

Office of the Commissioner of Railroads
Surrebuttal Testimony of Greg Worzalla

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices
of the Wisconsin Central Ltd. tracks with 163rd St., 167th St., and 171st St. and the Potential
Closure of 167th St. in the Town of Lafayette, Chippewa County

Docket 9164-RX-936

April 3, 2024

1 **Q. What is the purpose of your testimony in this proceeding?**

2 A. The purpose of my testimony is to provide surrebuttal testimony on behalf of the Office
3 in support of the petition for the closure of the existing at-grade railroad crossing of the
4 Wisconsin Central, Ltd. (WCL) tracks with 167th Street, US DOT Crossing Inventory
5 Number 692907X, in the town of Lafayette ("Town"), Chippewa County ("County").

6 **Q. Are you sponsoring any Exhibits?**

7 A. Yes. I will be introducing three maps of the area taken from the Chippewa County Web
8 Mapping page (Ex.-OCR-Worzalla-5) and an additional map from Google Earth from
9 2014 (Ex.-OCR-Worzalla-6).

10 **Q. Does the 167th Street railroad crossing have a history of crashes?**

11 A. The 167th Street crossing has had four motor vehicle crashes since 1988 including 2
12 injuries and 1 fatality. (Ex.-OCR-Worzalla-2) A lack of recent crashes doesn't mean that
13 a crash couldn't happen in the future, especially in light of this crossing's crash history
14 and safety issues identified at this crossing. The town witness alleges that in three of
15 those crashes the drivers failed to stop and then impacted the train. Observed conditions
16 at the 167th Street crossing on August 3, 2023, identified inadequate corner sight
17 distances in all quadrants, limiting a driver's ability to view an approaching train. Also

1 identified were inadequate clearing sight distances in the northeast and northwest
2 quadrants which prevent a motorist stopped at the crossing from seeing far enough down
3 the tracks to determine if sufficient time exists for moving safely across the tracks prior
4 to the arrival of a train. These obstructions were identified as not correctable to required
5 sight distances due to statutory brushing limitation which no party has disputed. (Ex.-
6 OCR-Worzalla-2) The town witness also alleges that the driver fatally struck by a
7 westbound train in 2002 was attempting to beat a train; however, there is no information
8 in the record to support this statement. Also, if this was the case, negative driver
9 behavior such as attempting to beat the train or disregarding roadway signage and
10 warning devices supports the need for improving the safety at this crossing. This is
11 especially the case at the 167th Street crossing given there is the possibility of a train
12 traveling on this line at a maximum timetable speed of 40 mph. Crossings with train
13 speeds of 40 mph and over have a disproportionate number of fatalities. (Ex.-OCR-
14 Worzalla-2)

15 **Q. Will there be an increase in emergency service response time?**

16 **A.** The town witness's rebuttal testimony indicated an EMS/Fire response time increase
17 from the Lafayette Station 3 of 5-7 minutes. Emergency service response time was
18 addressed in Robert Buettner's 167th Street Crossing Closure Study which indicated a
19 possible increased distance of 1.4 miles or 4 additional minutes. (Ex.-OCR-Worzalla 2)
20 Response time could be largely reduced with the connection of 59th Street, currently
21 blocked by trees and brush, as described in the answer to a later question in my
22 testimony.

1 **Q. Are corrective actions offered by the Town of Lafayette effective at improving**
2 **crossing safety at the 167th Street crossing?**

3 A. The town witness proposed adding speed bumps within the crossing approach to slow the
4 traffic below the 25 mph speed limit prior to approaching the crossing to 10 mph. Speed
5 bumps are not a standard treatment to improve the safety at railroad crossings. Further,
6 the warning devices at the 167th Street crossing require drivers to come to a stop, not slow
7 to 10 mph.

8 The town witness also proposed installing a stop sign with outside flashing red lights to
9 improve safety. However, neither installing speed bumps prior to the crossing, nor
10 installing a lighted stop sign improves the inadequate corner sight distances or clearing
11 sight distances at the crossing. The town witness also proposed the town keep brush
12 mowed and signs visible at all its crossings. Corner sight distances and clearing sight
13 distances remain restricted due to statutory limits on brushing. While it is agreed that
14 keeping brush mowed and signs visible at railroad crossings is a good idea, it is not
15 enough to adequately improve the safety at the 167th Street crossing. The town has not
16 provided an alternative for improving the corner sight distances and clearing sight
17 distances at the crossing.

18 The town witness rebuttal testimony also identified that the roadway of 167th Street is
19 being raised by 12 inches and the roadbed will be widened over the course of 600 feet by
20 an Excel Energy project to repair a dike that holds Lake Wissota. Without additional
21 information for review, it is difficult to determine what impacts the work will have on
22 public safety, especially in the northern approach. This work adds to the concerns about

1 safety at this crossing, particularly the 12 inch raise within the approach, but not enough
2 information is available.

3 **Q. Will additional traffic on the 163rd street crossing create unsafe driver behavior?**

4 A. The town witness testified that its residents may be in a hurry because of not having two
5 options to cross the tracks. Drivers are expected to follow the rules of the road, Wis. Stat.
6 346 at all times regardless of the number of available routes. If unsafe driver behavior is
7 present in this area, the town should consider additional enforcement methods.

8 **Q. Does the township have alternatives if the railroad crossing on 163rd street crossing
9 is blocked with the possible closing of the 167th street crossing?**

10 A. I agree that a single access to an area could be of concern, especially for emergency
11 services. This issue already exists at the 171st street crossing under this docket and is also
12 concern. If the 171st street railroad crossing was blocked, emergency services or even
13 resident access to certain township homes would be prevented. (Ex.-OCR-Worzalla-5)
14 The town should investigate options to alleviate these concerns at 171st Street which
15 would also alleviate the concern at 163rd Street. 59th Street (east leg) is a public roadway
16 serving residents located north of the 171st Street crossing and has a total length of .20
17 miles. 59th Street (west leg) is currently a private roadway extending east from 167th
18 Street for .24 miles. The east and west legs of 59th Street are separated by 235 feet with
19 trees and brush growing between the two. An option to alleviate the concerns of limited
20 access to both 171st Street and 163rd Street would be to connect this road and create a
21 public street. A Google Earth map from 2014 shows this street appearing to be almost
22 connected. (Ex.-OCR-Worzalla-6) Another option would be for the town to extend the
23 east leg of 59th Street to the west to allow for a limited access, gated, emergency services

1 access/fire lane between the public roadway of 59th Street and the private road of 59th
2 Street. This would alleviate the concern of a blocked crossing at the 163rd Street railroad
3 crossing and the already existing potential problem of a blocked crossing at the 171st
4 Street railroad crossing. Also, a completed street or emergency services/fire lane here
5 would largely alleviate increased emergency response time issues noted in a prior
6 question and would be a safety improvement to the area.

7 **Q. Are turnarounds needed for commercial delivery, utility services?**

8 A. I agree that turnarounds are useful for services. The township already has locations
9 where there is a lack of a turnaround. Currently there are no turnarounds at either end of
10 59th Street.

11 The town states that there is no room at either side of the crossing for turnarounds;
12 however, no evidence has been submitted to support this statement. Near the 167th Street
13 crossing, the existing roadway facilities in the northern approach already provide enough
14 room for a Y-turn or hammer head type turnaround at the 59th Street intersection. There
15 appears to be room for a turnaround south of the crossing; the town may have to purchase
16 real estate depending on the size of the desired turnaround. If the town desires a
17 turnaround at this location, it is the responsibility of the town to provide a design for it.

18 **Q. Did the Office consider alternatives to closing?**

19 A. Yes. I previously stated the alternatives considered in my direct testimony. The town
20 provided in its rebuttal testimony that the town residents are against the addition of lights
21 and gates at this crossing. Given no alternatives have been provided by the town to
22 improve the inadequate corner and clearing sight distances, and the new information

1 provided by the town that the residents are against automatic flashing lights and gates, the
2 only safe alternative is the closure of the 167th Street crossing.

3 **Q. Does this conclude your testimony?**

4 A. Yes, it does.