

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

Petition of the Wisconsin Department of Transportation for a
Determination of the Adequacy of Warning Devices and Alteration of
the Grade Crossings of the Soo Line Railroad Co. Tracks with Liberty
Street/St. Cloud Street and Avon Street/Hagar Street in the City of La
Crosse, La Crosse County

9150-RX-638

FINAL DECISION

This is the Final Decision in the Class 1 proceeding by the Office of the Commissioner of Railroads (Office) on the February 6, 2025, petition from the Wisconsin Department of Transportation (WisDOT) for the adequacy of warning devices and the alteration of the public crossings of the Soo Line Railroad Co. (SOO) tracks through the intersections of Liberty Street/St. Cloud Street and Avon Street/Hagar Street in the city of La Crosse.

The WisDOT petition, under Wis. Stat. §§ 195.28 and 195.29 (2023-24)¹, is GRANTED IN PART, DENIED IN PART, subject to conditions.

Introduction

The WisDOT proposes adding a second mainline track south of the existing two-tracks in the city of La Crosse from the La Crosse Yard to west of the USH 53 (Copeland Avenue) bridge as part of the Twin Cities – Milwaukee – Chicago (TCMC) Intercity Passenger Rail Project. The WisDOT proposes closing the Liberty Street and St. Cloud Street² intersection to thru traffic and reconfiguring the Avon Street and Hagar Street³ intersection.⁴ The WisDOT also identified seven alternatives to facilitate the project and improve safety.⁵

¹ All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted.

² [Ex.-WisDOT-Sommers-1-2 - PSC REF#: 532167](#).

³ [Ex.-WisDOT-Sommers-1-1 - PSC REF#: 532166](#).

⁴ [Tr. Vol. I Prefiled Testimony - PSC REF#: 578497](#) (Transcript) (Tr.) at 17.

⁵ [Ex.-WisDOT-Sommers-1-3 - PSC REF#: 532168](#) (Traffic Analysis).

The Office held a GoTo public hearing⁶ on this matter on July 29, 2025, where witnesses offered testimony and exhibits on behalf of the parties, and members of the public provided oral comments. The public also filed written comments through the Office's website during the open comment period through July 28, 2025. The parties, for the purposes of review under WIS. STAT. §§ 227.47 and 227.53, are listed in Appendix A.

On July 30, 2025, the Administrative Law Judge (ALJ) requested that the City analyze the near and future impacts of proposed alternatives 4, 5 and 6, including adding active traffic-light control, and addressing adverse effects to emergency services under proposed alternative 7 if the Liberty Street and St. Cloud Street crossing were closed to traffic, by September 9, 2025.⁷

Findings of Fact

1. Liberty Street/St. Cloud Street and Avon Street/Hagar Street are 39 feet wide each and intersect the railroad tracks at an angle of 45 degrees. The crossings consist of one mainline track and one siding track.

2. Rail traffic consists of four through freight trains (two day and two night), one freight switching train, and four passenger trains per day at a maximum timetable speed of 40 mph with typical speeds ranging of 10-40 mph.

3. The crossings are equipped with mast-mounted flashing lights and gates, bells, and raised median channelization at all approaches.

4. Sidewalks at all sides of the roadways cross the tracks at the same 45-degree roadway but lack detectable warnings and delineation through the track crossing.

⁶ [Notice of Hearing - PSC REF#: 553025.](#)

⁷ [Second Scheduling Order - PSC REF#: 556603.](#)

Liberty Street/St. Cloud Street (Crossing No. 390934J / MP 280.950)

5. Liberty Street is a two-lane bi-directional north-south roadway with a 2021 vehicle count of 521 at a posted speed limit of 25 mph.

6. The crossing has about 56 daily activations at an average of five hours, two minutes, and 44 seconds. More switching trains activate this grade crossing per day than the Federal Railroad Administration (FRA) reports due to the nearby Canadian Pacific Kansas City La Crosse Yard.

7. Liberty Street has a southern loop turnaround terminus 2,154 feet from the crossing and a northern terminus at a T-intersection with Palace Street 1.37 miles from the crossing.

8. St. Cloud Street is a two-lane bi-directional east-west roadway with a 2021 vehicle count of 184 at a posted speed limit of 25 mph.

9. St. Cloud Street runs west from the crossing for 0.40 miles where the roadway turns north as Copeland Park Drive. To the east, St. Cloud Street dead-ends at STH 35.

10. The crossing is equipped with raised medians on all approaches – a 60-foot median at St. Cloud eastbound (toward the crossing) and a 70-foot median westbound, a 90-foot median at Liberty Street northbound and a 75-foot median southbound.

11. The FRA database lists eight crashes at the crossing: two in 1979 (property damage; injury); 1981 (property damage); 1987 (injury); 1992 (property damage); 1999 (fatality); 2009 (property damage); and 2016 (property damage).

12. Nine vehicle-vehicle crashes took place between January 1, 2018, and December 31, 2022, at the Liberty Street & St. Cloud Street intersection. Three crashes were attributed to the intersection being uncontrolled.

13. Three crashes involved a vehicle striking the median. Three crashes involved a driver attempting to back up to turn around due to the crossing gates being down.

14. The SOO operates 24 freight trains per day over the crossing at a timetable speed of 40 mph.

15. An additional nine (9) vehicular-vehicular crashes at this intersection as further detailed in the City of La Crosse Traffic Analysis that was uploaded to Docket 9150-RX-638 on February 6, 2025.

16. The existing warning devices consist of mast-mounted flashing light signals and gates with median channelization at all approaches to the tracks.

17. The average annual daily traffic (AADT) thru the Liberty Street/St. Cloud Street crossing is 1050; and, thru the Avon Street/Hagar Street crossing, the AADT is 1500.

18. The Office ordered installation of automatic flashing lights and gates at both crossings by Order dated October 30, 1986.⁸

Avon Street/Hagar Street (Crossing No. 390935R / MP 281.070)

19. Hagar Street is a two-lane local roadway running east-west in the City of La Crosse with a posted speed limit of 25 mph. On-street parking is allowed on both sides of the road.

20. Hagar Street is the only east-west road between Monitor Street and Clinton Street that connects USH 53 with STH 35.

⁸ See *Final Decision in Petition of the Wisconsin Department of Transportation for a Commission Determination as to Whether Existing Protective Devices are Adequate at the Grade Crossings of the Avon-Hagar Streets and of Liberty-St. Cloud Streets Tracks with Chicago, Milwaukee, St. Paul and Pacific Railroad Company in the City of La Crosse, La Crosse County*, docket 9030-RX-279 (October 30, 1986).

21. Avon Street is a two-lane local roadway running north-south with a posted speed limit of 25 mph. On-street parking is allowed on both sides of the road.

22. Avon Street is the only north-south roadway between USH 53 and STH 35 that connects Monitor Street with Clinton Street.

23. The intersection of Hagar Street and Avon Street is an uncontrolled intersection with a single lane, median, and railroad gate on each approach lane.

24. The Amtrak station is southwest of the crossing.

25. Event log data collected between November 2022, and January 2023 indicates the crossing had on average 47 crossing activations per day with a daily activation average of 4 hours, 24 minutes, and six seconds. More switching trains activate this grade crossing per day than FRA reports due to the nearby CPKC La Crosse Yard.

26. 24-hr counts taken April 28, 2021, report 491 vehicles on Hagar Street and 513 vehicles on Avon Street.

27. Cars comprised 53 percent of the traffic on Hagar Street, with 2-axle long vehicles at 32.8 percent,⁹ 2-axle 6-tire at 9.8 percent,¹⁰ 3-axle and up at 2.8 percent,¹¹ buses at 1.2 percent and motorcycles just 0.4 percent.

⁹ Included in this classification are pickups, panels, vans, and other vehicles such as campers, motor homes, ambulances, hearses, carryalls, and minibuses as well as two-axle, four-tire single-unit vehicles pulling recreational or other light trailers.

¹⁰ All vehicles on a single frame including trucks, camping and recreational vehicles, motor homes, etc., with two axles and dual rear wheels.

¹¹ All vehicles on a single frame including trucks, camping and recreational vehicles, motor homes, etc., with three axles, all trucks on a single frame with four or more axles, and single trailer trucks.

28. Cars comprised 70 percent of the traffic on Avon Street, with 2-axle long vehicles at 25.9 percent, 2-axle 6-tire at 3.5 percent, 3-axle and up at 0.2 percent, buses at 0.4 percent, and motorcycles at 0%.

29. Three train-vehicle crashes are reported in the FRA database – 1985 (one fatality), 2018 (one fatality) and 2019 (one injury).

30. WisDOT's 2023 Traffic Analysis found 17 vehicle-vehicle crashes between January 1, 2018, and December 31, 2022, at the uncontrolled intersection.

a. An angle crash between southbound and westbound vehicles in 2018 resulted in one possible injury. A second angle crash between northbound and westbound vehicles in 2021 resulted in minor injury.

b. Four crashes involved drivers navigating a turn and striking the median next to their receiving lane. Of those four crashes, three involved southbound left-turning vehicles and one involved an eastbound right-turning vehicle.

c. Two crashes involved a driver attempting to back up to turn around due to the crossing gates being down.

d. One crash involved a hit-and-run vehicle striking a parked car on Avon Street north of the crossing.

e. Nine of the seventeen crashes, including the two injury crashes, involved snow covered roads.

f. Eight of the seventeen (17) crashes were angle crashes involving a northbound and westbound vehicle. A cluster of homes in the southeast corner of the intersection restricts the corner sight distance in the southeast quadrant.

31. It is reasonable to retrofit both crossings with a flangeway-filler material to alleviate the potential for trapping or tipping wheeled users.

32. It is reasonable for the City of La Crosse to install and maintain Stop (R1-1) signs with ‘ALL WAY’ (R1-3P) supplemental plaques directly underneath at all approaches to the crossings, and use temporary or portable mounts for locating the signage south of the crossings (westbound and northbound traffic) until the new track is installed permanently. If motor vehicle queues are likely to extend onto the tracks, a DO NOT STOP ON TRACKS (R8-8) sign should be used¹².

33. It is reasonable for the all stakeholders to seriously consider Alternative 6: Two One-Way Pairs (North-South and East-West) as it would eliminate the need to add additional gates for an 8-Quadrant Gate System and instead use existing gates for a 4-quadrant gate system, eliminate the need for medians, reduce the number of conflict points and make opposing lanes available for contraflow bus or emergency vehicles or two-way bicycle paths.

34. It is reasonable to install blankouts at the approaches to the crossings to inform drivers of a another train approaching and suggest alternate routes.

35. It is reasonable for the TCMC Rail Project to fund all signalization materials and labor, including any technology leveraged therefrom, all crossing surface panels and surfaces, and all roadway improvements¹³.

36. It is reasonable for the City of La Crosse to fund materials and labor for all required local signage, and median extension or removal.

¹² MUTCD 8B.07. [See 2023 WMUTCD](#).

¹³ Federal Register/Vol. 85, No. 76, April 20, 2020, 21926, Section C Eligibility Information, (3)(a)(v). [2020-08226.pdf](#)

Conclusions of Law

1. The SOO is a railroad as defined in WIS. STAT. § 195.02(1).
2. The Office has authority under WIS. STAT. § 189.02; WIS. STAT. §§ 195.03, 195.04, 195.06, 195.28, 195.29, 195.30; WIS. STAT. § 227.47(1); and WIS. ADMIN. CODE § RR 1.15 to issue this final decision.
3. On paved approaches to grade crossings equipped with active control devices such as flashing light signals, automatic gates, or traffic control signals, a Stop line shall be installed to indicate the point behind which motor vehicles are or might be required to stop. MUTCD, § 8C.03.04.¹⁴
4. If a Stop line is used at an active grade crossing where road users are controlled by flashing-light signals, it should be a transverse line at a right angle to the traveled way and should be placed approximately 8 feet in advance of the flashing-light signals or automatic gate (if present), whichever is farther from the track(s), but no closer than 15 feet in advance of the nearest rail. MUTCD, § 8C.03.05 and Figure 8C-1.
5. The Stop Here When Flashing (R8-10 and R8-10a) signs (MUTCD, § Figure 8B-1) may be used at a grade crossing to inform drivers of the location of the stop line or the point at which to stop when the flashing-light signals (§ 8D.02) are activated. MUTCD, § 8B.09.
6. Grade crossing pavement markings are required on all paved approach lanes to grade crossings where signals or automatic gates are located. Grade crossing pavement markings consist of an X, the letters RR, and certain transverse lines as shown with detailed dimensions in

¹⁴ See [MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 11TH ED.](#) (FHWA, 2023).

the MUTCD, Figures 8C-1 and 8C-2.¹⁵

7. A 36-inch Grade Crossing Advance Warning (W10-1) sign (AWS)¹⁶ is required to be installed at all approaches to a grade crossing pursuant to the MUTCD, § 8B.06., with exceptions not applicable here.

8. AWS shall be furnished, upon request, by the railroad for at-grade crossings of county or township-maintained roadways, and by the maintaining authority for at-grade crossings of state, city, or village-maintained roadways. [Wis. Stat. § 195.286\(1\)](#). AWS shall be installed and maintained by the maintaining authority.

9. A Crossbuck Assembly may be installed on the approaches to a pathway or sidewalk grade crossing where the nearest edge of the pathway or sidewalk is located 25 feet or less from the center of the nearest traffic control warning device at a grade crossing. MUTCD, § 8E.05.02.

10. Bells, and other audible warning devices may be omitted at pathway or sidewalk grade crossings that are located within 25 feet of an active warning device at a grade crossing that is equipped with those devices. MUTCD, § 8E.07.05.

11. A stop line may be provided at a sidewalk grade crossing if the surface where the marking is to be applied can retain the application of the marking. MUTCD, § 8E.04.02. If used at pathway or sidewalk grade crossings, the stop line should be a transverse line that extends across the full width of the pathway or sidewalk at the point where a pathway or sidewalk user is to stop. MUTCD, § 8E.04.03.

¹⁵ See WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWINGS, Signing and Pavement Marking Details for Railroad - Highway Grade Crossings, [SDD 15c09-13a](#).

¹⁶ The advance warning (W10-1) sign is normally placed in line with the near edge of the first RXR transverse band.

12. Detectable warnings (MUTCD, Ch. 3C) shall be used at pathway grade crossings where pedestrian travel is permitted and at sidewalk grade crossings and shall extend across the full width of the pathway or sidewalk. MUTCD, § 8E.04.07.

13. The dimension of the detectable warning in the direction of pedestrian travel should be at least 2 feet. MUTCD, § 8E.04.08.

14. Detectable warnings should be placed immediately beyond the pathway or sidewalk stop line (if a stop line is present) or should be incorporated into and made a part of the stop line. The downstream edge of the detectable warning should be located at least 2 feet upstream from the automatic gate, counterweight, flashing-light signals, or crossbuck assembly specific to the pathway or sidewalk (if present) and at least 12 feet from the nearest rail. MUTCD 8E.04.09, Figures 8E-2 and 8E-3.

Discussion

The Wisconsin Department of Transportation (WisDOT), Amtrak, Minnesota DOT and Illinois DOT, through an agreement with Canadian Pacific Kansas City (CPKC), commenced Borealis intercity service between the Twin Cities, Milwaukee and Chicago (TCMC) on May 21, 2024.¹⁷ The WisDOT proposes adding a second mainline track for a second daily TCMC round trip through the city of La Crosse from the La Crosse Yard to west of the USH 53 (Copeland Avenue) bridge. This work includes design changes at two grade railroad crossings at the intersections of Avon and Hagar streets (Crossing No. 390935R) and Liberty and St. Cloud streets (Crossing No. 390934J).

¹⁷ <https://wisconsindot.gov/Pages/projects/multimodal/tcmc.aspx>.

The project is funded by a \$12.6 million Federal Railroad Administration (FRA) Restoration & Enhancement Program 2020 grant to offset cost of operations for the first three years and a \$31.8 million FRA Consolidated Railroad Infrastructure and Safety Improvement grant for final design and construction of required railroad improvements. Amtrak has committed an additional \$5 million in funding with an additional \$16.2 million in state matching dollars needed from Wisconsin - \$6.2 million, and Minnesota - \$10 million.

The new tracks will cross a private pedestrian crossing east of Copeland Avenue (USH 53 southbound) at Gould Street (Crossing 390938L) established prior to 1970 according to the US DOT inventory. The crossing surface is still in place with no warning devices and two traffic cones at each approach. This is not an appropriate treatment for closing a crossing, which requires removing the crossing surface, removing the warning devices (there are none), placing end of road signage and administratively closing the crossing in the Federal Railroad Administration (FRA) database. This private pedestrian crossing is outside the scope of this matter; however, it should be reviewed by the SOO.

The area affected is the city's north side comprised of two neighborhoods. The Logan Northside Neighborhood extends from Lauderdale Place south to Clinton Street. The entire 2.13 miles long east boundary is north-south trackage up to 13 tracks wide, providing no access to the east except at US 90 to the north and Gillette Street to the south, about 1.25 miles apart. The next exit east is 0.75 miles south on STH 35 to St. Cloud Street.

The Lower Northside and Depot Neighborhood extends from Clinton Street south to Monitor Street. The tracks in the neighborhood run in a southwest direction from the Grand

Crossing to the CPKC rail yard, cutting the Lower Northside and Depot Neighborhood in half before turning northwest to cross the Black River.

The tracks enter Wisconsin from Minnesota over the Mississippi and Black Rivers as a single track and immediately split into two (with a third industrial spur serving various industries along Sumner Street). The tracks turn slightly northeast before crossing the intersections of Liberty and St Cloud Streets, and Avon and Hagar Streets at a 45-degree angle. The tracks enter the SOO rail yard just north of the Liberty Street crossing. The tracks continue in a northeast direction out of the rail yard and under Gillette Street where they intersect the Burlington Northern-Santa Fe (BNSF) mainline tracks (Grand Crossing) about 5,650 feet from the Avon Street crossing. The BNSF mainline track enters the BNSF rail yard immediately north of the Grand Crossing.

The Liberty and Avon Street crossings provide the only north-south access for this part of the city between north-south USH 53 and STH 35. A driver south of the Liberty Street crossing would need to travel 1.3 miles using STH 35 to reach the north side of the crossing. A driver south of the Avon Street crossing would need to travel 0.88 miles using USH 53 to reach the north side of the crossing. The two crossings are the only grade crossings of the tracks in the 3+ track miles from the Black River Channel Rail Bridge northeast to Conoco Road.

While all approaches to the crossings are equipped with lights, gates and raised medians to prevent vehicles from going around the gates, there are no gates in the opposite lanes of traffic that would prevent drivers from going around the medians.¹⁸

¹⁸ Gates at both ends of the medians is what is known as four-quadrant gates. These additional gates placed on the opposite side of the roadway from the primary railroad warning gates, when lowered, make it impossible for motorists to drive around the lowered gates.

The railroad operates 24 freight trains/day at a maximum timetable speed of 40 mph. The number of trains and the maximum timetable speed will not change following construction. An average freight train moving at 40 mph can take a mile or more to stop after the locomotive engineer applies the emergency brakes fully. Longer trains moving at faster speeds can take one and a half miles or more to stop.

The WisDOT petition proposes no changes to the platform at the Amtrak station.

Alternatives

The WisDOT proposes eight alternatives to reconfigure the crossings to accommodate the third track south of the two-track crossings. The Commissioner first discusses alternative 7 (closure of the Liberty Street and St. Cloud Street crossing) because closing the crossing is a non-starter. This would be asking more of a community that has already given more than enough. This area already has limited mobility, as the rail line bisects the Lower Northside and Depot Neighborhood. Other alternatives include making the intersections all-way stop control. Most of the accidents at the crossings involved vehicle-vehicle right angle crashes at the uncontrolled intersections with some of those accidents taking place on the tracks.

The WisDOT's first alternative is simply to make the intersection all-way stop controlled and nothing more. Another alternative proposes extending the medians to 100 feet impacting access to some driveways and alleys. Three other alternatives propose one-way streets east-west, north-south, and a combination of both. The one-way alternatives eliminate the need for medians altogether. In combination with narrowed roadways at the approaches, the one-way alternatives could improve safety by substantially reducing conflict points and allow

repositioning of entrance gates and addition of exit gates maintaining a 4-quadrant gate system. WisDOT's second alternative is an 8-quadrant gate system.

Leveraging technology, the 8th alternative would supplement safety with illuminated detour signs, another train coming sign, or warning signs with crossing activated yellow-flashing lights above the signs advising traffic to use USH 53 or STH 35.

The City takes the position all-way Stop control, extended medians, 8-quadrant gates, and leveraging technology would be acceptable for improving the safety of the intersection.¹⁹ In the long term, the City is open to exploring traffic lights.

Alternative 7: Close Liberty and St. Cloud Streets

While scoring the lowest for an alternative, the WisDOT posits the closure alternative to the top concluding that closing the crossing would be the least impactful to the local neighborhood because it has lower traffic volumes and is not a direct connection between nearby roadways with a higher classification.²⁰ This alternative fails to analyze the variables necessary to determine not just that a crossing may be hazardous, but that it is also redundant. Moreover, this alternative received unanimous opposition from the City and the public.²¹

The proposed cul-de-sac diameters would not permit a fire truck to turn around; and the fire hydrant at the southeast corner of the Liberty and St. Cloud Streets would require relocation to be accessible from the street.²² The La Crosse Fire Department provides emergency medical services (EMS) from four fire stations and provides care until the arrival of an ambulance.²³

¹⁹ See Transcript *supra* note 4 at 42.

²⁰ Id. at 23.

²¹ [Ex.-OCR-Public Comments - PSC REF#: 578442](#).

²² [PSC REF#: 559552](#).

²³ <https://www.cityoflacrosse.org/Your-Government/Departments/Fire>

Gundersen Tri-State Ambulance and Gundersen Air provide ambulance and EMS service out of locations south of the tracks.²⁴ Mayo Clinic Ambulance Service provides advanced care and transport from scenes of injury or hospital to hospital via ground or air (helicopter or plane) ambulance for the critically ill or injured. Police can respond from anywhere in the city.

The city's northside is a living and breathing neighborhood already enduring the physical barriers separating neighbors from one another, and from school, places of worship, local shops, parks and other neighborhood resources that promote a community's shared identity and purpose. There are five public and private schools within a one-mile radius from the midpoint between the crossings: Northside Elementary, Logan Middle School, Logan High School, Providence Academy, and Immanuel Lutheran School.

The WisDOT does not believe closing the Liberty Street and St. Cloud Street crossing to vehicular traffic would affect the neighborhood greenways given that pedestrian and bicycle access would still be available.²⁵ However, the City states that when the crossing is blocked multiple times a day, pedestrians and cyclists climb between or under stationary train cars to avoid long waits.²⁶ Blocked crossings pose multiple risks to public safety. Delayed response times impact emergency medical technicians responding to a medical emergency, firefighters responding to a major structural fire needing to safely evacuate trapped victims, and police responding to the scene of a serious crime, or worse, not arriving in time to intervene. Blocked

²⁴ <https://www.tristateambulance.org/tri-state-ambulance/>.

²⁵ See Transcript *supra* note 4 at 12.

²⁶ A review of the [FRA Public Blocked Crossings Incident Reporter](#) shows no reports of a blocked crossing in La Crosse in the last 12 months.

crossings can also cause large trucks to detour over local streets exposing local neighborhoods to increased risk of collisions and increased roadway deterioration.

An average freight train is about 1 to 1.25 miles in length (90-120 rail cars). When the SOO filed a petition to install the same track back in 2015, the SOO was running trains 8,000 to 9,000 feet (1.5 to 1.7 miles) in length. Such a train stretches from the north end of the CPKC railyard down to the Black Channel Rail Bridge because the longest train that fits inside the CPKC railyard is just over 4,000 feet. The train must also stay clear of the Grand Crossing, a major rail crossing for the BNSF, just 625 feet to the north, which marks the intersection of two of the busiest railroads in North America, and clear of the turnouts east of the Rail Bridge.

A 2025 traffic analysis observed 13 occurrences of risky behavior by pedestrians and bicyclists during an 18-19 hour period.²⁷ In response, however, the WisDOT states that the City should educate the public about rail safety.

Closing the crossing would also require acquiring property for the proposed turnaround. An acquisition that the City states would decrease surrounding property values that are already \$88,220 below the average sale price in the City, a result the City deems would be catastrophic.²⁸

While the WisDOT proposes maintaining pedestrian and non-motorized access, blocked crossings will continue and so would the risky behavior. The WisDOT may not have any control over railroads to prevent blocked crossings, and the FRA has no regulations on the subject, but WisDOT can engage the railroad and the FRA to better understand the problem and implement some solutions. Better communication could lead to cooperation where the railroad would adjust

²⁷ See Transcript *supra* note 4 at 39.

²⁸ *Id.* at 41.

locations where trains are held for crew changes or change other operational processes where a train is held prior to the crossing when there is insufficient room on the other side to fit the train. There is a vast majority of complaints where the lead engine is stopped somewhere inside the crossing. Municipalities and drivers do not understand why, if the train cannot fully clear the crossing, it sits on the crossing rather than avoid entering the crossing in the first place.

Alternative 1: All Way Stop Control

The WisDOT proposes installation of all-way stop control (AWSC) at both intersections, asserting that the City has committed to the installation. WisDOT expects intersection crashes to decrease citing that installation of AWSC at a currently uncontrolled intersection has a reported Crash Reduction Factor (CRF) of 51.1 percent while the conversion of a traditional stop controlled (TSC) intersection to an AWSC intersection has a CRF of 19 percent. WisDOT posits that it can be safely assumed that the conversion of the existing uncontrolled intersections to AWSC will result in a CFR between 51 and 70 percent.

Conditions at the intersections are not equal to just any uncontrolled intersection. Moreover, the AWSC intersection must rely on drivers coming to a full stop and yielding to other drivers. Thus, safety at the AWSC is relegated to driver behavior.²⁹ Moreover, there is no data analyzing CFR reduction at intersections bisected by two, let alone three railroad tracks equipped with lights and gates where trains persistently block the crossings.

Taking a disaggregated view of the intersections, the City could improve the CFR by targeting countermeasures to the respective intersection requirements. For example, targeting

²⁹ A study exploring the stop sign running at AWSC found that the full stop rate was only 20.2 percent. Chenhui Liu, Wei Zhang, *Exploring the stop sign running at all-way stop-controlled intersections with the SHRP2 naturalistic driving data*, 81 Journal of Safety Research 190 (2022). <https://doi.org/10.1016/j.jsr.2022.02.010>.

turning movements that keep drivers over the tracks longer than going straight through at locations where the tracks are closest to the turns, such as the northwest corner of Hagar and Avon Streets, and the southeast corner of St. Cloud and Liberty Streets.³⁰ Of the 17 crashes at this intersection, 8 were angle crashes involving a northbound and westbound vehicle, likely due to the lack of corner sight distance in the southeast corner.³¹

A driver eastbound on Hagar Street turning northbound to Avon Street would require about 210 feet to complete the turn, almost all that length would be over the tracks. Likewise, a driver westbound on St. Cloud Street turning southbound unto Liberty Street would face the same length and time over the tracks. The City could implement measures to restrict those turns and limit the time drivers would be on the tracks. Stop (R1-1) signs with ‘ALL WAY’ (R1-3P) supplemental plaques directly underneath at all approaches to the crossings would be a good start toward remediating the vehicle-vehicle problem at the crossings. However, traffic lights reduce ambiguity by providing clear instructions for stopping and going.

Alternative 2: 8-Quadrant Gate System (Add Exit Gates)

The study intersections are equipped with four entrance gates at the approach lanes. When these gates are down, vehicles inside the median cannot drive around the gate unless first backing up. However, other approaching drivers could cross over into the oncoming lanes in advance of the median, bypassing the gates entirely and fouling the crossing. Exit gates would prohibit vehicles circumventing the down gates in their lane from being able to enter the intersection using the opposite lane. These gates are designed to begin descending a set amount

³⁰ [Ex.-WisDOT-Sommers-4 - PSC REF#: 559553](#).

³¹ Traffic Analysis, *supra* note 5, at 3.

of time (based on intersection width) after the entrance gate to avoid trapping any vehicle that has legally entered the intersection. Technology is available that allows the exit gates to descend only when a vehicle detection system verifies that no vehicles remain inside the crossing.

Each intersection would require four additional gates for an estimated total of \$1,200,000. However, converting the streets into one-way roadways allow for a four-quadrant system with just one entrance and exit gate for each direction of traffic.

Alternative 3: Extending Medians

FRA regulations generally require that, as supplementary safety measures for newly established quiet zones, non-traversable medians or channelization devices extend at least 100 feet from the gate arm, or if there is an intersection within 100 feet of the gate, the median or channelization device must extend at least 60 feet from the gate arm on both sides of the tracks. 49 C.F.R. pt. 222 App. A. Current medians on all approaches to both crossings vary in length from 60 feet to under 100 feet.

Extending the medians at Avon and Hagar Streets will impact two driveways as well as the alley on the west approach of Hagar Street. Doing the same at Liberty and St. Cloud Streets will impact one driveway, one curb cut that is not currently functioning as a driveway, and the alley on the east approach of St. Cloud St. The impacted driveways and alleys would be limited to right-in, right-out traffic.³² The cost of extending medians at both intersections is \$100,000.

The best approach for dealing with emergencies, especially mass-casualty, is to provide separate ingress and egress for arriving and departing vehicles. Extending the medians to block

³² Traffic Analysis, *supra* note 5, at 15.

the alleys limit emergency personnel to one way in and out. The medians, however, would be removed if the roads transition to one-way pairs east and west.

Alternative 4: One-Way Pair East-West (St. Cloud Street and Hagar Street)

In this alternative, WisDOT proposes that Hagar Street (222 vehicles per day (vpd)) be converted into one-way east while St. Cloud Street (91 vpd) becomes the one-way west for a total net redistribution of 313 vpd. St. Cloud Street traffic would increase by 71 percent, whereas Hagar Street would experience a decrease of approximately 20 percent.³³

Hagar Street is the only east-west roadway between Clinton Street (a collector) and Monitor Street (a minor arterial) that provides a connection between US 53 (principal arterial) and WIS 35 (minor arterial). USH 53 operates as a one-way pair along Rose Street (northbound) and Copeland Avenue (southbound) west of the crossings. To the east is the five-lane WIS 35.

Given the crash history and vision triangle limitations associated with the southeast quadrant of the Hagar Street and Avon Street intersection, Hagar Street is proposed as the eastbound roadway and St. Cloud Street the westbound roadway.

WisDOT states that there are several options for where the one-way pairs could begin and end. At most, Hagar Street and St. Cloud Street would be converted into a one-way pair from US 53 to Kane Street for a total of five (5) city blocks each. At a minimum, Hagar Street and St. Cloud Street could be converted into a one-way pair from Caledonia Street to Charles Street for a total of three (3) city blocks, each. By ending the two-way pair operation at Kane Street, westbound vehicles could turn off WIS 35 onto Hagar Street and then divert north along Kane Street one block to St. Cloud Street and then continue west to US 53.

³³ Id. at 15-17.

As part of transitioning Hagar Street and St. Cloud Street into one-way roadways, the existing medians on these roads would be removed while narrowing the approaches and eliminating on-street parking within 50-feet of the crossing to allow a single approach gate. The rough order of magnitude cost of this alternative would be in the range of \$100,000 - \$500,000 depending on how many blocks are converted to one-way and any additional changes made on Hagar Street and St. Cloud Street, such as narrowing down the approaches. A narrower roadway is necessary for appropriately sized gate arm to seal the road.

This alternative does not address risky driver behavior. Therefore, other alternatives, such as median extensions or one-way pairs on the north-south roadways, may need to be considered in combination with the one-way pair east-west alternative to address north-south traffic and wrong-way driving, especially toward the railroad crossings.

Alternative 5: One-Way Pair North-South (Avon Street and Liberty Street)

Avon Street is the only north-south roadway located between USH 53 and STH 35 that connects Monitor Street to Gillette Street (a collector). Given the crash history and vision triangle limitations associated with the southeast quadrant of the Hagar Street and Avon Street intersection, WisDOT proposes Avon Street to be the southbound roadway and Liberty Street as its northbound pair.

Liberty Street does not connect to Monitor Street so the proposed one-way pair would run between Gillette Street and Gould Street, a total of nine (9) blocks each. At a minimum, Avon Street and Liberty Street could be converted into a one-way pair from St. Andrew Street to St. James Street for a total of three (3) city blocks.

Avon and Liberty Streets are both 40 feet wide, and there are no businesses south of the crossing. There is a bus stop at the northwest corner of Liberty and St. Cloud Streets (Municipal Transit Utility (MTU) Route 6) and another at the southwest corner of Liberty and Windsor Streets and a business at the northwest corner. MTU utilize USH 53 and STH 35 for north-south routes. The route 6 bus runs along Liberty Street in both direction between Wall Street and St. Paul Street only. Conversion would allow northbound only buses unless the opposing lane is also converted to contraflow lane as described below.

South of Sill Street and between Avon and Liberty Streets is Logan Middle School (main entrance on Avon Street) and the Northside Community Pool (entrance on Sill Street). Fire Station No. 4 is located on Charles Street south of Gillette Street, a block east of Liberty Street. Providence Academy, a Catholic school, is located at the southwest corner of Avon and Windsor Streets. St. James Catholic Church is across the street, and the Immanuel Lutheran Church is at the northwest corner of Avon and St. Paul Streets.

The City opposes one-way streets arguing that drivers on one-way streets travel at faster speeds and pay less attention to their surroundings, making those streets more dangerous for everyone.³⁴ The City states that it has a Federal grant to implement traffic calming measures on Avon Street for the Greenway project, and that increasing speeds and transitioning to a one-way street would be counterintuitive. But that does not have to be the case.

The City can use the opposing lanes of traffic as a dedicated contraflow lane for buses or emergency vehicles with turns across the contraflow lane restricted. This option would maintain

³⁴ Transcript, *supra* note 4 at 42.

the feel of a two-way street and act as a physical traffic calming measure. The opposing lanes can also be converted to two-way bicycle traffic protected by raised medians.

Alternative 6: Two One-Way Pairs (North-South and East-West)

This alternative combines the previous two, creating a counterclockwise rotation of one-way traffic across both crossings and offering the least number of conflict points, even at right-turns only at the crossings.³⁵ This alternative has the highest overall score in terms of meeting the stated objectives and is the WisDOT recommended alternative for further consideration by the various stakeholders involved. Under this alternative, the railroad gates would cover the entirety of the approach and fully prohibit drivers from being able to drive around the gates.

This alternative has the advantage of providing pedestrians with just one-way vehicular traffic to look out for but also requires a method to keep vehicles stopping at the crossing from also stopping over the crosswalks, and one-way north and south routes to and from Logan Middle School is the opposing lane is used for two-way bicycling.

The WisDOT states that by combining alternatives 4 and 5 into one solution, all four approaches of both intersections can be addressed. The length of the one-way segments is at the discretion of the City.³⁶ The WisDOT recommends that all roadways crossing anywhere along either of the one-way pairs should be stop controlled with ONE WAY signing where they intersect with Hagar Street, St. Cloud Street, Avon Street and Liberty Street. The intersections of Avon Street and Hagar Street as well as Liberty Street and St. Cloud Street would operate as two-way stop control given the history of crashes at these intersections, with DO NOT ENTER

³⁵ [Ex.-City-Gallager-8 - PSC REF#: 558123](#) at 9.

³⁶ Traffic Analysis, *supra* note 5, at 19-20.

signs needed along the one-way road segments. BEGIN ONE WAY and END ONE WAY signs may be desirable at the start and end of the one-way segments to provide confirmation and clarity for drivers.

The Commissioner recognizes that changing traffic patterns is the purview of the City's traffic engineering and not that of the Office.

Alternative 8: Leverage Technology

WisDOT speaks generally about high-end and low-cost technology deployments to aid drivers in route selection when the crossing is or will soon be occupied. The WisDOT states that to its knowledge, no peer-reviewed studies have been completed on the percentage of drivers that would reroute, nor on how far in advance of a crossing the information would need to be displayed to ensure a driver would reroute.

The grade crossing of the Union Pacific Railroad tracks with South Kirkwood Road (USH 61) (Crossing No. 425014J \ MP 013.460), Kirkwood, MO, sees an average annual daily traffic of about 29,000 vehicles and an average of 28 trains per day at a maximum timetable speed of 30 mph. Amtrak trains at the adjacent Kirkwood Station regularly block the crossing four times each day while freight trains block traffic for shorter periods.

For several years, the City had used illuminated detour signs, converted later to LED signs, at both approaches advising drivers to use the overpass a block west of the crossing. The blankouts are mounted on cantilever-mounted traffic signals at the approaching intersections at Monroe and Madison Avenues northbound and Jefferson and Argonne Avenues southbound. Its simple message -- "Use Overpass 1 Block →." Blankouts can also alert pedestrians of an

approaching train. This message is useful when gates remain in a down position even after a train has passed because the system has been activated by a second train.

There is infrastructure available that uses the emergency vehicles traffic signal preemption to factor in crossing blockages and direct responders to alternate streets. There are also first responder-specific GPS tools such as HAAS Alert or Waze for Cities that gather crowdsourced data and railway sensors to alert drivers of real-time delays along their routes. Similar technology could be adopted in La Crosse directing traffic to the nearest, direct overpass at USH 53 or STH 35.

Pedestrians:

All the roadway approaches to the crossing include sidewalks with no signage or delineation through the crossings. There is some lighting at the crossings but no information whether the lighting is sufficient to guide pedestrians and non-motorized users. The WisDOT proposed roadway profile redesign through the Avon and Hagar Streets crossing to improve the crossing angle for pedestrians and cyclists and install detectable warning surfaces should also be applied at Liberty and St. Cloud streets.³⁷

Conclusion

The Commissioner's preferred alternative is two one-way pairs creating a counterclockwise rotation of one-way traffic across both crossings and offering the least number of conflict points, and has the highest overall score in terms of meeting the stated objectives. The WisDOT recommends the alternative for further consideration by the various stakeholders involved.

³⁷ Tr. at 20.

The City could use the opposing lanes for contraflow bus or emergency lanes or to install separated two-way bicycling on one side or down the middle of the road. While this design may create challenges for roadway users at intersections and driveways, most of the intersections are two-way stop controlled, and there are no business driveways.

One-way traffic improves pedestrian safety because it allows concentrating on vehicle traffic coming from one direction while navigating tracks where trains arrive from either direction. By narrowing the approaches to the crossings, the length of the pedestrian crosswalks is shortened and vehicle speeds reduced, encouraging drivers to slow down and be more attentive. The alternative also eliminates the medians whose extensions impact nearby access and with the help of a modified alternative 2, would reuse existing railroad gates to cover the entirety of all four cardinal one-way approaches creating a four-quadrant gate system at each one-way crossing. Leveraging technology to provide textual warnings to drivers and pedestrians should also be incorporated to warn of an approaching train.

The Commissioner provides some deadlines for response to not run into problems with exhausted Federal funding responsible for most costs.

Order

1. The **SOO** shall install and maintain a crossing at-grade of Liberty Street/St. Cloud Street with its tracks in accordance with its design plans in the city of La Crosse, La Crosse County, by **December 31, 2027** (Crossing No. 390934J / MP 281.0).

2. The **SOO** shall install and maintain a crossing at-grade of Avon Street/Hagar Street with its tracks in accordance with its design plans in the city of La Crosse, La Crosse County by **December 31, 2027** (Crossing No. 390935R / MP 281.1).

3. The **SOO** shall install and maintain 90-degree pedestrian crossings of its tracks at the north and south ends of the roadway crossings with ADA compliant flangeway filler (all three tracks) and anti-skid surface at the pedestrian walkways at the Liberty / St. Cloud Streets and Avon / Hagar Streets crossings by **December 31, 2027**.

4. The **SOO** shall relocate and maintain 12-inch LED automatic flashing lights with gates, bells, constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office at the crossing of its tracks with Avon/Hagar Streets at-grade in the city of La Crosse, by **December 31, 2027**.

5. The **SOO** shall install and maintain sign R15-2P Number of Tracks Plaque to show three (3) tracks at all approaches to the Liberty Street/St. Cloud Street and Avon Street/Hagar Street at-grade crossings by **December 31, 2027**.

6. The **SOO** shall close one crossing at a time only.

7. The **SOO** shall notify the Office upon completion of the project.

8. The **City of La Crosse** shall realign its sidewalks as proximate as feasible to that shown at [Ex.-WisDOT-Sommers-4 - PSC REF#: 559553](#), in the absence of engineering drawings, with detectable warning surfaces and Stop lines at the crossing approaches by **December 31, 2027**.

9. The **City of La Crosse** shall consider narrowing the approaches to the crossings to shorten the length of the pedestrian crosswalks and reduce vehicle speeds by encouraging drivers to slow down and be more attentive and inform the Commissioner by **September 30, 2026**.

10. The **City of La Crosse** shall install and maintain 30-inch Stop (R1-1) signs with ‘ALL WAY’ (R1-3P) supplemental plaques directly underneath at all approaches to the crossings, both left and right sides, with Stop bars, by **August 30, 2026**. The **City** may use temporary or portable mounts for locating the signage south of the crossings (westbound and northbound traffic).

11. The **City of La Crosse** shall install and maintain Do Not Stop on Tracks (R8-8) signs on each approach to the Avon Street/Hagar Street crossing by **August 30, 2026**.

12. The **City of La Crosse** shall consider restricting turns at the crossings consistent with the Commissioner’s discussion at Alternative 1 above and inform the Commissioner by **September 30, 2026**.

13. The **WisDOT** and **City of La Crosse** shall jointly take an immersive and comprehensive review of implementing two one-way pairs consistent with the discussion of Alternative 6 above and file its findings with the Commissioner by **September 30, 2026**. The **City** shall not extend the medians until required to do so by later Order.

14. It is reasonable to install blankouts at the approaches to the crossings to inform drivers of another train approaching and suggest alternate routes.

15. The **TCMC Rail Project** shall fund 100 percent of railroad warning devices, including any technology leveraged therefrom, crossing panels and surfaces, highway traffic signalization, crossing approach signage, and roadway improvements.

16. The **City of La Crosse** shall fund 100 percent of the cost of materials and labor for all required local signage, and median extension or removal.

17. Notwithstanding any other cost apportionment in this order, the **SOO** shall bear any cost assessed to the railroad pursuant to Wis. Stat. § 195.60 for the investigation of this matter by the Office and shall not pass on those assessment costs directly or indirectly.

18. This Final Decision is effective one day after service.

19. Jurisdiction is retained.

A handwritten signature in black ink that reads "Don Vruwink". The signature is written in a cursive, flowing style with a large initial "D".

Don Vruwink
Commissioner of Railroads

DA:ss:DL:02118787

See attached Notice of Rights

OFFICE OF THE COMMISSIONER OF RAILROADS
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES
ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE
NAMED AS RESPONDENT**

The following notice is served on you as part of the Commissioner's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Office of the Commissioner of Railroads (Office) for rehearing within 20 days of the date of service of this decision. Wis. Stat. § 227.49. The date of service is shown on the first page. The petition for rehearing must be filed with the Office and served on the parties. The filing of a petition for rehearing does not suspend or delay the order's effective date. Wis. Stat. § 227.49(2). An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed in circuit court and served upon the Commissioner by personal service or certified mail within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Office serves its original decision.¹ The Office must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2018

¹ See *Currier v. Wisconsin Dept. of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

Appendix A

OFFICE OF THE COMMISSIONER OF RAILROADS

(Not a party but must be served per Wis. Stat. § 227.53)

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