

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Town of Packwaukee, Marquette County, Wisconsin for a hearing relative to the repair or replacement of the existing highway bridge at the Public Crossing of the Union Pacific Railroad Company Tracks with Tenth Road in the Town of Packwaukee, Marquette County

9040-RX-1169

NOTICE OF HEARING ON ORDER TO SHOW CAUSE

WHEREAS, the Union Pacific Railroad Company has submitted an engineering analysis of the condition of the subject bridge which, along with previously submitted engineering reports, details deterioration and damage to said bridge caused through lack of maintenance and a collision with the bridge by a train of the Union Pacific Railroad Company and,

WHEREAS, more than five months have passed since the hearing was held in this matter on October 28, 2003 and the subject bridge remains closed to travelers by reason of said damage and deterioration and,

WHEREAS, the Hearing Examiner is advised that the parties have each separately concluded that the best available resolution of the issues is to replace the bridge using funds available from the "local bridge replacement program", but that no agreement or stipulation so to do has been entered into by the parties and,

WHEREAS, the Hearing Examiner, absent agreement of the Parties, will not order bridge replacement through the "local bridge replacement program",

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that the parties show cause, if any they have, before the undersigned Hearing Examiner at the **Office of The Commissioner of Railroads, 610 North Whitney Way, Madison, Wisconsin, Suite 110, on April 22, 2004 at 10:00 A.M.**, why an order shall not be entered directing the removal of such bridge, the realignment and reconstruction of it's approaches and the replacement of such bridge with one meeting current design standards and, further, apportioning the expense of completing the same between the Parties as may appear reasonable, based upon the existing record in this matter.

Dated at Madison, Wisconsin, this 8<sup>th</sup> day of April, 2004.

By the Office of the Commissioner of Railroads.

---

David J. Meier, Hearing Examiner