

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

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CITY OF WEST ALLIS  
CITY CLERK

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 Connector Trail in the City of West Allis, Milwaukee County

9040-RX-1334

NOTICE OF INVESTIGATION AND HEARING  
AND ASSESSMENT OF COSTS

By letter dated April 10, 2015, the Wisconsin Department of Transportation (DOT) petitioned the Office of the Commissioner of Railroads (OCR) pursuant to Wis. Stat. §§ 195.28 and 195.29 for the establishment of two public crossings of the Union Pacific Railroad Co. (UP) tracks with the West Allis Cross-Town Connector Trail in the City of West Allis, Milwaukee County. The DOT and the City of West Allis plan to create a multi-use public pathway which will connect STH 100 (S. 108<sup>th</sup> Street) to W. Burnham Street in the City of West Allis. The project would cross the UP's Waukesha Subdivision and the wye track connecting the Waukesha Subdivision and the Milwaukee Subdivision. The DOT proposes a crossing construction deadline of July 29, 2016. DOT project I.D. Number 2999-07-50.

The issues for the hearing are:

1. Would establishment of the crossings promote public safety and convenience?
2. Whether 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 DOT 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 Wis. Stat. § 227.01.

**PLEASE NOTE:** The Office will hold a public hearing at the West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin, on July 16, 2015 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 Wis. Stat. § 195.60 and Wis. Admin. Code § 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.

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The OCR now publishes all notices, orders, proposed decisions and final decisions on the Internet. These documents may be accessed at either <http://ocr.wi.gov/apps40/dockets/default.aspx> or on the Public Service Commission's website at <http://psc.wi.gov/>

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

Dated at Madison, Wisconsin, June 15, 2015.

By the Office of the Commissioner of Railroads.

  
Douglas S. Wood, Hearing Examiner

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