

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of Dodge County for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Union Pacific Railroad Co. Tracks with CTH 'S' in the Town of Beaver Dam, Dodge County

9040-RX-1177

FINDINGS OF FACT AND ORDER

Dodge County filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination under §195.28, Stats., of the adequacy of warning devices at the grade crossing of the Union Pacific Railroad Co. (UP) tracks with CTH 'S' in the Town of Beaver Dam, Dodge County (Crossing No. 179 140A / MP 267.98).

An OCR investigator inspected the crossings in July 2006. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

CTH 'S' is 24' wide in the vicinity of the crossing and intersects the railroad tracks at an angle of about 45° right-hand forward. The roadway approaches to the crossing are level. CTH 'S' carried an average daily traffic (ADT) of 710 according to 2004 DOT records at a legal speed limit of 55 mph.

The UP operates 8 train movements per day over the crossing at a timetable speed of 50 mph. The crossing consists of one mainline track.

A motorist traveling at 55 mph requires a safe stopping distance of 527'. The crossing is visible from 527' in each direction. Assuming a train speed of 50 mph, a motorist traveling at 55 mph needs to see a train when it is 550' from the crossing from a point 527' down the highway. The sight distance available in each quadrant from the safe stopping distance is inadequate in the northwest quadrant.

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 CTH 'S' crossing is 1120'. The available clearing sight distance is inadequate due to trees, buildings and the angle of the crossing.

The exposure factor at this crossing is 5680. 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.

Two train-vehicle accidents have occurred at this crossing since 1973.

The Wisconsin Department of Transportation has produced a benefit-cost analysis for all at-grade crossings in the state. Installing new automatic flashing lights with gates and constant warning time circuitry at the CTH 'S' crossing has a net benefit of about \$611,000. The benefit-cost ratio is about 3.66 meaning that the public will receive \$3.66 in safety benefits for each dollar expended.

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 has mast-mounted automatic flashing lights for warning devices. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of inadequate corner sight distance, inadequate clearing sight distance and projected net benefit.

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.

Source of funding: The signal materials and installation shall be paid from OCR safety funds.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry at the crossing of the tracks of Union Pacific Railroad Co. with CTH 'S' in the Town of Beaver Dam, Dodge County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, 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 12" LED automatic flashing lights with gates, and constant warning time circuitry with 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 CTH 'S' at-grade in the Town of Beaver Dam, Dodge County by **December 31, 2008** (Crossing No. 179 140A / MP 267.98).

2. 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.

3. That the signal installation work herein ordered shall not begin until the district 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.

4. That the Union Pacific Railroad Company shall bear no part of the cost of the crossing signals installation, 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.

5. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

6. That jurisdiction is retained.

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

By the Office of the Commissioner of Railroads.

Roger Breske
Commissioner of Railroads