

# WISCONSIN RIVER RAIL TRANSIT COMMISSION

PO Box 262 • 20 S Court Street • Platteville, Wisconsin 53818

Alan Sweeney, Chair • Commission Office Phone 608.342.1637 • Fax 608.342.1220 • Website [www.wrrtc.org](http://www.wrrtc.org)  
MEMBER COUNTIES: CRAWFORD • DANE • GRANT • GREEN • IOWA • JEFFERSON • ROCK • SAUK • WALWORTH • WAUKESHA

SUBJECT: Friday, July 12<sup>th</sup>, 2019 Meeting Agenda  
TO: Wisconsin River Rail Transit Commissioners & Other Interested Persons  
FROM: Matthew Honer, WRRTC Administrator

## Wisconsin River Rail Transit Commission

Meeting Friday, July 12<sup>th</sup>, 2019 @ 10 AM

Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI

### WRRTC's Schedule of Meetings:

2019
January 4 <sup>th</sup>
February 8 <sup>th</sup>
March 8 <sup>th</sup>
April 5 <sup>th</sup>
May 10 <sup>th</sup>
June 7 <sup>th</sup>
July 5 <sup>th</sup> *****CHANGED TO JULY 12 <sup>th</sup> *****
August 9 <sup>th</sup>
September 6 <sup>th</sup>
October 4 <sup>th</sup>
November 8 <sup>th</sup>
December 6 <sup>th</sup>

**NOTE:** The WRRTC's meetings are usually held at 10:00 AM on the **first Friday after the first Tuesday** of the month at the **Dane County Highway Building** in Madison, WI.

**NOTICE is sent to:** County Clerks in WRRTC's Region for Posting and to Local News Media as an FYI.

*Thank you for your interest and assistance.*

*To learn more about WRRTC, please visit our website at [www.wrrtc.org](http://www.wrrtc.org)*

WRRTC MEETING NOTICE & AGENDA

# Wisconsin River Rail Transit Commission

Meeting - Friday, July 12<sup>th</sup>, 2019 @ 10 AM

Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI

*10 minutes estimated | Action Items*

1. 10:00 AM **Call to Order** – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum** – Matthew Honer
3. Action Item. **Certification of Meeting's Public Notice** – Noticed by Honer
4. Action Item. **Approval of Agenda** – Prepared by Honer
5. Action Item. **Approval of draft June 2019 Meeting Minutes**– Prepared by Honer
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair
7. Updates. **Announcements by Commissioners** – No Discussion Permitted

## REPORTS & COMMISSION BUSINESS

*10 minutes estimated | Update and Action Items*

8. **WRRTC Financial Report** – Jim Matzinger – Accountant, Gene Gray – Treasurer.

- Treasurer's Report.
- Payment of Bills.

*10 minutes estimated | Update*

9. **Wisconsin & Southern Railroad's Report on Operations** – Ken Lucht, Roger Schaalma - WSOR

- Update on Monthly Maintenance Activities
- Update on Capital Projects
- Other Continuing Issues/ Topics
- Update on Business Development

*10 minutes estimated | Update*

10. **WisDOT Report** – Kim Tollers, Rich Kedzior – WisDOT

- Information on Section 7.13 of Operating Agreement.

*10 minutes estimated | Update*

11. **WRRTC Communications and Administrator's Report** – Matthew Honer - Admin.

*10 minutes estimated | Update*

12. **Discussion on the Scope of Work for Phase 3 of the Merrimac Bridge rehab project** – Lucht, WSOR.

*10 minutes estimated | Update*

13. **Discussion on the US DOT BUILD Grant for Phase 3 of the Merrimac Bridge Rehab Project** - Kedzior, WisDOT

*10 minutes estimated | Possible Action*

14. **Consideration and Action on Letter of Support and capital funding of Phase 3 of the Merrimac Bridge Rehab Project** – Sweeney, Chair.

*10 minutes estimated | Action*

15. **Consideration of and action on a possible motion to adjourn to closed session pursuant to Wis. Stat. sec. 19.85(1)(g), which permits the Commission to convene in closed session for the purpose of conferring with legal counsel is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of discussing threatened litigation pertaining to unauthorized private crossings.** – Sweeney, Chair.

*10 minutes estimated |*

16. **Convene in closed session for the purpose stated in the preceding agenda item.** – Sweeney, Chair.

*10 minutes estimated |*

17. **Reconvene in open session.** – Sweeney, Chair.

*10 minutes estimated / Possible Action*

18. **Action, if any, on closed session matter. – Sweeney, Chair.**

19. **Action Item. Adjournment**

**WRRTC APRIL 2019 MEETING MINUTES – APPROVED**

**Wisconsin River Rail Transit Commission  
Commission Meeting - Friday, April 5<sup>th</sup>, 2019 at 10:00 am  
Dane County Highway Garage, Madison, WI**

1. 10:00 AM           **Call to Order – Alan Sweeney, Chair**
2. Roll Call.           **Establishment of Quorum – Matthew Honer**

Crawford	Carl Orr	X	Jefferson	Mary Roberts	X
	Rocky Rocksvold, <i>2<sup>nd</sup> Vice Chair</i>	X		John Kannard	X
	Derek Flansburgh	<i>Excused</i>		Augie Tietz, <i>3<sup>rd</sup> Vice Chair</i>	X
	Tom Cornford, Alternate	X	Rock	Terry Thomas	X
Gene Gray, <i>Treasurer</i>	X	Wayne Gustina		X	
Jim Flemming	<i>Excused</i>	Alan Sweeney, <i>Chair</i>		X	
Dane	Chris James, <i>1<sup>st</sup> Vice Secretary</i>	X	Sauk	Chuck Spencer	X
	Gary Ranum	X		Dave Riek, <i>2<sup>nd</sup> Vice Treasurer</i>	X
	Mike Lieurance	X		Marty Krueger	X
Grant	Robert Scallon, <i>1<sup>st</sup> Vice Chair</i>	<i>Excused</i>	Tim McCumber, Alternate	<i>Excused</i>	
	Harvey Kubly, <i>1<sup>st</sup> Vice Treasurer</i>	<i>Excused</i>	Walworth	David Bretl	X
Oscar Olson	X	Richard Kuhnke, <i>2<sup>nd</sup> Vice Secretary</i>		X	
Paul Beach	X	Allan Polyock		X	
Green	Charles Anderson, <i>Secretary</i>	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Mark Storti	X		Karl Nilson, <i>3<sup>rd</sup> Vice Treasurer</i>	X

Commission met quorum.

**Others present for all or some of the meeting:**

<ul style="list-style-type: none"> <li>• Matt Honer - <i>WRRTC Administrator</i></li> <li>• Ken Lucht, Roger Schaalma – WSOR</li> <li>• Alan Anderson - Pink Lady RTC</li> </ul>	<ul style="list-style-type: none"> <li>• Kim Tollers, Rich Kedzior, Ed Singer, Lisa Stern - <i>WisDOT</i></li> <li>• Eileen Brownlee, Julia Potter - Boardman Clark</li> </ul>
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3. Action Item.       **Certification of Meeting’s Public Notice – Noticed by Honer.**
  - o *Motion to approve meeting’s public notice – Cornford/Gustina. Passed Unanimously.*
4. Action Item.       **Approval of Agenda – Prepared by Honer.**
  - o *Motion to approve the amended agenda – Anderson/Morris. Passed Unanimously.*
5. Action Item.       **Approval of draft March 2019 Meeting Minutes – Prepared by Honer.**
  - o *Motion to approve March 2019 minutes with Minor Changes – Mace/Bretl. Passed Unanimously.*
6. Updates.           **Public Comment – Time for public comment may be limited by the Chair.**
7. Updates.           **Announcements by Commissioners**  
Mace thanked WSOR for the photos. Bretl asked for assistance with gathering attachments and amendments to the operating agreement.

**REPORTS & COMMISSION BUSINESS**

8.       **WRRTC Financial Report – Gene Gray – Treasurer.**
  - Treasurer’s Report

Gray reported that check 1407 was written on the 29<sup>th</sup> of January for the Dane County Accounting Services. The check was scheduled to be approved at the February meeting, but because that meeting was cancelled due to weather events, the check was being held. Gray reported that permits received to-date exceed what was budgeted for.

  - o *Motion to approve the Treasurer’s Report, income statement, payment of check 1407 – Nilson/Anderson. Passed Unanimously.*

**9. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, Schaalma – WSOR**

Lucht reported that WSOR has sent a letter to Don Gritmacker to vacate the crossing or to enter into a crossing agreement with WRRTC. WSOR learned from the recent derailment that there are some commonalities among all of the derailments and WSOR plans to share those findings with the Commission in May. Lucht reported that derailments are an issues that push WSOR to continue replacement of rail to continuously welded rail (CWR) on the system.

Schaalma reported on the flooding in Prairie du Chien, Schaalma reported that the river has crested and expects water levels to fall. Schaalma reported that WSOR has gotten pretty good at predicting when the tracks are free of water based on the McGregor meter. Schaalma stated that when waters are below 19.5' at the McGregor meter, WSOR should be able to inspect the tracks for any damage. Orr thanked Schaalma for the help that WSOR provided to Pattison Sand ahead of the high waters on the Mississippi. Nilson asked how high the water currently is. Schaalma reported that water levels are at 21.3 ft.

Schaalma reported that ties replacements have started to happen depending on frost conditions. Testing and spraying is being scheduled this month. A major tie project on the Cambria sub received 10k ties. Various replacement ties have been ordered for maintenance. Eleven grade crossings are scheduled this year (maintenance) including Blair Street/ US Highway 151 Crossing in Madison. Four crossings on the Prairie Sub. are scheduled. CWR is ordered and expected to be delivered in June for the Oshkosh and Waukesha Subs. Milton-Whitewater, on the Waukesha Sub, is expected to be done by the end of July. The Waukesha bypass project received bids recently.

Schaalma reported that the Wauzeka bridge is done, the rail will be installed in the next month or so. Bridge 254, in Madison, has been awarded to Kraemer NA and is expected to take place in August – September. Radio controlled power switches will be installed on the Belden Sub. The surfacing crews are getting out and doing tamping as the frost leaves. The Watertown project is expected to finish this summer and final touch ups in response to last year's flooding will take place on the Prairie Sub..

Anderson asked what caused the malfunction of the gates on John Nolan Dr. Schaalma did not know. Kate asked which crossings were going to be worked on in Arena. Schaalma responded that Oak St and Willow St crossings in Arena, Crocker St in Mazomanie, and a crossing in Muscoda are the crossings that will be replaced on the Prairie Sub. this year. Schaalma expects work to take place in the summer. Reimann stated that she can be the point of contact for the Village of Arena.

Nilson asked about County Highway TT in Waukesha. It was reported that it will be a grade crossing and not a bridge. Gray asked about job openings. Schaalma reported that there were 3 FT openings. Polyock reported that Zenda is very happy with the Belden siding.

**10. WisDOT Report – Rich Kedzior, Lisa Stern - WisDOT.**

Lisa reported that Steven Sams, WisDOT Rail Engineer, is now the grade crossing safety engineer for WisDOT and they are looking to fill his prior position.

**11. WRRTC Correspondence/Communications and Administrator's Report – Honer, Admin.**

Honer stated that he has been receiving communications from the counties regarding reappointment of Commissioners. At a future meeting, Honer will be collecting oaths of office from Commissioners, a practice that used to be done but stopped happening at some point. Honer stated that legal counsel suggested that we bring it back.

Honer stated that he was in contact with Sauk County's Highway Commissioner to coordinate when work will continue on the Sauk Spur within BAAP. Honer stated that the county has not started working on the remaining items but will do so soon.

Sweeney stated that officer elections will take place this spring, likely at the next meeting.

**12. Discussion and Possible Action on Commission concurrence with rail banking of Sauk Spur corridor to allow feasibility study of multi-use trail bridge. – Krueger - Sauk County, James – Dane County.**

Krueger reported that in August 2016 an initial meeting took place regarding the Great Sauk Trail. The initial plan for the trail was changed when the pier of the Bridge is Sauk City shifted. Segment 1 of the GST opened in 2017. Segment 2 was supposed to be across the river, instead segment 2 took place within the former Badger Army Ammunition Plant

Krueger stated that Dane County included money in their past budget to do a bridge study. Krueger stated that Sauk and Dane are working together to move forward on the project. James presented on the Walking Iron Trail in Dane County that would connect to the Great Sauk Trail. The Walking Iron Trail would go from the Wisconsin River Bridge to Mazomanie. The rail right of way between Mazomanie and Sauk City is both in the State Trail Plan and the County Plan. James stated that Dane County recognizes that the Sauk Spur is being used for car storage and Dane County does not want that to change and is working with WSOR to make sure that storage capacity does not change. James stated that Dane County is proposing Rail-to-Trail conversion from the Wisconsin River to Racek Road, and a shared use right-of-way from Racek Road to Mazomanie.

James stated that Dane and Sauk Counties are looking for concurrence from the RTC that they are on board with a rails-to-trails conversion. James stated that if the Commission agrees in concept to the current plan for a rail-to-trail conversion, Sauk and Dane County will move forward with a bridge feasibility study. James reported that the counties anticipate reporting the feasibility study in Winter 2019. Krueger stated that it would not make sense for Sauk and Dane county to move forward with a bridge feasibility study without WRRTC agreement that a bridge could be built in the ROW. Krueger stated that a funding formula does not exist currently for a multi-use bridge.

Krueger stated it is Sauk County's only trail project, but Dane county has a lot of trail projects ongoing in the County.

Potter shared the Commission's responsibilities according to the Grant, Land Use, and Operating Agreements. Potter stated that currently the corridor is not rail banked, so a lot of filing will need to happen with the Surface Transportation Board (STB) before interim trail use is confirmed. Anderson asked if a lack of a bridge or maintenance of the right-of-way is an issue. Potter stated that she does not think that the STB would see this as an issue due to the fact that access to the interstate rail system is being maintained by the Merrimac Bridge on the Reedsburg Sub.. Potter stated that if and when a multi-use trail bridge is constructed, attention needs to be given to the existing span due to the agreement for removal with WisDOT and discussion of issues regarding the ownership and maintenance of the bridge need to happen, especially if and when the bridge returns to rail service.

Anderson asked about the Badger State Trail as an access to the Interstate Rail System. Tollers stated that it is in a state rail bank. Tollers stated that the rail in Sauk that is currently in trail is still in the operating agreement. Anderson confirmed that operation and maintenance of the trail would be turned over to the county, that they would be acting as the Trail sponsor. Polyock asked WSOR about potential return to rail in this area, Lucht responded that he cannot speak to the future, but there is no current customer.

Tollers stated that there are higher implications to abandoning a right of way. Tollers stated that if the corridor is not preserved under rails-to-trails it will likely be lost. Tollers stated that WisDOT and WRRTC must act and speak as though the right-of-way will return to rail-usage in the future. Rail banking is a method to preserve a right-of-way, although service is suspended and operations may not currently exist, the land is being held or "banked" for the potential future return of railroad usage.

Bretl asked about requiring an agreement for the trail sponsor to have financial responsibility for improving the bridge to rail standards if rail were to return. Bretl asked if there was a requirement for the sponsor to improve the bridge would it be deemed abandonment. Potter stated that the potential issues for the STB are if situations that eliminated the potential for the return to rail took place.

Mace asked about the potential dual usage of a bridge and the precedent of this. Stern stated that the STB offers guidance on these items. Kedzior stated that rail-to-trails are still considered an active rail corridor without a railroad. Tietz asked about the width of the shared corridor usage. Stern stated that there are engineering best practices that look at this. Nilson stated that the best way to preserve the right of way is for the multi-use trail to be shared on the same corridor. Potter stated that counsel suggests that the Commission support rail banking on the Sauk Spur.

Bretl asked about what sort of legal fees are associated, and what financial responsibility the Commission has for the feasibility study. Krueger stated that the WRRTC will not have costs associated with the feasibility study.

- o *Motion for the Commission to support the rail banking of the Sauk Spur corridor to allow feasibility study of a multi-use bridge. – Nilson/Morris.*
- o *Amendment of the motion to account for the location of the rail banking on the Sauk Spur. Storti/Corford. Approved Unanimously.*
- o *Amended Motion for the Commission to support the rail banking of the Sauk Spur corridor, north of Racek Road to the Wisconsin River, to allow feasibility study of a multi-use bridge between Sauk and Dane Counties. Passed. Polyock opposed.*

**13. Discussion and Possible Action on Gritmacker Private Crossing Permit – Potter- Boardman Clark.**

Potter reported that the previous meeting discussed an existing crossing in Illinois. Potter stated that the existing landowner claims he has a prescriptive easement due to how long the crossing has existed in this location and an easement of necessity, because he has to cross the railroad to access his property.

Potter stated that the Illinois Commerce Commission does not have jurisdiction over private crossings. Three options would be to pull out the existing crossing and sue him in a Illinois state court if he continues to trespass, another option is to pull out the crossing and not sue and he could potentially sue the Commission, the last option is to leave things as they are until the property changes hands and a title company requires a crossing permit. Potter stated that if the crossing is pulled out, the potential cost could be tens of thousands of dollars in legal expenses.

## WRRTC APRIL 2019 MEETING MINUTES – APPROVED

Lucht stated that the letter that was sent to Gritmacker included information regarding the initial application, the ensuing discussion, and that WSOR believes he is trespassing. WSOR believes that option three involves a lot of liability at this location due to the amount of the traffic at the location. Ranum asked about the liability issues if option 3 was taken. Potter states she does not have a good sense of that according to Illinois state law. Beach asked about the validity of Gritmacker's arguments, and if a title search could be done. Brownlee stated that Gritmacker's attorney has not provided any facts to back up the argument. Polyock believes there are significant liabilities in the area. Mace asked what the law is in Illinois. Potter stated they are aware of the law, but they are not sure of the facts and that is where there is a dispute between the Commission and Gritmacker's attorney.

Sweeney asked if there is an option to come to agreement regarding mitigating liability. Sweeney suggested that the Commission should explore what the response to WSOR's letter will be and explore the options again. Ranum asked if the Commission could bestow a permit, granting Mr. Gritmacker a permit and informing him of his liability. Potter stated that it could possibly be a path forward.

- o Motion to postpone to May – Nilson/Tietz. Passed Unanimously.

### 14. Adjournment

- o *Motion to Adjourn at 11:23 am – Gustina/Rocksvold. Passed Unanimously.*

**WRRTC MAY 2019 MEETING MINUTES – APPROVED**

**Wisconsin River Rail Transit Commission  
Commission Meeting - Friday, May 10<sup>th</sup>, 2019 at 10:00 am  
Dane County Highway Garage, Madison, WI**

1. 10:00 AM            **Call to Order – Alan Sweeney, Chair**
2. Roll Call.            **Establishment of Quorum – Matthew Honer**

Crawford	Carl Orr	X	Jefferson	Mary Roberts	X
	Rocky Rocksvold, <i>2<sup>nd</sup> Vice Chair</i>	X		John Kannard	X
	Derek Flansburgh	<i>Excused</i>		Augie Tietz, <i>3<sup>rd</sup> Vice Chair</i>	X
	Tom Cornford, <i>Alternate</i>	X		Terry Thomas	X
Dane	Gene Gray, <i>Treasurer</i>	X	Rock	Wayne Gustina	X
	Jim Flemming	<i>absent</i>		Alan Sweeney, <i>Chair</i>	X
	Chris James, <i>1<sup>st</sup> Vice Secretary</i>	X		Chuck Spencer	X
Grant	Gary Ranum	X	Sauk	Dave Riek, <i>2<sup>nd</sup> Vice Treasurer</i>	X
	Mike Lieurance	X		Marty Krueger	X
	Robert Scallon, <i>1<sup>st</sup> Vice Chair</i>	X		Tim McCumber, <i>Alternate</i>	X
Green	Harvey Kubly, <i>1<sup>st</sup> Vice Treasurer</i>	X		Walworth	David Bretl
	Oscar Olson	X	Richard Kuhnke, <i>2<sup>nd</sup> Vice Secretary</i>		X
	Paul Beach	X	Allan Polyock		X
Iowa	Charles Anderson, <i>Secretary</i>	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Mark Storti	X		Karl Nilson, <i>3<sup>rd</sup> Vice Treasurer</i>	X

Commission met quorum.

**Others present for all or some of the meeting:**

<ul style="list-style-type: none"> <li>• Matt Honer - <i>WRRTC Administrator</i></li> <li>• Ken Lucht, Roger Schaalma – <i>WSOR</i></li> </ul>	<ul style="list-style-type: none"> <li>• Kim Tollers, Rich Kedzior, Ed Singer, Lisa Stern – <i>WisDOT</i></li> <li>• Alan Anderson - <i>Pink Lady RTC</i></li> </ul>
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3. Action Item.        **Certification of Meeting’s Public Notice – Noticed by Honer.**
  - o *Motion to approve meeting’s public notice – Cornford/Morris. Passed Unanimously.*
4. Action Item.        **Approval of Agenda – Prepared by Honer.**  
Honer stated that WisDOT has requested that Item #13 be postponed.
  - o *Motion to approve the agenda with the postponement of Item #13 – Anderson/Kuhnke. Passed Unanimously.*
5. Action Item.        **Approval of draft April 2019 Meeting Minutes – Prepared by Honer.**  
Mace stated that he had some minor clarifications of the minutes but is requesting a clarification of the motions on Item #13.
  - o *Motion to table the approval of April 2019 Meeting minutes for clarification of the motions in Item #13. Storti/Nilson. Passed Unanimously.*
6. Updates.            **Public Comment – Time for public comment may be limited by the Chair.**
7. Updates.            **Announcements by Commissioners**  
  
Gray announced that today is the 150<sup>th</sup> birthday of the transcontinental railroad. Nilson stated that it is important to put this into perspective. Nilson stated that May 8<sup>th</sup> was VE day and thanked the veterans.
8. Action Item.        **Officer Elections**  
Honer stated that he would start by asking for a nomination for chair.
  - o *Motion to nominate Al Sweeney as chair – Gustina/Morris. Motion to close nomination – Mace/ Nilson. Passed Unanimously.*
  - o *Motion to nominate existing officers to serve another term in the same office – Krueger/ Cornford. Motion to close nominations – Kannard/Kubly. – Passed Unanimously.*



REPORTS & COMMISSION BUSINESS

9. **WRRTC Financial Report – Gene Gray – Treasurer.**

- Treasurer’s Report and Payment of Bills

Matzinger reported on the financial report. The balance sheet identifies that all county contributions are in and after paying the tax bills the Commission has \$651.27 remaining. Matzinger reported on the income statement. WSOR paid the first half of their annual lease. Matzinger reported that invoices are out for tax reimbursement. Matzinger reported that first quarter billing was received for management, accounting, and legal.

Matzinger gave an update on the repayment of the loan taken out to assist with the removal of the Sauk City Bridge. He reported that so far this year, two quarterly payments have been made.

Cornford asked what Crawford County paid. Matzinger reported that Crawford paid \$35,000, the additional \$5,000 was to pay for past misunderstandings of county contribution requirements. Thomas stated that he appreciates that legal is billing quarterly.

Matzinger reported on the bills – legal, accounting, management, and the three tax bills (two from McHenry County and one from Lake County). Gray asked about the increase in taxes. Ranum asked if Honer can look into the increased taxes to see if there is a reason why and explore what may be the Commission’s options to appeal.

- *Motion to approve the Treasurer’s Report, income statement, payment of bills – Thomas/Gustina. Passed Unanimously.*

10. **Wisconsin & Southern Railroad’s Report on Operations – Ken Lucht, Schaalma – WSOR**

Schaalma reported that due to the cool and wet spring, weed spraying has been delayed. Rail testing geometry is scheduled for July and August. The bridge Inspector was asked to start annual inspections. Maintenance tamping has started. Maintenance crossing projects are being aligned with other road projects in Madison (Blair Street/ US Highway 151), Mazomanie (Crocker St), Muscoda (Middle), and Arena (Oak and Willow). County Highway K is also being done on the Elkhorn Sub. WSOR maintenance crews are out installing ties in various locations on both the northern and southern divisions. Water has subsided in Prairie du Chien, to allow cars to begin moving. Contractors are on the Waukesha Sub. doing crossing and turnout projects. One CWR train is on the Oshkosh sub and another is scheduled for the end of May for between Milton and Whitewater. Highway project crossings – CTY Highway V on the Reedsburg Sub, Waukesha Bypass, and State Highway 59 in Whitewater in July. WSOR plans to replace 7 bridge tie decks on the Prairie Sub., 2 on the Reedsburg Sub., and 1 on the Monroe Sub. A few stringers and caps will be replaced as well. A bid was awarded to Kraemer NA for a bridge west of Wauzeka. The bridge in Madison is also being taken care of by Kraemer.

Mace asked about the crossing in Madison. It was stated that there are numerous roads that converge in this area. Kedzior stated that this crossing is referred to as Blair St/ US Hwy 151 in the crossing inventory, and should be noted that way in the minutes. Kedzior stated that the minutes should reflect that this is how the crossing should be referred to. Nilson asked about the crossings of County Road TT and Sunset Rd, in Waukesha County. Schaalma stated that crossing is temporary and the new crossing will be east of county road TT. Nilson asked when traffic will resume on it. Schaalma was not sure. Ranum asked if new rail or old rail is on the Wauzeka Bridge. Schaalma stated that the old rail is on their now and that the new rail will be coming. Reimann asked about the Oak and Willow Street Crossing in Arena replacement dates. Schaalma stated that once the Mazomanie crossings are scheduled, WSOR will work to align the work to coincide with that.

Lucht offered a presentation on derailments that have occurred on the system over the past 13-14 years. Derailments that were discussed included Spring Grove (February 2019), Oshkosh (Oct 2016), Wauzeka (2016), Janesville Wye (Jan 2015), Janesville (Apr 2015), Cottage Grove (2012), Germantown (2012), Edgerton (2007), Bardwell- on the Fox Lake Sub (2004).

Beach asked how CWR responds to the heating and expansion of rail. Schaalma reported that the rail needs to be laid at a higher ambient temperature and that CWR is attached on every other tie. Schaalma stated that 600 – 700 defective rails are changed out every year. Nilson stated that although ultrasound is not 100%, it has saved a lot of derailments from happening. Riek asked if ultrasound picks up “work hardening.” Schaalma states that ultrasound does pick up several defect codes but this is difficult to measure. Polyock asked if there are issues where the rail splits, Schaalma stated that does happen. Ranum asked about metal fatigue and the way that rail-use is logged to account for metal fatigue or if there is testing available to account for metal fatigue. Kedzior asked Roger to explain how a tie project reduces the risk of derailment such as what occurred on the Cottage Grove Sub. Schaalma stated that good ties and good ballast will go a long way to address issues such as the conditions on the Cottage Grove Sub.

11. **WisDOT Report – Rich Kedzior, Lisa Stern, Kim Tollers - WisDOT.**

Stern reported that she met with the Village of Eagle last week and is petitioning the Office of Commissioner of Railroads to close Railroad St. in the Village. The Village has mixed feelings. There is additional design work to do and the Office of Commissioner of Railroad will make the final decision. Additional work will take place to address other crossings. Stern stated that an analysis is taking place to look at all State Highway Crossings. Roger asked if that includes connecting highways. Stern stated that due to state statute that they are not.

## WRRTC MAY 2019 MEETING MINUTES – APPROVED

Kedzior stated that he and Stern went out on an outing with Dave Bierman (WSOR Bridge Engineer) and Pete Scheirloh (WSOR Bridge Consultant) to inspect bridges on the Reedsburg Sub. between Waunakee and West Baraboo. Particular attention was paid to the stone abutments on the Reedsburg Sub. Kedzior stated they are unique to the system. These bridges were built by the Chicago Northwestern rather than the Milwaukee Road. Kedzior stated that the structures have aged well but the masonry has issues. Kedzior stated that he was approached by an individual who inquired about running an event passenger train for Badger football games from the City of Middleton-owned municipal spur. Lucht stated he has not heard from anyone but that in the past Middleton has tried this unsuccessfully.

Kedzior gave a brief update on the situation at the Lycon facility in Middleton. Kedzior stated that building the improvements at that site was presented to the Commission and approved at the April 2018 meeting but that WSOR did not receive written approval from WisDOT for the improvements. Singer reported that the way organizations utilize state railway is through an offer-to-use, which he explained is similar to a lease. Singer reported that after the past few months there has been negotiating with Lycon and is hoping to finish things up in the next month. Kedzior requested an agenda item at the June meeting to discuss the Lycon situation further and asked that the Commission consider waiting for WisDOT approval on future rail improvements.

Alan Anderson asked about items related to the abutments on the Reedsburg Sub. Kedzior stated that some of the issues dealt with scour and weathering issues including missing mortar. McCumber asked if Kedzior could share the information. Kedzior suggested that McCumber ask WSOR for bridge reports.

### 12. WRRTC Correspondence/Communications and Administrator's Report – Honer, Admin.

Honer stated that he located several of the missing amendments and attachments to the operating agreement between WRRTC and WSOR. Honer stated that discussions are ongoing with Frontier and Charter Communications regarding non-compliant utility crossings in the Village of Oregon on the Evansville Sub.

Honer stated that he has been working to address issues in McHenry County including private crossings and encroachments. Letters were sent to four property owners to address six unauthorized crossings on the Fox Lake Sub. He has heard back from some of the landowners already. He spoke with a representative from the Village of Spring Grove regarding Hatchery Road, an illegal road sanctioned by the Village that is completely within the WRRTC's property. Honer informed the Village that they are trespassing and that the issue needs to be resolved, or else the Commission may take action to fence off the property, making it impossible for residents to reach their homes and businesses. They stated that this issue will be brought up at an upcoming village board meeting to determine next steps. Honer expects to hear back in the coming weeks and will follow up with them prior to the next meeting.

Honer was in contact with the City of Fitchburg regarding a conditional use permit allowing a "drive-through window" on the property. Honer believes that this will not affect the right-of-way.

Honer stated that he spoke with a private crossing permit holder in Janesville who would like to move their crossing. Honer stated that the permit holder is wondering if there is an application fee for moving the crossing. Honer responded that he was not sure and would ask the Commission but stated that an application is required to review the location of his proposed crossing. The property owner needs to gather additional information regarding access to his proposed crossing as part of his application. Honer expects that this issue will be brought before the Commission this summer.

Ranum asked if the Commission should ask the applicant to require an easement to cross another property before providing a permit. Schaalma stated that the existing property owner where the crossing exists was at one point in time ok with the crossing, but now the existing property owner has changed his mind as land use has changed the land value.

Honer stated that he has had a discussion with the City of Prairie du Chien regarding the project that Blair Dillman brought before the Commission in the past. Honer stated that Mr. Dillman needs to receive approval from WisDOT and from WSOR before the Commission will take any further action on his proposal. Kedzior stated that a significant issue that WisDOT has regarding the project is that it will remove rail access to the City's harbor and river. WisDOT has asked that Dillman address this issue by offering the Commission or the state something of equal or greater value in return, but he has not done so. Tollers stated that some of the property on the Island is owned by the City of Prairie du Chien but that the Commission has an easement to that property.

### 13. Discussion and Possible Action on scheduled WRRTC Crossing Improvements – Stern, WisDOT.

Item Postponed

### 14. Consideration and Possible Action on a Letter of Support for FRPP Program Funding of \$30M for 2019/2020 Biennial Budget. – Lucht, WSOR.

Lucht presented a letter that can be presented to the joint committee on finance. The letter shows the support for the increase in the budget for the FRPP program. Lucht stated that an increased FRPP program over the next five years will help WSOR achieve the 15 years capital improvement plan

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and move towards a greater maintenance program. Nilson asked if the letter is sufficient to explain the FRPP program. Lucht stated that the recipients are well aware of the program. Stern stated that this is not an application for a grant, but rather a letter of support for the grant program. Riek asked what the last budget was for the program. Lucht responded that the previous biannual budget for the FRPP program was \$12M and the request is for the budget to be increased to \$30M, an amount that it once was.

- *Motion to support a letter of support for FRPP Program Funding of \$30M for 2019/2020 Biennial Budget. Scallon/Polyock. Passed Unanimously.*

### 15. Adjournment

- *Motion to Adjourn at 11:23 am – Gustina/Cornford. Passed Unanimously.*