



# City of West Allis

## Legislation Text

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**File #:** R-2007-0076, **Version:** 1

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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 1<sup>st</sup>, 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 29<sup>th</sup>, 2006, the City Administrative Officer, Clerk/Treasurer served a copy of the August 1<sup>st</sup>, 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