

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Town of Oshkosh for a Determination of the Adequacy)
of Protective Devices at the Public Crossing of the Fox Valley) 9068-RX-27
Western Railroad Company Tracks with Vinland Road in the)
Town of Oshkosh, Winnebago County)

FINDINGS OF FACT AND ORDER

By letter dated April 25, 1995, the Town of Oshkosh filed a petition with the Office of the Commissioner of Railroads (Office) under §195.28, Wis. Stats., for a determination of the adequacy of protective devices at the public crossing of the Fox Valley Western Railroad Company (FVW) tracks with Vinland Road in the Town of Oshkosh, Winnebago County (Crossing No. 179-805T).

A meeting was held at the site of the Vinland Road/FVW crossing on August 20, 1996, by the Office staff. Minutes and safety recommendations were prepared. The Office received another petition by the City of Oshkosh on October 16, 1997 also requesting the Office investigate the Vinland Road/FVW crossing. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

The Vinland Road./FVW crossing is located in a commercial and residential area in the northwest part of the City of Oshkosh. Vinland Road has a 23 foot wide asphalt driving surface. It intersects the railroad tracks at an angle of approximately 90°. The roadway approaches to the crossing occur at a grade of 1% ascending on the north approach and 1% descending on the south approach.

The crossing is constructed of asphalt on either side of the running rail and is in fair driving condition for the highway user.

Vinland Road carried an average daily traffic (ADT) of 2600 vehicles per day currently at a legal speed limit of 45 mph. The ADT is expected to increase because of the surrounding area being developed for residential and industrial uses.

A highway user traveling at 45 mph. requires a safe stopping distance of 395 feet. The crossing is visible from approximately 800 feet on the north and south roadway approaches. Assuming a train speed of 10 mph., a highway user traveling at 45 mph. needs to see a train when it is 100 feet from the crossing from a point 395 feet down the highway. The sight distance available in each quadrant from the safe stopping distance is approximately: 400 ft in the northwest quadrant, 50 ft. in the northeast quadrant, 200 ft. in the southwest quadrant and 50 ft. in the southeast quadrant. The

train viewing distance (TVD) for the highway user is poor from the safe stopping distance in the NE and SE quadrants.

The FVW operates 2-4 through rail movements per day over the crossing at a timetable speed of 10 mph. The railroad operates 2-4 switch movements each day. The average length of the trains is 5-10 cars.

Office records show that five accidents occurred at this crossing between 1977 and the present. Accidents occurred in 1977, 1979, 1979(1-injured), 1994, 1995(3-injured). Rain, snow, and fog conditions were involved in three accidents. Two vehicles were northbound, three were southbound. Three trains were eastbound, and two were westbound.

The crossing is presently protected with crossbucks. This protection is not adequate. In order to protect public safety twelve-inch light-emitting diode(LED) automatic flashing lights with a sidelight for the private entrance in the northeast quadrant and type "C" circuits are needed due to the volume and speed of highway traffic. Pending the installation of the flashing-light signals, the installation of reflective back-to-back crossbucks with 2" wide reflective strips on the front and back of the crossbuck posts on each approach to the crossing is also needed.

Finding of Ultimate Fact

THE COMMISSIONER FINDS:

1. That in order to adequately protect and promote public safety at the crossing of the tracks of the Fox Valley Western Ltd. with Vinland Road in the Town of Oshkosh, Winnebago County it is necessary to install and maintain automatic flashing lights with a sidelight and type "C" circuitry.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28 , Wis. Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the Fox Valley Western Ltd. shall install and maintain automatic 12-inch flashing light signals with LED lenses, a sidelight, and type "C" circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with Vinland Road at-grade in the Town of Oshkosh, Winnebago County by June 1, 1999 (Crossing No. 179-805T).

2. That the Fox Valley & Western Ltd. shall install and maintain new reflective back-to-back crossbucks with 2" wide reflective vertical strips on the full length of the front and back of the support posts on each approach to the crossing of its tracks with Vinland Road at-grade in the Town of Oshkosh, Winnebago County by May 1, 1998.

3. That the Fox Valley Western Railroad shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

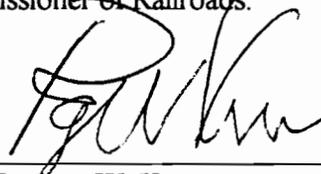
4. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

5. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin, February 3, 1998.

By the Office of the Commissioner of Railroads.



Rodney W. Kreunen
Commissioner of Railroads