

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Union Pacific Railroad Co. for the Closure of a Public Crossing of the Union Pacific Railroad Co. Tracks with CTH 'A' in the Town of Somers, Kenosha County

9040-RX-1242

Petition of the Union Pacific Railroad Co. for the Closure of a Public Crossing of the Union Pacific Railroad Co. Tracks with CTH 'L' in the Town of Somers, Kenosha County

9040-RX-1243

ORDER OF DISMISSAL

By letter dated June 28, 2007, the Union Pacific Railroad Co. (UP) petitioned the Office of the Commissioner of Railroads (OCR) under s. 195.29 Stats., for the closure of the public crossings of its tracks with CTH 'A' and CTH 'L' in the Town of Somers, Kenosha County (crossing nos. 176 884W and 176 889F). The closure of a crossing means that the roadway is permanently closed to public travel at the tracks.

The OCR has already recently ordered safety improvements at these crossings. On February 20, 2006, the Commissioner of Railroads issued an order after notice and investigation for the installation of 12" LED automatic flashing lights with gates, constant warning time circuitry at the CTH 'A' crossing by December 31, 2008 and the CTH 'L' crossing by December 31, 2007.

The Commissioner has already committed federal funding to these new warning devices. In fact, the railroad signed the agreement for the installation of the warning devices at the CTH 'L' crossing with the State of Wisconsin on November 2, 2007. The deadline for the installation of the warning devices needs to be adjusted for the CTH 'L' crossing to December 31, 2008, which will be done by separate order.

The **Commissioner of Railroads hereby dismisses these petitions** because the OCR has recently determined the steps necessary to adequately protect and promote public safety at these crossings. The UP makes no showing that a substantial change has occurred to warrant reconsidering those orders. Pursuing the consideration of closing these crossings would waste the limited investigative and hearing resources of the Office of the Commissioner of Railroads.

THEREFORE IT IS ORDERED,

That these matters are **dismissed**.

Dated at Madison, Wisconsin, (November 26, 2007).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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