

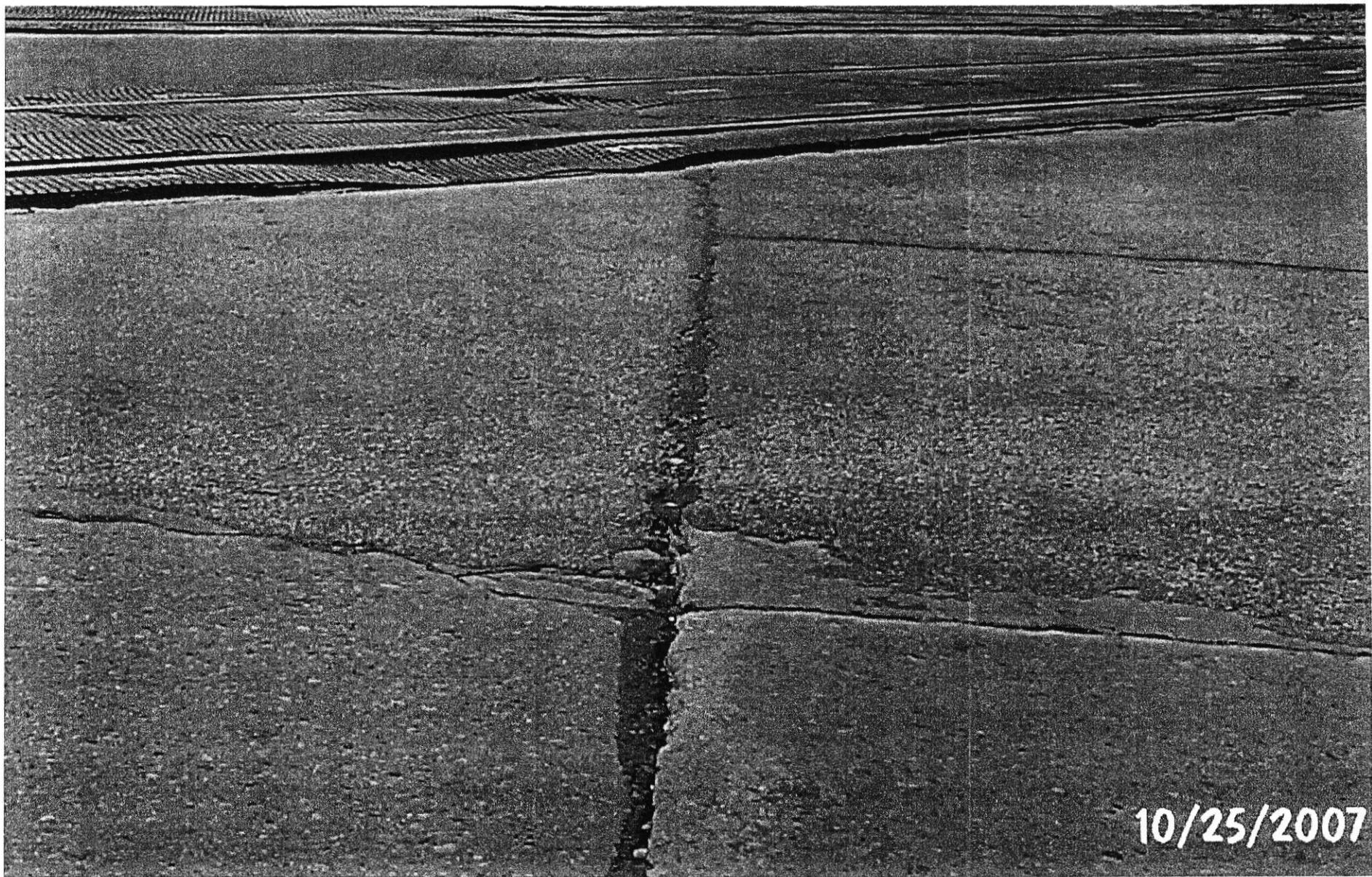
10/25/2007

Block on 10-25-07 of the UPRR At-Grade crossing at W. Electric Ave. U.S DOT
Standing east of tracks looking southwest.

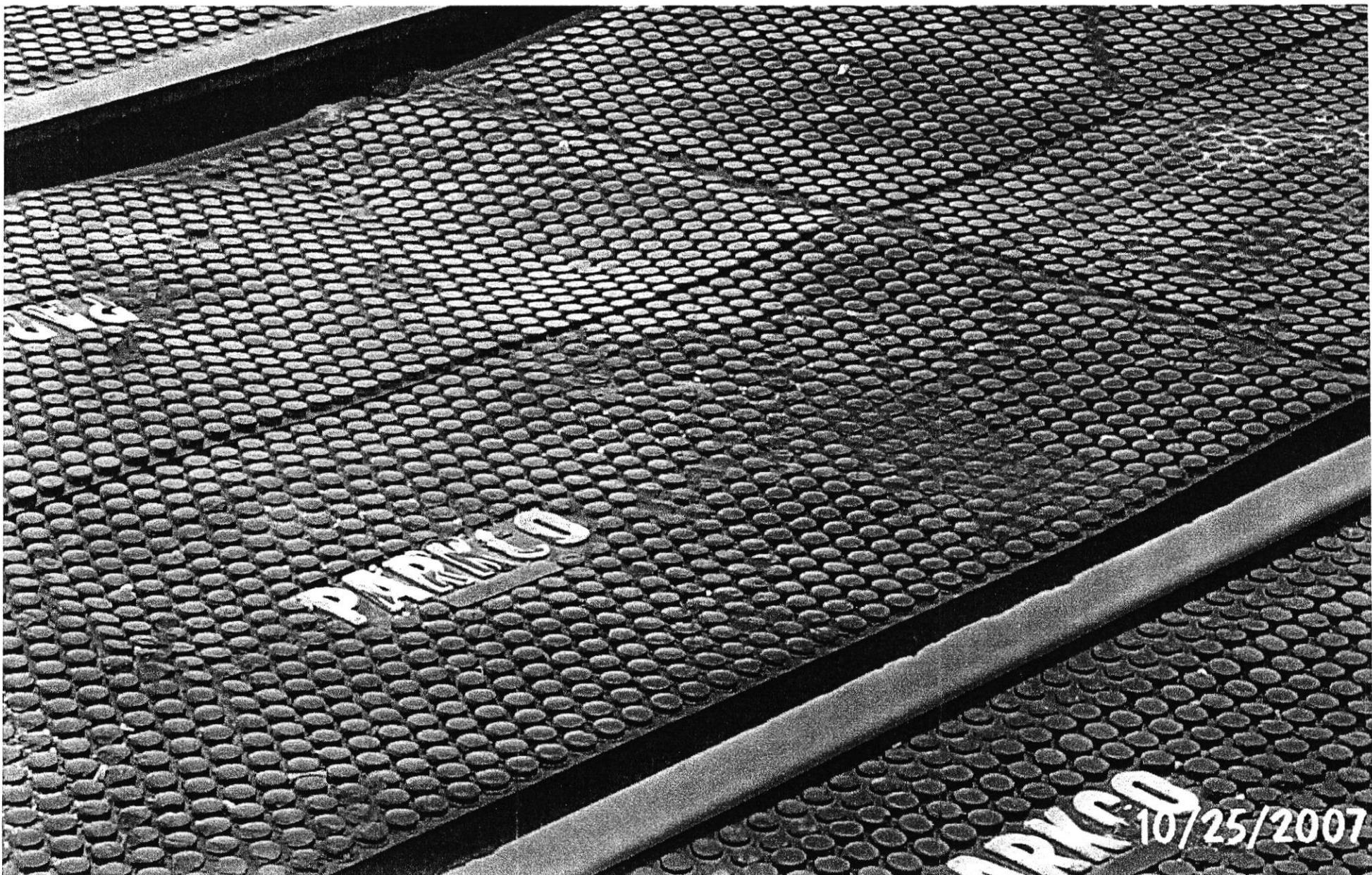


10/25/2007

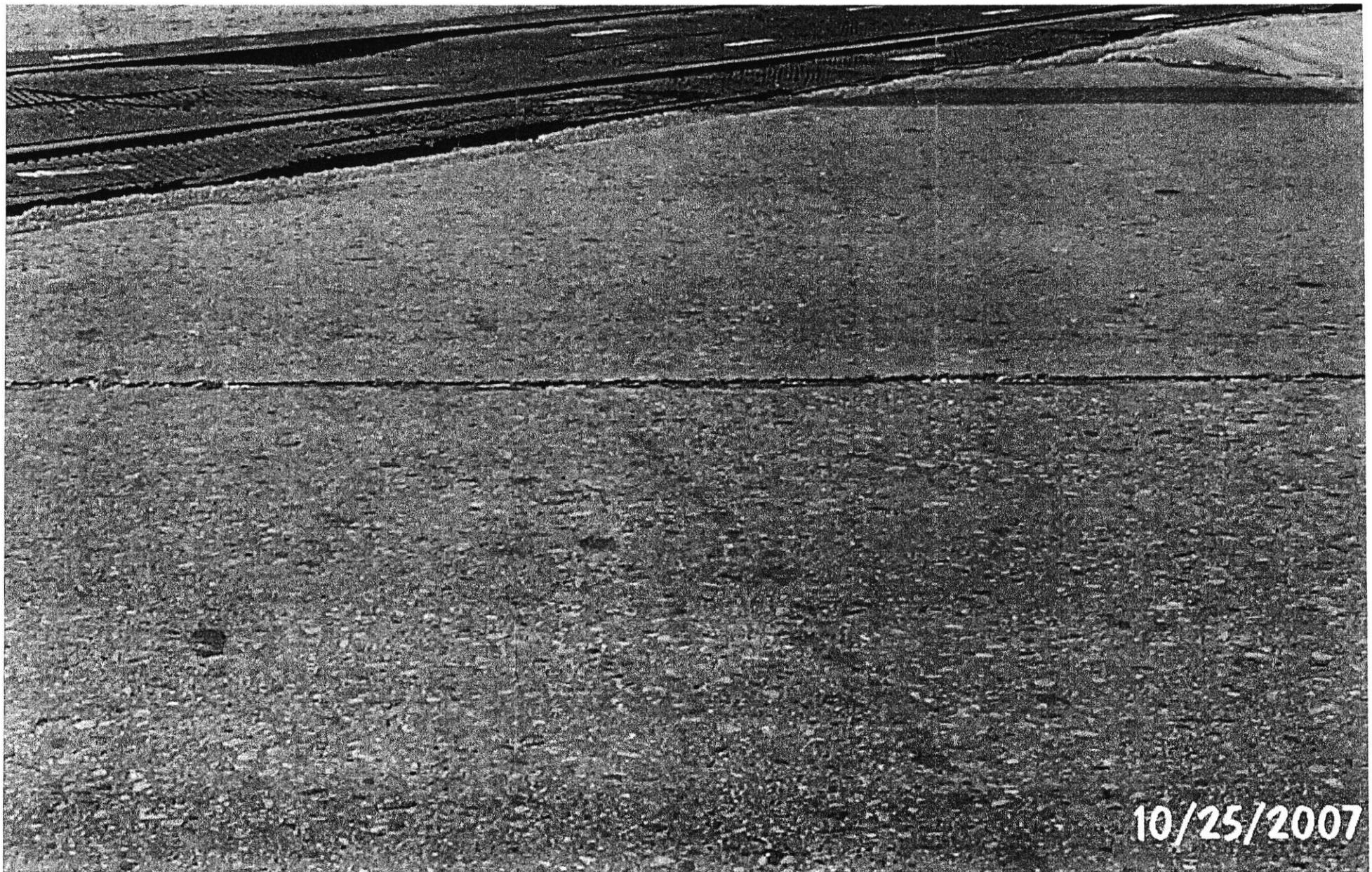
Block on 10-25-07 of the UPRR At-Grade crossing at W. Electric Ave. U.S DOT Standing east of tracks looking southwest.



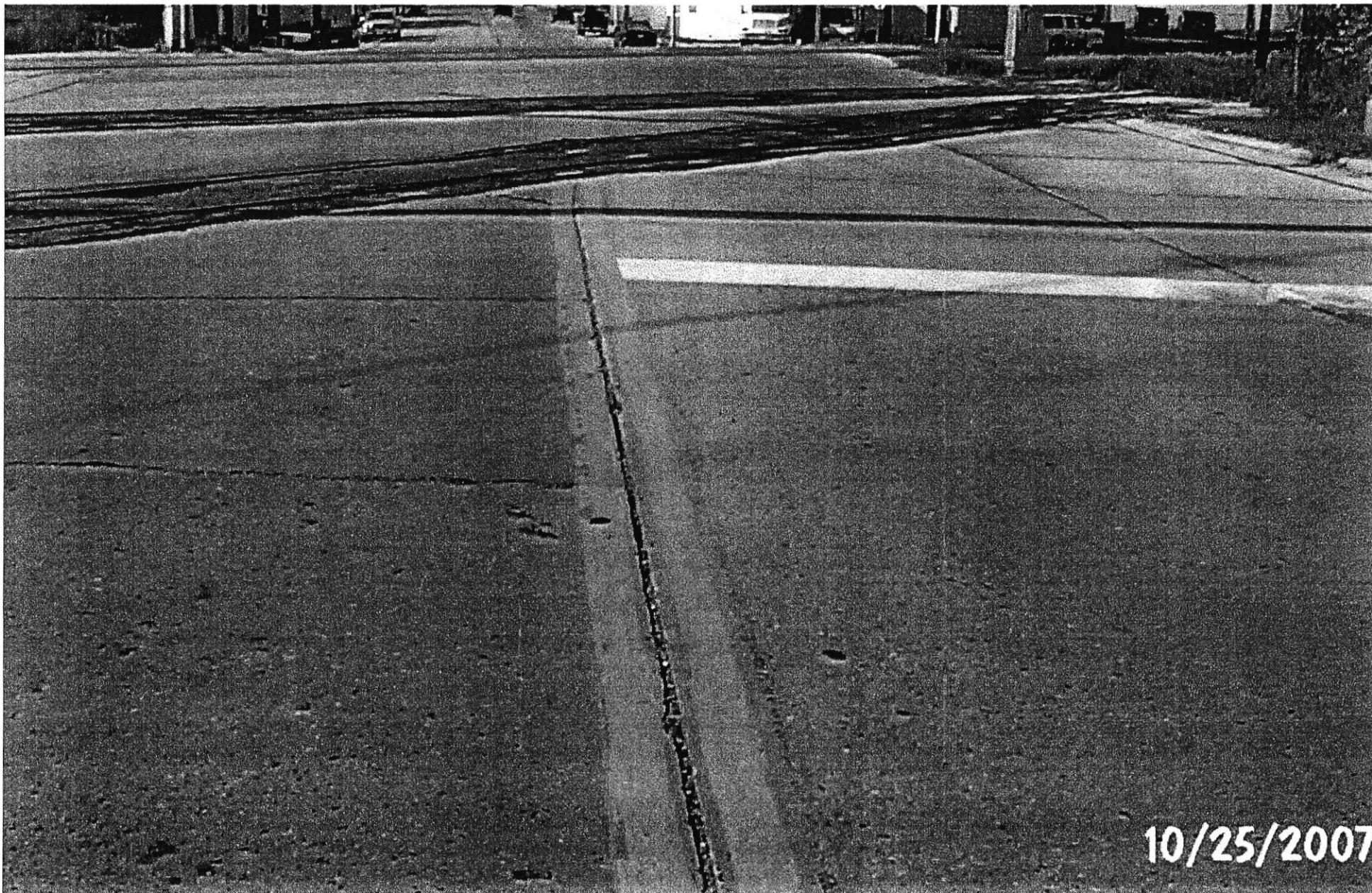
Block on 10-25-07 of the UPRR At-Grade crossing at W. Electric Ave. U.S DOT
Standing east of tracks looking southwest.



Block on 10-25-07 of the UPRR At-Grade crossing at W. Electric Ave. U.S DOT
5 standing east of tracks looking southwest.



Block on 10-25-07 of the UPRR At-Grade crossing at W. Electric Ave. U.S DOT
Standing east of tracks looking southwest.



Block on 10-25-07 of the UPRR At-Grade crossing at W. Electric Ave. U.S DOT
Standing east of tracks looking southwest.



City of West Allis

7525 W. Greenfield Ave
West Allis, WI 53214

Resolution

File Number: R-2007-0217

Final Action:
SEP 04 2007

Sponsor(s): Public Works Committee

Resolution authorizing and directing the City Engineer to require the Union Pacific Railroad Company to install new prefabricated concrete crossings at the public grade crossings located in S. 60 St. and S. 82 St.

S. 60 Street, U.S. DOT Crossing No. 177236H at milepost 85.90 of the Milwaukee subdivision at West Allis, Wisconsin and

S. 82 Street, U.S. DOT Crossing No. 177248C at milepost 87.34 of the Milwaukee subdivision at West Allis, Wisconsin.

WHEREAS, The Common Council of the City of West Allis believes that the above captioned railroad crossings in S. 60 Street and S. 82 Street are in need of immediate repairs and should be replaced; and

WHEREAS, The Union Pacific Railroad Company is obligated by State Statute 86.12(1) to keep the surface of the crossing between the tracks and rails and extending 4 feet on either side of the outside rails, in good condition and repair for highway travel; and

WHEREAS, the Common Council of the City of West Allis may require Union Pacific Railroad Company to repair and improve the crossing by the authority of State Statutes 86.12(1).

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that Union Pacific Railroad is hereby required to repair said railroad crossings and that the City Administrative Officer/Clerk/Treasurer be and is hereby authorized and directed to serve a copy of this resolution upon Union Pacific Railroad Company and all other appropriate State and Federal officials as required by State Statutes 86.12(1) for the improvement of the railroad crossings in S. 60 Street and in S. 82 Street as therein described.

eng res union pacific rr crossings s60st and s82st



City of West Allis

7525 W. Greenfield Ave
West Allis, WI 53214

Resolution

File Number: R-2007-0042

Final Action:

Sponsor(s): Public Works Committee

FEB 06 2007

Resolution authorizing and directing the City Engineer to require the Union Pacific Railroad Company to install new prefabricated concrete crossings at the public grade crossing.

S. 80 Street, U.S. DOT Crossing No. 177247V at milepost 87.20 of the Milwaukee subdivision at West Allis, Wisconsin.

WHEREAS, The Common Council of the City of West Allis believes that the above captioned railroad crossing in S. 80 is in need of immediate repairs and should be replaced; and

WHEREAS, The Union Pacific Railroad Company is obligated by State Statute 86.12(1) to keep the surface of the crossing between the tracks and rails and extending 4 feet on either side of the outside rails, in good condition and repair for highway travel; and

WHEREAS, the Common Council of the City of West Allis may require Union Pacific Railroad Company to repair and improve the crossing by the authority of State Statutes 86.12(1).

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that Union Pacific Railroad is hereby required to repair said railroad crossings and that the City Administrative Officer/Clerk/Treasurer be and is hereby authorized and directed to serve a copy of this resolution upon Union Pacific Railroad Company and all other appropriate State and Federal officials as required by State Statutes 86.12(1) for the improvement of the railroad crossing in S. 80 Street, as therein described.

eng res union pacific rr crossings s80st

ADOPTED

FEB 06 2007

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

February 8, 2007

Jeannette Bell, Mayor



City of West Allis

7525 W. Greenfield Ave
West Allis, WI 53214

Resolution

RECEIVED

NOV 8 2007

File Number: R-2007-0270

WEST ALLIS
CITY ATTORNEY

Final Action:

Sponsor(s): Public Works Committee

NOV 06 2007

Resolution Authorizing and Directing the City Engineer to Require Union Pacific Railroad Company to Remove Two (2) Existing Track Segments in West Electric Avenue.

West Electric Avenue, U.S. DOT Crossing No. 177231Y at Milepost 85.4 of the Milwaukee Subdivision at West Allis, Wisconsin.

WHEREAS, pursuant to Resolution No. 25830 adopted August 4th, 1998, the Union Pacific Railroad Company and the City of West Allis ("City") entered into an Agreement, a copy of which is attached hereto and incorporated herein, for the installation of two (2) 100 foot long prefabricated concrete crossings and the removal of two (2) existing track segments in West Electric Avenue at the location stated above; and,

WHEREAS, pursuant to said Agreement, the City was to provide a lump sum payment to Union Pacific Railroad Company in the amount of Thirty-eight Thousand Eleven Dollars (\$38,011.00) for the purchase of certain materials for the new grade crossing; and,

WHEREAS, on or about September 24th, 1999, the City paid its portion of the Agreement in full to Union Pacific Railroad Company; and,

WHEREAS, despite receiving payment in full as stated herein, Union Pacific Railroad Company installed the new prefabricated concrete crossings in West Electric Avenue but failed, and to date continues to fail, despite requests, to remove the existing track segments per the terms of the August 1998 Agreement; and,

WHEREAS, the Common Council of the City of West Allis believes that the existing spur segment tracks in West Electric Avenue pose a hazard to vehicular and pedestrian traffic and should be removed; and,

WHEREAS, the Union Pacific Railroad Company is obligated by Wisconsin State Statute 86.12(1) to keep the surface of the crossing between the tracks and rails and extending four (4) feet on either side of the outside rails, in good condition and repair for highway travel; and,

WHEREAS, the Common Council of the City of West Allis may require Union Pacific Railroad Company to pave, plank, repair, change or otherwise improve the crossing by the authority of Wisconsin State Statute 86.12(1).

RESOLUTION NO. 25830

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ENGINEER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WEST ALLIS AND THE UNION PACIFIC RAILROAD COMPANY FOR THE INSTALLATION OF TWO, 100 FT. LONG PREFABRICATED CONCRETE CROSSINGS AND THE REMOVAL OF TWO EXISTING TRACK SEGMENTS IN W. ELECTRIC AVE. WDOT NO. 177231Y AT MILEPOST 85.4 OF THE MILWAUKEE SUBDIVISION AT WEST ALLIS, WISCONSIN

By Board of Public Works

WHEREAS, The Union Pacific Railroad Company and the City of West Allis mutually agree that the above captioned railroad crossing in W. Electric Ave. is in need of repair and should be replaced under a cost sharing agreement; and

WHEREAS, The Union Pacific Railroad Company, at its expense, will perform all necessary track work to support and install the new grade crossing at an estimated cost of One Hundred Eighty-Nine Thousand, Eight Hundred Eight Dollars (\$189,808); and

WHEREAS, The City of West Allis agrees to provide a lump sum payment to the Union Pacific Railroad Company in the amount of Thirty-Eight Thousand, Eleven Dollars (\$38,011) for the purchase of certain materials for the new grade crossing.

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the City Engineer be and is hereby authorized and directed to enter into the attached Agreement with the Union Pacific Railroad Company on behalf of the City of West Allis for the improvement of the railroad crossing in W. Electric Ave., as therein described.

BE IT FURTHER RESOLVED That the City's portion of the funding for this project shall be paid from 1998 General Obligation Bonds.

ADOPTED: August 4, 1998

Janice White
City Clerk/Treasurer

APPROVED: August 10, 1998

Jeannette Bell
Mayor

Approved as to form this
5th day of August, 1998

Michael J. Sackel
City Attorney

Improvements to Existing Public Grade Crossing at Electric Avenue
at Milepost 85.4 on the Milwaukee Subdivision, West Allis, Milwaukee County, Wisconsin
AAR/DOT No. 177231Y

THIS AGREEMENT, executed in duplicate this 27 day of Aug, 1998 by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation having an address of 1416 Dodge Street, Omaha, Nebraska 68179, (hereinafter the "Railroad"), and the **CITY OF WEST ALLIS**, a municipal corporation of the State of Wisconsin, having an address of 7525 West Greenfield Avenue, West Allis, Wisconsin 53214 (hereinafter the "Political Body"),
WITNESSETH:

RECITALS:

The Political Body and the Railroad desire to install two each 100 foot long prefabricated concrete crossings at the existing Electric Avenue crossings at grade, along, over and across the Railroad's track and right-of-way at Milepost 85.4 on the Milwaukee Subdivision, in West Allis, Milwaukee County, Wisconsin, further identified as AAR/DOT No. 177231Y to which the Railroad is agreeable, but solely upon the terms and conditions hereinafter set forth.

AGREEMENT:

NOW, THEREFORE, in consideration of the premises and of the promises and conditions hereinafter set forth, the parties hereto agree as follows:

1. The Railroad shall furnish all labor, material, equipment and supervision for, and shall install two 100-foot-wide precast concrete crossing surfaces with rubber flанeways, install new cross ties and ballast, relay track, field weld joints, and retire four existing grade crossing surfaces at the intersection of the Railroad's track and Electric Avenue, as shown generally on the print and estimate dated July 23, 1998, attached hereto and marked Exhibit "A".
2. Upon completion of the work set forth in Section 1 above, the Political body shall pay the Railroad Thirty-eight Thousand and Eleven Dollars (\$38,011) as the Political Body's fixed portion of the costs of the work performed and materials supplied by the Railroad within thirty (30) days of the receipt of bill.
3. The Railroad, at its cost, shall maintain the crossing between the track tie ends.
4. The Political Body, at its sole cost and expense, shall provide for the asphalt overlay on the Electric Avenue approaches and provide all necessary traffic control, signage and barricading of Electric Avenue during construction.
5. If at any time any work on the Railroad's property for Electric Avenue is performed by the Political body's contractor, the Political Body shall require its contractor to execute the Railroad's form of Right of Entry agreement. Political Body acknowledges receipt of a copy of the Right of Entry agreement and understanding of its terms, provisions, and requirements, and will inform its contractor of the need to execute the agreement. Under no circumstances will Political Body's contractor be allowed onto Railroad's property without first executing the Right of Entry agreement.

Oct. 1919
59, 19
113- Dec 1917

P-21-E.

Comp. Oct 1920

RAILROAD TO REMOVE FOUR EXISTING CROSSINGS &
INSTALL 2 EACH 100' LONG CONCRETE CROSSINGS
& RELOCATE GATE

M.P. & 68

W1000-A
117 BP NA 1039-A

5150 P.S. Track N=117

Trk. N=1170-1451 A.T.M. 7

273+31 C. Guard.

REMOVE & INSTALL
REMOVE

ELECTRIC AVENUE

FORGE

VILLAGE

MAIN LINE

ings and inst. Reflectorized
1921-39

CITY TO PROVIDE ASPHALT ROAD WORK, TRAFFIC CONTROL
SIGNAGE AND THE COST OF THE CONCRETE CROSSING PANELS

inst. 2 Auto Xing Signals
Nov 26, 1943 A 46477-45

Placed Concrete bet. tracks of 55+2, 57+50, 60, 70, 75, 80, 82+5.
McGough Ave & Beloit Road June 1943 A 40194-42

EXHIBIT "A"

PAGE 1 OF 2

WEST ALLIS, WI.

SCALE 1"=100'

DATE: JUL 23

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

DESCRIPTION OF WORK:
MILWAUKEE SUB. / MP 85.40 / ELECTRIC / WEST ALLIS, WI
RAILROAD TO RELOCATE ONE EXISTING SIGNAL.
PROPOSED INSTALLATION OF TWO NEW CONCRETE ROAD CROSSING(S) AT ELECTRIC
FOR THE CITY OF WEST ALLIS. CROSSING IS COMPRISED OF TWO MAIN TRACKS.
INSTALL 200 TRACK FT. OF NEW 133 LB. CONCRETE ROAD CROSSING MAT'L.

PID: 30923 AWO: MP, SUBDIV: 85.40, MILWAUKEE
SERVICE UNIT: 01 CITY: WEST ALLIS STATE: WI
CITY

| DESCRIPTION | QTY | UNIT | LABOR | MATERIAL | RECOLL | UPRR | TOTL |
|------------------------------------|--------|------|--------|----------|--------|--------|------|
| ENGINEERING WORK | | | | | | | |
| ENGINEERING | | | 4659 | | | 4659 | 46 |
| TOTAL ENGINEERING | | | 4659 | | | 4659 | 46 |
| SIGNAL WORK | | | | | | | |
| LABOR ADDITIVE | | | 6803 | | | 6803 | 68 |
| MATL STORE EXPENSE | | | | 7 | | 7 | |
| SALES TAX | | | | 38 | | 38 | |
| SIGNAL | | | | 958 | | 958 | 9 |
| TOTAL SIGNAL | | | 6803 | 1003 | | 7806 | 78 |
| TRACK & SURFACE WORK | | | | | | | |
| BALAST | 4.00 | CL | 1744 | 2451 | | 4195 | 41 |
| COMPANY EQUIPMENT USAGE | | | | 1850 | | 1850 | 18 |
| EQUIPMENT RENTAL | | | | 6500 | | 6500 | 65 |
| FIELD WELD | | | 5285 | | | 5285 | 52 |
| FOREIGN LINE FREIGHT | | | | 1003 | | 1003 | 10 |
| HOME LINE FREIGHT | | | | 900 | | 900 | 9 |
| LABOR ADDITIVE | | | 43330 | | | 43330 | 433 |
| MATL STORE EXPENSE | | | | 4171 | 3932 | 239 | 41 |
| OTM | | | 2899 | 14580 | | 17479 | 174 |
| PERSONAL EXPENSES | | | | 1900 | | 1900 | 19 |
| RAIL | 480.00 | LF | 2859 | 4972 | | 7831 | 78 |
| RDXING | 200.00 | TF | 12451 | 32768 | 32769 | 12450 | 452 |
| SALES TAX | | | | 2524 | 1310 | 1214 | 25 |
| SAW CUT STREET | | | | 1250 | | 1250 | 12 |
| SIG-HWY XNG | | | 3004 | | | 3004 | 30 |
| TRANSPORTATION CHARGES | | | | 400 | | 400 | 4 |
| TRK-SURF, LIN | | | 3880 | | | 3880 | 38 |
| USAGE EQUIPMENT | | | | 350 | | 350 | 3 |
| WELD | | | | 1493 | | 1493 | 14 |
| XTIE | 150.00 | EA | 17899 | 6880 | | 24779 | 247 |
| TOTAL TRACK & SURFACE | | | 93351 | 83992 | 38011 | 139332 | 1773 |
| LABOR/MATERIAL EXPENSE | | | 104813 | 84995 | | | |
| RECOLLECTIBLE/UPRR EXPENSE | | | | | 38011 | 151797 | |
| ESTIMATED PROJECT COST | | | | | | | 1898 |
| EXISTING REUSEABLE MATERIAL CREDIT | | | | | 0 | | |
| SALVAGE NONUSEABLE MATERIAL CREDIT | | | | | 0 | | |

RECOLLECTIBLE LESS CREDITS

EXHIBIT "

6. The Political Body, for itself and for its successors and assigns, hereby waives any right of assessment against the Railroad, as an adjacent property owner, for any and all improvements made under this Agreement.

7. Covenants herein shall inure to or bind each party's successors and assigns; provided, no right of the Political Body shall be transferred or assigned, either voluntarily or involuntarily, except by express written agreement acceptable to the Railroad.

8. The Political Body shall, when returning this agreement to the Railroad (signed), cause same to be accompanied by such Order, Resolution or Ordinance of the governing body of the Political Body, passed and approved as by law prescribed, and duly certified, evidencing the authority of the person executing this agreement on behalf of the Political Body with the power so to do, and which also will certify that funds have been appropriated and are available for the payment of any sums herein agreed to be paid by the Political Body.

9. This agreement shall commence as of the date first herein written and continue for an indefinite term unless terminated by either party on thirty (30) days written notice to the other party.

10. The Railroad shall act as an independent contractor in providing and performing work under this Agreement. Nothing in, or done pursuant to, this contract shall be construed to create the relationship of principal and agent, partners, or joint venturers between the Political Body and the Railroad.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date and year first hereinabove written.

UNION PACIFIC RAILROAD COMPANY

By: Thomas K. Gee
Title: **CHIEF ENGINEER**

Attest:

Carolyn LaFou

CITY OF WEST ALLIS

By: Dennis M. Johnson
Its: Dennis M. Johnson, P.E.
City Engineer

(SEAL)

Pursuant to Resolution/Order dated
August 4, 1998,
hereto attached. (Resolution No. 25830)

UNION PACIFIC RAILROAD COMPANY

301 W. LAYNE ST
NORTHLAND, IL 60164
FAX 708-649-5418

JAMES R. WILKINS
MANAGER SPECIAL PROJEC-
INDUSTRY & PUBLIC PROJECTS
708-649-5210



DANIEL P. SLUGA
MANAGER INDUSTRY &
PUBLIC PROJECTS
708-649-5214

\$38,000 + asphalt
material

RECEIVED

July 23 1998

CITY OF WEST ALLIS
ENGINEERING DEPT

1998 Funds

City of West Allis
Attn: Mr. Dennis M. Johnson
City Engineer
7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4688

Subject: Proposed Installation of Two 100' Long Prefabricated Concrete Crossings and Removal of Two Existing Track Segments in Electric Avenue DOT# 177 231Y at Milepost 85.4 on the Milwaukee Subdivision at West Allis, Wisconsin

Dear Mr. Johnson:

The purpose of this letter is to propose that an agreement be entered into between the City of West Allis and the Railroad regarding installation of two new 100' long prefabricated concrete crossings at Electric Avenue in West Allis, Wisconsin.

I have previously talked with Mr. Robert Charles about this project and he recommended that I write this letter to you.

Attached for your information and review is a print and estimate dated July 23, 1998 which shows the estimated cost to remove the four existing crossings in Electric Avenue and install two new 100' long prefabricated crossings in Electric Avenue in the amount of \$189,808.

I would like to propose that the Union Pacific Railroad Company and the City of West Allis enter into the attached agreement where the Union Pacific Railroad Company would perform the above described work in the estimated amount of \$189,808 and that the City of West Allis make a lump sum payment of \$38,011 toward the purchase of the crossing surface material after the crossing is installed. In addition, I would also like to propose that the City of West Allis provide all the asphalt material and approach work for this project as well as traffic control and barricades for the closing of Electric Avenue for a full five day closure of Electric Avenue.

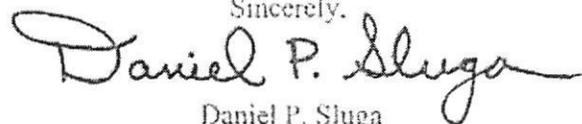
Please let me me know if the City of West Allis is willing to enter into the attached standard form agreement to cover the proposed work at Electric Avenue which we would like to start as close to August 10, 1998 as possible.

To save time I have attached two original copies of the attached agreement which could be

executed by the City and returned them both to me for execution by the Union Pacific Railroad Company.

If you or Bob Charles have any questions regarding this project please do not hesitate to call me at 708-649-5214.

Sincerely,

A handwritten signature in cursive script that reads "Daniel P. Sluga". The signature is written in black ink and is positioned above the printed name and title.

Daniel P. Sluga

Manager Industry & Public Projects

CC: Robert Charles
Art Sebastiani
Tom Foxen
Nick Louris
James R. Wilkins
Cliff Shoemaker



CITY OF WEST ALLIS
 DEPARTMENT OF ADMINISTRATION & FINANCE
PURCHASING DIVISION
 7525 W Greenfield Ave.
 West Allis, Wisconsin, 53214
 Phone (414) 302-8300
 FAX (414) 302-8321
 purchasing@ci.west-allis.wi.us

PURCHASE ORDER NO.

095857

THE ABOVE P.O. NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, AND DELIVERY TICKETS. DIRECT ALL CORRESPONDENCE TO: PURCHASING DEPT.
 Acceptance of this order constitutes agreement to accept all terms and conditions on reverse side hereof.

To: **WEST ALLIS** **09/11/20** **Shipped To:**
 1000 W. **09/11/20**
 1000 W. **09/11/20**

DELIVERY REQUIRED

FED. TAX NO. 39-71-0032-K
 WIS. TAX EXEMPT BY STATUTE

| DATE | REQUESTED BY | SHIP VIA | F.O.B. | TERMS | DEPT. REQ. NO. | |
|----------|--------------|----------|---|-------|----------------|----------|
| 09/11/20 | | | | | | |
| ITEM | QUANTITY | UOM | DESCRIPTION / NOTES | | UNIT COST | AMOUNT |
| | | | THIS IS NOT AN ORDER BUT RATHER AN INFORMATION SHEET TO EXPEDITE BILLING AND PAYMENT. PLEASE PRINT THE ABOVE "PURCHASE ORDER" WITH INVOICING, ENGINEERING OR COMMERCIAL CONCERNING THE REFERENCED CONTRACT. | | | |
| | 1.00 | EA | RAILROAD CROSSINGS AT ELECTRIC AVE. REMOVE & REPLACE IN (60) 25' X 44' (1985852) 11300 RAILROAD CROSSINGS | | 11300.00 | 11300.00 |
| | | | ALL IN ACCORDANCE WITH CITY OF WEST ALLIS RESOLUTION 275810 AND COUNCIL APPROVAL 8/27/20 | | | |

Approved by: [Signature] City Attorney
 Countersigned: [Signature] City Administrator

UNION PACIFIC RAILROAD COMPANY



RECEIVED

SEP 16 1999

CITY OF WEST FALLS
ENGINEERING DEPT

WEST ALLIS CITY OF
DENNIS H JOHNSON CITY E
7525 W GREEFILED AVE
WEST ALLIS WI 53214

| | |
|-------------------------------|----------|
| DATE ISSUED | 09-14-99 |
| BILL NUMBER | 375534 |
| EXPENSE MONTH | 07-99 |
| CONTRACT NUMBER | W030856 |
| CUSTOMER NUMBER | 040299 |
| BILL PREPARER | APAV128 |
| REQUESTED BY | |
| CLS : 14-GOVERNMENT U.S., STA | |

CORRESPONDENCE TO: ASSISTANT MANAGER, MISCELLANEDUS ACCOUNTS RECEIVABLE
1416 DODGE STREET NC 9060
OMAHA, NE. 68179
PHONE: (402)280-6211 OR (402)280-6216

DESCRIPTION

INST 2 EA 100' CONC XINGS AT ELECTRIC AVE
AT WEST FALLS WI DOT 177231Y
W030856 FINAL BILL

REFERENCE NO: 0

AMOUNT \$58,011.00

PLEASE DETACH AT THIS LINE AND RETURN THIS PORTION WITH CHECK PAYABLE TO:

UNION PACIFIC RAILROAD COMPANY
P.O. BOX 3480
OMAHA, NEBRASKA
68103-0480

ok. DMG.
9-16-99
(Agreement Attached)

COMPLETE THIS PORTION FOR CHANGE OF NAME/ADDRESS:

| | |
|---------------------------------|-------------|
| DATE ISSUED | 09-14-99 |
| BILL NUMBER | 375534 |
| BILL AMOUNT | \$58,011.00 |
| EXPENSE MONTH | 07-99 |
| CONTRACT NUMBER | W030856 |
| CUSTOMER NUMBER | 040299 |
| CLS :14-GOVERNMENT U.S., STATE, | |

| |
|----------------|
| NAME |
| STREET |
| CITY STATE ZIP |



CITY OF WEST ALLIS
DEPARTMENT OF ADMINISTRATION & FINANCE
PURCHASING DIVISION

7525 W Greenfield Ave.
West Allis, Wisconsin, 53214
Phone (414) 302-8300
FAX (414) 302-8321
purchasing@ci.west-allis.wi.us



PURCHASE ORDER NO 98552

THE ABOVE P.O. NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, AND DELIVERY TICKETS. DIRECT ALL CORRESPONDENCE TO: PURCHASING DEPT.

Acceptance of this order constitutes agreement to accept all terms and conditions on reverse side hereof.

To: UNION PACIFIC RAILROAD CO
PO BOX 3480
OMAHA NE 68103-0480

027520

Ship To:

CITY OF WEST ALLIS
PURCHASING DEPT

RECEIVED

SEP 27 1999

080690

| | | | | | | | | |
|------|----------|--------------|----|----------|----|-------------------|-------------|----------------------------|
| DATE | 09/24/99 | REQUESTED BY | DJ | SHIP VIA | 68 | DELIVERY REQUIRED | FED. TAX NO | 39-74-0032-K |
| | | | | | | BILL NUMBER | NET | WIS. TAX EXEMPT BY STATUTE |

| ITEM | QUANTITY | U/M | DESCRIPTION / NOTES | AMOUNT |
|---|----------|-----|--|------------|
| 040 | 1.00 | EA | RAILROAD CROSSINGS AT ELECTRIC AVE. REMOVAL & REPLACEMENT OF 400 752 5 443.00 (1985852) 2 RAILROAD CROSSINGS | 38011.0000 |
| <p>THIS IS NOT AN ORDER BUT RATHER AN INFORMATION SHEET TO EXPEDITE BILLING AND PAYMENT. PLEASE REFERENCE THE ABOVE "PURCHASE ORDER" NUMBER WHEN INVOICING, INQUIRING, OR COMMUNICATING CONCERNING THE REFERENCED CONTRACT.</p> <p>RAILROAD CROSSINGS AT ELECTRIC AVE ALL IN ACCORDANCE WITH CITY OF WEST ALLIS RESOLUTION 125830 AND COUNCIL APPROVAL 8/4/98</p> | | | | 38011.00 |
| <p>AMOUNT</p> | | | | 38011.00 |

| | |
|-------------------------------|---------|
| CONTRACT NUMBER | 1030856 |
| ESTIMATOR NUMBER | 140299 |
| BILL PREPARER | APAV128 |
| REQUESTED BY | |
| CLS 13-GOVERNMENT U.S., STATE | |

CC968 10/1/99 FINAL PARTIAL PAYMENT 38011.00 BALANCE 0

PLEASE DETAIL AT THIS TIME AND RETURN THIS PORTION WITH CHECK PAYABLE TO:

PURCHASING DEPT
CITY OF WEST ALLIS

UNION PACIFIC RAILROAD COMPANY
P.O. BOX 3480
OMAHA, NEBRASKA
68103-0480

RECEIVED
SEP 5 1999

CHECK # 4247

DATE 10-1-99

SIGN AND RETURN TO PURCHASING UPON RECEIPT OF MATERIAL

NAME _____ CITY _____ STATE _____ ZIP _____

| | |
|-------------------------------|------------|
| DATE ISSUED | 09-24-99 |
| BILL NUMBER | 175534 |
| BILL AMOUNT | 438,611.00 |
| EXPENSE ACCOUNT | 17-119 |
| CL CONTRACT NUMBER | 1030856 |
| CU CONTRACT NUMBER | 140299 |
| CLS 13-GOVERNMENT U.S., STATE | |

APPROVED FOR PAYMENT BY *Dennis Johnson*

City Attorney: *[Signature]* City Administrator: *[Signature]*



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

September 10, 2007

Gary Wilwerding
Union Pacific Railroad
301 W. Lake St., Rm. 103
Northlake, IL 60164

VIA CERTIFIED MAIL

RE: Union Pacific Railroad Company to install new prefabricated concrete crossings at the public grade crossings located in S. 60 St. and S. 82 St.

Dear Mr. Wilwerding:

Enclosed please find Resolution No. R-2007-0217, adopted on September 4, 2007, directing Union Pacific Railroad to make repairs to the subject railroad crossings.

Please contact either Michael Lewis, City Engineer at (414) 302-8372 or Brian Block, Engineering Technician at (414) 302-8367 with a schedule when repairs will be made.

Sincerely,

Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer

/amn
enclosure

cc: Michael Lewis
Brian Block
Jim Fisher, Union Pacific Railroad (Via Certified Mail)
Richard L. Ellison, Union Pacific Railroad

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Wilwerding
 Union Pacific RR
 301 W. Lake St., Rm. 103
 Northlake, IL 60164

2. Article Number

(Transfer from service label) 7000 1670 0005 9321 9789

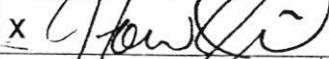
PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature



-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

9-12

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

-
- Certified Mail
-
- Express Mail
-
-
- Registered
-
- Return Receipt for Merchandise
-
-
- Insured Mail
-
- C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes
U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

| | | |
|---|---------|---------------------------------|
| Postage | \$ 41 | Postmark Here 9-10-07 |
| Certified Fee | 4.80 | |
| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |
| Total Postage & Fees | \$ 5.21 | |

 Sent To
 Gary Wilwerding/ Union Pacific RR
 Street, Apt. No., or PO Box No.
 301 W. Lake St., Rm. 103
 City, State, ZIP+4
 Northlake, IL 60164

PS Form 3800, May 2000

See Reverse for Instructions

7000 1670 0005 9321 9789

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

| | | |
|---|---------|---------------------------------|
| Postage | \$ 41 | Postmark Here 9-10-07 |
| Certified Fee | 4.80 | |
| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |
| Total Postage & Fees | \$ 5.21 | |

 Sent To
 Union Pacific RR/ Jim Fischer
 Street, Apt. No., or PO Box No.
 4823 N. 119 St., Rm. 122
 City, State, ZIP+4
 Milwaukee, WI 53225

PS Form 3800, May 2000

See Reverse for Instructions

7000 1670 0005 9321 9772



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4688



CITY CLERK/TREASURER OFFICE

Paul M. Ziehler
*City Administrative Officer
Clerk/Treasurer*

Rosemary West
*Treasurer's Office Supervisor
Senior Accountant*

Monica Schultz
Assistant City Clerk

414/302-8200
414/302-8207 (Fax)

City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

www.ci.west-allis.wi.us

February 12, 2007

Gary Wilwerding
Union Pacific Railroad
301 W. Lake St., Rm. 103
Northlake, IL 60164

VIA CERTIFIED MAIL

RE: Union Pacific Railroad Company to install new prefabricated concrete crossings at the public grade crossing, S. 80 Street, U.S. DOT Crossing No. 17724V at milepost 87.20 of the Milwaukee subdivision at West Allis, Wisconsin.

Dear Mr. Wilwerding:

Enclosed please find Resolution No. R-2007-0042, adopted on February 6, 2007, directing Union Pacific Railroad to make repairs to the subject railroad crossings.

Please contact either Michael Lewis, City Engineer at (414) 302-8372 or Brian Block, Engineering Technician at (414) 302-8367 with a schedule when repairs will be made.

Sincerely,

Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer

/amn
enclosure

cc: Michael Lewis
Brian Block
Jim Fisher, Union Pacific Railroad (Via Certified Mail)
Richard L. Ellison, Union Pacific Railroad

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0000 9321 9802

OFFICIAL USE

| | |
|---|--------|
| Postage | \$.39 |
| Certified Fee | 4.25 |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$4.64 |

Postmark
Here

2-1307

Sent To
Jim Fischer (Union Pacific Railroad)
Street, Apt. No., or PO Box No.
4823 N. 119 St., Rm. 122
City, State, ZIP+4
Milwaukee, WI 53225

See Reverse for Instructions

PS Form 3800, May 2000



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4688



CITY ADMINISTRATIVE OFFICE

November 12, 2007

PAUL M. ZIEHLER
City Administrative Officer
Clerk/Treasurer

414/302-8294
414/302-8207 (Fax)

City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

pziehler@ci.west-allis.wi.us
www.ci.west-allis.wi.us

CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

Mr. Gary Wilwerding
Union Pacific Railroad
301 West Lake Street
Room 103
Northlake, IL 60164

RE: Removal of Two Existing Track Segments in West Electric Avenue,
U.S. DOT Crossing No. 177231Y at Milepost 85.4 of the
Milwaukee Subdivision at West Allis, Wisconsin

Dear Mr. Wilwerding:

Enclosed please find Resolution No. R-2007-0270, adopted November 6th, 2007, directing Union Pacific Railroad Company to remove the subject railroad spur crossing. By Resolution No. 25830, adopted August 4th, 1998, the Union Pacific Railroad Company and the City of West Allis entered into an Agreement for the installation of two (2) 100 foot long prefabricated concrete crossings and the removal of two (2) existing track segments in West Electric Avenue at the above-referenced location. On or about September 24th, 1999, the City of West Allis paid its portion of the Agreement in full to Union Pacific Railroad Company. Union Pacific Railroad Company installed the new prefabricated concrete crossings but failed and continues to fail, despite requests, to remove the existing track segments per the terms of the 1998 Agreement. Therefore, the enclosed resolution was unanimously adopted on November 6th, 2007.

The Common Council of the City of West Allis believes that the existing spur segment tracks in West Electric Avenue pose a hazard to vehicular and pedestrian traffic and should be removed. This letter and accompanying resolution is being served upon you in accordance with Sec. 86.12 of the Wisconsin Statutes.

Please contact either Michael Lewis, City Engineer, at (414) 302-8372 or Brian Block, Engineering Technician, at (414) 302-8367 with a schedule when removal will be made.

Sincerely,

Paul M. Ziehl
City Administrative Officer,
Clerk/Treasurer

PMZ:da

Enclosure

L/Jeff/Union Pacific Railroad/Itr-G Wilwerding-W Elec Ave

cc: Michael Lewis (enc.)
Brian Block (enc.)
Tom Hazeltine, Union Pacific Railroad (Certified Mail)
Richard L. Ellison, Union Pacific Railroad
Jim Fisher, Union Pacific Railroad

7004 2510 0000 7649 0003

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

| | | |
|--|--------|------------------------------|
| Postage | \$.41 | Attorney Postmark Here |
| Certified Fee | 4.10 | |
| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |
| Total Postage & Fees | \$5.21 | 11-13-07 |
| Sent To <i>Mary Wilwerding</i> | | |
| <i>Union Pacific Railroad Co</i> | | |
| Street, Apt. No. or PO Box No. <i>301 W Lake St #103</i> | | |
| City, State, ZIP+4 <i>Northlake, IL 60164</i> | | |
| PS Form 3800, June 2002 | | See Reverse for Instructions |

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Mrs. Mary Wilwerding
Union Pacific Railroad Co
301 West Lake Street
Room 103
Northlake, IL 60164*

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

11-13-07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address: No

RECEIVED
NOV 19 2007

WESTALLIS
CITY ATTORNEY

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

7004 2510 0000 7649 0003

**City of West Allis****Resolution****File Number: R-2008-0011****Final Action:**

Sponsor(s): Public Works Committee

JAN 15 2008

Resolution Authorizing City Attorney to File a Complaint with the Office of Commissioner of Railroads against Union Pacific Railroad Company for removal of railroad tracks in West Electric Avenue and repair of railroad crossings located in South 60th Street, South 82nd Street and South 80th Street.

This resolution relates to the following railroad crossings located in the City of West Allis:

- S. 80 St., U.S. DOT Crossing No. 177247V at Milepost 87.20 of the Milwaukee Subdivision at West Allis, WI
- S. 60 St., U.S. DOT Crossing No. 177236H at Milepost 85.90 of the Milwaukee Subdivision at West Allis, WI
- S. 82 St., U.S. DOT Crossing No. 177248C at Milepost 87.34 of the Milwaukee Subdivision at West Allis, WI
- West Electric Avenue, U.S. DOT Crossing No. 177231Y at Milepost 85.4 of the Milwaukee Subdivision at West Allis, WI

Whereas, pursuant to reports made by the City Engineer and in accordance with Wis. Stat. §86.12(1), the Common Council of the City of West Allis passed Resolution Nos. R-2007-0042 and R-2007-0217 requiring the Union Pacific Railroad Company to repair the railroad crossings identified above located in the City of West Allis and Resolution No. R-2007-0270 requiring Union Pacific Railroad Company to remove the railroad spur crossing identified above at West Electric Avenue in the City of West Allis and further authorized the City Administrative Officer/Clerk/Treasurer to serve a copy of said resolutions upon Union Pacific Railroad Company and all other state and federal officials as required by Wisconsin State Statutes; and,

Whereas, on or about February 12th, 2007, September 10th, 2007 and November 12th, 2007, the City Administrative Officer, Clerk/Treasurer served a copy of the above-stated resolutions by certified mail on the Union Pacific Railroad Company; and,

Whereas, more than thirty (30) days have elapsed since said notice and to date, the Union Pacific Railroad Company has failed to make any repairs whatsoever to said railroad crossings; and,

Whereas, the Common Council of the City of West Allis may file a complaint with the Office of the

Commissioner of Railroads alleging the failure of Union Pacific Railroad Company to honor the terms of the resolution and request an investigation into this matter pursuant to Wis. Stat. §86.12(2).

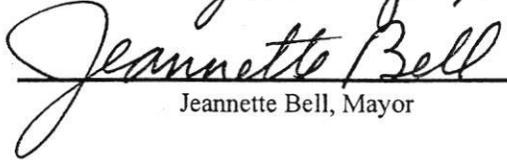
Now, Therefore, Be It Resolved, by the Common Council of the City of West Allis that the Office of the City Attorney is hereby authorized to file a complaint and handle all legal matters associated with the same, on behalf of the Common Council, with the Office of the Commissioner of Railroads in accordance with Wis. Stat. §86.12(2) for the investigation, removal of the railroad spur at West Electric Avenue and ultimate improvement of the railroad crossings in S. 60th, S. 80th and S. 82nd Streets as herein described.

ATTR-Addl Complaint Against UP Railroad Co

ADOPTED JAN 15 2008



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED *January 17, 2008*


Jeannette Bell, Mayor

RECEIVED

JUN 2 2007

WEST ALLIS
CITY ATTORNEY

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

FINAL DECISION

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.

Pursuant to due notice, public hearing was held in this matter on May 16, 2007 in West Allis, Wisconsin with hearing examiner Douglas S. Wood presiding.

The Union Pacific Railroad Co. did not appear at the hearing. The matter was uncontested and therefore a proposed decision is not required.

Appearances:

Parties

City of West Allis, Complainant
by
Jeffrey J. Warchol
Assistant City Attorney
7525 W. Greenfield Avenue
West Allis, WI 53214

No Appearance by Union Pacific Railroad Co.

Findings of Fact

THE COMMISSIONER FINDS:

The City of West Allis complains that the Union Pacific Railroad Co. has failed to maintain the crossings of 55th Street and 57th Street in good condition and repair for public travel. The Commissioner agrees. The UP has also been on notice about the condition of these crossings for over three years. Based on the uncontroverted testimony at the hearing, UP personnel have even

promised to repair the crossings, but then never did so. The promises presumably delayed the filing of the formal complaint.

55th Street Crossing no. 177 234U

55th Street is a 2-lane roadway and intersects the tracks at an angle of about 70°. The crossing consists of two main line tracks.

55th Street carried 468 ADT (average daily traffic) in 2005. The speed limit on 55th Street is 25 mph.

According to the FRA database, the railroad currently operates about 22 through train movements and 12 switch movements per day over both the 55th Street and 57th Street crossings at a maximum speed of 40 mph.

The crossing is a two-track crossing. The north crossing has a timber-plank and asphalt surface and is in poor condition for highway travel. The timber planks are rotten and missing chunks. Metal spikes are missing in some locations and loose and protruding in others. The planks are loose and move when vehicles drive over the crossing.

The south track crossing is a rubber-paneled crossing and is actually in much worse condition than the north track crossing. The rubber panels undulate in waves. A person walking on the rubber panels causes large areas to move up and down. The rubber panels also do not extend all the way through the crossing. The areas at the ends have old three-rail or mud-rail construction that is also very uneven. The end areas are where pedestrians venture to cross the rails.

Most vehicles drive very slowly over the crossing, but some (presumably drivers unfamiliar with the crossing) do not. This speed differential creates a safety hazard.

The 55th Street crossing urgently needs a complete rebuild. The crossing also needs immediate temporary repairs. Rotten timbers need to be replaced, timbers need to be spiked down, and the rubber panels need to be lagged or spiked down.

Under §86.12 Wis. Stats., the railroad bears an obligation to keep all highway/rail crossings in good and safe condition for public travel. The railroad has failed to do so at the 55th Street crossing. The crossing is at the end of its useful life and requires complete renewal.

57th Street Crossing no. 177 235B

57th Street is a 2-lane roadway and intersects the tracks at an angle of about 80°. The crossing consists of two main line tracks.

57th Street carried 392 ADT (average daily traffic) in 2005. The speed limit on 57th Street is 25 mph.

The crossing is a two-track crossing. Both crossings have a timber-plank and asphalt surface and are in poor condition for highway travel. The timber planks are rotten and missing chunks. Metal spikes are missing in some locations and loose and protruding in others. The planks are loose and move when vehicles drive over the crossing.

Most vehicles drive very slowly over the crossing, but some (presumably drivers unfamiliar with the crossing) do not. This speed differential creates a safety hazard.

The 57th Street crossing urgently needs a complete rebuild. The crossing also needs immediate temporary repairs. Rotten timbers need to be replaced and all timbers need to be spiked down.

The railroad has failed to maintain the 57th Street crossing in good and safe condition for public travel. The crossing is at the end of its useful life and requires complete renewal.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

That the Union Pacific Railroad Co. has failed to maintain the crossings at-grade of 55th Street and 57th Street with its tracks in good condition and repair for public travel in the City of West Allis, Milwaukee County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §86.12, Wis. Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Union Pacific Railroad Co.** shall repair the crossing at-grade of **55th Street** with its tracks by fully renewing the crossing with a concrete-paneled surface in the City of West Allis, Milwaukee County by **October 1, 2007** (crossing no. 177 234U).

2. That the **Union Pacific Railroad Co.** shall repair the crossing at-grade of **57th Street** with its tracks by fully renewing the crossing with a concrete-paneled surface in the City of West Allis, Milwaukee County by **October 1, 2007** (crossing no. 177 235B).

3. That the **Union Pacific Railroad Co.** shall perform temporary repairs to the crossing at-grade of **55th Street** with its tracks by replacing timbers planks, spiking down all timber planks, and lagging or spiking all rubber panels within the crossing surface as needed to improve the ride over the crossing surface in the City of West Allis, Milwaukee County by **July 1, 2007**.

4. That the **Union Pacific Railroad Co.** shall perform temporary repairs to the crossing at-grade of **57th Street** with its tracks by replacing timbers planks and spiking down all timber planks within the crossing surface as needed to improve the ride over the crossing surface in the City of West Allis, Milwaukee County by **July 1, 2007**.

5. That jurisdiction is retained.

Dated at Madison, Wisconsin, JUN 01 2007.

By the Office of the Commissioner of Railroads.



Rodney W. Kreunen
Commissioner of Railroads

9040F1240

NOTICE TO THE PARTIES

Any party adversely affected by this order may petition for rehearing in writing within 20 days after service of this order. The petition for rehearing shall be served upon the Office of the Commissioner of Railroads (OCR) by mail or in person. The petition for rehearing must also be served upon all other parties listed in the "Appearance" section of this order. Filing a petition for rehearing does not automatically stay this order. The process for rehearings is in sec. 227.49 of the statutes.

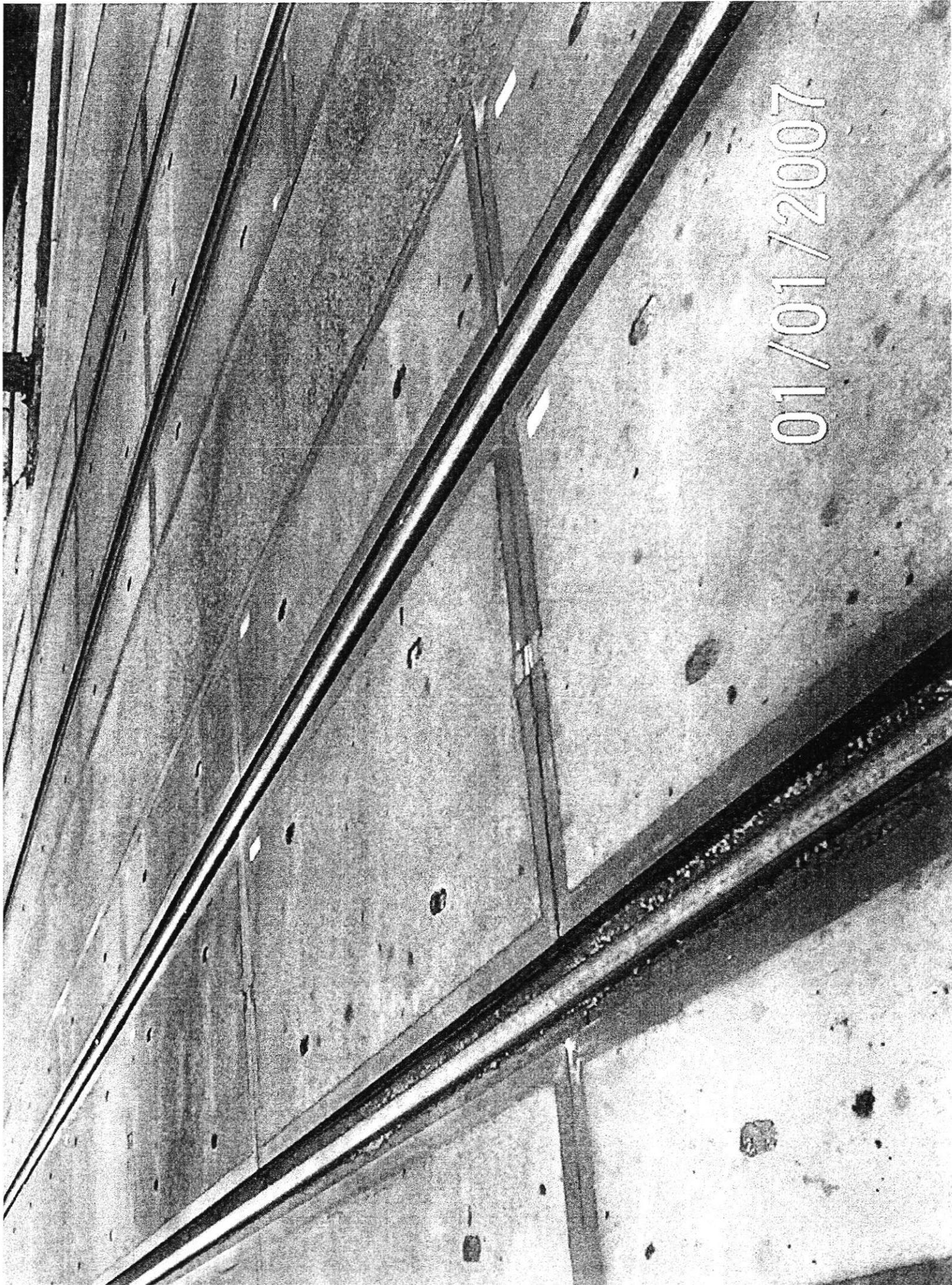
A party adversely affected by this order may petition for judicial review within 30 days after the service of this order or after the disposition of a request for rehearing. A petition for rehearing is not a prerequisite for filing a petition for judicial review. The Office of the Commissioner of Railroads shall be named as respondent.

The petition for judicial review must be served on the Office of the Commissioner of Railroads either by certified mail or by personal service upon the Commissioner of Railroads. The appeal must also be served upon all other parties listed in the "Appearance" section of this order. The process for court review is in sec. 227.53 of the statutes.

The OCR is located at 610 North Whitney Way, Room 110, Madison, Wisconsin.

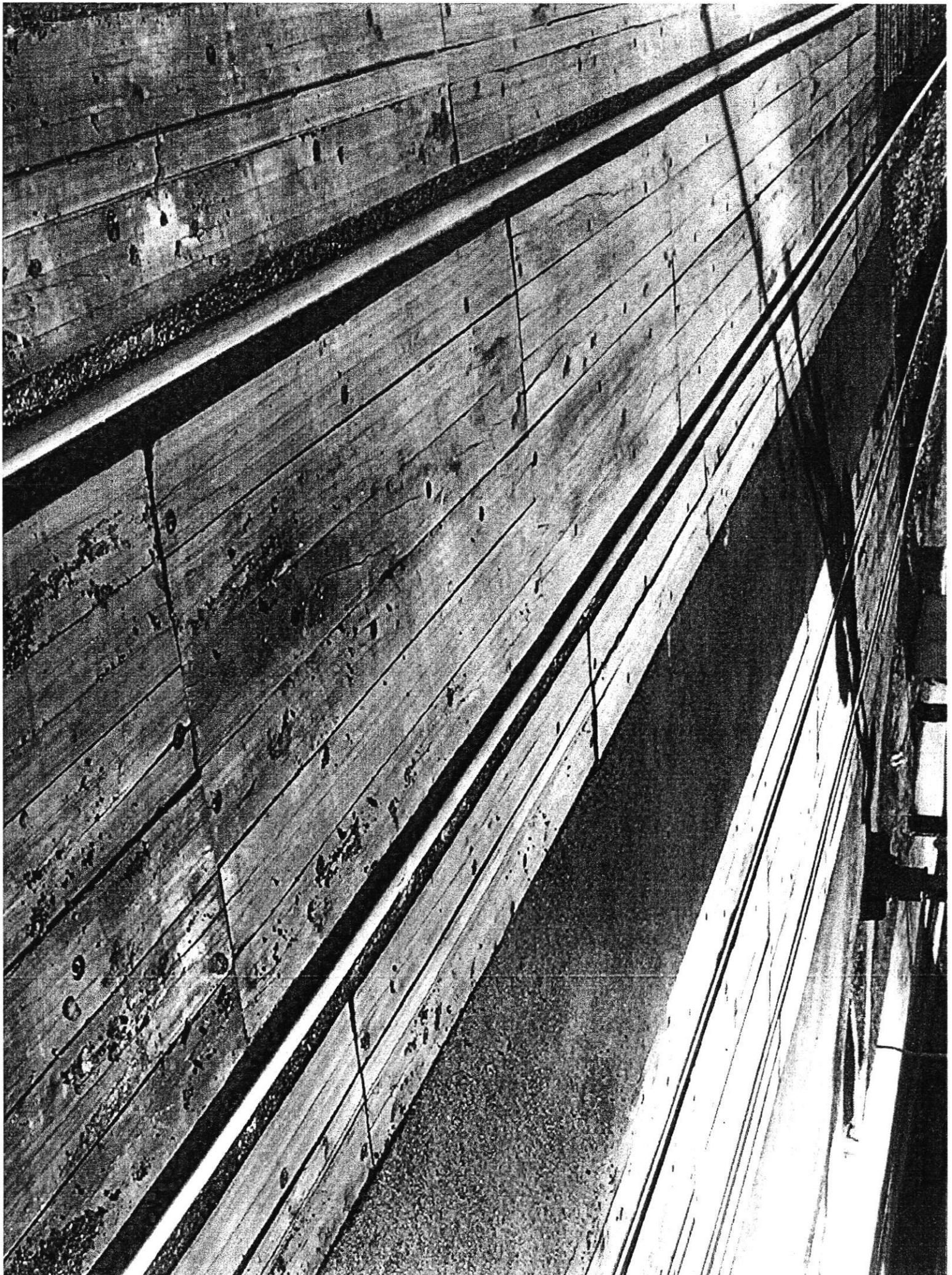
The OCR's mailing address is: Office of the Commissioner of Railroads, P.O. Box 8968, Madison, WI 53708-8968.

01/01/2007









**City of West Allis****Resolution****File Number: R-2007-0076****Final Action: 3/6/2007****Sponsor(s):** Public Works Committee

Resolution Authorizing City Attorney to File a Complaint with the Office of Commissioner of Railroads against Union Pacific Railroad Company for repair of railroad crossings located in S. 55 St. and S. 57 St.

This resolution relates to the following railroad crossings located in the City of West Allis:

- S. 55 St., U.S. DOT Crossing No. 177234U at Milepost 85.58 of the Milwaukee Subdivision at West Allis, WI
- S. 57 St., U.S. DOT Crossing No. 177235B at Milepost 85.71 of the Milwaukee Subdivision at West Allis, WI

Whereas, pursuant to a report of the City Engineer and in accordance with Wis. Stat. §86.12(1), on August 1st, 2006, the Common Council of the City of West Allis passed a resolution (R-2006-0192) requiring the Union Pacific Railroad Company to repair the railroad crossings identified above located in the City of West Allis and further authorized the City Administrative Officer/Clerk/Treasurer to serve a copy of said resolution upon Union Pacific Railroad Company and all other state and federal officials as required by Wisconsin State Statutes; and,

Whereas, on or about August 29th, 2006, the City Administrative Officer, Clerk/Treasurer served a copy of the August 1st, 2006, resolution (R-2006-0192) by certified mail on the Union Pacific Railroad Company; and,

Whereas, more than thirty (30) days have elapsed since said notice and to date, the Union Pacific Railroad Company has failed to make any repairs whatsoever to said railroad crossings; and,

Whereas, the Common Council of the City of West Allis may file a complaint with the Office of the Commissioner of Railroads alleging the failure of Union Pacific Railroad Company to honor the terms of the resolution and request an investigation into this matter pursuant to Wis. Stat. §86.12(2).

Now, Therefore, Be It Resolved, by the Common Council of the City of West Allis that the Office of the City Attorney is hereby authorized to file a complaint and handle all legal matters associated with the same, on behalf of the Common Council, with the Office of the Commissioner of Railroads in accordance with Wis. Stat. §86.12(2) for the investigation and ultimate improvement of the railroad crossings in S. 55 and S. 57 Streets as herein described.

ATTR-Complaint Against UP Railroad Co

ADOPTED _____ 03/06/2007

Monica Schultz
Monica Schultz, Deputy City Clerk

APPROVED March 7, 2007

Jeannette Bell
Jeannette Bell, Mayor