

**Wisconsin River Rail Transit Commission
Commission Meeting - Friday, February 16, 2018 at 10:00 am
Dane County Highway Garage 2302 Fish Hatchery Rd, Madison, WI**

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

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

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Matt Honer - <i>WRRTC Administrator</i> • Ken Lucht, Roger Schaalma - <i>WSOR</i> 	<ul style="list-style-type: none"> • Rich Kedzior, Kim Tollers, Lisa Stern, Teri Beckman, – <i>WisDOT</i> • Alan Anderson – <i>Pink Lady RTC</i>
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Honer.*
 - *Motion to approve meeting’s public notice – Ladewig/Gustina. Passed Unanimously.*

4. Action Item. **Approval of Agenda** – *Prepared by Honer.*
Honer requested that the commission postpone discussion and action on Item 14. Sweeney approved and added that he will move the discussion and action item regarding approving the Approval of the Sauk Bridge Project Invoice to be discussed with the treasurer’s report.

- *Motion to approve the agenda with amendments – Cornford/Spencer. Passed Unanimously.*

5. Action Item. **Approval of draft January 2018 Meeting Minutes**– *Prepared by Honer.*
 - *Motion to approve meeting minutes with minor changes – Mace/Ladewig. Passed Unanimously.*

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*

None

7. Updates. **Announcements by Commissioners**

Nilson reported that the Mad-City model railroad convention will be at the Alliant Energy Center in Madison.

REPORTS & COMMISSION BUSINESS

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

Matzinger reported on the December 2017 financial statements. He reported that the Commission has received all invoices for 2017. Matzinger reported there was minimal activity in January and does not have that statement with him today. Matzinger reported on the three different funds used in 2017, the 2017 project (no activity), the Sauk bridge fund (\$15,000 revenue, and \$6,690 spent on buoys), and the general fund, which had a deficit at the end of the year. Matzinger stated that the 2017 shortfall will be reflected in the amended 2018 budget.

Matzinger reported there were two bills, one for Dane County for \$500.83 will be reflected on the February.

Ranum asked when the 2017 County Contributions are accounted for. Matzinger stated that it is reflected on the first page balance sheet as total cash and total accounts receivable, \$259,000. Sweeney asked if it would be worthwhile to list the counties that have contributed in future financial reports. Ranum and Polyock stated that would be a good idea.

- Treasurer’s Report for February and Payment of Dane County Accounting Bill.
- Discussion and Action to approve payment of bill for Sauk Bridge Project invoice –

Ladewig asked if our bills are greater than what we have on hand. Ladewig asked to move into the discussion of the Sauk Bridge Project Invoicing.

Honer stated that he had communicated with Veit and Co. regarding invoicing for the project. They stated that they would invoice for work done at the end of each month. Payment is due within 45 days. The first invoice was for \$270,260.75. Honer stated the Commission is responsible for paying the total invoice and then will be reimbursed by WisDOT and WSOR. The Commission will request \$90,086.91 from WSOR, \$90,086.92 from WisDOT’s grant, and \$90,086.92 from the WisDOT loan. Honer stated that in order to not run into cash-on-hand issues, the Commission will need to invoice WisDOT and WSOR immediately. Ladewig asked if the Commission can write a check for the first invoice. Matzinger stated that the Commission has cash funds available to cover the entire first invoice.

Nilson asked how long it takes for WisDOT to reimburse the Commission. Kedzior stated that in the best case scenario it would be two weeks but currently the accounting department is moving locations which could cause a hold up.

Mace asked if there was a way for WisDOT to approve expenditures ahead of time. Kedzior stated that the Commission could establish a project committee to meet to approve Veit’s invoices but that the brevity of the project and limited invoices that will be received makes it unnecessary.

- *Motion to approve the balance sheet, treasurer report, and payment of bills pursuant to the discussion – Ladewig/Tietz. Passed Unanimously*

9. Wisconsin & Southern Railroad’s Report on Operations – Ken Lucht, WSOR

Schaalma reported that work on the Sauk City Bridge is progressing very well, with the spans likely being removed next week. Roger stated that the bridges in Madison, just off John Nolan Dr. are also progressing quickly. WSOR did accept bids for the CWR project on the Fox Lake Subdivision and did receive financially favorable bids. Schaalma stated that other updates will be discussed during later agenda items.

10. WisDOT Report – Rich Kedzior, Kim Tollers, Teri Beckman, WisDOT.

Tollers stated a small copy of the 2018 rail map was provided and she is happy to provide a large copy, if requested. Kedzior stated that they received three FRPP applications from WSOR: One involving multiple bridges, one for CWR on the Oshkosh Subdivision, and one for Phase 2 of Merrimac Bridge repair. Kedzior stated that WisDOT has not heard about 2019 WSOR projects. Kedzior provided a list of current FRPP projects and a project history of the Sauk Line since the late 1980s.

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

Honer stated that he received correspondence from American Transmission Company about their right-of-way maintenance. Honer received a notice of request for zoning changes in McHenry County in the near vicinity but not bordering WRRTC property. He stated he was also in communication with Veit and Co. and Don Gritmaker as will be discussed in other agenda items.

12. Discussion and Possible Action on rail-to-trail conversion on Sauk Spur from MP 7.96 – 7.21 (Southeast of Wisconsin River) - Lucht, WSOR

Lucht stated that WSOR asked for this to be on the agenda and is looking for conceptual concurrence from the Commission. Lucht stated that this is an extension of the initial discussion of the rails-to-trails conversion and there will need to be additional agreements in the future but WSOR is currently looking for concurrence to continue discussions. Lucht stated that future agreements will include notice of modified certificate of convenience and necessity, a notice of interim trail use, and a statement of willingness. Lucht presented a background to the Great Sauk Trail rails-to-trails conversion project and stated the reason the track east of Water Street in Sauk City was not part of the prior rails-to-trails conversation was consideration of the poor condition of the Sauk City Railroad Bridge. Lucht stated that 7.21 was the location chosen because WSOR would like to maintain access to a parcel that is a prime location for a rail dependent business. Mace asked what the business south of the MP is. Lucht stated that the business is a trucking company. Lucht asked the Commission to authorize the conversion of rails to trails between mileposts 7.96 and 7.21 on the Sauk Spur and support continued negotiations between all parties to reach necessary agreements for an upcoming filing this summer.

Tollers clarified that WSOR is not asking for authorization of abandonment. Lucht confirmed that is the case. Ladewig asked what the Commission owns and if the Commission has rights to cross the river at that location. Tollers stated that WisDOT has a right to return rail across the river but WisDOT does not know if they have the ability to transfer that right to the Commission or anyone else.

James stated that from Dane County's perspective, they would ultimately be responsible for maintaining and building the trail. He stated that Dane county wants some sort of assurance that the structures in the area that is being converted are in stable condition, that Dane County would like to get to County Highway Y, and that Dane County would like to continue to be partners with Sauk Co. to construct a new bridge. Overall Dane County is comfortable with what WSOR is presenting.

Mace asked why the Commission is part of the discussion once the improvements that the Commission owns (the bridge) is removed. Lucht stated that the current common carrier agreement with the Surface Transportation Board (STB) requires WSOR to provide service over the river to 7.96. Brownlee confirmed this is the case for the Commission as well, that the Commission is responsible because the corridor is subject to grant and operating agreements with WisDOT and WSOR.

Mace asked if WSORs proposal were approved how a trail connection would be made. Sweeney stated that is beyond the scope of the Commission. Demby asked to clarify that Lucht is asking for approval of continuing to talk and conceptually approve the rails-to-trails conversion.

James stated that Dane County understands the resolution and that discussions are a priority for WSOR. James stated that for Dane County, it is not at the same priority level. James stated that Dane County would likely not begin working on this project for at least 5 – 10 years. Ranum asked about an alternative crossing for the trail. Lucht stated that there are recreational activities south of the river, with users eager for a crossing to be installed. Tietz asked about DNR funding. Tollers stated that Dane County and Sauk County would be the likely funders.

- *Motion to concur in the concept of conversion of rails to trails between 7.96 and 7.21 on the Sauk Spur and support continued negotiations between all parties to reach necessary agreements for an upcoming filing – Nilson/Morris. Passed Unanimously*

13. Discussion and Possible Action regarding Scot Forge Temporary Use Permit - Lucht, WSOR

Item was postponed for future discussion.

14. Discussion and Possible Action on Gritmaker private crossing permit - Lucht, WSOR and Honer, Admin.

Honer stated that Donald Gritmaker contacted him regarding a crossing. Honer passed out a copy of the application and a map of the crossing's location. Lucht stated that this is a location where WSOR is proposing to build a siding. It is one of the few locations where there is a large area without public crossings which is advantageous for a siding. Lucht stated WSOR is not in favor of the crossing as it will cause capacity restraints on the Fox Lake Subdivision. Lucht stated that if the crossing is built, there could be long term car traffic blockages at any point in the year, including during the harvest. Lucht stated that he would defer to staff but WSOR is not in favor and would like to continue discussions with the private owner prior to approving anything to review alternatives. Tollers asked if there is a farm crossing ordinance in Illinois similar to Wisconsin. Tollers stated that if there is no other access they must provide access. Ladewig stated that there should be a written agreement with the owner and the discussion should be postponed until that agreement is made. Sweeney asked if there were blockage agreements with the owner, would they be directed to WSOR or with the Commission. Brownlee stated that it has been WSOR's responsibility to work out discussions but it does come down to the Commission approving or not approving the crossing. Polyock stated that there are at least seven crossings on the Fox Lake

subdivision that do not have crossing agreements. Sweeney asked Brownlee if it is a good idea to ask WSOR to continue discussions with the property owner and come back to the commission. Brownlee agreed.

Riek asked if the dark line on the northern part of the map is a ditch or crossing. Honer stated that it may be a fence line. Mace asked that the Commission be provided with a map of all private crossings in Illinois. Schaalma stated that WSOR does not want to prevent legal access to the landowner but the owner also would need to know that there are costs associated with maintaining a private crossing and the proximity of the existing public crossing might be a better option for all parties. Polyock asked Lucht if there is a crossing near the cell tower that is recognized. Lucht stated that crossing is a recognized private crossing.

- *Motion to postpone the discussion for two months to allow WSOR to negotiate with the property owner. – Ladewig/*

Mace asked for an amendment to include an analysis of private crossings on the Fox Lake Subdivision.

- *Motion to postpone the discussion for two months to allow WSOR to negotiate with property owner and to undertake an analysis of private crossings on the Fox Lake Subdivision - Ladewig/Mace. Passed Unanimously*

15. Discussion and Possible Action on Green County joining WRRTC – Sweeney, Chair

Sweeney reported that the Commission had signed an MOU with the PRTC to allow Green County to contribute to WRRTC or PRTC, at their choice. Green County has recently agreed to join WRRTC. Sweeney stated that if Green County were to join he would ask them to bring up their current contribution amount to PRTC to match the WRRTC contribution amount.

- *Motion to approve the resolution for Green County to join the WRRTC – Nilson/Scallon. Passed Unanimously. Ladewig Abstained.*

16. Presentation, Consideration/Action on WSOR’s 2018 Maintenance Plan and 5 year capital improvement plan - Lucht, WSOR

Schaalma presented the 2018 Maintenance Plan and a 5 year capital improvement plan. Within the 5 year maintenance plan, which is part of the handouts, the amounts listed in red are approved grant funds, the amounts in yellow font are grants applied for, and amounts in black are projected expenses.

Polyock asked about the tie replacement on the Fox Lake Subdivision. Ladewig asked if there are alternatives to wood ties. Schaalma stated that there are concrete ties but concrete ties cannot be mixed with wood ties so it would be very expensive to replace all ties with concrete ties which may not be very effective with the current rail loads. Grey asked who installs the ties. Schaalma stated that historically they had their own tie gang, but over the past year they have relied on contractors for bigger projects.

- *Motion to recognize the presentation – Scallon/Mace. Passed Unanimously*

17. Presentation and Discussion of WSOR Carloads Data - Lucht, WSOR

Lucht stated that per the operating agreement, WSOR is required to provide a Carloads Data Summary to the Commission. Lucht presented the 2015, 2016, and 2017 Carload Summary.

18. Adjournment

Motion to Adjourn at 12:19 pm – Gustina/Cornford. Passed Unanimously.