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CITY OF WEST ALLIS
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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 Two Public Crossings of the Union Pacific Railroad Co. Tracks with the West Allis Cross-Town Pathway in the City of West Allis, Milwaukee County

9040-RX-1299

NOTICE OF **SECOND RESCHEDULED HEARING**

By letter dated January 17, 2012, the Wisconsin Department of Transportation (DOT) petitioned the Office of the Commissioner of Railroads (OCR) for the establishment of two public crossings of the Union Pacific Railroad Co. (UP) tracks with the West Allis Cross-Town Pathway in the City of West Allis, Milwaukee County. The DOT and the City of West Allis propose to construct a multiuse pathway during the 2013 construction season. The pathway would cross the UP tracks at-grade in two locations; one crossing will be at Milepost 88.60 on the UP's Milwaukee Subdivision, the other crossing will be located on the connection track between the Milwaukee Subdivision and the Waukesha Subdivision. The City of West Allis will represent the DOT's interests at the hearing.

Jurisdiction: Secs. 195.28 and 195.29, Stats.

The issues for the hearing are:

1. Would establishment of each crossing promote public safety and convenience?
2. Would 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 City of West Allis 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 **West Allis City Hall, Room 128, 7525 W. Greenfield Avenue, West Allis, Wisconsin, on April 12, 2012, at 1:00 p.m.**

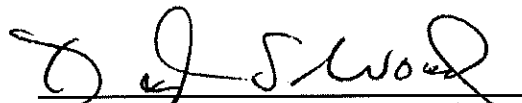
PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Union Pacific Railroad Co. in accordance with §195.60, Stats., and RR 2.04.

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 7854, Madison, Wisconsin 53707-7854.

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

Dated at Madison, Wisconsin, March 21, 2012.

By the Office of the Commissioner of Railroads.


Douglas S. Wood, Hearing Examiner

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