

WRRTC JANUARY 2020 MEETING MINUTES – APPROVED

**Wisconsin River Rail Transit Commission
Commission Meeting - Friday, January 10th, 2020 at 10:00 am
Dane County Highway Garage, Madison, WI**

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

Crawford	Carl Orr	X	Jefferson	Mary Roberts	X
	Rocky Rocksvold, <i>2nd Vice Chair</i>	X		John Kannard	X
	Derek Flansburgh	<i>Absent</i>		Augie Tietz, <i>3rd Vice Chair</i>	<i>Absent</i>
	Tom Cornford, Alternate	X	Rock	Terry Thomas	X
Dane	Gene Gray, <i>Treasurer</i>	<i>Excused</i>		Wayne Gustina	<i>Excused</i>
	Jeff Huttenburg	X		Alan Sweeney, <i>Chair</i>	X
	Chris James, <i>1st Vice Secretary</i>	X	Sauk	Chuck Spencer	X
Grant	Gary Ranum	X		Dave Riek, <i>2nd Vice Treasurer</i>	X
	Mike Lieurance	<i>Excused</i>		Marty Krueger	X
	Robert Scallon, <i>1st Vice Chair</i>	X		Tim McCumber, Alternate	X
Green	Harvey Kubly, <i>1st Vice Treasurer</i>	X	Walworth	David Bretl	X
	Oscar Olson	X		Richard Kuhnke, <i>2nd Vice Secretary</i>	X
	Paul Beach	X		Allan Polyock	X
Iowa	Charles Anderson, <i>Secretary</i>	<i>Excused</i>	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Mark Storti	X		Karl Nilson, <i>3rd Vice Treasurer</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> • Roger Schaalma, Brent Marsh – <i>WSOR</i> • Eileen Brownlee, Julia Potter - <i>Counsel</i> 	<ul style="list-style-type: none"> • Lisa Stern, Ed Singer – <i>WisDOT</i> • Alan Anderson – <i>Pink Lady RTC.</i> • Jeff Koch, Westbrook Engineers • John Langhams, MSA Engineers
--	--

3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Honer.*
 - *Motion to approve meeting’s public notice – Morris/Thomas Passed Unanimously.*
4. Action Item. **Approval of Agenda** – *Prepared by Honer.*
 - *Motion to approve the amended agenda – Cornford/Reimann. Passed Unanimously.*
5. Action Item. **Approval of draft December 2019 Meeting Minutes** – *Prepared by Honer.*
 - *Motion to approve the December 2019 meeting minutes with minor edits. Mace/Storti. Passed Unanimously.*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*
None.

7. Updates. **Announcements by Commissioners**

Mace mentioned that the latest issue of Trains is really interesting and has a good article regarding track repair that would be informative to Commissioners.

REPORTS & COMMISSION BUSINESS

8. Presentation of Bridge Feasibility Study in Sauk and Dane Counties – John Langhams - MSA Engineering, Jeff Koch – Westbrook Engineering.

John Langhams from MSA Engineering and Jeff Koch from Westbrook Engineering presented the feasibility study for a recreational bridge over the Wisconsin River in Sauk City, connecting Sauk and Dane Counties. Langhams presented the scope, public input, and stakeholder work group of the project.

Jeff Koch presented the design considerations of the feasibility study. Koch stated that a lot of effort went into designing the bridge so that it can be converted to a railroad bridge without a lot of “throwaway” infrastructure. Koch stated that consideration was given in the design for the potential return of rail. Koch stated that the bridge will be built 10.5 ft off centerline alignment, so that if rail traffic was to return, a rail bridge can be built within the existing rail corridor alignment. The proposed design is a 3-span structure with spans of 165 ft, which is acceptable to accommodate both

WRRTC JANUARY 2020 MEETING MINUTES – APPROVED

pedestrian and RR use. It will require two piers and two abutments. The abutments are designed for pedestrian use and not railroad use, but the pilings are designed for the potential return of railroad use. The pilings are proposed to be 9' in diameter and will be drilled into bedrock.

Langhams stated that a Warren Truss superstructure and a 14' wide decking was identified as an appropriate design. Langhams stated that it is a feasibility study, so the bridge is feasible and can happen. There were no significant roadblocks. Koch stated that conversations were had with bridge contractors to hear their concerns regarding potential construction. Langhams presented the Hydrology & Hydraulics (H&H) and Scour analysis. Langhams stated that the project is "permissible" without major issues. Langhams stated that with a proper schedule and planning, the bridge can be built in a year. Langhams stated that the estimated total cost of a bridge would be \$7.3 - \$7.8 million. Estimated 20 yr. operating and maintenance costs would be approximately \$75K.

Marty Krueger thanked Langhams and Koch for their efforts, he also thanked Dane County for their partnership and contribution to the feasibility study. Krueger stated that the next step is to put the work group together again and begin looking for funding for the geotechnical study that needs to be done before anything else. Krueger restated that the purpose of the study was to determine if the bridge is feasible and the results show that it is feasible.

Gary Ranum asked if the engineers feel confident that the introduction of the piers will not create greater issues at the site. Langhams stated that a detailed scour analysis was undertaken and it is a complex situation. Koch stated that the previous bridge piers were built at a different angle and with timber pilings. Koch stated that the goal of the new bridge would be to drive the pilings to bedrock to address scour and hydraulic and hydrologic concerns. They both felt confident that the proposed design is suitable for the long-term viability of a bridge in this location.

9. **WRRTC Financial Report – Kubly, 1st Vice-Treasurer.**

- **Treasurer's Report.**

Kubly pointed out on the income statement that the county contributions for 2019 have been made. Kubly also stated that Q4 Management has not been billed but expects the balance of the contract to be billed. There were two bills for payment, one from WisDOT and the other from Dane County Highway.

- *Motion to approve the Treasurer's Report, income statement, and payment of bills – Kuhnke/Ranum. Passed Unanimously.*

10. **Wisconsin & Southern Railroad's Report on Operations – Roger Schaalma, Brent Marsh – WSOR**

Schaalma reported that brush cutting is happening on the Reedsburg Sub. and Waukesha Sub. Work was done within the yard with the mild weather. Schaalma introduced Brent Marsh. Marsh is an engineer with WSOR. Marsh introduced a development in Burke (Watertown Sub.) by Lycon. Marsh stated that Lycon is doubling their capacity on the Watertown Sub. Marsh stated that all of the development is taking place on Lycon's property. Sweeney asked if the aggregate is coming from Janesville. Schaalma stated that he believed so. Polyock asked if there are new crew members with WSOR, Schaalma stated that a few guys have retired and there are a few new guys.

11. **WisDOT Report – Lisa Stern, Ed Singer - WisDOT.**

Stern stated that Highway 113 in Sauk County was selected for a grade crossing repair and that will happen this year. Stern stated that WisDOT is looking for a grade crossing engineer. Singer stated that all of the Offer-to-use Agreements have been scanned and uploaded to the SharePoint filing sharing service.

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

Honer stated there was an open record request for carload and maintenance reports. Honer stated that he has provided information to the requester and will continue to work with the requester if they have additional requests. Honer stated that in the next year he will be presenting a records retention policy for the Commission. He expects to present it to the Commission in the Spring, after elections. Honer also stated that he continues to work on cataloging private crossings. Honer stated that he received a certificate of liability insurance from a snowmobile club. He also received county requests for IRS Tax Form W9 updates to confirm the Commission's tax id number and contact information.

13. **Discussion on meeting location and accessibility – Sweeney, Chair.**

Honer stated that there has been some inquiry into the accessibility of the current meeting location. Honer stated that because it is a public meeting, it needs to be accessible for everyone. Honer stated that he and Jim Matzinger discussed other Dane County locations. Eileen Brownlee stated that ADA does not necessarily require everyone to be in the room at the same time. Brownlee stated that the Commission would need to make the meeting accessible if there was an accommodation request and it is a good idea to look at other locations. Nilson stated that there has not been an issue in the past. Mace stated that there may be other options. Nilson stated that part of the reason that we have the meetings in this location is that Jim Matzinger, the Commission's accountant, is located here. James stated that Dane County has a lot of convenient locations which may be acceptable.

14. **Discussion of property purchase proposal in the Village of Oregon (Harvard Sub.) – Honer, Admin.**

Honer stated that just prior to the agenda going out for the January meeting, he received an email requesting to know if the Commission is interested in selling a piece of the Commission's property to an adjacent property owner. Honer stated that prior to the meeting, Ken Lucht from WSOR communicated to him that they are not in favor of selling. Storti asked if the Commission owns the property. It was confirmed that the Commission owns the property. Polyock stated that he is not in favor of selling the property. Sweeney asked Schaalma if the business that proposed

WRRTC JANUARY 2020 MEETING MINUTES – APPROVED

purchasing the land is a customer. Schaalma stated that they are not a customer and stated that it is important to consider future needs in this area which could be freight or even passenger services. Polyock asked if leasing is an option. Brownlee stated that it is not advisable and she is looking forward to the existing leases ending. Riek identified that there is no other access to the property other than the business. Roger stated that there is potential for another business to take its place in the future or the place of the adjacent business, where an industry track could provide service to either properties.

15. Discussion and Action on letter regarding Frontier Right-of-Way utility crossings state-wide. – Honer, Admin.

Honer stated the intention of the letter is to get Frontier to comply with the established utility crossing standards. Honer stated that he would like to send versions of this draft letter to the Village of Oregon, WisDOT, and Alliant Energy. Polyock said he is in favor. Brownlee stated that she has no problems with the Commission sending the letter. Thomas said that he thinks it is a good idea. Mace asked if WisDOT has a comment. Stern stated that she had spoken to Honer regarding this issue with Frontier. Stern stated WisDOT is in agreement with the letter. Stern stated that WisDOT will be considering the proposal and working with the Commission to bring the utility into compliance. Nilson asked Brownlee if it is ok that we are requesting other organizations to deny them permits. Brownlee stated there is nothing wrong with bringing their non-compliance to the attention of others. Mace asked why the PSC is not copied. Honer stated that he has already gone that route and was told that he could not receive satisfaction through the PSC due to the PSC not having complete regulatory authority regarding complaints over communications companies. Huttenburg asked what physical actions can be taken. Brownlee stated that a cost/benefit analysis needs to be done for any physical action. Ranum stated that further communication might identify more information from the past.

- *Motion to approve Honer sending the draft letter regarding Frontier utility crossings to WRRTC partners. – Polyock/Reiman. Passed Unanimously.*

16. Discussion and possible action on extension of utility permit at Central Park Place, Fitchburg, WI - Honer, Admin.

Honer introduced the utility permit. He explained that the Commission approved the permit at a prior meeting, but that Madison Gas and Electric would like a six-month extension.

- *Motion to approve the extension of Madison Gas and Electric's Utility Permit at Central Park Place, Fitchburg, WI – Krueger/Spencer. Passed Unanimously.*

17. Discussion and Possible action on Application process for improvements to State-owned property - Honer, Admin.

Honer introduced the revised application to the Commission. Honer stated that he made two applications, one for state-owned property and one for WRRTC owned property. Honer also stated that he changed the partner signatures (WisDOT, WSOR, and WRRTC) to the back page and the signatures are considered "acknowledgement" rather than "approval." Honer stated that the intent of the application is to ensure that improvements to the right-of-way are brought to the attention of all parties. Stern stated that she thinks that it is a good idea to have proposals come to the Commission so that all parties are aware. Brownlee stated that she is good with the process. Schaalma stated that WSOR is concerned about the signature page holding up the process, but is generally in favor. Huttenburg identified a few items for revision and asked if the intent is for agreements to happen at a later time. Potter stated that either a two- or three-party agreement would happen after the application process. Nilson suggested that the two applications be combined. Sweeney suggested that amendments be made and brought back to the Commission next month.

18. Discussion and Possible action regarding Mid-Continent Railway Museum track improvements and agreements – Jeff Huttenburg, Mid-Continent Railway Museum.

Huttenburg stated that Mid-Continent Railway Museum (MCRM) is looking to store railcars temporarily during the winter month. Huttenburg stated that he has been in contact with WSOR. The MCRM would like to receive cars and was told that they cannot receive cars until repairs are made to the siding/interchange that connects MCRM to the WRRTC trackage. Sweeney asked who is financing the improvement, Huttenburg stated that MCRM would finance the repairs by agreement with WSOR. Sweeney asked if this was an agreement between WSOR and MCRM. Brownlee stated that the trackage is WRRTC property and that when the modification of WRRTC property takes place, it requires a contract with WRRTC and WisDOT. Brownlee stated that the operating agreement specifically prohibits WSOR from leasing anything on WRRTC or WisDOT property. Schaalma stated the lease agreement was a mistake and it will be changed to a trackage rights agreement or an industry track agreement. Brownlee stated that a trackage rights agreement is different from a lease. Schaalma stated that the installation of ties could be considered WSOR maintenance and not necessarily an improvement. Brownlee stated Schaalma may be correct if there is not a lease. Spencer asked if any of the partners are opposed to the concept. None of the parties expressed opposition. Schaalma stated that WSOR is in favor. Nilson stated that there is a third option. Brownlee stated that if WSOR, with MCRM/Knapp Railroad builders as a contractor, wants to fix the ties in accordance with the operating agreement, as maintenance, then they can do so. But there is no agreement between WSOR and MCRM and the new ties are the property of WRRTC.

19. 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 in 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 resolutions to the unauthorized use of Commission- owned property – Sweeney, Chair.

- *Motion to go into closed session – Scallon/Morris. Passed Unanimously.*

WRRTC JANUARY 2020 MEETING MINUTES – APPROVED

20. Convene in closed session for the purpose stated in the preceding agenda item. – *Sweeney, Chair.*
21. Reconvene in open session – *Sweeney, Chair.*
22. Action, if any, on closed session matter. – *Sweeney, Chair.*
 - *Motion to have BoardmanClark negotiate an agreement with the Village of Spring Grove regarding Hatchery Road – Nilson/Polyock. Passed. Mace Opposed.*
23. **Adjournment**
 - *Motion to Adjourn at 11:05 am – Cornford/Scallon. Passed Unanimously.*