

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Improvement of a Public Crossing of the Union Pacific Railroad Co. Tracks with 60<sup>th</sup> Street in the City of West Allis, Milwaukee County

9040-RX-1257

FINAL DECISION

By letter dated March 24, 2008, the Wisconsin Department of Transportation (DOT) filed a petition with the Office of the Commissioner of Railroads (OCR) under §§86.13, 195.28, 195.285, and 195.29, Stats., for the alteration and improvement and exemption of a public crossing of the Union Pacific Railroad Co. (UP) tracks with 60<sup>th</sup> Street in the City of West Allis, Milwaukee County (crossing no. 177 236H).

DOT states that the City proposes that the crossing be exempted from the stopping requirement of s. 346.45 Stats. That section requires certain specified vehicles, such as fuel trucks and school buses, to stop at highway/rail crossings unless posted with an exempt sign. At the time of the hearing, DOT and the City withdrew the petition to exempt the crossing.

Pursuant to due notice, public hearing was held in this matter on June 26, 2008 in West Allis, Wisconsin with hearing examiner Douglas S. Wood presiding.

On August 8, 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**

Wisconsin Department of Transportation, Petitioner  
by  
Gregory A. Baer, PE  
Railroad Project Coordination Engineer  
PO Box 7914  
Madison, WI 53707-7914

In Support:

City of West Allis  
by  
Jeffrey J. Warchol  
Assistant City Attorney  
7525 W. Greenfield Avenue  
West Allis, WI 53214

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 Wisconsin Department of Transportation and the City of West Allis plan to reconstruct 60<sup>th</sup> Street from W. Lincoln Avenue to the north city limits in 2010. The project includes the reconstruction and improvement of the 60<sup>th</sup> Street crossing within its limits. The project would also add medians on the approaches to the crossing.

60<sup>th</sup> Street is a 4-lane undivided roadway. At the UP crossing, 60<sup>th</sup> Street is 50' wide between face of curbs with a 5'-wide sidewalk from the edge of the roadway on each side. 60<sup>th</sup> Street intersects the tracks at an angle of 66°. The crossing is 86' long. The crossing occurs at a crest vertical curve on the roadway. 60<sup>th</sup> Street ascends to the tracks at 2.8% grade on the south and 3.4% on the north. The crossing consists of two mainline tracks.

Mobile Street North and Mobile Street South run parallel to the tracks and also intersect with 60<sup>th</sup> Street about 40' to 50' from the 60<sup>th</sup> Street crossing. The close proximity of these intersections creates a number of turning movements over the crossing, which distracts drivers from the hazards of the crossing. The Mobile Street intersections will each become right-in/right-out only to eliminate traffic conflicts at the crossing.

The project will reconstruct 60<sup>th</sup> Street and add 5'-wide medians. Reconstructed 60<sup>th</sup> Street will consist of two lanes in each direction divided by the median in the vicinity of the crossing. Two 89'-long concrete-paneled crossings will be installed to replace the existing 86'-long full-timber plank crossings.

The condition of the existing crossing is the subject of a separate docket (9040-RX-1256). The UP has made temporary repairs to the crossing. Installing the concrete-paneled surfaces will require a slight track raise. The track raise will be accommodated in the roadway design. Installing the concrete-paneled surface in advance of the project without the ability to adjust the roadway for the track raise would create a very poor vertical profile.

60<sup>th</sup> Street carries 19,200 ADT (average daily traffic). The DOT projects 60<sup>th</sup> Street will carry 22,000 ADT in the design year of 2028. The speed limit is 30 mph.

The railroad currently operates 12 through and two switching train movements per day over the crossing at a speed of 30 mph.

The exposure factor at this crossing is about 320,000. 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.

Six train-vehicle accidents have occurred at this crossing since 1973. The crashes occurred in 1988, 1987 (2), 1985, 1978, and 1977.

The crossing presently has 12" incandescent automatic flashing lights with gates and constant warning time circuitry for warning devices. DOT proposes the installation of cantilevered 12" LED automatic flashing lights with gates and constant warning time circuitry. The proposed installation will adequately promote public safety.

*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 improvement of the crossing at-grade of the UP tracks with 60<sup>th</sup> Street will promote public safety and convenience by providing a safer crossing with medians and an improved driving surface.

**Source of funding:** The highway project will fund 100% of the signal materials and installation.

The highway project will fund 4% of the crossing construction and the UP will fund the other 96%. This pro-rated apportionment is based on the existing length for which the railroad is responsible (86') and the added length for which the highway project is responsible (3').

#### Ultimate Conclusions on the Issues

#### THE COMMISSIONER CONCLUDES:

1. That the improvement of the crossing at-grade of 60<sup>th</sup> Street with the Union Pacific Railroad Co. tracks in accordance with the design plans of the Wisconsin Department of Transportation and the City of West Allis in the City of West Allis, Milwaukee 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.
3. That it is reasonable that the UP bear 96% of the cost for the crossing construction.

#### 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 petition to exempt the crossing from the stopping requirement of s. 346.45 Stats., is **dismissed**.

2. That the **Union Pacific Railroad Co.** shall install and maintain a concrete-paneled crossing of each track crossing of **60<sup>th</sup> Street** with its tracks in accordance with the design plans of the Wisconsin Department of Transportation and the City of West Allis in the City of West Allis, Milwaukee County by **June 1, 2010** (Crossing No. 177 236H).

3. 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 **60<sup>th</sup> Street** at-grade in the City of West Allis, Milwaukee County by **June 1, 2010** (Crossing No. 177 236H).

4. 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.

5. 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.

6. That the **Union Pacific Railroad Co.** shall bear 96% of the cost of the crossing construction. The highway project 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 jurisdiction is retained.

Dated at Madison, Wisconsin, (August 28, 2008).

By the Office of the Commissioner of Railroads.

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Roger Breske  
Commissioner of Railroads

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