



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution: R-2017-0176

File Number: R-2017-0176

Sponsor(s): Public Works Committee

Final Action:

JUN 20 2017

Resolution expressing the Common Council's frustration with the Office of the Commissioner of Railroads for their failure to act in a timely manner in ordering the Union Pacific Railroad Company to repair of the crossing in West Greenfield Avenue (STH 59) and other crossings in the City of West Allis.

Whereas, pursuant to reports made by the Director of Public Works/City Engineer and in accordance with Wis. Stat. 86.12 (1), the Common Council of the City of West Allis passed Resolution No. R-2015-0101 on May 6, 2014 requiring the Union Pacific Railroad Company to repair the railroad crossing in W. Greenfield Avenue, U.S. DOT Crossing No. 177242L at milepost 86.34 of the Milwaukee subdivision at West Allis, Wisconsin and further authorized the City Clerk to serve a copy of said resolution upon Union Pacific Railroad Company (UP) and all other state and federal officials as required by Wisconsin State Statutes. The resolution requiring the repairs was sent to the railroad on June 12, 2014; and,

Whereas, by letter dated February 18, 2015, the City of West Allis filed a formal complaint with the Office of the Commissioner of Railroads (OCR) under Wis. Stat. § 86.12 that the Union Pacific Railroad Company had failed to respond to Resolution No. R-2015-0101 and maintain in good condition for public travel the W. Greenfield Avenue crossing; and,

Whereas, By Final Decision dated May 12, 2015, the Commissioner, pursuant to Wis. Stat. 86.12 and 195.28 and 195.29, determined that the UP had failed to maintain the crossing in good condition. The Final Decision followed a public hearing on April 21, 2015, where representatives for UP did not appear. The Office of the Commissioner of Railroads ordered the Union Pacific Railroad Company to repair the crossing by complete reconstruction with concrete panels by October 31, 2015; and,

Whereas, on April 4, 2017, the Office of the Commissioner of Railroads reversed its original decision to make full, permanent repairs to repairing only one defective concrete panel by May 18, 2017; and,

Whereas, on May 19, 2017, the UP requested an extension of time to June 16, 2017 to make the minor repairs. As a result of this request, on May 23, 2017, the Office of the Commissioner of Railroads allowed the delay to make repairs until June 16, 2017; and,

Whereas, the City finds it's unacceptable that more than 3 years has elapsed since the City adopted Resolution No. R-2015-0101 and placed UP on notice that major repair work was needed on a high traffic volume crossing in the City; and,

Whereas, the City has experienced similar problems at other UP crossings where repairs at times were delayed and in some cases inadequate and are now failing; 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 Final Decision 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 Director of Public Works/City Engineer with the assistance of the City Attorney is hereby authorized, if he deems it necessary to protect the interests of the City, to file a complaint and ask the City Attorney to 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 crossing in West Greenfield Avenue.

ADOPTED

JUN 20 2017

APPROVED

6/23/17

Monica Schultz

Monica Schultz, City Clerk

Dan Devine

Dan Devine, Mayor