

WISCONSIN RIVER RAIL TRANSIT COMMISSION

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

Alan Sweeney, Chair • Commission Office Phone 608.342.1637 • Fax 608.342.1220 • Website www.wrrtc.org

MEMBER COUNTIES: CRAWFORD • DANE • GRANT • IOWA • JEFFERSON • ROCK • SAUK • WALWORTH • WAUKESHA

SUBJECT: Friday, August 5, 2016 Meeting Agenda
TO: Wisconsin River Rail Transit Commissioners & Other Interested Persons
FROM: Mary Penn, WRRTC Administrator

Wisconsin River Rail Transit Commission

Meeting Friday, August 5th, 2016 @ 10 AM

Blue Spoon Cafe, 550 Water Street, Prairie Du Sac, WI

WRRTC's Schedule of Meetings:

2016

January 8

February 5

March 4

April 8

May 6

June 10

July 8

August 5

September 9

October 7

November 4

December 9

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

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

Thank you for your interest and assistance.

To learn more about WRRTC, please visit our website at www.wrrtc.org

Wisconsin River Rail Transit Commission

Meeting - Friday, August 5th, 2016 @ 10 AM

Blue Spoon Cafe, 550 Water Street, Prairie Du Sac, WI

1. 10:00 AM *10 minutes estimated | Action Items*
Call to Order – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum – Mary Penn**
3. Action Item. **Certification of Meeting’s Public Notice – Noticed by Penn**
4. Action Item. **Approval of Agenda – Prepared by Penn**
5. Action Item. **Approval of draft July 2016 Meeting Minutes– Prepared by Penn**
6. Updates. **Public Comment – Time for public comment may be limited by the Chair**
7. Updates. **Announcements by Commissioners – No Discussion Permitted**

REPORTS & COMMISSION BUSINESS

- 5 minutes estimated | Update and Action Item*
8. **WRRTC Financial Report – Gene Gray, Treasurer**
 - Treasurer’s Report for July and Payment of Bills
- 10 minutes estimated | Update*
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
- 5 minutes estimated | Update*
10. **WisDOT Report – Kim Tollers, Rich Kedzior, WisDOT**
- 5 minutes estimated | Update*
11. **WRRTC Correspondence/Communications and Administrator’s Report – Mary Penn, Admin.**
 - Great Lakes Basin Transportation Project
 - Leases vs offer-to-use and non-railroad uses on railroad right-of-way
- 10 minutes estimated | Discussion & Possible Action*
12. **Discussion and Possible Action on Merrimac Bridge option – Dave Simon, WisDOT, Eileen Brownlee, Corp. Counsel**
- 10 minutes estimated | Discussion & Possible Action*
13. **Discussion and Possible Action on Great Sauk Trail Rails-to-Trails Conversion – Dave Simon, WisDOT, Eileen Brownlee, Corp. Counsel**
- 10 minutes estimated | Discussion & Possible Action*
14. **Discussion and Possible Action on Development of Interim Trail Agreement on Great Sauk Trail – Dave Simon, WisDOT, Eileen Brownlee, Corp. Counsel**
- 10 minutes estimated | Discussion & Possible Action*
15. **Discussion and Possible Action on amending the Land Use Agreement between WRRTC and WisDOT as it relates to the line segment(s) converting or that have been converted to trail use on designated Great Sauk Trail – Dave Simon, WisDOT, Eileen Brownlee, Corp. Counsel**

10 minutes estimated | Discussion & Possible Action

- 16. Discussion and Possible Action on amending the Grant Agreement between WRRTC and WisDOT as it relates to the line segment(s) converting or that have been converted to trail use on designated Great Sauk Trail– Dave Simon, WisDOT, Eileen Brownlee, Corp. Counsel**

10 minutes estimated | Discussion & Possible Action

- 17. Discussion and Possible Action on amending the Operating Agreement between WRRTC and WSOR as it relates to the line segment(s) converting or that have been converted to trail use on designated Great Sauk Trail – WSOR, Dave Simon, WisDOT**

- 18. Action Item. Adjournment**

WISCONSIN RIVER RAIL TRANSIT COMMISSION
COMMISSION MEETING - FRIDAY, JUNE 10TH, 2016 @ 10AM
DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

1. 10: 02 AM **Call to Order – Alan Sweeney, Chair**
2. Roll Call. **Establishment of Quorum – Mary Penn**

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

Commission met quorum.

Others present for all or some of the meeting:

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| <ul style="list-style-type: none"> • Mary Penn, WRRTC Administrator • Ken Lucht, WSOR • Sherry Branson, Boone County, IL Board • Jeff Kuglitsch, Rock County Corp Counsel • Vern Gove, Columbia County WI Board Chair • Ken Hutler, Columbia County WI Board • James Foley, Columbia County WI Board | <ul style="list-style-type: none"> • Kim Tollers, Rich Kedzior, WisDOT • Eileen Brownlee, Corp. Counsel • Rep. Amy Loudenbeck, WI State Legislature • Mike Bruhn, WI State Legislature • Marilyn Weiss, DATCP • Alice Halpin, DATCP • Bill Breitsprecher, GLBT |
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3. Action Item. **Certification of Meeting’s Public Notice – Noticed by Penn**
 - *Motion to approve posting of meeting – Ladewig/Nitschke, Passed Unanimously*
4. Action Item. **Approval of June Agenda – Prepared by Penn**
 - *Motion to approve June agenda – Kuhnke/Thomas, Passed Unanimously*
5. Action Item. **Approval of draft May 2016 Meeting Minutes – Prepared by Penn**
 - *Motion to approve draft May 2016 meeting minutes with minor corrections – Mace/Ladewig, Passed Unanimously*

Gary Ranum asked for clarification that the 30,000 ties mentioned in Ken Lucht’s report were for the Prairie sub, not Watertown. Lucht said the Prairie sub had ties going in as well as the Watertown sub.

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

Alan Sweeney asked for any public comments from those attending. Rep. Amy Loudenbeck introduced herself and said she was attending to hear about the Great Lakes Basin Transportation (GLBT) proposal and the WRRTC’s position on it and expressed her appreciation of the discussion

Sweeney introduced Sherry Branson from the Boone County Board and Jeff Kuglitsch, Rock County Corp Counsel. Sweeney asked the representatives from Columbia County to introduce themselves. Vern Gove, Columbia County Wisconsin Board Chair introduced himself and noted that Columbia had some miles of railroad and the County had expressed some interested in joining the WRRTC as WRRTC rail that goes through the County near Lodi.

7. Updates. **Announcements by Commissioners – No Discussion Permitted**

There were no announcements.

REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report – Jim Matzinger, WRRTC Accountant

- *Motion to approve payment of the checks and encourage WSOR to reimburse as soon as possible - Ladewig/Anderson, Passed Unanimously*
- *Motion to approve Treasurer's Report – Tietz/Kuhnke, Passed Unanimously*

Due to Jim Matzinger being on summer hours and Treasurer Gene Gray being excused, Penn distributed the Treasurer's Report for the Commission's review. She noted check 1311 was a result of all the McHenry County Illinois tax bills now being sent to the WRRTC, with reimbursement by WSOR to follow. She said in the past, this bill had been sent directly to WSOR but as she had been instructed in January to have all the Illinois bills sent her, the Commission was now seeing this bill. Sweeney asked Lucht to comment. Lucht said WSOR would do whatever the Commission wanted. Sweeney said this needed to be budgeted and recommend the 2016 and 2017 budgets be amended at the July meeting.

Kim Tollers asked if the WRRTC could assign the bills to WSOR and have them pay. Sweeney said that he wanted to bring that up with Jim Matzinger. Sweeney said it was important for the WRRTC to see the tax bills. Dick Mace asked if all the Lake County tax bills had been paid. Penn explained how in the past not all the tax bills had come to the Commission but rather some were sent to the Commission and some to the WSOR. In January she had been instructed to have all tax bills from the Commission owned property in Illinois be sent directly to the Commission.

Ladewig asked about the Evansville surplus. Sweeney said that was money left over from that purchase.

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

Ken Lucht distributed some photos of the installation of 10,000 ties (going towards Sun Prairie) on the Watertown sub. He said they were getting 1000 installed per day, adding that there was a lot of work being done and he expected it to be completed next week. He said further phases would be contracted and bid out separately. He said there were still ties to be installed between Boscobel and Crawford on the Prairie sub which would be the last phase of tie work on the sub. He said WSOR hoped to get competitive bids by June 15th.

Lucht said he hoped to present the capital plan to the Commission later in the summer. This plan would inform them of WSOR's plans for the whole system going forward.

Lucht said there were a lot of Office of Commission Railroad (OCR) projects going on with one such project a crossing at Few Street in Madison. He said there was a lot of trespassing going on with some adjoining land use issues in a park. He said WSOR was working with the City to resolve issues and he would keep the WRRTC informed. In another OCR issue, he said OCR had held a hearing for a new at-grade crossing on the Wagon Trail on the Cottage Grove sub. He said there had been support for this crossing and WSOR believed that by late summer there would be a decision. Also, Lucht said there would be an OCR hearing to hear arguments for a new at-grade crossing in the Village of Cross Plains. Lucht also mentioned that Livingston Street and Brewly streets had been closed and there had been some "legal wrangling". He said WSOR was waiting for a resolution in regard to an area near the crossing on Few Street. He said this crossing was on a sub with 12 crossings within 1 – 1/2 blocks which of course led to many safety issues and noise complaints. Lucht said train engineers were required to sound their horns 4 times per crossing and with so many crossings so close together, it sounded like continuous horn blowing.

Lucht next announced that the City of Janesville would be having a steam passenger train making an excursion. The #765 steam engine would come up to Pearl Street on June 12th, part of an historical society outing and he invited the commissioners to come and see the train.

Lucht announced that WSOR and WisDOT would be meeting June 21st at WisDOT headquarters to discuss financials for the coming year. He said if commissioners wanted to come to this meeting, to let him know.

He said a tour had been scheduled June 23rd at the Horicon Terminal, starting at 9:30 AM and again he welcomed commissioners to attend. Lucht explained some of what the tour would show.

Bill Ladewig asked if WSOR posted no trespassing signs when track went past parks. Lucht explained where WSOR was required to post. He said the problem with signs was that the signs got vandalized and were a maintenance issue. Lucht said once fences went up, the park would be posted;

Augie Tietz asked Lucht about the Horicon Terminal. Lucht explained that WSOR had access to Horicon via trackage rights w with Canadian National. He said Janesville was also a big terminal. Sweeney said he would be attending the meeting on the 21st. He said it would be helpful for Pecatonica Rail Transit Commission (PRTC) reps to come as well and suggested Charles Anderson and Bill Ladewig attend.

Richard Morris asked about photos distributed on a derailment near Wauzeka. Lucht explained what had happened and how WSOR had reacted. He said there was no hazmat involved and no injuries. However, it was a very expensive derailment resulting from sun kink, related to a nearby bridge: under the weight of the train (with the track inspected only hours before) the rail moved under the weight of the train (carrying corn), stretching until it kinked. Seven cars jumped the track. Lucht said this was in an area that had not been improved. Lucht said most of the cars would be scrapped due to the amount of damage but the site had been cleaned up. He said WSOR worked with the WDNR to vacuum the corn in the river. He said WSOR was in the process of reselling the corn with the potential of reselling 90% of it. He said the track was out of service for 12-15 hours, adding that WSOR was waiting for investment on this sub. Lucht added that this was WSOR's first track derailment in 18 months.

Rocky Rocksford asked about the type of rail in this accident. Sweeney asked how far ahead the inspector car was of this train. Lucht said the inspector passed a couple hours ahead of the train but due to the derailment, WSOR now had an inspection car running after the trains as well.

Ranum asked if this impacted payload. Lucht said it had, with the manifest trains impacted and WSOR was working with their customers to address the slowdown. He noted that WSOR was working with BN-SF to work on the slow travel times. Dave Riek asked what the speed was in the area. Lucht said it was between 25 and 10, but the derailed train had been traveling 8 mph.

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

Kim Tollers distributed a handout showing State tracks which came from the State Rail Plan. She said if anyone had questions to let her know.

Rich Kedzior presented four items.

- 1) He noted that Freight Rail Preservation Program (FRPP) agreements for the reconstruction of the Spring Green Bridge had been executed so WSOR could now proceed to begin the rehabilitation although some preliminary engineering had already been done.
- 2) He said another FRPP agreement had been approved for the Waukesha sub Continuous Welded Rail (CWR) project. Hopefully it would be executed very soon, noting there had been some internal delays which slowed the agreement somewhat but WisDOT now had all their required information.
- 3) Kedzior said WisDOT was completing their scoping comments to the Surface Transportation Board (STB) in regard to the GLBT proposal. He said the Department would have them completed in order to submit by 6/14/16. Kedzior said the current deadline was 6/15 so WisDOT would get them in a full day earlier. He added that an attorney representing people from Rock County people had submitted a request to the STB to extend the comment period to 6/30/16. He said WisDOT would not know if the request was approved until the coming Monday. Sherry Branson of the Boone County Board said it had been extended to 7/15/16. Kedzior said WisDOT would probably still submit by 6/15 unless Transportation Secretary Gottleib decided to delay.
- 4) Finally, a few weeks ago WisDOT staff attended a meeting of Rock County agriculture operators and their attorneys and Rep. Loudenbeck. Kedzior said that meeting was facilitated by the Assist Deputy Secretary for WisDOT and was considered to be a productive meeting. He said WisDOT received input and DATCP, WEDA, and WDNR were also represented. Kedzior said the meeting focused on Rock County residents.

Mace asked what the Waukesha FRPP agreement was for. Kedzior said it was for track rehabilitation from Waukesha to Eagle and that the work was almost completed, almost ready to close out.

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

Penn announced she would be out all of the coming week for vacation. She said in the past month she had signed off on the insurance packet from Richgels Schaefer, received a request for lease of a billboard on the Fox Lake sub, and distributed a draft of an invitation letter to Green County, asking them to join the WRRTC, noting that Frank Huntington, WisDOT, had reviewed the present draft. She asked the Commission for any comments or questions on the letter. Sweeney said this really “put the ball into the Green County Board’s court”, but added that some other things needed to happen first. He said the Board might have some ideas and referred to the Assessment Agreement, item 12 on today’s agenda.

Sweeney said the tonnage of freight that came to or from the PRTC sub ended on the WRRTC and definitely had an impact. He said he was concerned if the Green County Board had no interest and if so, there would be no point inviting them. If the County showed some interest they would be invited. Mace said he believed a letter should be sent regardless and if nothing came of it, there was no harm done. Sweeney said it would be on the July agenda. Charles Anderson said he had the figures Lucht had shared with the PRTC and related the number of tons that went on the Monroe sub for both Green and Rock counties. Anderson noted there were 700 cars of ethanol with total of 70,000 originating on the Monroe sub. He noted the terminations of the particular tonnages and commodities.

12. Discussion and Possible Action on Assessment Sharing Agreement – Mary Penn, WRRTC Admin., Eileen Brownlee, Corp. Counsel

- *Motion to have Corporation County draft an MOU – Nitschke/Thomas, Passed Unanimously*

Eileen Brownlee explained how the possibility of this agreement came about, relating that the issue of Green County joining WRRTC had been an ongoing discussion of the PRTC and with that discussion, the issue of county contributions to one or more RTCs came up. She said she had found the member counties only contributed to one RTC per year and there was no real structure of how this occurred. She thought defining the structure and practice would be helpful. Brownlee said Green County was concerned because if they joined, they would be a member of all three RTCs and would certainly want to know prior to joining the WRRTC if there would be three assessments in any given year. Brownlee said this agreement was a draft of how a county contributed to an RTC and was intended to formalize a practice that had been occurring for some time.

Sweeney said this Agreement was also presented at the PRTC and explained that since SCWRRTC had only a recreational trail it was unlikely they would be parties to the Agreement. He pointed out the language of item #2 at bottom of Page 2 of the Agreement and discussed the use of the word “shall”. He said he would like to see language that allowed the county the choice to contribute to the RTC of their choice. He also wanted to see references to the SCWRRTC be removed.

Ladewig asked if the Agreement could be changed to a Memo of Understanding (MOU) as it seemed to him that an Agreement was more binding. Anderson said it had always been his opinion for the PRTC to join. He pointed out the difference in the county contribution between PRTC and WRRTC was \$26,500 versus \$28,000.00 and which amount would be paid. Sweeney said he read it as pay one year to the PRTC of \$26,500.00, pay second year to the WRRTC of \$28,000.00.

Anderson said in the event of a Monroe sub project, only the PRTC would be contributing. Sweeney said that was his point: everyone would “be on the same team” and members could come and request funding for projects. How to do it was the issue, adding that Ladewig had a good point in regard to an MOU.

Ladewig said an MOU would be between the Commissions, not between the counties as he did not think you could bind the counties. Among the commissions it was easier to say how the money should be handled. Brownlee said she thought that was fine. She thought that each county was bound to pay a contribution (via the charter) to each RTC it belonged to. She did not know if there was a need to go back to each county board when a formal MOU could suffice. Anderson said with an MOU and the word "shall", the county could chose to which RTC they wanted to pay. Brownlee said the agreement had language that allowed the counties do pay to whom they wished but any commission could request in any one year so there was flexibility. She said if there were a huge number of projects that would benefit everyone, Rock County could defer to WRRTC. Tollers asked if the "shall" helped alleviate a county that did not pay, would that help clarify that issue. Brownlee said that was an entirely separate issue. She said this would not address that issue and it got back to a much different issue of the charter.

Dave Riek asked rather than a county belonging to three commissions, would there be a benefit to paying 1/3 every year to each RTC. That way you could budget a bit more equally. Mace asked which assessment would be used. Riek said if everyone was paying a third or half every year, the counties would still be paying the full contribution. Sweeney said he saw that as problematic since one of the commissions was not so open to that idea. Anderson said this should not be a third and a third. That could be eliminated with the SCWRRTC out of the Agreement. Ranum said if you belonged to three commissions, every year you would pay one third. If you paid nothing to another one, it would be a third to that RTC, allowing the money to be spread out evenly so things could be budgeted better. Sweeney said that would contribute dollars to commissions that did not use or did not need it. Mace said really it was only two. Ladewig said the Commission should ask Brownlee for a drafting of an MOU with possible action in August. Brownlee said that was fine with her. Mace clarified an MOU would be between commissions, not counties.

13. Discussion and Possible Action in regard to the Great Lakes Basin Transportation Rail Project – Alan Sweeney, Chair

Sweeney said he thought it important to have this on the agenda even without a resolution being made. He said it was refreshing that WisDOT was coming out with some projects for scoping and maybe the WRRTC could take a look at those comments and possibly act on those in the future. He also thought there would be an opportunity in the future for contributing comments to the STB on this project. Anderson asked if the comments would be available. Sweeney said if the WRRTC could see the comments before July that would be good. Kedzior said he would ask the Secretary if WisDOT could release it prior to the July meeting. Sweeney said he had spoken with some commissioners on taking a stance on alternate routes. He said he was somewhat leery of doing that because it could pit county against county.

Ladewig asked if they could get WSOR's position before the July Commission meeting. Lucht said WSOR did not have to have a position and was not sure if WSOR would provide comment. He said WSOR neither supported nor opposed this project but said there could be repercussions that could present some gridlock on the northern district if it went through. On the flip side, it might open up gateways to Chicago but reiterated that WSOR would not have a position by July. Lucht pointed out there were some very important environmental issues to address. He said WSOR was not opposed to the Commission and the State getting involved. He said every railroad got approached every year with projects and WSOR felt that this was one of those projects. He pointed out that Norfolk Southern and Union Pacific had come out against this project. Lucht also emphasized that in no way was WSOR involved in this project, nor was Watco. He said this was a standalone project by two entrepreneurs, backed by some financial backers: WSOR and Watco were not involved. He repeated it would be a lot longer before WSOR took any position on the issue.

Mace asked if it were possible that WSOR would illuminate on what the possible issues might be of the project, for the WRRTC to decide whether to support or oppose. Lucht said WSOR would be happy to do that. Sweeney said it was a good idea. Mace asked for that information before the July meeting.

Sweeney confirmed with Tollers whether the WRRTC could be a party of record (POR) to STB. He asked Rock County Corp Counsel Jeff Kuglistch to look into that.

Rep. Loudenbeck asked if the Commission would be seeking to be a POR. She said since the WRRTC was where the route ended, they could be a POR. She said the WRRTC could be a POR but not necessarily take a position since this project would have an impact on the WRRTC – good, bad or indifferent, adding that if people continued to wait, they needed to know more information. She said if it were not for the closed bridges in her district, she would not have known to "put the railroad on her radar". She related there were bad feelings in a lot of communities related to railroads due to closed bridges. Sweeney asked Loudenbeck to come up with some language to address this. Loudenbeck said she did want to point out the Agriculture Impact Statement via Wisconsin statutes had requirements to follow. She said at the public hearing in Rock County, she said it was made clear GLBT did not know the communities.

Sweeney said he really thought Dane, Walworth, Jefferson, and Waukesha county commissioners needed to pay attention to this as there are potentially huge impacts. Ladewig said he would move to adjourn action on item 13 to July meeting and also advised that if there were anyone at the commission pro or con to take the opportunity to make their position clear.

14. Action Item. Adjournment

Motion to adjourn at 11:26 AM – Krueger/Riek, Passed Unanimously