

WISCONSIN RIVER RAIL TRANSIT COMMISSION  
 COMMISSION MEETING - FRIDAY, SEPTEMBER 9<sup>TH</sup>, 2016 @ 10AM  
 DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

1. 10: 04 AM **Call to Order** – *Alan Sweeney, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn*

Crawford	Tom Cornford, <i>2nd Vice Chair</i>	x	Rock	Ben Coopman, Alternate	-
	Rocky Rocksford	excused		Wayne Gustina	excused
	Derek Flansburgh	excused		Alan Sweeney, <i>Chair</i>	x
Dane	Gene Gray, <i>Treasurer</i>	x		Terry Thomas	x
	Jim Flemming	absent	Sauk	Marty Krueger, Alternate	excused
	Chris James, <i>Vice Secretary</i>	x		Chuck Spencer	excused
Grant	Gary Ranum	x		Vacant	-
	Mike Lieurance	x	Dave Riek, <i>3<sup>rd</sup> Vice Treasurer</i>	x	
	Robert Scallon, <i>1<sup>st</sup> Vice Chair</i>	x	Walworth	Eric Nitschke	x
Iowa	Charles Anderson, <i>Secretary</i>	x		Richard Kuhnke, <i>2<sup>nd</sup> Vice Treasurer</i>	x
	William G Ladewig	x		Allan Polyock	excused
	Jack Demby	x	Waukesha	Karl Nilson, <i>4<sup>th</sup> Vice Chair</i>	excused
Jefferson	John David	x		Dick Mace	x
	Gary Kutz	x		Richard Morris	x
	Augie Tietz, <i>3<sup>rd</sup> Vice Chair</i>	x			

Commission met quorum.

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

<ul style="list-style-type: none"> <li>• Mary Penn, WRRTC Administrator</li> <li>• Ken Lucht, WSOR</li> <li>• Tim Lins, Asso. of Sauk Co Snowmobile Clubs</li> <li>• Sam Landes, AWCS</li> <li>• Tryg Knutson, State Sen. Jon Erpenbach’s Office</li> <li>• Scott Stokes, Wolf Run Assoc., Mazomanie, WI</li> <li>• Erin Vander Weele, Sauk Prairie Star</li> <li>• Todd Liebman, Sauk County Corp Counsel</li> </ul>	<ul style="list-style-type: none"> <li>• Kim Tollers, Rich Kedzior, Dave Simon, Kathy Chung, Ben Conard, Frank Huntingdon, Scott Willinger, WisDOT</li> <li>• Eileen Brownlee, Corp. Counsel, Julia Potter, Boardman &amp; Clark</li> <li>• Dana White-Quam, Brigit Brown, WDNR</li> <li>• Alan Anderson, Pink Lady RTC</li> <li>• Bill Wentzel, Sauk County Board</li> </ul>
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn*
  - *Motion to approve posting of meeting – Ladewig/Cornford, Passed Unanimously*
4. Action Item. **Approval of September Amended Agenda** – *Prepared by Penn*
  - *Motion to approve September amended agenda – Mace/Morris, Passed Unanimously*
5. Action Item. **Approval of draft August 2016 Meeting Minutes**– *Prepared by Penn*
  - *Motion to approve draft August 2016 meeting minutes with minor corrections – Mace/Kuhnke, Passed Unanimously*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*  
 There were no public comments.
7. Updates. **Announcements by Commissioners** – *No Discussion Permitted*

Dick Mace announced that Karl Nilson was absent due to being involved in a motorcycle accident recently and was in a rehab center. Mace encouraged the Commissioners to call Nilson during his rehabilitation, adding that it had been a “pretty bad accident”.

**REPORTS & COMMISSION BUSINESS**

**8. WRRTC Financial Report – Gene Gray, WRRTC Treasurer**

- Treasurer’s Report for August and Payment of Bills

Gene Gray gave the Treasurer’s Report to the Commission, reminding them that Jim Matzinger was still on vacation until the October meeting. He said there were two bills to pay and noted that the tax reimbursement from WSOR had been received. The bills were for the Johnson Block 2015 audit and for Matzinger’s latest accounting services.

- *Motion to approve Treasurer’s Report and payment of the two bills – Ladewig/Anderson, Passed Unanimously*

Gary Ranum asked for more information on the WSOR tax reimbursement. Gray said he would like a list of money coming in to better inform the Commission. Sweeney asked if Gray and Dave Riek could talk to Matzinger about that. Riek asked about Eileen Brownlee’s billing cycle. Brownlee said she usually billed once in November although she had offered in the past to bill more frequently if the Commission so desired.

**9. Wisconsin & Southern Railroad’s Report on Operations – WSOR**

- Update on Monthly Maintenance Activities
- Update on Capital Projects
- Update on Business Development
- Update on Office of Commission of Railroads
- Other Continuing Issues/ Topics – Introduction to Proposal to Amend WSOR/WRRTC Operating Agreement 0490-40-48(d) 2.2 Reservation

Ken Lucht reported that the geometry car was currently out on the system as was the rail detector car. Other than that there had only been routine maintenance in the past month. Even with all the rain, there had been no wash outs in the Commission’s territory but there had been some in WSOR’s northern system. As part of routine maintenance, he said there had been some change out of rail which was simply done as it was discovered. He added that there had been some tree removal near Oregon, saying the trees were growing parallel with the ground. He reminded the Commission that this was the old vacant corridor so once it was acquired by the Commission, WOSR had been taking on tree removal as they presented problems for adjoining landowners.

On capital projects, Lucht said the Phase 1 Watertown project was completed. This work included nearly all the at-grade crossings. He said the Phase 1 from Madison to the east side of Sun Prairie was nearly completed and would now be 25 mph Class 2 track. He said WSOR was bidding out a Phase 2 project from Sun Prairie to Watertown which would go to Waterloo and eventually all would be Class 2 track.

In another project, Lucht announced WSOR was beginning the Waukesha Phase 1 continuous welded rail (CWR) project. WSOR was working with WisDOT on the grant agreement and they hoped to go to bid within the next 3 months. He added that the Fox Lake Sub CWR project was slated to start next year and he was hopeful the bid for that would go out in the next few months.

Lucht said there was a tremendous amount of work done this year, including a lot of CWR work in the northern tier of WSOR’s system. He said WSOR was looking forward to a big construction year in 2017, adding that Roger Schaalma would be presenting WSOR’s 5 Year Plan to the Commission at the October meeting. He reminded the Commissioners that WSOR had 600 miles of track, 200 of which was under WRRTC’s purview.

Augie Tietz asked when the Phase 3 Waterloo project would begin. Lucht said it would probably start within the next 18 months. He said WSOR was committed to the sub. Jack Demby asked about impacts to the Wisconsin River rail bridges with the high water levels as well as progress on the Spring Green Bridge. Lucht said the Spring Green Bridge was currently out for bid.

In regard to the Great Sauk Trail (GST), Todd Liebman asked whether WSOR had sent the notices to the shippers. Brownlee said it had been determined that no notices to shippers were necessary.

Bill Ladewig asked about the storage of the new covered hopper cars. Lucht said WSOR hoped to have them in-service year round and not need to store them. He said these were the bigger, heavier hoppers (“cube” cars). Ladewig wondered where the capacity was for storage. Lucht said the Mazomanie line would still be used to store cars and related some history on the storage of cars within the communities WSOR served. He said storing within the communities was not popular so the Commission and WSOR decided the Sauk sub would be useful to store cars on the roughly 9 miles of track between Mazomanie and Sauk City. He said over the past 7-8 years, WSOR had been consolidating their storage, noting the Oregon spur was also being used for storage. Lucht said the northern district had some storage opportunities as well. He clarified when and if WSOR collected rent on the stored cars.

Lucht then announced his proposal to amend the 1997 operating agreement as noted in the agenda item. He said in the next couple of months WSOR would be bringing a proposal to amend the operating agreements, explaining the areas of the system that fell under the two operating agreements currently in place. Using a system map, he identified where the agreements applied. Lucht explained the newer operating agreement had some different language from the 1997 one. Under 2.2, the section that dealt with property management, WSOR was hoping to revise the 1997 agreement to make it consistent with the new, 2014 operating agreement. He said the biggest concern was use outside the right-of-way (ROW) of 33'. He explained the difference between the two agreements and why it was important to make them consistent. WSOR had been tracking derailments on the system, and noted that of a number of track related derailments that had occurred in the past couple of years, all the cars and product in these accidents went beyond the 33' and therefore created a greater liability for WSOR. Lucht said WSOR had a substantial liability insurance within 33' but with a big uptick in public use of the ROW, the possibility of issues outside 33' had become more of an issue. He thanked the Commission's and WisDOT's commitment to protecting the ROW. He said this issue was the rationale for the proposed amendment, saying the proposal also included some other general changes but the main concern was to make the preservation of the ROW outside of 33' in the 1997 agreement be consistent with the new agreement.

Mace asked if both operating agreements would be changed or would they modify one to be consistent with the other. Lucht said it would be to amend Section 2.2 in the 1997 one to make it consistent with the 2014 agreement.

Tietz asked about the average width of the ROW. Lucht said it was usually 100' but could vary considerably. Frank Huntington concurred. Kim Tollers also agreed and said WisDOT had 60' in some urban areas and 100' in some rural areas under their own rules of acquisition and that was used as a standard. Todd Liebman confirmed the "new" operating agreement was for the Reedsburg sub. Ranum asked if anyone had worked with county zoning departments to establish setbacks for railroad construction. Lucht said it was done on a case-by-case development basis and said WSOR had not worked with counties directly on this.

There was another question regarding the notice to shippers. Lucht said no notice was required as Brownlee had stated earlier.

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

Tollers announced that Kathy Chung would be leaving and she thanked Chung for all her service to the WRRTC, adding that she would be missed. Tollers introduced Ben Conard as Chung's replacement.

Rich Kedzior said the State's Railroad conference would be November 15<sup>th</sup> and gave its particulars and location. Sweeney said he would have a sign-up sheet for the event at the October Commission meeting.

Kedzior then said he had just received authorization to let the Commission know there had been six freight rail awards, four of which were for WRRTC and/or WSOR projects. The first award was for \$14.4M for the rehabilitation of the Merrimac Bridge, the second for \$1,971,760 for bridge replacement and rehabilitation on the Reedsburg and Prairie subdivisions, and a third for \$7,541,600 on the Fox Lake sub to rehab 12.9 miles of track between Walworth and Zenda (up to the State line). The WSOR also received \$3,942,240M for a Phase 1 rail replacement on the Oshkosh sub. The other two awards were to the Port of Milwaukee (\$1,763,520 M) to rehab crossings and a FRIIP loan to the Country Visions Co-op in Wrightstown, WI (\$4M).

**11. Discussion and Possible Action on Sauk City Bridge Pier Sinking/Tilting - WisDOT**

Dave Simon introduced Frank Huntington and said Huntington would be helping the discussion in regard to the history of this bridge. Simon said span 4 had been removed as well as pier 4 in the early 2000's. He said over the Labor Day weekend, DNR wardens had noticed that pier 2 had moved laterally and sunk 1-2'. He said this was similar to pier 4's behavior in the past. Due to this, spans 2 and 3 were in a precarious situation.

Huntington gave the history on the bridge, saying span 4 was removed in 2001. He said pier 2 had shifted and no one had any idea of what needed to happen at this point. He said the WRRTC might have to authorize an underwater dive and examine all the piers and suggested the Commission have their engineer take a look.

Sweeney asked Lucht about the history of the bridge inspections. Lucht said that pier 4 and span 4 were missing, 5 and 6 spans were teetering and when pier 4/span 4 had been removed, the Commission had decided to monitor pier 3 as it was in the middle of the river and in high velocity water. He said it was an annual inspection in the beginning and then every other year later on. The monitoring had only been specific to pier 3. However, in looking at the 2013 report (the last one done by the Commission), there was some data on pier 2. For all these years, there had been nothing noted on pier 3 so it had been decided last year not to do an inspection. Sweeney said the cost of the inspection of pier 3 in 2013 was \$1800.00. Lucht concurred and said the Commission had in the past budgeted money to do bridge inspections.

Sweeney said Huntington was recommending an inspection be done. He said it might come back as a more elaborate report due to the circumstances. Sweeney then asked about boat traffic. Brigit Brown, WDNR, identified the channel generally used. Sweeney asked if there were any plan to limit boat traffic. Brown said placing some marker buoys out could be done but WDNR was also waiting for an inspection. Sweeney said he believed the plan would be to make sure the spans were safe to ensure it did not fall into the river or injure anyone. Demby asked if destruction would be recommended if the bridge was failing. Brownlee said the WRRTC had been in the middle of a rehab project when pier 4 shifted which had resulted in the span/pier removal. She did not think any rehab would be an option but added that common sense would go a long way and to get data from the engineers to provide information on what to do. Chris James asked would the State be able to move fast enough, to retrofit it if the recommendation was to remove it entirely for trail purposes. Brown said at this point all was speculation and could not say. She said in general conversations, the discussions were if the piers could possibly be reclaimed. Simon said the WisDOT engineer had said pier 2 had held up but it would be extremely difficult to “rescue” it. In his opinion it would be a lot cheaper to rebuild the pier. Sweeney asked if it would be more useful to just remove it. Simon said that was one engineer’s opinion. Charles Anderson said if the rail-to-trail (RtoT) process continued, was there anything in that agreement to make the bridge crossing safe. Also, once the trail was turned over, would it be the WDNR’s problem. Brownlee said that was not in the current RtoT agreement. She said it was a future consideration, however. Liebman said in the previous (August ad hoc) conversation, WSOR had said it wanted to extend the RtoT into Dane County. Ladewig recommended action for next month to approve. Huntington suggested to at least contact the bridge engineers who had done the earlier survey and get an estimate. When asked about taking action, Brownlee said action could take place in an emergency situation and wanted to know if the bridge was in an emergency mode: if so, the Commission could act. Simon said with such a large movement of the bridge, something bad could happen and advised getting people out from under it. He said it could move some more yet and spans 2 and 3 were in a precarious situation.

- *Motion to approve funding for a bridge inspection on this structure on an emergency basis with motion to amend to formally ask WDNR to mark the area as impassable with signs and buoys and also to assist in any inspections and to authorize a full assessment on the entire remaining structure so as to have a fully informed set of data to make decisions and to create a written contract between Westbrook Engineering to authorize Alan Sweeney and Charles Anderson to enter into a contract with them – Ladewig/Scallon, Passed Unanimously*

Simon recommended keeping people away from the bridge and then decide what to do with the spans in question. Mace asked if the WRRTC had the authority to post anything in the river about a danger or would WDNR do that. Brown said WDNR was fully prepared to help get access to the site, having done so in the past, and the waterway staff were happy to work with them to post or place buoys. Sweeney said the discussion needed to address those points. Mace said you could not get on the west side of the bridge from the road. James said you could get on it from the east side.

Eric Nitschke amended the motion on the floor. Sweeney asked Nitschke if he meant Westbrook in his amendment. Nitschke said it made sense. James said the estimate for the whole bridge might be in the tens of thousands. Sweeney said originally it was \$1800.00 and included underwater inspection of the three piers. He said the only addition would be to add pier 5. Tollers said they did not dive it and that would make a difference in the inspection. Sweeney said if it had moved 2’ underwater, inspection might not be feasible in any event. Mace asked how it would be funded. Brownlee said they could do a budget transfer. Anderson asked if the amendment needed to include underwater work. Brownlee advised against that.

- *Motion to amend to additionally work with WDNR to post the bridge and place buoys to prevent trespass Nitschke/Mace, Passed Unanimously*

**12. WRRTC Correspondence/Communications and Administrator’s Report – Mary Penn, Admin.**

Mary Penn reported on the correspondence she had dealt with since the last meeting, as well as her administrative duties of the past month which included preparation and facilitation of the August 17th Ad hoc meeting. She distributed the minutes of that meeting to the Commission.

Following Penn’s report, Brownlee introduced Julia Potter from Boardman and Clark to the Commission, saying that Potter was learning about the Commission and preparing as the next generation rail attorney. She added that Potter had already put in considerable time on drafting amendments to the documents in question. In view of the topic, Brownlee said the conversation would include WSOR and WisDOT staff as well, and treat items 13-18 within a single discussion.

- 13. Review and Discussion on amendment to Grant Agreement 0490-40-48(d) –Eileen Brownlee, Corp Counsel**
- 14. Review and Discussion on amendment to Land Use Agreement 0490-40-48(d)(1) –Eileen Brownlee, Corp Counsel**
- 15. Review and Discussion on amendment to Operating Agreement 0490-40-48(d) –Eileen Brownlee, Corp Counsel**
- 16. Review and Discussion on salvaging track between MP 7.30 and MP 13.25 – Eileen Brownlee, Corp Counsel, Kim Tollers, Dave Simon, WisDOT, Ken Lucht, WSOR**

17. **Review and Discussion on draft 66.031 (intergovernmental ) agreement between Sauk County and WRRTC for track removal** – *Eileen Brownlee, Corp Counsel*
18. **Review and Discussion on draft funding contract with Sauk County for track removal and determination of division of salvage proceeds** – *Eileen Brownlee, Corp Counsel*

Brownlee said they had started to put together a number of amendments to transition the rail corridor to trail corridor. Currently the rail corridor was owned by WisDOT and the trackage belonged to the WRRTC. A first question was as the transition was made, whether the Commission wanted to be involved in any trail agreement. Currently because the WRRTC had no interest in the real estate other than use of the land through the land use agreement, she saw no reason for the Commission to remain involved in subsequent trail discussions. Also, RtoTs included the possibility of rail restoration because it was just an agreement preserving the corridor for rail use. She believed the Commission would want to preserve the right to reacquire the corridor for rail operations by making amendments to the three agreements, giving the Commission the right of first refusal. The Commission would have the first opportunity to bring it back into rail operations. She did not know if the Commission would want more than that but cautioned that if there were no operator, there would be no one to sign agreements with and indemnify the Commission.

Sweeney asked how to initiate that amendment to all the agreements when today was just a discussion. Brownlee said Potter had begun drafting amendments for all three agreements that would effectively remove the part of the corridor in question from the existing agreements, while preserving the right of first refusal. Demby asked if any RtoTs had ever converted back to trail in Wisconsin. Brownlee said she was not aware of any within the State. Tollers said it had happened in other parts of the country and depended on whether it was economically feasible. She said with or without the amendment, the Surface Transportation Board (STB) was the governing body and would decide to reinstate rail if ever economics prompted it. Sweeney asked if it were a requirement that it be included in the RtoT agreement. Brownlee said it was part of the agreement that if an operator came in, rails had priority over trails. Chung said Tollers was 100% right that it would be required by the STB. Sweeney thought the right of first refusal was not essential to the agreement.

Ranum asked if after the rails and ties were removed, would the Commission's only interest be the ballast. Brownlee said the ballast would be removed as well. Ranum asked about the parameters of the agreement. Tollers said the Commission would be removing their interest in the corridor. Chung asked "did you want to retain any interest in this corridor and if there was an opportunity to return to rail, anything they came up with (for the agreement) was possible". She said the Commission could maintain a "finger in the pudding" if there were rail reactivation and the Commission's interest became relevant if there were some say-so in the agreement. She said if it was reactivated to rail it would not be as if the WRRTC would not be a stakeholder. It was a matter of formality but anything the Commission wanted to do, they could do within the RtoT agreement.

Brown said the WDNR would treat the corridor and its rights so as to preserve it, with the understanding that the corridor might revert to rail. Terry Thomas said it was going to go forward but asked Brownlee to preserve the Commission's interest, saying that if it ever went back, the Commission would need something in writing to put them in the best possible position.

Ladewig asked about attorney fees and if Brownlee had been involved a fair amount in this. He also asked that if the Commission was giving up something they had, were any attorney's fees covered by other stakeholders. Liebman pointed out that the drafted salvage agreement cost the Commission nothing. He said it made sense to keep the Commission involved, as Sauk County was a Commission member and the corridor was important to the Commission so it made sense to retain right of first refusal. Brownlee said she would be happy to put it in the agreement but cautioned the Commission that there were no guarantees.

Kedzior talked about the process of returning trail to rail, giving an example from the Upper Peninsula of Michigan where about 12 miles had just recently been converted to rail. He said they moved the trail and overall the process was pretty smooth and not too expensive.

Sweeney said trail conversion had come down to a vote at the Pecatonica Rail Transit Commission (PRTC). Brownlee said it had been a simple transition on paper but due to the evolution of use by trail users, in the PRTC case, there were hundreds of ATVs and snowmobilers against conversion. She pointed out that if there had been viable rail to go in, it would have gone in. She said there had been some disappointment for trail users, but legally it was not a particularly cumbersome situation. Tollers said in this WRRTC case, WisDOT would retain ownership of the land. In the case of the PRTC, the PRTC owned the trail property and the priority was to serve rail customers.

Chung asked if the group knew if the WisDOT would retain ownership and WDNR management, leaving only the question of what would be the Commission's involvement. Tollers said it was clear WisDOT would continue ownership.

Lucht gave some recent examples of WSOR's attempts to reclaim rail from trail, saying WSOR was "0 for 3". Brown noted the examples he gave had not been rail banked. Huntington said the Wild Goose trail was not in RtoTs. He said funding was an issue due to politics. If WSOR had been willing to fund the return to rail on its own, it would not have been an issue. If public funding were involved, it became more problematic. However, if WSOR would be willing to fund, the STB would agree.

Chung pointed out that the rail banking program was so the STB could put land into a land bank and not lose corridor. Sweeney, quoting from a past meeting said "if there were no rail, there would be no trail".

Sweeney asked if Brownlee had the amendments drafted yet. She explained there were three agreements, grant, land use, and operating, all dovetailing one another. The provisions of all those agreements mirrored one another and outlined expectations on all stakeholders' parts. The Commission was looking at amending these agreements. She cautioned that the wording from WisDOT to WRTC passed the responsibility for this corridor to them and in turn, the responsibility was transferred to the operating agreement. She said they were looking to remove references of the specified length of corridor which ran from Badger Ammunition to Roxbury creek in Dane County. Sweeney asked if the mileage post (MP) numbers were correct. Tollers said they were not, saying it was 7.21 to 13.07 MP corrected on all the amendments. Sweeney then asked whether the right of first refusal amendment was something the Commission wanted to pursue. Mace said he agreed with Brownlee and recommended they remove themselves from the RtoT agreement.

Liebman asked about the Sauk City Bridge, saying the Great Sauk Trail (GST) Commission was only interested with the section from Sauk City to Badger Ammunition. He asked what would happen if the Bridge came out. Mace asked if there were alternatives for trail passage across the river. Sweeney said two weeks ago they were talking only about from Sauk City to the Badger Plant. Tollers said there was about 2500' south of the bridge included in the mileage and assumed it was part of the Trail agreement but they could stop at John Quincy Adams and have the area from the west abutment down to MP 7.1 and address it in the future, or come to some conclusion about the Bridge and include the Bridge MPs in the agreement. Brown said nothing had changed on WDNR's end: it would still cut off at the west abutment. The WDNR was not including it in their agreement with Sauk County.

Lucht said WSOR still had to file with the STB and only wanted to do it once so they preferred to just do it with all the mileage. Sweeney said they would just have to deal with the Bridge in the future and recommended sticking to the four draft amendments in terms of the MPs as listed, including the 2500' on the other side of the bridge.

Brownlee agreed with Lucht and said to do it all at the same time. Ladewig asked about access to the bridge. Brown said WDNR could answer that but it would take some time for the agreements to happen and it was dictated by the STB's timeline. She added that WDNR had not signed anything yet and her administration would be interested in the results of the bridge inspection.

Anderson asked why the 2500' was included in the first place. Lucht said it was because WSOR had determined that they would not need to access Sauk City via that route. Right now, WSOR was working with WisDOT to rehab the Merrimac Bridge. If something else happened, WSOR still wanted their alternative but they did not anticipate installing rail across the river on the Sauk City Bridge. He repeated that WSOR wanted to retain their interest but had given WDNR control and enough room to find a route to Mazomanie.

Ladewig asked what would happen to the Bridge, would the WDNR take it over and if so, would they complete some type of span over the river. Sweeney said they did not have enough information at this point. Huntington said that it would be up to the new management of WisDOT. Once the agreements were done, the Commission could turn everything over to WisDOT. If the Commission wanted out of the grant agreements, this could be done and he related how it might happen that WisDOT could assume control of the Bridge. Ladewig asked if WisDOT would want it or would they eventually demo it. Huntington said it would be up to the attorneys to see what the possibilities were. At this point it was the Commission's responsibility and he assumed the Commission would elect to turn it over to WisDOT in its current condition, although WisDOT could insist the Commission continue with it. Anderson asked if that could be incorporated into the new amendments. Brownlee said this was all because of the movement of the Bridge over the weekend. She said they could propose anything but as a practical matter, it was a matter of cost. Clearly there was an interest in not allowing the Bridge to collapse. Technically, it was the Commission getting out of its contract within the MP to MP and the Bridge was in this mileage. She said there would continue to be discussion between all stakeholders. However, she recommended not losing the "forest for the trees" and moving forward with the RtoT conversion and removing the Commission from the Trail agreement. What the Commission needed was some guidance in order to get everything going. Perhaps there would be draft amendments available for review before the Commission's October meeting. Right now, Brownlee said, the bridge needed inspection but certainly that could be included in the conversation. Chung said she thought she had enough information to amend the filing to rebut it and send something out Monday but not referring to the Bridge at all. Brownlee thought that would be good and hopefully they would be able to get the pieces of the agreements and the amendments completed at the October meeting.

Brownlee then addressed the item of salvage and said there was a discussion whereby Sauk County would salvage the area in question, under contract with the Commission. Of the material salvaged, those funds would come to the Commission and then based on WisDOT and Commission agreements, they would be split, but only if there were an excess of salvage beyond the cost of salvaging and she asked about an estimate. Liebman said he believed there were some estimates, based on the price of steel. He thought the salvage value would exceed the cost of removal, adding that part of the cost would also be for the disposal and everything would be under the Sauk County's contract. Any excess would go the Commission. If deficient, the County would cover the costs. He confirmed it did not include work into Badger Plant but they could work with WDNR. Brown said WDNR would be happy to work with the County on that. Huntington confirmed that that part was WisDOT property. Dana White-Quam said there was a lot of track in the Plant and could potentially increase the return.

Lucht asked if Brownlee had received WSOR's proposal to salvage useable track in Sauk City to reuse it in other areas in their system. He said WSOR felt the salvage would be better used as rail then as cash, since steel prices were at a very low level. He clarified that this would be between Water Street in Sauk City and Water Street in Prairie du Sac. He said WSOR would be happy to stockpile and inventory it and let the Commission know how it would be used. Brownlee said Liebman had included information to permit that. Because the salvage cost was shared, WisDOT needed to be involved and therefore it was not just the Commission's decision. Ladewig asked if WSOR could talk directly to Sauk County. Liebman said WSOR would have to talk with the County Highway Department anyway. Brownlee said there were scheduling issues to be determined. Lucht said WSOR's timing was not a factor.

Kedzior said he supported WSOR's interest in reclaiming as much rail as possible for the WRRTC as it was their property. It was difficult to get 100 lb. rail in today's railroad market and there was a lot of 100 lb. rail that could be used on the Reedsburg and Watertown line for repair.

Liebman said anything Sauk County did not have remove made their costs lower as well so WSOR salvaging a portion of the corridor was not an issue for Sauk. Mace asked if there would be a reason for the railroad contracting to take all of it. Lucht said WSOR did not have the forces to do that since it was a lot of track. They could do the salvage they offered earlier. Riek asked if removing the rail included taking the ties as well. Lucht said it did.

Sweeney asked if everyone was ready to bring the amendments to the agreements back in October. Brownlee said she did not envisage a special meeting having to happen before the October meeting.

**19. Action Item. Adjournment**

- *Motion to adjourn at 11:59 – Tietz/Cornford, Passed Unanimously*