

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Department of Transportation for the Establishment of a Public Crossing of the Union Pacific Railroad Co. Tracks with the Racine-Sturtevant Bike Trail in the Village of Sturtevant, Racine County

9040-RX-1183

NOTICE OF INVESTIGATION AND HEARING  
AND ASSESSMENT OF COSTS

By letter dated April 29, 2004, the Wisconsin Department of Transportation (DOT) petitioned the Office of the Commissioner of Railroads (OCR) for the establishment of a public crossing of the Union Pacific Railroad Co. (UP) tracks with the Racine-Sturtevant Bike Trail in the Village of Sturtevant, Racine County. The DOT and Racine County plan to construct part of the Racine-Sturtevant Bike Trail in 2005. The DOT proposes to convert an existing private roadway crossing to a public recreational trail crossing. DOT proposes that the UP install a rubber rail-seal crossing surface.

Jurisdiction: Secs. 195.28 and 195.29, Stats.

The issues for the hearing are:

1. Would establishment of the crossing promote public safety and convenience?
2. Whether establishment of the crossing would be advisable under all the circumstances.
3. What warning devices would be necessary to adequately protect and promote public safety?
4. How shall the costs of the crossing construction be apportioned?

The Wisconsin Department of Transportation shall have the burden of proof on all issues.

If this proceeding is contested, it is deemed to be a Class I proceeding as defined in §227.01, Stats.

**PLEASE NOTE:** The Office will hold a public hearing at the **Office of the Commissioner of Railroads, 610 N. Whitney Way, Room 110, Madison, Wisconsin, on July 9, 2004, at 9:30 a.m.**

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Union Pacific Railroad Co. in accordance with §195.60, Stats., and RR 2.04.

Upon reasonable notice, the Office will accommodate the needs of disabled individuals. Contact the Office at (608) 266-9536, (608) 267-1479/TTY, or (Fax) (608) 261-8220, or by writing to the Office at 610 N. Whitney Way, Room 110, PO Box 8968, Madison, Wisconsin 53708-8968.

Please contact the OCR staff with any questions, at (608) 266-7607 or 266-0276.

Dated at Madison, Wisconsin, \_\_\_\_\_.

By the Office of the Commissioner of Railroads.

\_\_\_\_\_  
Douglas S. Wood, Hearing Examiner

9040N1183

## OCR NOTICE ROUTING SHEET

---

Docket #

Railroad

9040-RX-1183

Union Pacific Railroad Co.

---

Petitioner

Case Type

DOT

NEW

---

Hearing Date, Time and Location

Office of the Commissioner of Railroads, 610 N. Whitney Way, Room 110,  
Madison, Wisconsin, on July 9, 2004, at 9:30 a.m.

---

### MAILING LIST

---

1. Village of Sturtevant  
Clerk  
President  
Engineer/Director of Public Works  
Racine County Director of Public Works
2. Union Pacific Railroad Co. (railroad)
3. Racine or Sturtevant Newspaper
4. Basic List
5. STATE SEN. AND STATE REP.