

October 17, 2002

To the Honorable, the Common Council

Dear Honorable Members:

The at-grade railroad crossing on North 107<sup>th</sup> Street, approximately 800 feet south of West Brown Deer Road, is not being properly maintained by the Wisconsin & Southern Railroad Company (WSOR) as required in Section 86.12 of the Wisconsin Statutes. Section 86.12 states that railroad companies owning and/or operating on tracks which cross streets or highways at grade must keep the surface of those crossings, including 4 feet on either side of the tracks, in good condition and repair for highway travel. As the crossing is not being properly maintained, this office has received a number of complaints regarding the rough ride condition over the crossing. Efforts to compel the WSOR to properly maintain the crossing have gone unanswered. Therefore, we are prepared to petition the Office of the Commissioner of Railroads (OCR) of the State of Wisconsin in order to file a complaint against the WSOR.

Attached please find a resolution authorizing the City Engineer to file a petition with the OCR stating that the WSOR is not properly maintaining the crossing, per Section 86.12 of the Wisconsin Statutes; and, requesting a ruling requiring that they do so. It is respectfully recommended that your honorable body pass this resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Mariano A. Schifalacqua  
Commissioner of Public Works

JJM:lja

Attachment

c: Mr. Ron Anderson, WISDOT  
Mr. Rodney W. Kruenen  
WSOR maintenance on RR crossing