

Preparations for Hearing

At Office of Commissioner of Railroads (OCR) hearings, there are five levels of involvement available to WisDOT:

1. Stay away - do not attend.
2. Attend, observe, takes notes, possibly file a brief later.
3. Appear, ask leading questions, offer no direct testimony.
4. Appear, offer direct testimony, relate the advantages of our recommended course of action.
5. Actively pursue our recommended course of action, treating the hearing as we would treat a STH crossing issue.

The appropriate level of involvement would usually be either number 2, 3, or 4 above, with active Railroad and Harbor Section (RHS) involvement required for 3, 4 or 5. Districts should typically handle level 2 and should later involve RHS in brief preparation or review.

The RHS stands ready to assist districts in all areas noted above.

Examples of preparation requirements, along with plan materials and information required for an at-grade crossing are listed below and sample testimony is included in [FDM 17-10 Attachment 15.2](#). Similar information and materials would be required for other types of crossing projects.

1. Crossing situation - existing and proposed
 - a. Location of crossing and crossing number.
 - b. Direction of highway or street.
 - c. Direction of railroad tracks, track grade, curvature and superelevation.
 - d. Proximity of connecting roads and intersections.
 - e. Angle of crossing.
 - f. Grade of approach roadways and horizontal alignment.
 - g. Type and width of pavement surfacing, shoulders and sidewalks.
 - h. Number of traffic lanes, including parking lanes.
 - i. Number of tracks and distance between track center lines, and the type of tracks (main, siding, spur) and crossing surface (asphaltic with flange rail, rubber, etc.).
 - j. Obstructions to view of trains; sight distances.
 - k. Length of crossing surface.
 - l. Existing warning devices.
 - m. Identification of railroad line.
 - n. Drainage and soil conditions.
2. Traffic
 - a. Type of traffic mix and speeds.
 - b. Highway - passenger cars, trucks, buses, pedestrians, bicycles.
 - c. Railroad - passenger, freight, special unit trains such as coal, ballast, other.
 - d. Volume of vehicular and train traffic (present and projected).
 - e. Published speed limits and time table speeds plus actual speeds observed if substantially different for highway and railroad traffic.
 - f. Probability of two railroad trains or locomotives operating at or near the crossing at the same time (two or more tracks).
3. Accident record
 - a. Vehicle-train.
 - b. "Vehicle(s) only" at the crossing and within the vehicle stopping distance to the railroad crossing.
 - c. Report of "near misses" from police and local witnesses.
4. Warning devices recommended and the rationale.
5. Financial arrangement proposed for the installation.

Example Testimony

Before the Office of Commissioner of Railroads (OCR)

Note: The OCR will provide guidance to those seeking new railroad crossing or alterations to existing crossings. The OCR has an information packet available on request that contains sample resolutions, sample testimony and a description of the OCR Administrative Rule and Practice.

Contact: Office of Commissioner of Railroads
610 N. Whitney Way
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Madison WI 53708-8968

- Testifier should introduce himself or herself, state his affiliation, and explain how he is involved in the issue – his role.
- Testifier should provide a general description of the work that is proposed, using project/crossing, any meetings or hearings that have been held, and the results or issues that have resulted. For a project, discuss expected total costs, how or who will share in the cost, and the funding sources.
- Describe the crossing situation in detail, again with the use of maps, drawings, sketches, etc. to show distances, angles and topography including nearby driveways and intersections. Plan and profile details are also appropriate showing grades and cross sections.
- Describe the proposed improvement, with similar detail (ie, distances, widths, grades, slopes, angles, etc), for all elements of the roadway and related sidewalk, trails etc that are a part of the project. Stopping sight distances for roadway traffic traveling at the intended posted speed are necessary, along with the resultant available sight distance across the vision triangles of all approaches. Describe potential ways to improve sight distance or to deal with substandard sight distances.
- Provide existing and likely future traffic on both the roadway and railroad, as well as the crash history.
- Provide justification for the recommended crossing improvement given the traffic and physical and operational conditions at the site.
- Provide the construction schedule, particularly where the crossing is a part of and dependent upon a larger roadway construction project.
- The testifier should answer questions and offer clarifications at the conclusion of his testimony.

Note: All maps, drawings, sketches, etc. referred to in the statement should be entered into the official OCR record of hearing.