ORDERED that notice shall be deemed complete upon the  
18 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive  
the notice.

19  
20 IT IS FURTHER ORDERED that **THE TOWN OF QUEEN CREEK SHALL FILE**  
21 **CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS**  
22 **SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been  
completed.

23  
24 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
25 Communications) applies to this proceeding as the matter is now set for public hearing

26 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules  
27 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission  
28 *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 18<sup>th</sup> day of February, 2014.

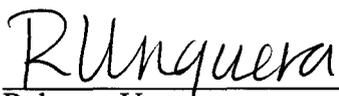
6  
7   
8 SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 18<sup>th</sup> day of February, 2014 to:

11 Tom Narva  
TOWN OF QUEEN CREEK  
22350 S. Ellsworth Road  
12 Queen Creek, AZ 85124

COASH & COASH, INC.  
Court Reporting, Video and Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006

13 Dick Yano  
14 AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC.  
15 4600 East Washington Street, Suite 600  
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By:   
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24 ARIZONA CORPORATION COMMISSION  
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25 Phoenix, AZ 85007

26 Brian Lehman, Chief  
Railroad Safety Section of the Safety Division  
27 ARIZONA CORPORATION COMMISSION  
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