

CITY OF WAUPUN, WI
RESOLUTION NO. 04-12-22-01

RESOLUTION DEMANDING WISCONSIN & SOUTHERN RAILROAD (WSOR) SUBSTANTIALLY REHAB OR REPLACE THE RAILROAD CROSSING AT MAIN ST. IN THE CITY OF WAUPUN IN ACCORDANCE WITH WISCONSIN STATUTE 86.12

WHEREAS, Wisconsin & Southern Railroad operates rail lines throughout the City of Waupun; and

WHEREAS, Wisconsin Statute 86.12 requires railroads to maintain all at-grade crossings in good condition for travel.

WHEREAS, the rail crossing has not been maintained as required by Wisconsin Statute 86.12; the at-grade rail crossing at Main St, STH 49 (crossing number 387614F); and

WHEREAS, City staff has received numerous complaints about the unrepaired at-grade crossing; and

WHEREAS, specifically at crossing 387614F, the concrete and metal frame have deteriorated creating a hazard for vehicle and bicycle traffic; and

WHEREAS, pictures of the unrepaired at-grade crossing as of 2017 to present are attached to this resolution; and

WHEREAS, the condition of the unrepaired at-grade crossing has not meaningfully improved since 2017; and

WHEREAS, the unrepaired at-grade crossing has not been maintained in good condition and repaired for public travel; and

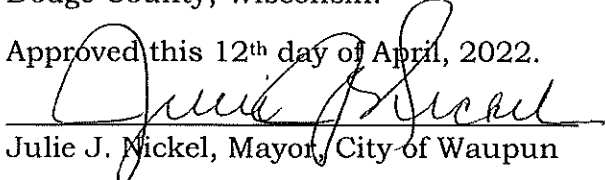
WHEREAS, City staff has attempted to work with Wisconsin & Southern Railroad since at least 2017 with respect to this crossing; and

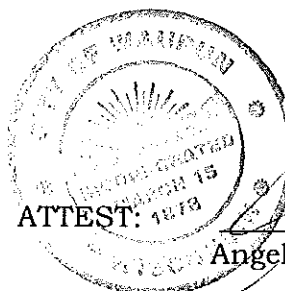
WHEREAS, the City of Waupun demands that Wisconsin & Southern Railroad pave, plank, repair or otherwise improve the unrepaired at-grade crossing so that it complies with the requirements of Wisconsin Statutes 86.12.

NOW, THEREFORE, BE IT RESOLVED The Common Council of the City of Waupun hereby directs City staff to serve a copy of this resolution upon Wisconsin & Southern Railroad requiring the substantial rehab or replacement of the unrepaired at-grade crossing.

BE IT FURTHER RESOLVED that in the event Wisconsin & Southern Railroad fails to substantially rehab or replace the unrepaired at-grade crossing within 30 days after service of the resolution upon Wisconsin & Southern Railroad's registered agent as designated by Wisconsin Statute 190.03, the Common Council of the City of Waupun hereby directs City Staff to take all necessary steps to petition the Office of the Commissioners of Railroads for an investigation, and order for the repair of the unrepaired at-grade crossing in the City of Waupun, Dodge County, Wisconsin.

Approved this 12th day of April, 2022.


Julie J. Mickel, Mayor, City of Waupun



ATTEST:


Angela J. Hull, Clerk, City of Waupun