

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Application of Walworth County for an
Exemption from the Railroad Track Clearance
Law of Structures at CTH C in the Town of Darien, Walworth County

9170-RV-245

NOTICE OF INVESTIGATION, FINDINGS OF FACT AND ORDER

On September 9, 2009, Walworth County (County) filed an application with the Office of the Commissioner of Railroads under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and RR 2.16, Wis. Adm. Code, for an exemption from the railroad track clearance laws of structures located at the structure of CTH C over the Wisconsin and Southern Railroad Company, Inc. (WSOR) in the Town of Darien, Walworth County. The County plans to redeck the structure which will provide a vertical clearance of 22 feet 5 inches above top of rail.

A stipulation between the County and WSOR on this matter was filed with the OCR. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

Walworth County and the Wisconsin and Southern Railroad Co. plan the redecking of the bridge carrying CTH C over the WSOR tracks. As part of the redecking, the design will lower the existing minimum vertical clearance of the structure from 22 feet 8 inches to 22 feet 3 inches. Horizontal clearances from track centerline will not change, and will be 22 feet 9 inches on the south, and 22 feet 7 inches on the north. The line of track runs from Elkhorn to Beloit. The track grade at the structure is .42 and the track is tangent. Approximately 4300 rail cars per month are moved over this line of track. Telltales would be impractical at this location.

Wisconsin law requires a minimum of 23 feet vertical clearance. The petitioner seeks exemption from this requirement.

Construction and maintenance of the CTH C structure will not imperil life and limb, and the public interest permits such construction, subject to the conditions set forth in the following order.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the Office has jurisdiction under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and 2.16, Wis. Adm. Code, to grant the requested exemption, and such an appropriate order should be entered in accordance with the above Findings of Fact.

Order

THE COMMISSIONER THEREFORE ORDERS:

1. That an exemption from the railroad clearance and telltale requirements of sections 192.31 and 192.53, Wis Stats., and sections RR 2.15 and RR 2.16, Wis Adm. Code, is hereby granted with respect to the structure of CTH C in the Town of Darien, Walworth County, crossing number 387 949V.

2. That the clearances authorized, subject to the aforementioned condition, is a minimum vertical clearance of 22 feet 5 inches above top of rail.

3. That jurisdiction is retained.

Dated at Madison, Wisconsin **SEP 23 2009**

By the Office of the Commissioner of Railroads



Roger Breske, Commissioner