

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Alteration of a Public Crossing of the Union Pacific Railroad Co. Tracks with STH 11 (Durand Avenue) in the City of Racine, Racine County

9040-RX-1231

ORDER OF DISMISSAL

By letter dated July 10, 2006, the Wisconsin Department of Transportation (DOT) filed a petition with the Office of the Commissioner of Railroads (OCR) under §§84.05 and 195.29, Stats., for the alteration of a public crossing of the Union Pacific Railroad Co. (UP) tracks with STH 11 (Durand Avenue) in the City of Racine, Racine County (crossing no. 176 684M / MP 59.48). The track is the Kenosha Subdivision. The DOT proposes to reconstruct STH 11 (Durand Avenue) under the UP tracks.

Pursuant to due notice, public hearing was held in this matter on September 21, 2006 in Madison, Wisconsin with hearing examiner Douglas S. Wood presiding. At the conclusion of the hearing, the parties agreed to continue negotiating a stipulation and that the OCR should withhold issuing a decision.

On November 28, 2007, the DOT notified the OCR that the parties had reached agreement on all issues. Under s. 84.05 Stats., no order is needed from the OCR and DOT requested that the matter be dismissed.

THEREFORE IT IS ORDERED,

That this matter is dismissed.

Dated at Madison, Wisconsin, (November 29, 2007).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads