

**WRRTC EXECUTIVE COMMITTEE JANUARY 2015 ADOPTED MEETING MINUTES**

WISCONSIN RIVER RAIL TRANSIT COMMISSION  
 EXECUTIVE COMMITTEE MEETING - FRIDAY, JANUARY 9<sup>TH</sup>, 2015 @ 10AM  
 DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

1. 10: 01 AM      **Call to Order** – *Alan Sweeney, Chair*

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

Crawford	Tom Cornford, (2nd Vice Chair XComm)	x	Rock	Ben Coopman, Alternate	
	Rocky Rocksford			Wayne Gustina	x
				Alan Sweeney, Chair	x
				Terry Thomas	
Dane	Gene Gray, (Treasurer X-Comm)	x	Sauk	Marty Krueger, Alternate	
	Jim Haefs-Fleming	x		George Johnson	
	Chris James, Vice Secretary (XComm)	excused		John Miller, Vice Treasurer (XComm)	x
				Dave Riek	
Grant	Gary Ranum	x	Walworth	Jerry Grant	
	Vern Lewison	excused		Richard Kuhnke, 2 <sup>nd</sup> Vice Treasurer (XComm)	excused
	Robert Scallon, 1 <sup>st</sup> Vice Chair (XComm)	x		Allan Polyock	
Iowa	Charles Anderson, Secretary (XComm)	excused	Waukesha	Karl Nilson, 4 <sup>th</sup> Vice Chair (XComm)	x
	William G Ladewig			Dick Mace	
	Jack Demby			Vacant	
Jefferson	John David				
	Laura Payne - substituting for A. Tietz	x			
	Augie Tietz (3 <sup>rd</sup> Vice Chair XComm)	excused			

Commission met quorum.

Alan Sweeney asked the ATC personnel and Mike Hueppen of Electrical Consultants, Inc. to introduce themselves.

**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>• Dave Simons, Kim Tollers, Roger Larson, WDOT</li> <li>• Danielle Zimmerman, Rep. Laudenbeck’s Office</li> </ul>	<ul style="list-style-type: none"> <li>• Forrest Van Schwartz, Consultant</li> <li>• Jim Matzinger</li> <li>• Julie Purves, Mark Sanzenbacher ATC, Mike Hueppen, Electrical Consultants, Inc.</li> </ul>
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3. Action Item.      **Certification of Meeting’s Public Notice** – *Noticed by Penn*

- *Motion to approve posting of meeting – Nilson/Ranum, Passed Unanimously*

4. Action Item.      **Approval of Agenda** – *Prepared by Penn*

- *Motion to approve amended agenda – Nilson/Cornford, Passed Unanimously*

Amendments: Item 16 to be moved to Item 9a and Item 17 to be moved to Item 9b.

5. Action Item.      **Approval of draft December 2014 Meeting Minutes**– *Prepared by Penn*

- *Motion to approve December minutes with corrections – Scallon/Ranum, Passed Unanimously*

Corrections to the December minutes from Bob Scallon and Gary Ranum included adding Scallon as attending and making corrections in Item 10 to refer the “city” as Prairie du Chien.

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**6. Updates. Public Comment – Time for public comment may be limited by the Chair**  
There were no public comments.

**7. Updates. Correspondence & Communications – Discussion may be limited by the Chair**  
Mary Penn distributed the articles from Forrest Van Schwartz who recommended all read them as there was an article included referring to Congress addressing all transportation issues. Penn then listed the correspondence she had received or sent in the past month.

**8. Updates. Announcements by Commissioners – No Discussion Permitted**  
There were no announcements by Commissioners.

### REPORTS & COMMISSION BUSINESS

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

- Treasurer's Report for December and Payment of Bills

Jim Matzinger distributed the Treasurer's Report. He said the Evansville line item listed for \$11,900.00 was money that accumulated for years and he said that this was the remainder left after \$59,000.00 had been split between the Village of Oregon and the City of Fitchburg for payment of that line. Sweeney said he would move item 16 up on the agenda so the Commission could take action. Matzinger said currently they still had a lot of cash as the Commission had not paid out for 2014 projects and were waiting to be billed in 2015.

On income, Matzinger said things were pretty well in line and better than budgeted as the Commission had had some end of year permits. He said the county contribution line looked off but it would balance out. Matzinger said that legal expenses were over in 2014 as there had been a lot of legal activity with the acquisitions. He said he was still waiting for yearend billings, noting that he had not closed December out yet. He added that he would probably present that at the next meeting.

- *Motion to approve the Treasurer's Report – Gray/Gustina, Passed Unanimously*

Matzinger then presented checks for approval. Checks included

1. Dane Cty Hwy, Nov. 2014 Accounting, \$577.63
2. Johnson Block, 2013 Audit-Progress Bill, \$1,700.00

- *Motion to accept all checks as presented – Nilson/Miller, Passed Unanimously*

Sweeney then said the Commission would address item 16 as item 9a and item 17 as item 9b.

**9a. Discussion and Possible Action on transfer of remaining Evansville Line funds to WRRTC General Fund – Jim Matzinger, Gene Grey, Treasurer**

- *Motion to move remaining Evansville line funds to the general fund– Nilson/Gustina, Passed Unanimously*

Gene Gray asked if these dollars could be footnoted in the report so that it would not give a false impression at budgeting time. Sweeney said he did not think it would make a difference between '15 and '16 but it would between '14 and '15.

**9b. Discussion and Possible Action on 2013 Johnson Block draft WRRTC Audit – Mary Penn, WRRTC Admin**

- *Motion to approve the 2013 WRRTC audit – Gustina/Scallon, Passed Unanimously*

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

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

Ken Lucht reported that WSOR was still waiting for agreements on a number of projects and bridges and once they got those they would go out to competitive bid. He said there were a number of bridges on three different subs and there were three complete bridge replacements which were proceeding as planned and should be completed within the next three months. He said WSOR was still working on developing an 8000' siding on the Prairie sub between Prairie and Madison with an increase of commodities. Lucht said WSOR was still identifying siding locations which they needed to get to WDOT. He said there was a 100' and a 500' siding but with unit trains, there was a need for an updated siding.

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He said WSOR was talking to WDOT about a capital tie replacement project that they hoped would be funded by the State. In order to prep the Prairie du Chien corridor for CWR, WSOR needed more tie work.

Gary Ranum asked about the capital ties. Lucht said that was a major tie replacement project with five to 1000 ties per mile on a sub. Ranum also asked about CWR and its anticipated loads and speeds. Lucht said he did not have that information with him but said WSOR would be submitting a CWR application in February. He then gave some parameters needed for CWR and what outcomes it would bring. Once WSOR had the information, Lucht said he would supply it to the Commission. Van Schwartz said the current rail had worn out years ago and said standard 115 lb rails were WSOR's standard. Gray asked if the capital tie project had bid out. Lucht said it depended on the project whether WSOR could do a tie replacement project within maintenance but above 7,000 ties WSOR contracted the work out.

Lucht said applications were due Feb. 1<sup>st</sup> applications and three projects would be submitted so WSOR could bring a tie replacement project (Madison to Waunakee, to Cottage Grove, and in Madison). He said WSOR was gathering data on the track for the Prairie sub CWR project and WSOR would move forward in a Phase 1 project starting at Prairie du Chien and going east. He said the third project would be a TIGER grant application if WSOR decided to proceed on one. He said WSOR did not know if they would move forward, with four attempts at this program which did not yield a grant. He said if WSOR did decide to go forward, the State could do the State match.

Sweeney asked Lucht about continuing issues, particularly the bridge in the Town of Sharon. Lucht said he had not heard anything from the Town or Walworth County on the Peters Road Bridge.

Alan Anderson asked about the status of the capital tie project on the line running thru Reedsburg. Lucht said ties had been put in on that line but the Waunakee line has just had some maintenance work done: WSOR would be pursuing a more aggressive program in the future.

### **11. WDOT Report—Kim Tollers, Dave Simons, WDOT**

Kim Tollers reported that the Reedsburg line purchase was final, closed Dec. 8<sup>th</sup>. She said that in mid-December Frank Huntington, Dave Simons, and she met to discuss the transition of the line from Sauk City to the Badger trail. She said that she wanted the WRRTC to appoint a representative to sit in on future meetings addressing this issue.

Tollers said 500,000 M had been appropriated for TIGER funds nationally and said it was lower than last year. She said FRPP and FRAPP submission time was open and that WDOT had been working on projects already awarded. She said bridge projects that had not been awarded had been getting their contracts ready in preparation for their eventual execution. Tollers listed there were 65 bridges in need. Lucht listed a number of bridges too.

Sweeney asked about the formation of the WI Freight Advisory Committee. Dave Simon said the first meeting should happen in April and they were trying to bring freight stakeholders together to discuss freight issues for the State. He said there were about 35 voting members with about 15 other members representing all types of freight. At this point, he said the committee's purpose was to work with freight stakeholders incorporating their input to the State transportation plan. Sweeney said he had been appointed to this committee and would represent the WRRTC on it.

Van Schwartz commented on the state freight plan, saying it was required by the federal government. Simon said the plan must be in place to get federal funding. He also said that he would try to come to the Commission meetings as best he could. He then said he had been asking Frank Huntington to come back as an LTE: as of that Monday, he had asked again. Simon gave some background about the possibility of Huntington coming back 1 day a week as an LTE. He said he would have budget to pay for Huntington if he decided to return. Simon also said that Mark Morrison was, and Huntington had been, supervisors and that now he, Simon, was working to get one supervisor position back. Simon said he had gotten approval to fill an entry engineering position and would be trying to fill that this month.

Simon said 2014 had been a good year, listing the accomplishments, including the Reedsburg addition. He said that the Kohler project bidding would soon begin.

On the budget, Simon said WDOT had asked for \$60M. He said it was still in the Governor's office and WDOT did not know whether that amount would be changed. He also said that WDOT had performance measures to meet and said those were available on line. He said that the Harbor and Rail section had only one performance measure and that referred to state owned track. Simon said their goal was to meet their goal 100%. He said there were a lot of moving parts and they would do their best to meet their goal. He noted that in 2011, 53.1% of state rail miles had met the goal and over the years they had climbed, a result of working closely with operators

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including WSOR. Simon said WDOT had talked a lot with WSOR regarding their maintenance activities and he was impressed with their prioritization. He said WSOR was helping the Department tremendously.

Robert Scallon asked about the budget amount. Simon said it was a biennium amount (\$60M) and that there was some flexibility in how that was distributed over 2 years. Lucht said that \$52M was approved in the last biennium: \$60M had been requested. Again, the request was for \$60M. There was discussion about the possible outcome of the upcoming budget request. Tollers noted that the last budget had included \$30M for the acquisitions so if \$60M were approved, there would be more dollars available for projects.

Anderson asked about the pinch point in Devil's Lake State Park and said it would be nice if the Commission could start working on addressing the issues inherent to this stretch of track. He said talking needed to start to address this as it would be a long process. He said he knew that WSOR wanted those talks to start soon. John Miller asked about when the last budget ended and the new one began. Simon said the new fiscal year would begin July 1<sup>st</sup>; it ends on June 30<sup>th</sup>.

Sweeney said having \$60M for improvements would be helpful. Simon said there was a back log of projects and WDOT was optimistic about doing a lot of them. Sweeney encouraged Simon to set the performance bar high to catch up.

### **12. WRRTC Administrator's Report – Mary Penn, WRRTC Admin.**

Penn reported on her administrative duties of the past month. She said she had forwarded the line acquisition documents for the Reedsburg and Oregon/Fitchburg line to Tom Schaefer of Richgels-Schaefer Insurance so the Commission's insurance could be adjusted. She reported receiving 2013 draft audit, along with the sign-off letter and let Sweeney know it would require his signature before leaving the meeting.

### **13. Discussion and Possible Action on Utility Permit #2015 – 1 – WRRTC for American Transmission Company, Removal of Structure 113 and Installation of Structure 131 with down guys, string 69kV transmission line over WRRTC ROW, SE1/4 of NE1/4 and the NE1/4 of the SE1/4 of Section 26, T6N, R9E, Evansville Line, City of Fitchburg, Dane County, Wisconsin – Julie Purves, ATC**

- *Motion to approve utility permit 2015 – 1 – WRRTC pending WSOR's engineering approval - Cornford/Ranum, Passed Unanimously*

Julie Purves distributed the map handouts of the site and spoke about the scope of the project and what they were asking for. She explained where the transmission line ran. Sweeney asked if Lucht had any comment. Lucht asked Roger Larson if this would be consistent with Trans 29. Karl Nilson asked about the voltage and said that it was very high. Purves said that is what exists today and the voltage would not increase. Purves also asked if the WRRTC owned the line between Madison and Boscobel. Tollers said that was owned by WDOT.

Nilson recommended Penn cc Eileen Brownlee on all WRRTC utility permits. Penn said she would do this in future. Nilson also asked about ATC's service area.

### **14. Discussion and Possible Action to appoint a WRRTC representative to a group of WisDOT, WSOR, and WRRTC personnel to explore the use of the Sauk City to Badger Ammo ROW for the Great Sauk Trail – Kim Tollers, WDOT**

Tollers said WDOT had talked with WDNR and now wanted to take the next step to have a group addressing this issue. She suggested Chris James as he was also on the Great Sauk Trail group, adding that he seemed like a natural fit.

- *Motion to approve appointment of Chris James to the trail group – Nilson/Gustina, Passed Unanimously*

Bob Scallon said that if James did not accept he suggested Forrest Van Schwartz. Sweeney said that as an advisor, Van Schwartz could not be appointed, adding that WDOT wanted a WRRTC representative. Nilson asked if they were public meetings. Tollers said she did not know but Miller said he believed they were and needed to be posted.

### **15. Discussion and Possible Action regarding Town of Bradford, Creek Road Bridge, Rock County, with possibilities of federal bridge funding – Alan Sweeney, Chair**

Ben Coopman said that Rock County had two timber structure bridges. He said he had had experience with these bridges in Walworth County also. He said the Creek Road Bridge had been submitted as a candidate for replacement in the mid-90's but due to a variety of reasons, nothing had been done. He said the bridge was closed in the summer of 2013 due to its extreme deterioration. Coopman said that the Peters Road and Creek Road bridges were the same. He said the Town of Bradford had agreed to participate in helping with the replacement funding and related this happening on UP lines in another county and therefore had modeled his current proposal on this. Coopman added that corp counsels between towns and the railroad had been discussing the issue and said that this issue would come up again. He said what Dodge County came up with was to apply for federal aid (80% design/construction funding). He said

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Creek Rd would need to widen and have extended approaches. He said the County would act as the sponsor and get sub agreements with their partners. The big deal here, Coopman said, was that the Town of Bradford would then agree that they would own, operate and maintain the bridge. The railroad would contribute to the funding. Coopman said he was not sure if the WRRTC needed to approve this proposal but Coopman's proposal was to approve this 1/3 equal share funding. The County would use the federal dollars for a bridge value for \$1.3M and for about \$100,000 each, the bridge could be completed. The third part of the proposal was to get the railroad's approval. Coopman said they would have to work with the railroad, who would be part of the process, noting that all the flagging and associated costs were eligible for federal funding.

Sweeney asked for clarification on Coopman's proposal. The proposal asked for

- 1 – equal 1 /3 local share
- 2 – railroad funding
- 3 – ownership would change

Coopman said that the Emerald Road Bridge had also been closed in summer of 2014 and said the County would be applying for federal funds to get money for it as well although it would be for less money. Coopman said the real pinch point was that new federal regulations said if the bridge was not built by June 2017, the funds will no longer be available. He said that the Commission had had complaints from the Town of Sharon and noted that the OCR could assign costs as they saw fit. Having a three-way share of federal funding would be a much better solution.

Coopman said there was a statutory requirement in Rock County which involved a segregated levy against towns to replace bridges and culverts. Any culvert of 3' or larger and bridges could be funded from that levy. He said Rock levied \$30,000 to \$50,000 per year of this segregated fund which would give them the County's matching dollars.

Sweeney said this issue would not go away and the Commission would have to deal with it at some point in time. He said people were looking to the WRRTC to offer opinion and direction so they needed to do something. The bridge in question basically had an expiring timeline. Coopman said they would be hard pressed to complete it by 2017. Nilson asked about the partners which included Rock County, the Town of Bradford, WSOR to fund 20% with 80% funding. He asked Lucht how WSOR felt about this proposal. Lucht said WSOR had been working with the Town for about a year and said in July of 2014, WSOR pitched three different options, one of which would not cost the Town any money. The Town got an agreement about that option but ended up considering a different option: the complete replacement of bridge for a three-way share. Lucht said the big concern for WSOR was that WSOR did not know if the costs were going to increase. He said WSOR wanted reassurance that costs would not go up and that the ownership would go to the town. Lucht said WSOR wanted every partner to complete its 1/3<sup>rd</sup>. He said Brownlee had asked about liability and ownership of the bridge, that Brownlee needed to help WRRTC. He said the County and Town would not take on ownership during construction. This was something left unanswered as yet. Sweeney said if a bridge were properly insured, the construction liability should be covered. Van Schwartz confirmed that the contractor had to have that liability. Coopman agreed that during construction, the contractor would be liable and that would be true in any road/bridge/other WDOT contract. Coopman said that this information had been supplied to WSOR and the Town but was not sure if Brownlee knew.

Nilson said he supported this concept but said that Brownlee needed to be at the meeting to make sure the Commission would not own the bridge. He said there was no reason for the Commission to admit ownership. Alan said that it had been explained that once the construction started, it would be the responsibility of the contractor until the construction was completed. Simon confirmed that everything Coopman had said was correct. Miller said in Sauk County they discovered the time of bidding to the actual construction had driven up costs. Coopman said that looking at \$100,000 as an "air tight" number would be naïve and the Commission needed to be aware of this. Gray said this was a unique funding situation with the levy. Ranum said that in Grant County they drew from a County fund and asked if Rock's bridge levy would just fund Rock County's portion or would those dollars go to the Town. Coopman said as he understood it, the Town had been laying money aside but the money in the levy had to be petitioned by the Town.

- *Motion approving the Commission support of the 3 concepts as numbered:*
  1. *Support the replacement of the existing Creek Road Bridge (P-53-101) using federal Local Bridge Replacement funding. Upon completion of the replacement, ownership and maintenance of the new bridge would go to the Town of Bradford.*
  2. *Support the cooperation and financial participation of the three partners in the project- Rock County (Sponsor), the Town of Bradford and the Wisconsin & Southern Railroad, equally matching the local share of costs for design, right-of-way acquisition and construction of the bridge and approaches.*
  3. *Urge the WSOR to work cooperatively and expeditiously with the other partners to expedite the "railroad coordination phases" of the project to assure that the project is completed on time and does not jeopardize its federal funding. – Nilson/Gustina, Passed Unanimously*

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Gray asked if there were danger in influencing the Commission in future. Sweeney said he hoped so. Nilson said precedent was set in appellate court, adding his comment was free legal advice. Nilson said this was a good idea and the bridge had to be replaced. Lucht said WSOR supported the concept but noted there were a lot of details with the cost as a big issue. He said the operating agreement did not say the railroad was required to contribute funding to highway bridges. If the cost went up substantially, he did not know how that would go, but conceptually paying \$100,000 equally was a good idea. He added that \$100,000 would be a challenge to get their Capital Committee to invest but if it went up substantially, that could make things change. Van Schwartz said this would cause the others with similar bridges to pursue this solution and would put the railroad in a cost share position.

Ranum asked if WDOT planned on how to solve this issue funding state-wide. Tollers said that Huntington told her research had been done in the early 90's when it appeared that bridges built by the railroad's had no conclusive title work and therein lay the problem. She said the issue had floated for years and said Dodge County had an even bigger mess but they came up with a solution. Barring any conclusive title work or agreements, the problem had continued to be perpetuated. The solution seemed to be get 80% and share 20% with the railroad with ownership transferred to the municipality. Ranum asked about state funding for highways and if the State recognized the problem, and as it had more access to funds than local governments, maybe the State could try to solve the problem on a State level. Simon said WDOT had competing needs for dollars and bridge inventory showed that there were seven bridges like this on WSOR lines. With the agreements the railroad had, the locals have started to make these problems go away. With this solution, the issue was getting better. In the State, there were 17 bridges on class 1 line and each bridge was different. Simon said WDOT had been focusing on these seven to clear them up. He said there was an upcoming meeting to discuss this issue as well and WDOT was doing its best to simplify and move these issues along. He said it just was not happening fast enough. Simon also noted the deadline for construction. He said he was sure that WSOR would cooperate as well as the engineering and reiterated that deadlines had to be met in order to not lose federal funding. As long as this was ranked high, WDOT would respect the ranking and get it into the program. Danielle Zimmerman of Rep. Laudenbecks office said her office was watching everything and wanted to make sure locals were protected. Coopman said the operating agreement says bridges and did not distinguish between highway and railroad bridges and therefore it was the responsibility of the operator or the Commission. The County had been talking to WSOR since 2012 and kept hearing all these new details. He said there was a good case for the argument that Creek Road preceded construction of the railroad. He said the towns were desperate enough to go to the OCR and if the OCR got involved, the railroad would have to figure out how to fix the problem. Coopman said the County would rather go with this proposal than litigate. Ranum said he did not contest the proposal but he wanted to plan for the future.

Prior to item 16, Sweeney thanked Lucht for the excellent WSOR 2015 calendars.

**16. Discussion and Possible Action on transfer of remaining Evansville Line funds to WRTC General Fund – Jim Matzinger, Gene Gray, Treasurer**

Moved to Item 9a.

**17. Discussion and Possible Action on 2013 Johnson Block draft WRTC Audit – Mary Penn, PRTC Admin.**

Moved to Item 9b.

**18. Action Item. Adjournment**

- *Motion to adjourn at 11:34AM – Cornford/Sweeney, Passed Unanimously*