

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Central Ltd. for the Closure of the Public Crossings of Its Tracks with Old Highway 18 and Smokey Road in the Town of Stockton, Portage County

9164-RX-682

AMENDED NOTICE OF HEARING  
AND ORDER OF DISMISSAL

This matter is currently scheduled for a hearing on the petition of the Wisconsin Central Ltd. (WCL) for the closure of the public crossings of its tracks with Old Highway 18 (crossing no. 692 529E) and Smokey Road (crossing no. 692 521A) in the Town of Stockton, Portage County.

By letter dated April 9, 2009, the **WCL moved to withdraw its petition for the closure** of these two crossings. The motion to withdraw the petition to close the crossings is hereby **granted**.

Anticipating that the OCR would grant the WCL's motion, by letter dated April 10, 2009, the Town of Stockton and the Heartland Bike & Nordic Ski Club (Heartland) requested that the OCR proceed with a hearing to consider the **alteration** of the Old Highway 18 crossing. The OCR agrees.

The hearing will be conducted at the same time and place as previously scheduled, but will only consider what alterations are needed to improve the safety at the Old Highway 18 crossing and will not include consideration of the closing the crossings.

The issues for the hearing are:

1. Would alteration of the Old Highway 18 crossing promote public safety and convenience?
2. What warning devices would be necessary to adequately protect and promote public safety?
3. How shall the costs of the crossing alteration be apportioned?

The Town of Stockton 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 **Stockton Town Hall, 7252 6th Street, Custer, Wisconsin, on May 13, 2009, at 6:00 p.m. and continuing if necessary on May 14, 2009 at 9:00 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 §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 8968, Madison, Wisconsin 53708-8968.

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

Dated at Madison, Wisconsin, (April 16, 2009).

By the Office of the Commissioner of Railroads.

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Douglas S. Wood, Hearing Examiner

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