



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## 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

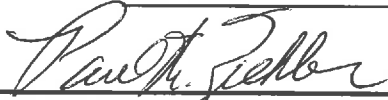
Commissioner of Railroads alleging the failure of Union Pacific Railroad Company to honor the terms of the resolution and request an investigation into this matter pursuant to Wis. Stat. §86.12(2).

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