



City of West Allis

Legislation Text

File #: R-2007-0270, **Version:** 1

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).

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Union Pacific Railroad Company is hereby required to remove said railroad spur crossing defined herein 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 Wisconsin State Statute 86.12(1) for the removal of the railroad spur crossing in West Electric Avenue as herein described.

ATTR-UPRRCo-W Elec Ave Tracks

