

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Union Pacific Railroad Co. Tracks with CTH 'R' in the Town of Lebanon, Dodge County

9040-RX-1199

FINDINGS OF FACT AND ORDER

On March 3, 2005, the Commissioner of Railroads directed the staff of the Office of the Commissioner of Railroads (OCR) to investigate the adequacy of warning devices under §195.28, Stats., at the grade crossing of the Union Pacific Railroad Co. (UP) tracks with CTH 'R' in the Town of Lebanon, Dodge County (Crossing No. 179 096P / MP 282.58). CTH 'R' was formerly known as STH 109.

An OCR investigator inspected the crossings in March 2005. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

CTH 'R' is 45' wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 90°. CTH 'R' carries an average daily traffic (ADT) of 1400 at a legal speed limit of 25 mph.

The UP operates 6 train movements per day over the crossing at a timetable speed of 30 mph. The railroad operates 4 through movements and 2 switch movements each day. The crossing consists of one mainline track and one industrial spur track.

The exposure factor at this crossing is 8400. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

No train-vehicle accidents have occurred at this crossing since 1973.

The Wisconsin Department of Transportation has produced a benefit-cost analysis for all at-grade crossings in the state. Installing new automatic flashing lights with gates and constant warning time circuitry at the CTH 'R' crossing has a net benefit of about \$336,000. The benefit-cost ratio is about 2.94 meaning that the public will receive \$2.94 in safety benefits for each dollar expended.

The crossing is presently protected with cantilevered 12" incandescent automatic flashing lights and advance warning signs. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety cantilevered 12" LED automatic flashing lights with gates and constant warning time circuitry is needed.

Constant warning time circuitry adjusts for train speed and causes the crossing signals to always operate for the same amount of time before the train reaches the crossing, regardless of train speed. A motion detector simply detects the train operation, but does not adjust for train speed so that the amount of warning time varies based on train speed.

Light emitting diodes (LED) lamps replace incandescent bulbs. LEDs have higher conspicuity, a wider cone of vision, and longer life than incandescent lights. LEDs are especially useful on east-west roadways where the rising and setting sun may make the signals difficult to see.

Source of funding: The signal materials and installation shall be paid from OCR safety funds.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety, it is necessary to install and maintain cantilevered 12" LED automatic flashing lights with gates and constant warning time circuitry at the crossing of the tracks of Union Pacific Railroad Co. with CTH 'R' in the Town of Lebanon, Dodge County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

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

Order

THE COMMISSIONER ORDERS:

1. That the **Union Pacific Railroad Co.** shall install and maintain cantilevered 12" LED automatic flashing lights with gates, and constant warning time 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 **CTH 'R'** at-grade in the Town of Lebanon, Dodge County by **December 31, 2008** (Crossing No. 179 096P / MP 282.58).

2. That the **Union Pacific Railroad Co.** 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.

3. 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.

4. That to the extent feasible the **Union Pacific Railroad Co.** shall re-use the existing signal equipment.

5. That the **Union Pacific Railroad Co.** shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

6. 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.

7. That jurisdiction is retained.

Dated at Madison, Wisconsin, (July 10, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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