

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the City of Superior for the Closure of Nine Public Crossings of the Union Pacific Railroad Co. and Soo Line Railroad Co. Tracks in the City of Superior, Douglas County

9005-RX-86

SECOND SUPPLEMENTAL ORDER

On March 28, 2003, the Office of the Commissioner of Railroads issued an order for the closure for nine public crossings of the Union Pacific Railroad Co. (UP) and Soo Line Railroad Co. (Soo Line) tracks upon petition of the City of Superior. The crossings to be closed included Elm Avenue at N. 12th Street (crossing no. 186 164F / OB 64.94). Jurisdiction: Secs. 195.28 and 195.29, Stats. Closing a crossing means that the roadway is terminated at the tracks and permanently closed to public travel.

On April 24, 2003, the Commissioner issued a temporary stay of the order to close the Elm Avenue crossing in response to a letter from Superior Truck, Inc. Subsequently, the Superior Truck company moved from the affected site. The City of Superior has asked the OCR to proceed with closure of the crossing.

On May 25, 2006, the Commissioner issued a Supplemental Order reinstating the original order to close the Elm Avenue at 12th Street crossing of the UP tracks.

By letter dated June 8, 2006, the City of Superior filed a request to reconsider the closure and a request for rehearing. The City cites the negative impact on business owners, inconvenience to residents, and the negative impact to the health, safety, and welfare of residents due to longer emergency response times.

By letter dated June 13, 2006, Twin Ports Auto Parts, Inc., filed a petition for a rehearing.

The Commissioner **stays the order and grants the request for the rehearing**. The rehearing will be scheduled at a later date.

THEREFORE, IT IS ORDERED,

1. That the provisions of the order issued in this docket on March 28, 2003 and May 25, 2006 with respect to the closure of **Elm Avenue** are hereby **stayed**. **Neither the Union Pacific Railroad Co. nor the City of Superior shall take steps to close the Elm Avenue crossing.**

2. That jurisdiction is retained.

Dated at Madison, Wisconsin, (June 22, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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