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 Consolidation the Public Crossings of the Wisconsin Central Ltd. Tracks with the CTH P (Racine Road) Interchange Ramps in the Town of Menasha and the Alteration and Exemption of the Public Crossing of the Wisconsin Central Ltd. Tracks with CTH AP (Midway Road) in the City of Menasha, Winnebago County

9164-RX-819

NOTICE OF INVESTIGATION AND HEARING
AND ASSESSMENT OF COSTS

By letter dated March 19, 2014, the Wisconsin Department of Transportation (DOT) petitioned the Office of the Commissioner of Railroads (OCR) pursuant to Wis. Stat. §§ 195.28, 195.285 and 195.29 for the consolidation three public crossings into one public crossing of the Wisconsin Central Ltd. (WCL) tracks with the CTH P (Racine Road) Interchange Ramps in the Town of Menasha and for the alteration and exemption of the public crossing of the WCL tracks with CTH AP (Midway Road) in the City of Menasha, Winnebago County.

The petition relates to two separate but related projects as part of DOT's reconstruction and expansion of USH 10/STH 441 in Winnebago County. As part of that project, the interchange with CTH P (Racine Road) in the Town of Menasha and the interchange with CTH AP (Midway Road) in the City of Menasha will be reconstructed and realigned.

CTH P (Racine Road) Interchange
Town of Menasha, Winnebago County

CTH P (Racine Road) Interchange Ramp (crossing no. 693 752L / MP 186.62) (to be removed),
CTH P (Racine Road) Interchange Ramp (crossing no. 693 753T / MP 186.66) (to be removed),
CTH P (Racine Road) Interchange Ramp (crossing no. 693 749D / MP 186.74) (to be removed),
New CTH P (Racine Road) Interchange Ramp – New crossing

The DOT proposes to consolidate three existing crossings of the CTH P (Racine Road) Interchange Ramp into one new crossing that would located about 0.03 miles north of the existing crossing no. 693 753T MP 186.66 .

CTH AP (Midway Road) Interchange
City of Menasha, Winnebago County

CTH AP (Midway Road) (crossing no. 386 624H / MP 187.54)

The DOT proposes to alter the CTH AP (Midway Road) crossing. The current crossing consists of four traffic lanes. The proposed crossing will consist of six traffic lanes and two bicycle lanes. The DOT also proposes to exempt the crossing from the stopping requirement of Wis. Stat. § 346.45, which requires certain specified vehicles, such as motor buses transporting passengers, motor vehicles transporting chlorine, fuel trucks, and vehicles transporting hazardous materials, to stop at all highway/rail crossings unless posted with an exempt sign.

The issues for the hearing are:

1. Would consolidation of the three existing crossings of the CTH P (Racine Road) Interchange Ramp into one new crossing promote public safety and convenience?

2. Would alteration of the CTH AP (Midway Road) crossing promote public safety and convenience?

3. Would exempting the CTH AP (Midway Road) crossing promote the public interest, particularly in light of public safety?

4. What warning devices would be necessary to adequately protect and promote public safety at each crossing?

5. How shall the costs of the crossing construction be apportioned?

The Wisconsin Department of Transportation 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 **Menasha Town Hall, 2000 Municipal Drive, Neenah, Wisconsin, on June 24, 2014, at 10:30 a.m.**

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Wisconsin Central Ltd. 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.

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, May 21, 2014.

By the Office of the Commissioner of Railroads.

Douglas S. Wood, Hearing Examiner

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