

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Union Pacific Railroad Co. Tracks with STH 67 in the Town of Sharon, Walworth County

9040-RX-1136

SUPPLEMENTAL ORDER

On January 6, 2005, the Office of the Commissioner of Railroads (OCR) issued a supplemental order that, among other things, required the installation of mast-mounted 12" LED automatic flashing lights with gates, and constant warning time circuitry at the public crossing of the Union Pacific Railroad Co. (UP or railroad) tracks with STH 67 in the Town of Sharon, Walworth County by December 31, 2005 (Crossing No.177 027A / MP 71.71). On February 22, 2005, the Commissioner extended the deadline to June 30, 2006.

With regard to the source of funding, the supplemental order required that the State of Wisconsin would provide all necessary funding for the signal materials and the UP would bear the cost to install the signals.

Subsequently, the UP requested that the order be amended to provide for a 50/50 split between the railroad and the public. The Wisconsin Department of Transportation supports the request. The Commissioner agrees. The source of funding shall be 50% from the Union Pacific Railroad Co. and 50% from state safety funds.

THEREFORE, IT IS ORDERED,

1. That the **Union Pacific Railroad Co.** shall bear 50% of the cost for the signals materials and installation and the State of Wisconsin shall pay the remaining 50%. The Union Pacific Railroad Co. shall also be responsible 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.

2. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads