

**CITY OF WEST ALLIS
RESOLUTION R-2021-0328**

RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE CROSSING

WHEREAS, the following roads:

1. W. Electric Avenue, U.S. DOT Crossing No. 177231Y at milepost 85.400 of the Milwaukee Subdivision at West Allis, Wisconsin.
2. W. Greenfield Avenue, U.S. DOT Crossing No. 177242L at milepost 86.868 of the Milwaukee Subdivision at West Allis, Wisconsin.
3. W. Beloit Road, U.S. DOT Crossing No. 177237P at milepost 86.020 of the Milwaukee Subdivision at West Allis, Wisconsin.
4. S. 68th Street, U.S. DOT Crossing No. 177243T at milepost 86.480 of the Milwaukee Subdivision at West Allis, Wisconsin.

all public streets in the City of West Allis cross the tracks of the Union Pacific Railroad at-grade, and

WHEREAS, section 86.12 of the Wisconsin statutes requires railroads to maintain public at-grade crossings in good condition and repair for public travel; and

WHEREAS, the above named road crossings are not in good condition and repair for public travel with deteriorated prefabricated concrete panels with exposed holes and exposed reinforcing steel and with movement occurring in the panels when vehicles drive over them and with unsafe conditions for pedestrians crossing the tracks; and

WHEREAS, The City of West Allis previously served a copy of resolution R-2019-0406 which was adopted by the Common Council of the City of West Allis on June 18, 2019 upon the Union Pacific Railroad requiring the railroad to repair the rail-highway crossing roads listed above with the tracks of the Union Pacific Railroad in the City of West Allis, Milwaukee County; and

WHEREAS, the Union Pacific Railroad initially agreed to reconstruct the above listed rail-highway crossing roads as part of their 2020 Capital Improvement Program which was later delayed to 2021; and

WHEREAS, the Union Pacific Railroad failed to maintain the above listed rail-highway crossings in a safe and reasonable condition since July 2019 while the reconstruction projects were delayed which has caused vehicle damage and resident complaints; and

WHEREAS, the Union Pacific Railroad registered agent was served more than 30 days ago and the railroad is no longer replying to City requests for maintenance, the City has an obligation to public to file a formal complaint with the Office of the Commissioner of Railroads.

NOW THEREFORE, BE IT FURTHER 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 for an investigation and order for the repair of the rail-highway crossing of the above named roads with the tracks of the Union Pacific Railroad in the City of West Allis, Milwaukee County.

SECTION 1: **ADOPTION** “R-2021-0328” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0328(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

| | AYE | NAY | ABSENT | ABSTAIN |
|-----------------------|------------|------------|---------------|----------------|
| Ald. Angelito Tenorio | _____ | _____ | _____ | _____ |
| Ald. Vince Vitale | _____ | _____ | _____ | _____ |
| Ald. Tracy Stefanski | _____ | _____ | _____ | _____ |
| Ald. Marty Weigel | _____ | _____ | _____ | _____ |
| 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