
PUBLIC PATH CROSSING PERMIT

THIS PUBLIC PATH CROSSING PERMIT, issued by the Wisconsin Department of Transportation (“WisDOT”), to the City of Madison, Dane County (“Applicant”), conveys a public path crossing across the railroad corridor, as described below, for the sole and limited purpose of establishing a public path over and across said rail corridor (the “Crossing”), subject to the terms and conditions provided herein.

1. The Crossing shall be constructed over and across a portion of WisDOT’s railroad corridor near Mile Post 76.10, in Section 14, Township 7 North, Range 10East, in the City of Madison, Dane County, WI, and as further described in Exhibit A, which is attached hereto and incorporated herein.
2. The Crossing shall be constructed according to applicable city road specifications. Such plan and specifications shall be subject to approval by WisDOT, which shall not be unreasonably withheld. The plan and specifications of the Crossing is further described in Exhibit B, which is attached hereto and incorporated herein.
3. The construction, maintenance, repair, and brushing (as further described in Section 6.) of the Crossing shall be at the sole expense of the Applicant.
4. The Applicant shall not alter the elevation of the rail corridor without prior written permission from the railroad with operating authority over the railroad corridor (“Operating Railroad”), as identified in Exhibit A.
5. All warning devices as ordered by the Office of Commissioner of Railroads (“OCR”) shall be installed when the crossing is constructed.
6. The Applicant shall comply with the requirements for municipalities described in Wis. Stat. § 195.29(6), as may be amended from time to time, regarding the removal and maintenance of trees and brush on the railroad corridor near the location of the crossing.
7. The Applicant will not post, paint or place, or permit others to post, paint, or place, on the railroad corridor, any advertisement or sign not directly related to the Crossing and public safety.
8. The Applicant is responsible for proper grading and drainage of the crossing. Applicant shall prevent snow, ice, water, mud or debris from entering onto WisDOT’s railroad corridor as a result of construction, maintenance, repair, or operation of the Crossing. The Applicant shall not cause snow to be stored or piled upon the railroad corridor.
9. The Applicant shall not park any vehicles on WisDOT’s railroad corridor.
10. The Applicant shall indemnify and hold harmless WisDOT, the Wisconsin River Rail Transit Commission and its member counties, and the Operating Railroad for any claim, demand, loss, or any expense incurred as the result, in whole or in part, of the use of and/or activities of any kind and nature related to the construction, maintenance, repair, operation, or presence of the crossing.

11. It is the sole responsibility of the Applicant to secure any required permits related to the construction, maintenance, repair, or operation of the Crossing.

Signed at Madison, Wisconsin this ___ day of _____, 2017.

David Simon, P.E.
Chief of Railroads and Harbors
Railroads and Harbors Section
Wisconsin Department of Transportation

Signed for and in behalf of City of Madison:

_____ Date _____

Witness:

_____ Date _____