

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Town of Packwaukee, Marquette County, Wisconsin for a hearing relative to the repair or replacement of the existing highway bridge at the Public Crossing of the Union Pacific Railroad Company Tracks with Tenth Road (crossing Number 179-223N) in the Town of Packwaukee, Marquette County

9040-RX-1169

INTERIM ORDER

WHEREAS, public hearing was held in this matter pursuant to due notice on October 28, 2003, followed by four hearings on orders to show cause why certain relief should not be granted petitioner for the repair or replacement of said bridge, all with Hearing Examiner David J. Meier presiding and

WHEREAS, the parties have concluded that the best available resolution of the issues is to replace the bridge using funds available from the "Local Bridge Replacement Program", but that no agreement or stipulation so to do has been signed. Further, once such agreement might be reached, a period of at least two years will be required for State approval and construction, and

WHEREAS, the Union Pacific Railroad Company has submitted engineering analysis and a proposal to repair the bridge at its own expense and on a schedule incorporated in this order,

NOW, THEREFORE, IT IS HEREBY ORDERED, AS FOLLOWS:

- 1) That the Union Pacific Railroad Company shall, at its own expense, repair or cause the repair of its bridge at the crossing of its tracks by 10th Road in the Town of Packwaukee, Marquette County (crossing Number 179-223N) in accordance with those plans of TransSystems Corporation bearing last approval date of October 1, 2004 and provided to the Office of the Commissioner of Railroads on October 7, 2004. Such repairs shall include, at a minimum, the complete removal of the bridge deck and railings, the removal and replacement of the damaged westerly steel beam stringer, the removal and replacement of those wood stringers and blocks showing signs of decay and the replacement with new materials of the deck and railings. These repairs shall be completed so that the bridge may be fully reopened for use by the public on or before January 1, 2005.

- 2) This order is entered in contemplation of and reliance on an agreement between the parties for the transfer of ownership of the bridge to the Town of Packwaukee within three years and upon successful application for replacement of said bridge through the Local Bridge Replacement Program. Therefore, the parties are hereby ordered to submit to this Office a stipulation evidencing their agreement to do the same by November 12, 2004.

Dated at Madison, Wisconsin, this 12th day of October, 2004.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen, Commissioner

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