

WISCONSIN RIVER RAIL TRANSIT COMMISSION

EXECUTIVE COMMITTEE MEETING - FRIDAY, MARCH 8, 2013 @ 10AM
 DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

1. 10:00 AM **Call to Order** – *Karl Nilson, Chair*

2. Roll Call. **Establishment of Quorum** – *Mary Penn*

Crawford	Tom Cornford, 3 rd Vice Chair (XCom)	x	Rock	Ben Coopman, Alternate	
	Rocky Rocksford	x		Wayne Gustina	x
	Vacant			Alan Sweeney, 1 st Vice Chair (XCom)	x
		Terry Thomas (10:51)		x	
Dane	Gene Gray, Treasurer (XCom)	x	Sauk	Marty Krueger, Alternate	
	Jim Haefs-Fleming	excused		Carol Held	
	Chris James (10:03 AM)	x		John Miller	
		Dennis Polivka, Asst. Secretary (XCom)		x	
Grant	Gary Ranum		Walworth	Jerry Grant	
	Vern Lewison			Richard Kuhnke, 4 th Vice Chair (XCom)	x
	Robert Scallon, 2 nd Vice Chair (XCom)	x		Allan Polyock	
Iowa	Charles Anderson, Secretary (XCom)		Waukesha	Karl Nilson, Chair (XCom)	x
	William G Ladewig			Richard Manke	
	Jack Demby			Fritz Ruf	

Others present for all or some of the meeting:

<ul style="list-style-type: none"> Mary Penn, WRRTC Administrator Ken Lucht, WSOR (10:02 AM) Frank Huntington, Ron Adams, WDOT Ben Meighan, WSOR 	<ul style="list-style-type: none"> Forrest Van Schwartz, Consultant Jim Matzinger, Dane County Highway Dept. Alan Anderson, Pink Lady RTC Kim Tollers WDOT (10:41 AM)
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn*
 • **Motion to approve public notice of meeting** – *Gustina/Cornford, Passed Unanimously*

4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 • **Motion to approve agenda** – *Kuhnke/Polivka, Passed Unanimously*

5. Action Item. **Approval of draft February Meeting Minutes** – *Prepared by Penn*
 Penn said that a name correction in Item 14 was needed, specifically, Vicki Breunig, Administrator of Sauk City.

- Motion to approve draft February Meeting Minutes** – *Gray/Sweeny, Passed Unanimously*

6. Updates. **Public Comment** – *No Comments*

7. Updates. **Correspondence & Communications** – *Discussion may be limited by the Chair*
 Penn told the Commission she had informed Lamar about their February decision to not renew their sign lease. She said they had sent another lease with significantly less information and if a commissioner wished to revisit the issue, they could request an agenda item at next month’s meeting. Forrest Van Schwartz distributed two articles and talked a little about them as they related to railroading and its economic outlook in 2013 which is predicted to be very good. Ron Adams, WDOT concurred.

8. Updates. **Announcements by Commissioners** – *No Announcements*

REPORTS & COMMISSION BUSINESS

9. **WRRTC Financial Report** – *Jim Matzinger, Dane County CPA / WRRTC Accountant*

- Treasurer’s Report for February and Payment of Bills

Jim Matzinger gave the Treasurer’s Report, noting that he could close the 2012 projects and send out the 2013 billings. He said that in 2013 there would be some write –off of bad debt for Crawford which was expected to be paid off this year. After 2013 all money collected from counties minus anything they need to subsidize operations will go to WSOR. If the Commission did not bill the counties this year, WRRTC would come up about \$3K short. There was discussion on the funding of the Commission and incoming revenue would impact it. Currently the budget is negative but Matzinger gave some explanation as to the expenses and revenue. There was additional discussion on the Commission and how it would be very difficult to decrease expenses to make up shortfalls due to lower than expected revenue (lack of crossing permit fees, lack of lease revenue, etc.).

Matzinger distributed his letter to the member counties requesting their contributions for 2013 and said in the past insurance was included as part of capital spending and that might explain some of the issue (related to the shortfall). Ken Lucht said in the past most of the counties were concerned about some of their capital funding going to operations. Also, it seemed to him that the counties are being asked to contribute more to operations. Lucht said before the capital budget was separated from the operations budget. Karl Nilson said when the bad debt goes away, there would be no issue. Rocky Rocksford and Tom Cornford both spoke to Crawford County making good on their obligation. Nilson also pointed out that the counties have not been keeping up with their 10% of the 20% (of local contribution). Matzinger said he would rephrase his letter to the counties, to show the differences between insurance and capital. Frank Huntington said at one time (the 80’s and 90’s) administrative costs were also part of the county contribution. There was discussion about how to represent the request (either \$26,500 for capital projects and \$2,000 for insurance or just ask for \$28,000 without explanation). Lucht said WSOR just wanted to know what the commitment from the Commission would be, which in the past equaled \$225,000, and be sure that what was approved by motion be met. Polivka asked for a simple explanation to bring to his county as to why there was an increase in the budget.

- **Motion to approve Treasurer’s Report and Bill to WSOR (\$180,000 for 2012 Rail projects Check #1228)** – *Sweeney/Gray, Passed Unanimously*

10. **Wisconsin & Southern Railroad’s Report on Operations**

- Update on Monthly Maintenance Activities
- Update on Capital Projects
- Update on Business Development
- Other continuing issues/topics

Ken Lucht updated the Commission on monthly maintenance and capital projects. He said that the brush cutter was out on the Waukesha Sub and once done, would head east for additional work. He said there is work on the Fox Lake Sub and near Milton. Lucht said WSOR’s maintenance plan will soon be ready for WDOT’s review. He said it would include some ultrasonic rail testing and the geometry car would be going out to do the entire system in June/July. Weed spraying will happen this summer. Tie replacements will be made near Wauszeka, also on the Fox Lake Sub (Illinois) for which there are no grant dollars available as it is outside the state. He said that work is continuing on the sub between Madison and Milton which should be completed in the next 3-4 months. WSOR currently is gearing up for a lot of bridge work this construction season. The Prairie sub is operating 7 days a week now, based on customer demand. This demand is giving WSOR challenges in maintaining that Sub. For other projects in the planning stages, Lucht said that welded rail is due to be put in various locations and in Rock County they are planning an 8500’ siding to correct a bottleneck, complicated by a lack of capacity in the Janesville yard.

Lucht mentioned that WSOR’s applications (mentioned in the February meeting) had been submitted and equaled almost \$45M dollars in project funding (not including the UP line acquisition). The biggest priority for 2014 (starting in July ’13) are the Prairie Sub bridges and the rehabilitation of the Fitchburg/Oregon line to meet the needs of an Oregon shipper who has already broken ground and must ship by rail.

Lucht then spoke about a recent Office of the Commissioner of Railroads preliminary decision to open up a crossing in Mazomanie which would be available for all sorts of users (eg. pedestrians, cars, horseback riders, snowmobiler’s, etc.). He said this decision is in a 15 day comment period and Lucht said this is not a good situation and WSOR will respond to it. He said that if the Commissioner approves this new crossing it will be second new crossings in 6 months with no crossings being closed in the same time period. He did not know if any liability would come to the Commission as a result of this crossing. WSOR will be offering some viable alternatives to the Village of Mazomanie and Lucht recommended Penn getting on the Office of the Commission of Railroad’s mailing list so the Commission knows about these decisions.

WRRTC Executive Committee Meeting: March Minutes – ADOPTED

Due to increased traffic, Lucht said that all the sidings between Prairie and Mazomanie would be pretty full this summer due to lack of siding space in Prairie du Chien. He said that the communities of Blue River, Bridgeport, and Muscoda would see increased traffic on a regular basis, which might cause concerns to the respective counties. At this point Lucht did not ask the particular commissioners to get involved, (although if the Commission felt it necessary, they could support the position of the RR).

Referring back to the crossing issue in Mazomanie, Van Schwartz said that based on the Commission's history there is an argument that since the railroad was not notified as landowner, the Commissioner of the Railroad's decision cannot be legal but Huntington said their authority is over the railroad. Van Schwartz said that they should inform the railroad about the crossing of it before it goes in. Huntington said this is a public crossing, not a private one. Lucht said there is a competing trail proposal on the north side of the track as well as the south side resulting in two parallel trail proposals along the line. Chris James said he thought that Mazomanie had some existing crossing already platted but were not using it and didn't understand why they didn't cross there. Lucht said that the Village convinced the Commissioner of the Railroad they could not cross and regardless, there is no crossing there now and the Commissioner can't honor a crossing location that never was built. Van Schwartz asked Huntington and Ron Adams if WDOT has an official position as to reducing train crossings and Adams said no. When asked if there was a reason, the reply is that it was the purview of the Office of the Railroad Commissioner.

Nilson asked Lucht about the status of the Plymouth to Kohler job and Lucht said that is on the move and bids are going out.

11. WRRTC Administrator's Report – Mary Penn, WRRTC Admin.

Penn reported she had followed up an email from last month regarding unclaimed dollars from the State Treasurer's office in the amount of \$240.00 dollars and anticipated hearing from them sometime in the next 3 months.

12. WDOT Report– Frank Huntington, WDOT

Huntington said that some of the projects are being reviewed that were submitted last month and they are getting close to awarding the grant funding. He said a lot of the projects are last year's projects, adding that some of the delay was due to WSOR's acquisition by WATCO. He mentioned a WATCO project application for acquiring about 300 miles of rail line in northern WI (former CN line). He also said that WDOT is working with the newly formed RTC in northern Wisconsin. He said while WATCO asked about using public funding, other railroad operators are looking at using private money for the same purchase. This could be completed by the end of 2013. Nilson asked if CN was the one that spent a lot of money fixing up the Barren to Ladysmith line but Huntington said it was CN owned but was farther east. Huntington said that this sale has been suspected of happening someday but Adams said as yet there is no commitment from CN and is not definite. Huntington said they did not have details yet but those lines are captive to CN so CN could roll that off and all the traffic could go to CN. He said south of Cameron the track is leased to UP; east and west of Cameron it was leased to CN. At this point, Huntington reiterated that they did not know details yet: this is a preliminary discussion. He said that CN will be meeting with the Northern Wisconsin RTC next month to share information and discuss the situation. Also, WDOT will be presenting results of a rail impact study at that meeting, similar to the one sponsored by WRRTC this past year.

Lastly, Huntington said the \$60M in the Governor's Transportation budget still stands and nothing has been earmarked yet. Lucht asked for an update on the UP appraisal in regard to the potential sale of the Reedsburg line and Huntington said they'll be meeting next week to decide on how to approach the issue and by the end of March probably will have submitted an offer to UP.

At this point Nilson returned to item 9 with a rewrite of the county contribution letter written by Jim Matzinger. Nilson read the letter and said that these letters will be sent to the member county clerks. Robert Scallon asked when they had last increased the contribution and Matzinger said he would check. Alan Sweeney asked about the invoices as there was some question about Rock County's. The invoices were included with all the county clerk contribution letters.

10:58 Meeting Break

11:08 Meeting Resumed

Nilson distributed copies of the county clerk letters to the specific commissioners of that county. He requested that Penn send copies of the letter to the Iowa County commissioners as they were not in attendance.

13. Ditches and drains in McHenry County, IL, possible maintenance issues - Mary Penn, WRRTC Admin.

Penn said she had received a letter from a Marlene Lane about a ditch located next to a Township of Burton road (Linden Road) in McHenry County Illinois along the Fox Lake sub. She distributed an aerial image of the specific location. Lucht said that he did not know particulars about the issue but he did follow up with WSOR's Road Master and he (RM) was unaware of this problem and due to the snow cover it really could not be seen. Ben Meighan said they would have to wait until spring melt to determine if there were

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drainage issues. Nilson asked if the woman was mistaken and it might be the Township that maintained the ditches. He also asked if there were documentation showing that the railroad was responsible in maintaining ditches along the road. Gene Gray asked what was higher, the road or railroad grade and Nilson said that judging by the scale of the image, the road is outside the ROW. Meighan said there could be some overlap. Penn said that she would respond to Ms. Lane and tell her that the railroad has not cleaned ditches in IL and Nilson suggested language to read “we have no record of the WSOR maintaining town road ditches in McHenry County in the letter. Penn also said she will tell Ms. Lane that WSOR can investigate after spring runoff.

14. Village of Shorewood Bike Path permit – Kim Tollers, WDOT

Referencing a handout showing the project, Hungtinton told the Commissioners that as far as he knew, the Village did not have an issue with WSOR’s stipulations (highlighted in an email included with the handout) in proceeding. Hungtinton explained that the layout of the trail proposal, including the treatment of a fairly deep ditch. He said the ditch will stay and act as a deterrent to trespassers. He said there would be some replanting of vegetation (although low growing) to serve as an additional barrier, add to aesthetics, and help with erosion control. He also said that in the Village there is a park along this area and in the area of the swimming pool the trail will be within the DOT property. This is to preserve a very large tree. He said at this point the trail would be within 31’ of the centerline and WSOR accepts this. He added that there is also a box culvert and a row of trees for shading and privacy by the tennis courts. The trees will come out to remove them from the ROW and the bike path will go in their place. There will be a 6’ fence along this path and the trail will be separated by the deep ditch or the 6’ fence. The removal of the box culvert will also help prevent pedestrian access to the line. He said that WSOR and the Village and WDOT have been working on this for some time and it seems like now everyone is in agreement. Because it is within the 33’ of the centerline, the Commission needs to take an action. Lucht said in concept WSOR agrees with it, adding that WSOR will have to give final approval to the permit but this has been in the works for some time and the Village has had this proposal refused several times. Polivka asked that the permit have language in it that protects WSOR and if the trail is needed for rail in the future, the trail be removed.

- **Motion to approve a Village of Shorewood Bike Path permit as submitted with the agreement of WDOT, WSOR and WRRTC legal counsel – Gray/Thomas, Passed Unanimously**

Nilson introduced Ben Meighan, WSOR, to the new Commissioners and welcomed him. He also thanked Kim Tollers for her help in preparing materials for Item 14.

15. Action Item. Adjournment

- **Motion to adjourn at 11:28 – Cornford/Scallon, Passed Unanimously**