

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

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. 12<sup>th</sup> Street (crossing no. 186 164F / OB 64.94).

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Closing a crossing means that the roadway would be terminated at the tracks and would be 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. Superior Truck indicates that the closure will cause severe access limitations to its property due to the narrow width of the roadways and the large size of the trucks accessing its property. The Commissioner stayed the order with respect to the closure of the Elm Avenue crossing until the OCR could investigate further and determine whether to conduct further hearing, rescind the order, or leave the order as is regarding Elm Avenue.

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.

The Commissioner hereby reinstates the original order to close the Elm Avenue at 12<sup>th</sup> Street crossing of the UP tracks.

THEREFORE, IT IS ORDERED,

1. That the **Union Pacific Railroad Co.** shall remove the crossing surfaces and warning devices for the crossing at-grade of their tracks with Elm Avenue at N. 12<sup>th</sup> Street in the City of Superior, Douglas County by **July 28, 2006** (crossing no. 186 164F / OB 64.94).

2. That the **City of Superior** shall remove the roadway approaches to the crossings at-grade with the Union Pacific Railroad Co. with Elm Avenue at N. 12<sup>th</sup> Street in the City of Superior, Douglas County by **July 28, 2006**.

3. That the **City of Superior and the Union Pacific Railroad Co.** shall coordinate the removal of the crossing.

4. That in conjunction with the removal of the crossings, the **City of Superior** shall install Type III barricades with red and white stripes at or near the terminus of each approach to the crossings at-grade in the City of Superior, Douglas County by **July 28, 2006** [see Sections 3F-1, 6C-8 and Figure 6-14 in the Manual on Uniform Traffic Control Devices (MUTCD)].

5. That the **City of Superior** shall bear the costs to install and maintain the barricades and remove the roadway approaches.

6. That the **Union Pacific Railroad Co** shall bear the costs to remove the crossings and warning devices.

7. That jurisdiction is retained.

Dated at Madison, Wisconsin, (May 25, 2006).

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen  
Commissioner of Railroads

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