

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, eleven 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" and,

WHEREAS, the hearing examiner is advised that the bridge cannot be replaced under the "Local Bridge Replacement Program" until the passage of at least two years,

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 October 7, 2004 at 10:00 A.M.**, why an order shall not be entered directing the immediate repair of such bridge by the Town of Packwaukee and at the expense of the Union Pacific Railroad Company to a standard deemed to return the bridge to full service to the public.

Dated at Madison, Wisconsin, this 28th day of September, 2004.

By the Office of the Commissioner of Railroads.

David J. Meier, Hearing Examiner

OCR NOTICE ROUTING SHEET

Docket #

Railroad

9040-RX-1169

Union Pacific Railroad Company

Petitioner

Case Type

Town of Packwaukee

Bridge Repair

Hearing Date, Time and Location

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MAILING LIST

1. *
Clerk
Engineer/Director of Public Works
* County Highway Commissioner
2. * (railroad)
3. * Newspaper
4. Basic List
5. *

routing