

NOTICE OF PUBLIC MEETING

CITY OF CHIPPEWA FALLS, WISCONSIN

IN ACCORDANCE with the provisions of Chapter 19, Subchapter IV of the Statutes of the State of Wisconsin, notice is hereby given that a public meeting of the:

Board of Public Works: XXX

Reasonable accommodations for participation by individuals with disabilities will be made upon request. Please call 715-726-2736.

Will be held on **Monday, October 23, 2017 at 5:30 P.M. in the City Hall Council Chambers**, Chippewa Falls, Wisconsin. Items of business to be discussed or acted upon at this meeting are shown on the attached Agenda or listed below:

NOTE: If you are a board member and unable to attend this meeting, please contact the Engineering Dept at 726-2736.

1. Approve the minutes of the September 25, 2017 Board of Public Works meeting.
(Attachment)
2. Consider Street Use Permit application from Chippewa Falls Main Street for Bridge to Wonderland Parade on Saturday, December 2, 2017. Make recommendation to the Common Council. *(Attachment)*
3. Consider impact to the City of Chippewa Falls if 95th Avenue (STH #178 to STH #124) railroad crossing is closed. Make recommendation to the Common Council.
(Attachment)
4. Adjournment

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.

Please note that attachments to this agenda may not be final and are subject to change.
This agenda may be amended as it is reviewed.

CERTIFICATION

I hereby certify that a copy of this Notice was placed in the Chippewa Herald mailbox, 1st floor, City Hall and posted on the City Hall Bulletin Board on Tuesday, October 17, 2017 at 10:00 AM by Mary Bowe.

NOTICE OF PUBLIC MEETING

CITY OF CHIPPEWA FALLS, WISCONSIN

IN ACCORDANCE with the provisions of Chapter 19, Subchapter IV of the Statutes of the State of Wisconsin, notice is hereby given that a public meeting of the:

Board of Public Works: XXX

Reasonable accommodations for participation by individuals with disabilities will be made upon request. Please call 715-726-2736.

Will be held on **Monday, October 9, 2017 at 5:30 P.M.** in the **City Hall Council Chambers**, Chippewa Falls, Wisconsin. Items of business to be discussed or acted upon at this meeting are shown on the attached Agenda or listed below:

NOTE: If you are a board member and unable to attend this meeting, please contact the Engineering Dept at 726-2736.

NOTE:

THE BOARD OF PUBLIC WORKS MEETING

FOR

MONDAY, OCTOBER 9, 2017

IS

CANCELLED

DUE TO A LACK OF AGENDA ITEMS.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.

Please note that attachments to this agenda may not be final and are subject to change.

This agenda may be amended as it is reviewed.

CERTIFICATION

I hereby certify that a copy of this Notice was placed in the Chippewa Herald mailbox, 1st floor, City Hall and posted on the City Hall Bulletin Board on Tuesday, October 3, 2017 at 9:00 AM by Mary Bowe.

**CITY OF CHIPPEWA FALLS
BOARD OF PUBLIC WORKS
MEETING MINUTES
MONDAY, SEPTEMBER 25, 2017 – 5:30 PM**

The Board of Public Works met in City Hall on Monday, September 25, 2017 at 5:30 PM. Present were Mayor Greg Hoffman, Director of Public Works Rick Rubenzer, Finance Manager Lynne Bauer and Alderperson Paul Olson. Absent was Darrin Senn.

1. **Motion** by Bauer, seconded by Olson to approve the minutes of the August 21, 2017 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**

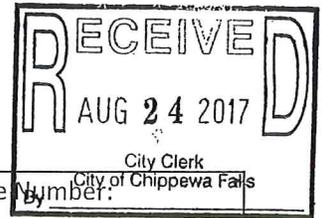
2. The Board considered the attached Street Use Permit application from Chippewa Falls Main Street for Halloween Downtown Trick or Treating on October 31, 2017. **Motion** by Bauer, seconded by Olson to recommend the Common Council approve the attached Street Use Permit application from Chippewa Falls Main Street for Halloween Downtown Trick or Treating on October 31, 2017 and not to charge Chippewa Falls Main Street for City services. **All present voting aye. MOTION CARRIED.**

3. **Motion** by Olson, seconded by Bauer to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 5:43 P.M.


Richard J. Rubenzer, PE
Secretary, Board of Public Works



CITY OF CHIPPEWA FALLS STREET USE PERMIT APPLICATION



Applicant Name and Address: Teri Ouimette, 514 N. Bridge St., Chippewa Falls, WI 54729	Applicant Phone Number: 715-723-6661
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<input checked="" type="checkbox"/> Please check here if the applicant is the individual in charge of the event. If not, please indicate Name, Address and Phone Number of responsible individual.	Name, Address and Phone Number of the headquarters of the organization and responsible head of such organization: Chippewa Falls Main Street, Inc. Attn: Teri Ouimette 514 N. Bridge St. Chippewa Falls, WI 54729
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Name of the event: Bridge to Wonderland Parade	Estimated number of persons participating: 10,000
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Date and start and end times requested for street use:
Saturday, December 2, 2017 6-7:30 p.m.

Accurate description of the portion of the street or streets being requested for use (attach maps if necessary):
North Bridge Street from Cedar Street to the roundabout (see enclosed map)

Use, described in detail, for which the street use permit is requested:
Floats, vehicles, and walking units will participate in the annual Bridge to Wonderland Parade.

City services requested for the event (e.g., Street Department or Police Department staff time)
Barricades (the Street Department will be provided with a map like previous years)

The applicant agrees to indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City or account of any injury to, or death of, any persons or any damage to property caused by or resulting from the activities for which the permit is granted. This Street Use Permit for the event may be terminated by the Chippewa Falls Police Department if the health, safety, and welfare of the public appears to be endangered by the activities or if the event is in violation of any of the conditions of the permit or regulations adopted by the Common Council. Applicant understands they shall be present when the Board of Public Works or City Council considers the request for Street Use Permit. Failure to appear may be grounds for denial of the requested permit.

Signature of Applicant: *Teri Ouimette* Date: 8/22/17

OFFICE USE ONLY

Estimated cost of City services requested (to be completed by Police Chief and Director of Public Works):
4 CPD officers for traffic direction. \$105

Requirements of Applicant: *As stated above, provide a map to the street dept. for traffic control (barricade placement) a couple weeks in advance of the event. PK*

Approved by: *[Signature]* 9-7-17 Signature of Chief of Police
[Signature] 9/14/2017 Signature of Director of Public Works

Recommendation of Board of Public Works (if required): Approved Denied
Decision of City Council (required): Approved Denied

OFFICE OF THE COMMISSIONER OF RAILROADS**STATE OF WISCONSIN**

Petition of Progressive Rail Inc. for the Closure of the Public Crossing of
95th Avenue with tracks operated by Progressive Rail Inc. in the Town of
Eagle Point, Chippewa County

9145-RX-114

NOTICE OF INVESTIGATION

THIS IS AN INVESTIGATION to consider the closure of the public crossing of the Progressive Rail Inc. (PGR) tracks with 95th Avenue (Darrow Road) in the town of Eagle Point, Chippewa County (Crossing No. 185961T / MP 14.33). The Office of the Commissioner of Railroads (Office) opens this docket by its authority under Wis. Stat. ch. 195.

On February 25, 2012, the town of Eagle Point filed petition with the Office for a determination pursuant to Wis. Stat. 195.28 of the adequacy of warning devices¹. The Office issued a notice August 29, 2012. (PSC REF#: 171044) No order was issued. That docket has been closed. If the Office determines that the crossing should remain open, the Office will simultaneously issue an order on the adequacy of warning devices.

DOCUMENTS. To view documents in this docket: (1) go to the Office's website at <http://ocr.wi.gov>, (2) scroll down and push the ERF button, (3) enter "9145-RX-114" in the box labeled "Quick Single Docket Search," and (4) select "Documents."

To receive automatic notifications for all documents related to this docket please use the Office's EZ-Subscription service: (1) go to the Office's website at <http://ocr.wi.gov>, (2) scroll down and push the EZ Docket Subscription button, (3) enter "9145-RX-114" in the box labeled "Docket ID," and (4) select "Subscribe."

INTERVENTION. Interested persons may participate in this investigation without becoming a party. However, any person desiring to become a party shall file a request for party status, known as a request to intervene, under Wis. Stat. § 227.44(2m) and Wis. Admin. Code § RR 1.02(1)(c) no later than 14 days from the date of service of this notice.

To file such a request, go to the Office's website at <http://ocr.wi.gov>, click on the "Electronic Filing" link in the main menu bar. On the next page, fill in the requested fields and attach the document in pdf format, click "Upload".

A person desiring to become a party who lacks access to the Internet shall make a request to intervene by U.S. mail addressed to:

¹ OCR Docket 9040-RX-1303, PSC REF#: 289481



952-985-7245 / www.progressiverail.com

*Rail Service * Transloading * Warehousing * Local Delivery*

September 13, 2017

Mr. Yash Wadhwa, Commissioner
Office of the Commissioner of Railroads
610 N. Whitney Way, Room 110
Madison, WI 53707-7854

RE: Petition for Closure of the At-Grade Rail-Highway Crossing at 95th Avenue
AARDOT Crossing Number: 185 961T, WNR Mile Post: 14.33, in the Town of Eagle Point,
Chippewa County, Wisconsin

Dear Commissioner Wadhwa:

This petition is being filed with your office, for an order authorizing the closure of the At-Grade Rail-Highway Crossing Intersection between Progressive Rail's Wisconsin Northern Railroad Track and 95th Avenue in the Township of Eagle Point, Chippewa County, Wisconsin. Wisconsin Northern Railroad (WNR) asks that your office accepts this petition and give full consideration to the closure of 95th Avenue in the Township of Eagle Point.

The crossing at 95th Avenue consists of a single railroad track. WNR currently operates approximately 5 thru trains per day and several daily switching trains over the crossing at 95th Avenue. The current Crossing Warning Devices consist of Stop Signs and Reflectorized Crossbucks.

At only 22 feet in width, 95th Avenue is a narrow Town Road that runs East and West between STH 178 to STH 124. It is a relatively short road as well, with the total distance of 95th Avenue from STH 178 to STH 124 measuring less than a mile, at 5,272 feet. The recorded ADT Count for 95th Avenue is listed at 750 Vehicles per day.

The crossing is seemingly unnecessary as its existence is redundant with the accessibility of alternate routes through adjacent Crossings North and South, being in close proximity of 95th Avenue. To the North is 105th Avenue. To the South is County Highway S, which has recently been approved by the OCR for an At-Grade Warning System Upgrade to include Crossing Gates and Control Equipment. With the closure of this 80 deg. Right Hand Forward crossing at 95th Avenue, the alternate routes listed above will impose no significant hardships on the motoring public, and in fact increase public safety.

WNR proposes that it will pay for all reasonable costs associated with the closure of 95th Avenue.

Please find a copy of the Crossing Inventory Record for the 95th Avenue Crossing enclosed.

AIRLAKE INDUSTRIAL PARK 21778 HIGHVIEW AVENUE LAKEVILLE, MINNESOTA 55044

● Page 2

Wisconsin Northern Railroad appreciates your full consideration and assistance in this matter.

Please feel free to contact me directly any time at: 1(715)379-4686

Respectfully,

A handwritten signature in black ink, appearing to read "Nikolas Shepard". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nikolas Shepard
General Manager Crossings & Signals
Progressive Rail Inc.

Cc: Town of Eagle Point
Dennis Ferstenou, Town Chairman
14802 WI-124
Chippewa Falls, WI 54729

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 09 / 08 / 2017	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input checked="" type="checkbox"/> Change in Data <input type="checkbox"/> New Crossing <input type="checkbox"/> Closed <input type="checkbox"/> Re-Open <input type="checkbox"/> Date Change Only <input type="checkbox"/> Change in Primary Operating RR <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Quiet Zone Update <input type="checkbox"/> Admin. Correction	D. DOT Crossing Inventory Number 185961T
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Part I: Location and Classification Information

1. Primary Operating Railroad Wisconsin Northern Railroad [WN]		2. State WISCONSIN		3. County CHIPPEWA	
4. City / Municipality <input type="checkbox"/> In <input checked="" type="checkbox"/> Near CHIPPEWA FALLS		5. Street/Road Name & Block Number 95TH AVE (Street/Road Name) * (Block Number)		6. Highway Type & No. public	
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			8. Do Other Railroads Operate Over Your Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR		
9. Railroad Division or Region <input type="checkbox"/> None WISCONSIN NORT		10. Railroad Subdivision or District <input type="checkbox"/> None CHIPPEWA FALLS		11. Branch or Line Name <input type="checkbox"/> None NORTH-SOUTH	
12. RR Milepost 0014.33 (prefix) (nnnn.nnn) (suffix)		13. Line Segment * 7360			
14. Nearest RR Timetable Station * NORMA		15. Parent RR (if applicable) <input type="checkbox"/> N/A PGR		16. Crossing Owner (if applicable) <input type="checkbox"/> N/A UP	
17. Crossing Type <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.	19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over	20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input type="checkbox"/> No	21. Type of Train <input checked="" type="checkbox"/> Freight <input type="checkbox"/> Intercity Passenger <input type="checkbox"/> Commuter	22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input type="checkbox"/> Number Per Day 0
23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard					
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Provide Crossing Number			25. Quiet Zone (FRA provided) <input checked="" type="checkbox"/> No <input type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established		
26. HSR Corridor ID <input checked="" type="checkbox"/> N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnn) 44.980821		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnn) -91.380003	
29. Lat/Long Source <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated					
30.A. Railroad Use *			31.A. State Use *		
30.B. Railroad Use *			31.B. State Use *		
30.C. Railroad Use *			31.C. State Use *		
30.D. Railroad Use *			31.D. State Use *		
32.A. Narrative (Railroad Use) *			32.B. Narrative (State Use) *		
33. Emergency Notification Telephone No. (posted) 715-590-2601		34. Railroad Contact (Telephone No.) 715-379-4686		35. State Contact (Telephone No.) 608-266-1168	

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 3	1.B. Total Night Thru Trains (6 PM to 6 AM) 2	1.C. Total Switching Trains 6	1.D. Total Transit Trains 0	1.E. Check if Less Than One Movement Per Day How many trains per week? 30 <input type="checkbox"/>
2. Year of Train Count Data (YYYY) 2016		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 10 3.B. Typical Speed Range Over Crossing (mph) From 10 to 10		
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0				
5. Train Detection (Main Track only) <input type="checkbox"/> Constant Warning Time <input type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input checked="" type="checkbox"/> None				
6. Is Track Signaled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.A. Event Recorder <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.B. Remote Health Monitoring <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 09/08/2017	PAGE 2	D. Crossing Inventory Number (7 char.) 1859611
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Part III: Highway or Pathway Traffic Control Device Information

1. Are there Signs or Signals? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2. Types of Passive Traffic Control Devices associated with the Crossing				
	2.A. Crossbuck Assemblies (count) 2	2.B. STOP Signs (R1-1) (count) 2	2.C. YIELD Signs (R1-2) (count) 0	2.D. Advance Warning Signs (Check all that apply; include count) <input checked="" type="checkbox"/> None	
				<input type="checkbox"/> W10-1 _____ <input type="checkbox"/> W10-2 _____	<input type="checkbox"/> W10-3 _____ <input type="checkbox"/> W10-4 _____ <input type="checkbox"/> W10-11 _____ <input type="checkbox"/> W10-12 _____
2.E. Low Ground Clearance Sign (W10-5) <input type="checkbox"/> Yes (count _____) <input checked="" type="checkbox"/> No	2.F. Pavement Markings <input type="checkbox"/> Stop Lines <input type="checkbox"/> RR Xing Symbols <input type="checkbox"/> Dynamic Envelope <input checked="" type="checkbox"/> None		2.G. Channelization Devices/Medians <input type="checkbox"/> All Approaches <input type="checkbox"/> One Approach <input type="checkbox"/> Median <input checked="" type="checkbox"/> None	2.H. EXEMPT Sign (R15-3) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2.I. ENS Sign (I-13) Displayed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.J. Other MUTCD Signs Specify Type _____ Count _____ Specify Type _____ Count _____ Specify Type _____ Count _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2.K. Private Crossing Signs (if private) <input type="checkbox"/> Yes <input type="checkbox"/> No	2.L. LED Enhanced Signs (List types)
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)					
3.A. Gate Arms (count) Roadway 0 Pedestrian 0	3.B. Gate Configuration <input type="checkbox"/> 2 Quad <input type="checkbox"/> 3 Quad <input type="checkbox"/> 4 Quad <input type="checkbox"/> Full (Barrier) Resistance <input type="checkbox"/> Median Gates	3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane 0 <input type="checkbox"/> Incandescent Not Over Traffic Lane 0 <input type="checkbox"/> LED		3.D. Mast Mounted Flashing Lights (count of masts) 0 <input type="checkbox"/> Incandescent <input type="checkbox"/> LED <input type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included	3.E. Total Count of Flashing Light Pairs 0
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) _____ / _____ <input checked="" type="checkbox"/> Not Required		3.G. Wayside Horn <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Installed on (MM/YYYY) _____ / _____		3.H. Highway Traffic Signals Controlling Crossing <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.I. Bells (count) 0
3.J. Non-Train Active Warning <input type="checkbox"/> Flagging/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input checked="" type="checkbox"/> None				3.K. Other Flashing Lights or Warning Devices Count 0 Specify type _____	
4.A. Does nearby Hwy Intersection have Traffic Signals? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4.B. Hwy Traffic Signal Interconnection <input checked="" type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs	4.C. Hwy Traffic Signal Preemption <input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance	5. Highway Traffic Pre-Signals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____	6. Highway Monitoring Devices (Check all that apply) <input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input checked="" type="checkbox"/> None	

Part IV: Physical Characteristics

1. Traffic Lanes Crossing Railroad Number of Lanes 2	<input type="checkbox"/> One-way Traffic <input checked="" type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic	2. Is Roadway/Pathway Paved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3. Does Track Run Down a Street? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) _____ / _____ Width * _____ Length * _____ <input type="checkbox"/> 1 Timber <input checked="" type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____				
6. Intersecting Roadway within 500 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Approximate Distance (feet) _____		7. Smallest Crossing Angle <input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input checked="" type="checkbox"/> 60° - 90°		8. Is Commercial Power Available? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part V: Public Highway Information

1. Highway System <input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input type="checkbox"/> (03) Federal AID, Not NHS <input checked="" type="checkbox"/> (08) Non-Federal Aid	2. Functional Classification of Road at Crossing <input checked="" type="checkbox"/> (0) Rural <input type="checkbox"/> (1) Urban <input type="checkbox"/> (1) Interstate <input type="checkbox"/> (5) Major Collector <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input checked="" type="checkbox"/> (7) Local	3. Is Crossing on State Highway System? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Highway Speed Limit 45 _____ MPH <input checked="" type="checkbox"/> Posted <input type="checkbox"/> Statutory
7. Annual Average Daily Traffic (AADT) Year 2004 AADT 000750		8. Estimated Percent Trucks 04 _____ %	
9. Regularly Used by School Buses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Average Number per Day 6		10. Emergency Services Route <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Submission Information - This information is used for administrative purposes and is not available on the public website.

Submitted by _____ Organization _____ Phone _____ Date _____

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.

31. A. State Use:

31. B. State Use:

31. C. State Use:

31. D. State Use:

32. A. Narrative (*Railroad Use*):

32. B. Narrative (*State Use*):

Appendix A: Crossing Inventory Record – Full Data Description

This supplement document provides a full text description for some fields where the values may not be fully displayed from within the actual U. S. DOT CROSSING INVENTORY FORM. This is not the official OMB approved form.

Part I: Location and Classification Information

1. Primary Operating Railroad:	Wisconsin Northern Railroad [WN]
2. State:	WISCONSIN
3. County:	CHIPPEWA
4. City/Municipality:	CHIPPEWA FALLS
5. Street/Road Name & Block #:	95TH AVE
6. Highway Type & No.:	public
9. Railroad Division or Region:	WISCONSIN NORT
10. Railroad Subdivision or District:	CHIPPEWA FALLS
11. Branch or Line Name:	NORTH-SOUTH
13. Line Segment:	7360
14. Nearest RR Timetable Station:	NORMA
15. Parent RR:	PGR
16. Crossing Owner:	UP
30. A. Railroad Use:	

30. B. Railroad Use:

30. C. Railroad Use:

30. D. Railroad Use:

Part III: Highway or Pathway Traffic Control Device Information

- 2.J. Other MUTCD Signs (Type): Count:
- 2.J. Other MUTCD Signs (Type): Count:
- 2.J. Other MUTCD Signs (Type): Count:
- 2.L. LED Enhanced Signs:
- 3.K. Other Flashing Lights or Warning Devices: Count: 0 Type:

Part IV: Physical Characteristics

- 5. Crossing Surface: Other (specify):

Part V: Public Highway Information

- 5. Linear Referencing System (LRS Route ID):
- 6. LRS Milepost:

Town of Eagle Point
Chippewa County



September 27, 2017

Heather Graves
Program and Policy Analyst-Supervisor
Office of the Commissioner of Railroads
P.O. Box 7854
Madison, WI 53707-7854

RE: Petition of Progressive Rail Inc. for the Closure of the Public Crossing of 95th Avenue with tracks operated by Progressive Rail Inc. in the Town of Eagle Point, Chippewa County

Dear Ms. Graves:

This letter is to follow-up our telephone conversation of September 18, 2017 and to further explain the background and town's position with regard to Progressive Rail Inc.'s petition to close 95th Avenue in the Town of Eagle Point. As a result of our telephone conversation, I have reason to believe that you may not be fully aware of the background information on past and current developments with regard to PR's action to close 95th Avenue. Accordingly, the Town of Eagle Point (the town) believes the petition filed with the Office of the Commissioner of Railroads by Progressive Rail (PR) is pre-mature and unwarranted at this time.

During our conversation, you had mentioned that representatives of PR had visited your office regarding the closing of 95th Avenue. Although I realize that the town and public will have ample opportunity at a future hearing to testify for or against the petition, I believe it is in everyone's best interests for me to provide background information on PR's activity to close 95th Avenue and to share current information that needs to be considered before any further action takes place on this petition.

I also want to take this opportunity to convey the town's disappointment that this petition was filed. My understanding from our 2015 negotiations with PR and from your comment on September 18 is that railroads try to negotiate with municipalities before a petition is filed. That is, if a municipality refuses to negotiate or unacceptable terms are not agreed to between both parties, the railroad's only option is to file a petition for a hearing. As I will explain later on, the town never denied closing 95th Avenue. We did not agree to an overpass on 95th Avenue as proposed by PR for a number of reasons. However, PR, Chippewa County and the town were in the process of completing a Traffic Impact Analysis (TIA) to evaluate transportation impacts and traffic conditions on both County Highway S and 95th Avenue. A key element in the TIA was the evaluation of costs associated with grade separated crossing improvements at both County Highway S and 95th Avenue. Incidentally, PR funded the TIA process.

2015 Progressive Rail-Town of Eagle Point Negotiations Regarding 95th Avenue

PR approached the town in March of 2015 to propose a 10-track wide rail yard expansion between County Highway S and 105th Avenue. As part of this expansion, PR proposed constructing an overpass at the intersection of 95th Avenue and the railroad tracks. Following a March 26, 2015 meeting involving the Eagle Point Town Board and Planning Commission, representatives of PR, and the public, the town rejected this proposal for the following reasons:

1. Due to the flat topography, the overpass would have been a lengthy and large structure requiring long-term maintenance at the town's expense. In that the town already maintains 102 miles of roads, the added physical and financial burden of maintaining a large bridge would be excessive for the town.
2. The town would have been obligated to fund a major portion of the 95th Avenue re-construction east and west of the overpass. In that the town is already 9 miles behind on road re-paving due to a lack of highway funding, this project would have placed additional financial stress on the town's annual road budget.
3. As an alternative to an overpass on 95th Avenue, the town proposed that consideration be given to the construction of an overpass on County Highway S as more frequent blockages occur on this heavily traveled route. Anticipating these frequent blockages, commuters tend to use 95th Avenue, which is a straight road with good visibility. Recognizing that a County Highway S overpass offered a viable solution, PR, Chippewa County and the town agreed to commission a TIA to investigate the merits of overpasses at both County Highway S and 95th Avenue. All parties had a general understanding that the construction of an overpass on County Highway S could result in the closing of 95th Avenue. Shortly after the study was commissioned, PR suspended the study, which was likely due to the decline in the frac sand business. From the town's perspective, it is wrong for PR to state or imply that the town denied their request to close 95th Avenue as the negotiating process never reached that point.

At the March 26 meeting, a number of residents spoke in opposition of the rail yard expansion due to noise from idling engines and train car coupling. Other concerns cited by residents included light pollution, loss of valuable farmland, and a reduction in values for near-by residential properties.

As I stated during our telephone conversation, closing 95th Avenue without the availability of an overpass on County Highway S will present a serious situation with regard to traffic flow and safety. With the revival of the frac sand industry over the past several months, blockages at the County Highway S railroad crossing, and the 95th Avenue and 105th Avenue crossings as well, are occurring more frequently. I am well aware of this due to the numerous calls and complaints that I have been receiving within the past two to three months. On a related point, I understand that PR will be completing an At-Grade Warning System Upgrade on County Highway S that will include crossing gates and control equipment. While this upgrade will improve safety, it will not solve the problem of increasing crossing blockages.

Another key development that has occurred since PR and the town engaged in negotiations in 2015 was Fleet Farm's construction of a \$69,000,000, 1.1 million square foot distribution center just a short distance from County Highway S and 95th Avenue. Fleet Farm is projecting that 325 people will be employed at this facility. All shipping and receiving will be by semi trucks. In addition, another new manufacturing facility adjacent to the Fleet Farm facility will be opening soon and adding to the daily traffic flow. Needless to say, there will be increased traffic on County Highway S, 95th Avenue and other local roads due to these developments.

Page 3 – Letter to Heather Graves

I noted in PR's letter to the Commissioner that they named 105th Avenue as an alternate route for traffic should 95th Avenue be closed. PR failed to mention that 105th Avenue is a road with curves and elevation changes and is accessed by several subdivisions and a large campground. Because of this, 105th Avenue has some inherent safety issues that would be expanded significantly with increased traffic flow. Worth noting here is the fact that the town's emergency service vehicles tend to avoid 105th Avenue and use 95th Avenue and County Highway S as the preferred routes due to these safety concerns.

In conclusion, I suggest that PR, Chippewa County and the town have an opportunity to discuss a resumption of the 2015 TIA process before your office completes a pre-hearing investigation. A TIA would provide all parties with information that is needed to make decisions that are in the best interests of all parties.

Feel free to contact me at any time. I can be reached at (715) 720-1226 or by email at dferstenou@charter.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Ferstenou". The signature is fluid and cursive, with the first name being more prominent.

Dennis A. Ferstenou, Town Chairman

c: Lawrence Frazer, Supervisor
Randy Woodruff, Supervisor
Rick Bowe, Town of Eagle Point Planning Commission Chair
Laurie Hebert, Town Clerk

Highway Department

Brian M. Kelley, PE
Highway Commissioner



October 2, 2017

Mr. Yash P. Wadhwa
Commissioner
Office of the Commissioner of Railroads
P.O. Box 7854
Madison, WI 53707-7854

Dear Commissioner Wadhwa,

The Chippewa County Highway Department requests your assistance in the matter of OCR Docket 9145-RX-114, which pertains to a petition by Progressive Rail Inc. to close the at-grade crossing of 95th Avenue in the Town of Eagle Point, Chippewa County.

In 2015, Progressive Rail, the Town of Eagle Point, and Chippewa County mutually agreed to move forward with a Traffic Impact Analysis (TIA) to study the impacts of a proposed rail expansion in the Town of Eagle Point. The enclosed Memorandum of Understanding (MOU) outlines the responsibilities of Progressive Rail & Chippewa County in conducting the TIA. On July 17, 2015, Progressive Rail abruptly decided to cancel the TIA, citing the cancellation of the rail expansion plans. On September 27, 2015 the Chippewa Herald published the enclosed article regarding Progressive Rail's plans to cancel the project.

There was no further correspondence between Chippewa County and Progressive Rail on this matter for the past two years. Along with the Town of Eagle Point, we were very surprised and disappointed to learn on September 13, 2017 that Progressive Rail was petitioning to close 95th Avenue. It is the County's position that closure of 95th Avenue has broad implications on the entire state/county/local traffic system. It is also our position that the TIA should be completed prior to considering the closure of 95th Avenue.

The Town of Eagle Point and Chippewa County would like to resume productive discussions with Progressive Rail in order to properly study the traffic impacts that would occur with a future closure of 95th Avenue. From the local perspective, it is unacceptable that Progressive Rail opted to simply request the closure without first studying the impacts. We request your assistance in this matter. Please do not hesitate to contact me at (715) 726-7914 or bkelly@co.chippewa.wi.us.

Sincerely,



Brian M. Kelley, PE
Highway Commissioner

Cc: Heather Graves – Program and Policy Analyst-Supervisor, OCR (via email)
Frank Pascarella – County Administrator, Chippewa County (via email)
Fred Anderson – Project Manager, Chippewa County Highway Department (via email)
Dennis Ferstenou – Chairman, Town of Eagle Point (via email)

Enclosures

Town of Eagle Point
Chippewa County



October 16, 2017

Nik Shepard
GM Crossings & Signals
Progressive Rail, Inc.
21778 Highview Avenue
Lakeville, MN 55044

(Via email and certified mail)

RE: Proposal of Voluntary Road Closure

Dear Mr. Shepard:

This is in response to your Proposal of Voluntary Road Closure for 95th Avenue in the Town of Eagle Point, which was signed by you and received by the email and US Certified mail on October 4 and October 9, 2017 respectively. The Eagle Point Town Board met on October 12 and decided not to sign the Proposal of Voluntary Road Closure. Although the town is not signing the agreement at this time, we are willing to work with Progressive Rail with regard to the road closure and other conditions.

Our decision to not enter into a Volunteer Road Closure agreement at this time is the result of the town board's position that closing 95th Avenue impacts other jurisdictions including Chippewa County and the City of Chippewa Falls. Before any meaningful discussion can take place on this matter, we feel it is necessary that all parties have an opportunity to assess the impact closing 95th Avenue will have on local roads, businesses, economic development, etc. This very same concern existed in May of 2015 when Progressive Rail joined the Town of Eagle Point and Chippewa County in developing the attached Memorandum of Understanding that set in motion the Traffic Impact Analysis (TIA). As you may know, Progressive Rail stopped the TIA process shortly after it began. We believe a re-instatement of the TIA would be in the best interests of all parties and needs to be a part of future discussions.

We ask that Progressive Rail recognize our concerns and respond with a willingness to meet in the near future to discuss closing 95th Avenue along with other issues that need to be addressed as part of this process. We look forward to hearing from you soon.

Sincerely,

Dennis A. Ferstenou
Town Chairman

- c: Lawrence Frazer, Town Supervisor
Randy Woodruff, Town Supervisor
Laurie Hebert, Town Clerk
Rick Bowe, Eagle Point Planning Commission Chair – via email
Yash P. Wadhwa, Commissioner, Office of Commissioner of Railroads - via email
Brian Kelley, Highway Commissioner, Chippewa County – via mail
Rick Rubenzer, Director of Public Works, City of Chippewa Falls – via email
Ross Johnson, Local Programs Manager, WisDot NW Region – via email
Bruce Stelzner, Stelzner Management Consultants, LLC – via email
Ben Lane, Wiley Law SC – via email