

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Village of Mt. Pleasant for the Alteration of a Public Crossing of the Union Pacific Railroad Co. Tracks with Old Spring Street in the Village of Mt. Pleasant, Racine County

9040-RX-1232

Petition of the Union Pacific Railroad Co. for the Closure of Public Crossing of Its Tracks with Gittings Road and Old Spring Street in the Village of Mt. Pleasant, Racine County

9040-RX-1217

FINAL DECISION

By letter dated March 26, 2008, the Village of Mt. Pleasant requested that the Office of the Commissioner of Railroads (OCR) proceed to schedule a hearing on its 2006 petition to the OCR for the alteration of a public crossing of the Union Pacific Railroad Co. (UP) tracks with Old Spring Street in the Village of Mt. Pleasant, Racine County (crossing no. 176 870N). Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on June 10, 2008, in Mt. Pleasant, Wisconsin with hearing examiner Douglas S. Wood presiding.

On July 10, 2008, the hearing examiner issued a proposed decision. The OCR received no comments on the proposed decision. The Commissioner adopts the proposed decision as final.

Appearances:

Parties

Village of Mt. Pleasant, Petitioner
by
William Sasse, PE
Director of Engineering
6126 Durand Avenue
Racine, WI 53406

In Support:

Union Pacific Railroad Co.
by
Richard Ellison
Manager - Industry & Public Projects
301 West Lake Street
Northlake, IL 60164

Findings of Fact

THE COMMISSIONER FINDS:

The Village of Mt. Pleasant plans to reconstruct Old Spring Street from a 2-lane rural roadway to a 2-lane urban roadway in 2009. Subsequent to the hearing, the OCR advised the Village of Mt. Pleasant that federal and state safety funds would be available for the new warning devices in 2010.

The Village responded that it would like to avail itself of the federal and state funding, but would also like to construct as much of the Old Spring Street project as possible in 2008 and address the crossing similar to the STH 20 North Frontage Road where temporary concrete barriers were put in place to direct the traffic to the existing crossing. The OCR will use its federal and state safety funding for the cost of new signals, provided that the Village of Mt. Pleasant shall pay \$35,000 to offset the added cost of the cantilevered signals.

Old Spring Street is 22' wide with 3'- to 8'-wide shoulders and intersects the tracks at an angle of 83°. The roadway approaches to the crossing are nearly level. The crossing consists of one mainline track.

Reconstructed Old Spring Street will be 48'-wide face-to-face of curb. The roadway will be marked as a two-lane roadway. The angle of intersection with the railroad tracks will remain 83°. This project will widen a short section of Old Spring Street to Airline Road (about 1300'). Reconstructed Old Spring Street will then match Stuart Road, which is being widened to 48' in 2008. Old Spring Street intersects Stuart Road about 750' west of the UP crossing and Airline Road about 550' east of the crossing. Taken together, Stuart Road, Old Spring Street, and Airline Road form a north-south corridor with Old Spring Street being a short east-west jog.

Old Spring Street carries 3500 ADT (average daily traffic). The Village projects Old Spring Street will carry 7000 ADT in the design year of 2029. The speed limit is and will remain 35 mph.

The railroad currently operates 18 through train movements per day over the crossing at a speed of 50 mph. The railroad also operates 4 switch movements per day at speed of 30-40 mph.

A driver traveling at 35 mph needs a distance of 281' to stop safely. The crossing warning devices are visible from more than 640' in each direction. The approach sight distance is adequate.

Assuming a train speed of 50 mph, a driver traveling at 35 mph needs to see a train when it is 510' from the crossing from a point 281' down the highway. The sight distance available in each quadrant from the safe stopping distance is more than 510' according to the crossing report submitted by the Village.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the

vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle. The necessary clearing sight distance at the Old Spring Street crossing is 1120’. The available clearing sight distance is less than 1120’ in the northeast and northwest quadrants. The clearing sight distance is inadequate in those two quadrants.

The exposure factor at this crossing is 77,000. The exposure factor at this crossing will exceed 154,000 in the design year assuming 22 train movements per day. 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.

Accidents that do occur here will likely be quite serious if a through train is involved due to their 50 mph speed. Train speed is strongly correlated with fatalities in train/vehicle accidents. More specifically, crossings with train speeds of 40 mph and over have a disproportionate number of fatalities.

The crossing presently has 12” mast-mounted automatic flashing lights for warning devices. Conditions warrant upgrading the warning devices at this crossing. 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 are needed. Cantilevered signals are needed due to the increased width of the roadway.

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.

In summary, the alteration of the crossing at-grade of the Union Pacific Railroad Co. tracks with Old Spring Street will promote public safety and convenience by completing an improved north-south corridor.

Source of funding: The OCR will fund the cost for the signal materials and installation from state and federal safety funds, except that the Village of Mt. Pleasant will pay \$35,000 to offset the additional cost of cantilevered signals.

The crossing construction shall be pro-rated between the Village of Mt. Pleasant and the UP based on the existing crossing length and the new crossing length. The railroad is responsible for maintaining the existing crossing under state law. The existing crossing is 33’ long. The new crossing will be 51’ long. The Village proposed that the UP pay 64% (representing the existing width) and the Village pay 36% of the crossing construction costs. That apportionment is reasonable.

The Village of Mt. Pleasant shall also be responsible for the cost of the temporary barricades used to funnel traffic.

Closure of Old Spring Street and Gittings Road Crossings

The Village of Mt. Pleasant originally petitioned the Office of the Commissioner of Railroads for the alteration of the Old Spring Street in August 2006. In October 2006, the OCR notified the Village that matter was being put on hold because then-Commissioner Kreunen had decided to investigate the closure of the Old Spring Street and Gittings Road crossings on his own initiative. Subsequently, the UP filed its own petition for the closure of the same two crossings in September 2007. The OCR has not proceeded further in the closure docket (9040-RX-1217).

At the hearing in this docket, the hearing examiner stated that the petition to close Old Spring Street would be dismissed as part of the approval of the alteration of the crossing. With respect to Gittings Road, however, the Village indicated its tentative agreement to the closure of the Gittings Road crossing *after* a north-south roadway (probably 90th Street) is extended to serve the area that now relies on Gittings Road. That improvement is not likely to be made for at least several years. The OCR suggests that the UP and the Village enter into a Memorandum of Understanding with respect to the closure of Gittings Road to memorialize the expectation that the crossing will be closed when the north-south connection is extended.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the alteration of the crossing at-grade of Old Spring Street with the Union Pacific Railroad Co. tracks in accordance with the design plans of the Village of Mt. Pleasant in the Village of Mt. Pleasant, Racine County will promote public safety and convenience.
2. 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.
3. That it is reasonable that the crossing construction cost be apportioned 64% to the Union Pacific Railroad Co. and 36% to the Village of Mt. Pleasant.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, 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 a crossing at-grade of **Old Spring Street** with its tracks in accordance with the design plans of the Village of Mt. Pleasant in the Village of Mt. Pleasant, Racine County by **August 31, 2010** (Crossing No. 176 870N).

2. That the **Union Pacific Railroad Co.** shall install and maintain **cantilevered** 12" LED automatic flashing lights with gates, constant warning time circuitry, and other 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 **Old Spring Street** at-grade in the Village of Mt. Pleasant, Racine County by **August 31, 2010** (Crossing No. 176 870N).

3. 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.

4. That the signal installation work herein ordered shall not begin until the regional 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.

5. That the **State of Wisconsin** shall pay the cost of the crossing signal materials and labor, except that the **Village of Mt. Pleasant** shall pay \$35,000 toward those costs.

6. That the **Union Pacific Railroad Co.** shall bear 64% of the cost of the crossing construction. The Village of Mt. Pleasant shall bear the remaining costs, 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.

7. That the **Village of Mt. Pleasant** shall install and maintain temporary traffic controls to channel traffic from the widened roadway to the existing crossing in coordination with the widening of **Old Spring Street** in 2008.

8. That the petition of the **Union Pacific Railroad Co.** for the closure of the crossing at-grade of **Old Spring Street** with its tracks in the Village of Mt. Pleasant, Racine County be **dismissed** (Crossing No. 176 870N).

9. That jurisdiction is retained.

Dated at Madison, Wisconsin, (August 6, 2008).

By the Office of the Commissioner of Railroads.

Roger Breske
Commissioner of Railroads

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