

**CITY OF WEST ALLIS
RESOLUTION R-2024-0019**

**RESOLUTION TO PETITION THE OFFICE OF THE COMMISSIONER OF
RAILROADS TO ABANDON AND REMOVE THE INDUSTRIAL SPUR
RAILROAD TRACKS**

WHEREAS, the industrial spur railroad tracks from the Union Pacific Railroad (UPRR) main track (called the Milwaukee Subdivision) north to the former Allis Chalmers property are no longer active; and,

WHEREAS, the railroad spur tracks cross multiple public streets at the following locations:

1. W. Washington St., U.S. DOT Crossing Nos. 978365K and 978366S at milepost 87.20
2. W. Greenfield Ave., U.S. DOT Crossing No. 177242L at milepost 86.868
3. W. National Ave., U.S. DOT Crossing No. 177241E at milepost 86.681
4. W. Mitchell St., U.S. DOT Crossing No. 177240X at milepost 86.550 (See Exhibit A); and,

WHEREAS, the City of West Allis has difficulty with adequately railroad maintenance to provide a safe and smooth roadway surface at these public at-grade crossings; and,

WHEREAS, section 190.16 of the Wisconsin statutes allows the road authority to petition the Office of the Commissioner of Railroads to remove railroad tracks that have been abandoned; and,

WHEREAS, Wisconsin State Statute 85.09 (3) determines that rail property is abandoned if the use of the rail property for railroad or railway purposes has been discontinued with the intent not to resume. Intent not to resume may be inferred from circumstances including, but not limited to, the following:

- If the rail property is not used for railroad purposes for 2 consecutive years.
- If the facilities on the rail property are removed or rendered unfit for service.
- If the rail property is used for other than railroad purposes; and,

WHEREAS, Union Pacific owns the industrial spur railroad tracks from the Milwaukee Subdivision East/West mainline near W. Becher Pl. north through the W. Greenfield Ave. crossing and the tracks are privately owned north of W. Greenfield Ave. to the terminus at the Hank Aaron State Trail (previously Soo Railroad).

NOW THEREFORE, BE IT RESOLVED, the Common Council of the City of West Allis hereby directs the West Allis City Engineer to take all necessary steps to petition the Office of the Commissioner of Railroads to investigate and order UPRR to abandon and remove the industrial spur tracks in the City of West Allis, Milwaukee County; and,

BE IT FURTHER RESOLVED, the property owners along the industrial spur track will be copied on the petition to the Office of the Commissioner of Railroads.

SECTION 1: **ADOPTION** “R-2024-0019” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2024-0019(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

| | AYE | NAY | ABSENT | ABSTAIN |
|-----------------------|------------|------------|---------------|----------------|
| Ald. Vince Vitale | _____ | _____ | _____ | _____ |
| Ald. Ray Turner | _____ | _____ | _____ | _____ |
| Ald. Tracy Stefanski | _____ | _____ | _____ | _____ |
| Ald. Suzzette Grisham | _____ | _____ | _____ | _____ |
| Ald. Danna Kuehn | _____ | _____ | _____ | _____ |
| Ald. Thomas Lajsic | _____ | _____ | _____ | _____ |
| Ald. Dan Roadt | _____ | _____ | _____ | _____ |
| Ald. Rosalie Reinke | _____ | _____ | _____ | _____ |
| Ald. Kevin Haass | _____ | _____ | _____ | _____ |

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis