

**Note: This document is only a sample. Changes should be made for local circumstances as needed. The municipality may use its standard resolution format.**

**This document is sent to the railroad to demand the repair of the crossing – the first formal step in the process under 86.12 Stats. This document COMBINES the demand for the repairs with the authorization to the municipal staff to file the complaint if the railroad fails to repair the crossing within 30 days after service of the demand for repairs.**

**A copy should also be sent to the OCR. If this form is used then the municipal staff would need to send a letter to the OCR in order to start the formal hearing process.**

**Resolution No. (\_\_\_\_\_)  
YEAR**

**MUNICIPAL GOVERNING BODY**

**RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE CROSSING**

**WHEREAS**, ROAD, a public street in the MUNICIPALITY crosses the tracks of the 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 ROAD crossing is not in good condition and repair for public travel [DESCRIPTION OF THE CONDITIONS IS HELPFUL] and

**WHEREAS**, the MUNICIPALITY hereby requires that the RAILROAD pave, plank, repair, change or otherwise improve the crossing, as the needs require and

**NOW, THEREFORE, BE IT RESOLVED**, that the GOVERNING BODY hereby directs the MUNICIPAL staff to serve a copy of this resolution upon the RAILROAD requiring the railroad to repair the rail-highway crossing STREET with the tracks of the RAILROAD in the MUNICIPALITY, COUNTY.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that in the event that the RAILROAD fails to repair the rail-highway crossing within 30 days after service of the resolution, the GOVERNING BODY hereby directs the MUNICIPAL staff 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 STREET with the tracks of the RAILROAD in the MUNICIPALITY, COUNTY.

Sample Drafted by Douglas S. Wood  
July 19, 2007