

17.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2007-0252 Communication In Committee

Notice of Investigation and Hearing and Assessment of Costs on May 16, 2007 regarding the City of West Allis complaint for the repair of the Public Crossings of the Union Pacific Railroad Co. tracks with 55th Street and 57th Street.

Introduced: 5/1/2007

Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION

Place on File

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>5-1-07</u>			Barczak				
			Czaplewski				
		<input checked="" type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic				
			Narlock	<input checked="" type="checkbox"/>			
			Reinke				
			Sengstock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Vitale	<input checked="" type="checkbox"/>			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Paul Hall

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 01 2007</u>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>0</u>		

RECEIVED
APR 26 2007
CITY OF WEST ALLIS
CLERK/TREASURER

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS
STATE OF WISCONSIN

Complaint of the City of West Allis for the Repair of the Public Crossings of the Union Pacific Railroad Co. Tracks with 55th Street and 57th Street in the City of West Allis, Milwaukee County

9040-RX-1240

NOTICE OF INVESTIGATION AND HEARING
AND ASSESSMENT OF COSTS

By letter dated March 12, 2007, the City of West Allis filed a complaint with the Office of the Commissioner of Railroads (OCR) under §86.12, Stats., that the Union Pacific Railroad Co. (UP) has failed to maintain in good condition for public travel the public crossings of its tracks with 55th Street (crossing no. 177 234U) and 57th Street (crossing no. 177 235B) in the City of West Allis, Milwaukee County.

The resolution requiring the repairs was adopted on August 4, 2006 and sent to the railroad on August 29, 2006. The City states that the crossings have not been repaired.

The issue for the hearing is whether the railroad has failed to maintain the crossing in good condition and repair for public travel.

The City of West Allis shall bear the burden of proof.

If the proceeding described herein is contested, it is deemed to be a Class I proceeding as defined in §227.01, Wis. Stats.

PLEASE NOTE: The Office will hold a public hearing at the **West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin, on May 16, 2007, at 10:00 a.m.**

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Union Pacific Railroad Co. in accordance with §195.60, Stats., and RR 2.04.

Upon reasonable notice, the Office will accommodate the needs of disabled individuals. Contact the Office at (608) 266-9536, (608) 267-1479/TTY, or (Fax) (608) 261-8220, or by writing to the Office at 610 N. Whitney Way, Room 110, PO Box 8968, Madison, Wisconsin 53708-8968.

If there are any questions regarding this matter, please contact the OCR staff at (608) 266-7607 or 266-0276.

Dated at Madison, Wisconsin, APR 23 2007

By the Office of the Commissioner of Railroads.

cc: Engineering
Scott Post
Mike Pertner



Douglas S. Wood, Hearing Examiner

Library - 1
Health - 1
Senior Center - 1
Police - 1
Fire - 4

April 27, 2007

This is to certify that the Notice of Hearing regarding the Complaint of the City of West Allis for the Repair of the Public Crossings of the Union Pacific Railroad Co. Tracks with 55th Street and 57th Street has been posted on or before May 1, 2007.

Monica Schultz
Name

Clerk/Treasurer
Department

April 30, 2007
Date Posted

✓ Please complete and return to Monica Schultz, City Clerk/Treasurer's Office.

Library - 1
Health - 1
Senior Center - 1
Police - 1
Fire - 4

April 27, 2007

This is to certify that the Notice of Hearing regarding the Complaint of the City of West Allis for the Repair of the Public Crossings of the Union Pacific Railroad Co. Tracks with 55th Street and 57th Street has been posted on or before May 1, 2007.

LT RG
Name

FIRE
Department

4/27/07
Date Posted

✓ Please complete and return to Monica Schultz, City Clerk/Treasurer's Office.

Library - 1 ✓
Health - 1
Senior Center - 1
Police - 1
Fire - 4

April 27, 2007

This is to certify that the Notice of Hearing regarding the Complaint of the City of West Allis for the Repair of the Public Crossings of the Union Pacific Railroad Co. Tracks with 55th Street and 57th Street has been posted on or before May 1, 2007.

Jayne Nalaw
Name

Library
Department

4-30-07
Date Posted

✓ Please complete and return to Monica Schultz, City Clerk/Treasurer's Office.

Library - 1
Health - 1
Senior Center - 1
Police - 1 ✓
Fire - 4

April 27, 2007

This is to certify that the Notice of Hearing regarding the Complaint of the City of West Allis for the Repair of the Public Crossings of the Union Pacific Railroad Co. Tracks with 55th Street and 57th Street has been posted on or before May 1, 2007.

Genevieve Matthews
Name

Police
Department

4/29/07
Date Posted

✓ Please complete and return to Monica Schultz, City Clerk/Treasurer's Office.