

Wisconsin River Rail Transit Commission

Full Commission Mtg – Friday, 07 May 2010 @ 10am • Dane Co. Hwy, 2302 Fish Hatchery Rd, Madison, WI

1. Karl Nilson, Chair, called the meeting to order at 10:00 a.m.
2. Commissioners present for all or part of the meeting:

| | | | |
|----------|----------------------|----------------|---|
| Crawford | Tom Cornford | X- Committee | X |
| | Rocky Rocksvold | | |
| | Vacant | | |
| Dane | Gene Gray | Treasurer | X |
| | Jim Haefs-Fleming | | X |
| | Forrest Van Schwartz | Advocate | X |
| Grant | Ivan Farness | | |
| | Margaret Ruf | | X |
| | Robert Scallon | 2nd Vice Chair | X |
| Iowa | Charles Anderson | | |
| | Gerald Dorscheid | Vice Treasurer | X |
| | Joe Thomas | | |

| | | | |
|----------|-----------------|--------------|---|
| Rock | Ben Coopman | Alternate | |
| | Katie Kuznacic | | |
| | Alan Sweeney | Secretary | X |
| | Terry Thomas | | X |
| Sauk | Joel Gaalswijk | | X |
| | Rob Sinklair | | X |
| | Scott Alexander | | x |
| | Mary Krueger | Alternate | |
| Walworth | Jerry Grant | | x |
| | Richard Kuhnke | X- Committee | x |
| | Allan Polyock | | |
| Waukesha | Karl Nilson | Chair | x |
| | Richard Manke | | x |
| | Fritz Ruf | | x |

Others present for all or part of the meeting:

Amy Seeboth (SWWRPC / WRRTC Administrator); Sheri Walz (WisDOT); Ken Lucht (WSOR); Virgil Kasper (Pink Lady RTC)

After Roll Call, Chairman Nilson introduced the new member who was present at the meeting: Scott Alexander

3. Motion accepting Seeboth's certification of Public Notice. *M. Ruf / Grant- passed unanimously.*
4. Motion accepting the Agenda, prepared by Seeboth. *Cornford / Van Schwartz - passed unanimously.*
5. Motion approving the draft March Minutes. *Kuhnke / M. Ruf - passed unanimously.*
6. Public Comment – None
7. Correspondence & Communications – 1) A conservation organization in Illinois wrote the RTC asking if they could go onto RTC land to count the number and types of oak trees on the land. Ken Lucht from WSOR mentioned that they had safety concerns about unattended people walking within the rail right of way, and said he would look into this request at WSOR. Seeboth, Van Schwartz, Kasper, and Sinklair also provided a brief overview about a meeting recently held at WDOT in Madison between Sauk County, WSOR, the WRRTC and the Pink Lady RTC regarding the bridge and rails-to-trails concerns. They said the meeting went well and the WRRTC Commissioners should look forward to minutes of the meeting arriving soon. Finally, Scallon received a copy of a bill for past landscaping costs addressed to WSOR and sent from the Village of Blue River. Lucht said the bill was already in the attention of WSOR and they would follow up.

REPORTS & COMMISSION BUSINESS

8. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, WSOR, reported on the following:
 - *Monthly Maintenance Activities* – Lucht reported that WSOR hired 20 people to help with seasonal maintenance. They have the tie gang out on the Vita Spur, and installed about 4000 ties between the Beltline and the Broom street stretch. They are next heading to the Reedsburg Sub between Madison and Baraboo. They have a brush cutter right now on the Elkhorn sub in Walworth County. This spring they are going to have the rail detector test car out testing every mile of their rail system.
 - *2009 & 2010 Capital Projects*– Lucht reported WRRTC had already approved their contributions for 2009 project, including a crossing and switch on the Milton Sub. They didn't have a chance to work on them last year, however, due to late award notifications, but they began on it this year. The RTC will be getting an invoice for

partial payments. DOT hasn't awarded any projects yet this year. WSOR is anticipating the welded rail project will begin this year between Milton and Madison. They plan to start installing in July at Milton and head towards Edgerton, get to Edgerton in 2010. Lucht reported on a number of other planned projects awaiting funding notification.

- *Business Development* – Lucht reported that WSOR They has an event planned for May 12th on Wednesday- they asked local law enforcement to come aboard their freight trains to conduct safety education in Madison area. Their May newsletter should come out soon. Rail traffic has been up 16% since April, compared to April 2009.
- *Presentation on Recently Emerged Critical Bridge Issues*: Lucht provided handouts to the commissioners on “Recently Emerged Critical Structure Conditions” that WSOR had recently identified. Lucht said this list requires immediate attention so that loads can continue on WSOR mainlines. Out of the nine structures on the list, 5 are in Illinois, 4 in Wisconsin. The handout lists price estimates for remedial repairs to keep using the structures (cost of repairing all nine bridges is estimated at \$1,752,416.61. WSOR is looking into grant funds with WDOT, and considering an Illinois loan program, but the IL program has caveats that WSOR is not sure that they can meet. He said he will have an update at the next meeting.

9. **WRRTC Financial Report (moved to after Item 15)** – Jim Matzinger, Dane County CPA / WRRTC Accountant distributed copies of the Treasurer’s Report and provided an overview.

- **Motion approving Payment of Bills and Treasurer’s Report for May, as presented** – Gray / Kuhnke - passed unanimously

10. **WRRTC Administrator’s Report** – Amy Seeboth, SWWRPC Transportation Planner, informed the Commissioners that the upcoming Pecatonica Rail Transit Commission meeting will have a special presentation on the economic feasibility of rail in southwestern Wisconsin. She also asked the Commissioners if those with email would rather receive their packets via that media. Many Commissioners said they would like this. Seeboth took their names and passed around a list of Commissioner contact information for updates.

11. **WisDOT Update** – Sheri Walz from the Department of Transportation did not have a report, but recorded any questions the Commissioners had and promised to find answers.

At 11:01 the Commission Recessed for a 10 minute break.

12. **Review and decide whether to amend the WRRTC Fee Schedule, adopted in 2005.** The Commission reviewed the existing fee schedule, which was developed based upon comparable schedules of other rail governing agencies. The item most in question was the private crossing fee for an initial crossing or transfer crossing (\$1,000). The Commission generally agreed that this fee seemed difficult for many folks to pay.

- **Motion to adjust the fee schedule so that new or transfer private crossing permits cost a minimum of \$200-\$1,000 at the discretion of the Commission based upon time and material (Commission will not determine how much to bill until completion of each crossing permit)** – F. Ruf / Gray – passed unanimously.

13. **Determine whether current WRRTC crossing permits (Village of Blue River and Defabbio / Ekleberry) must pay permit fee (\$1,500)** – This issue was discussed because current crossing permit recipients were not informed of the WRRTC permit fee and the current fee schedule states that fees can be waived for government agencies.

- **Motion to submit an invoice to the Defabbio’s and Ekleberry’s for \$200-\$1,000 based upon RTC time and material, when they complete the crossing improvement** – Alexander / Van Schwartz – passed with Scallon placing one descending vote
- **Motion to wave the Blue River permit fee** – Sweeney / Scallon – passed unanimously

14. **Discuss uses of billboards located on WRRTC land.** Seeboth explained that there have been several requests to rent or lease WRRTC billboard in recent past. She inquired whether the Commission may want to address these requests in a uniform way, e.g. through a review policy. Given the possible complexity of billboard laws, the Commission agreed by consensus that they would leave billboard decisions on a case-by-case basis.

15. **Approval of request to rent billboard located on Wimot Rd. and 12 in Spring Grove, IL-** Seeboth reminded the Commission that this is a request received by phone, to rent an old billboard on Commission property in Illinois. The individual in question would like to rent the billboard to advertise a political campaign next fall. He said the billboard is old and made of wood and has very outdated advertising on it. He offered to fix the billboard up. Eileen Brownlee, the Commission’s legal counsel had advised that the Commission not become involved in leasing

billboards as it opens many doors for legal concerns in the future. Commissioner Sinklair offered to visit the billboard in the coming days and report back to the Commission on it's condition- the Commission thought it may be in their best interest to cut down and remove the billboard.

- **Motion to deny the request to lease the billboard on Wimot Rd. and 12 in Spring Grove, IL, per Counsels advising – Sweeney / Van Schwartz – passed unanimously**

16. Respond to cement dumping on WRRTC property in Spring Grove, IL – WSOR brought a large pile of asphalt millings clearly being stored on Commission property in Spring Grove, IL to the attention of the Commission. Seeboth followed up with the Village and learned that the pile does belong to the Village and is being used to patch nearby roads. The Village submitted a letter to the Commission requesting that the pile remain at this location, on the Commission land, for another 12-18 months until the pile is used up. The Commission had a number of concerns relating to this request. Notably, WSOR pointed out that every time the pile is being used, the Village comes within the federally regulated distance of the rail (25 feet) requiring that a flagger be used.

- **Motion to have the Commission’s legal counsel write the Village to tell them they must remove the asphalt pile. In writing them, she should use her best judgment in developing requirements from the following criteria: removal of the pile within 90 days of notification, removal be done under WSOR supervision and with a flagman whom they will pay \$80 an hour, indemnification of the Commission, posting the area to avoid future unauthorized dumping, restoration of the site and possible administration fees – Manke / Van Schwartz – passed unanimously**

17. WRRTC 2010 Elections

| Position | Nominee | Nomination (First / Seconded) | Motion to close the nominations and the secretary be instructed to cast a unanimous ballot | Vote |
|----------------------------|------------------|----------------------------------|--|--------------------|
| Chair | Karl Nilson | Manke / M. Ruf | Khunke | Passed Unanimously |
| Vice Chair | Alan Sweeney | Thomas / M. Ruf | Van Schwartz | Passed Unanimously |
| 2 nd Vice Chair | Robert Scallon | M. Ruf / Dorscheid | Grant | Passed Unanimously |
| Secretary | Margaret Ruf | Scallon /Sweeney | Van Schwartz | Passed Unanimously |
| Assistant Secretary | Robert Sinklair | Sweeney / Gaalswijk | Van Schwartz | Passed Unanimously |
| Treasurer | Gene Gray | Khunke / Cornford | Van Schwartz | Passed Unanimously |
| Vice Treasurer | Gerald Dorscheid | Anderson / Thomas | M. Ruf | Passed Unanimously |
| Advocate | Van Schwartz | Thomas / Cornford | M. Ruf | Passed Unanimously |
| Executive Committee | Richard Kuhnke | Grant / Sinklair | Van Schwartz | Passed Unanimously |
| Executive Committee | Tom Cornford | Scallon / Kuhnke | Grant | Passed Unanimously |
| Executive Committee | Charles Anderson | Dorcheid / Scallon | Cornford | Passed Unanimously |

18. Motion adjourning the meeting at 12:12 p.m. - Gaalswijk / Cornford - passed unanimously.